

MC/26/0473

Date Received: 10 March 2026

Location: 78 Ingram Road, Gillingham, Medway ME7 1SH

Proposal: Change of use of dwellinghouse (Class C3) to a 6 bedroom house in multiple occupation (Class C4) together with construction of a single storey rear extension, dormer window to rear and installation of roof light to front to provide additional living accommodation with roof space with associated bin/cycle store and hard and soft landscaping.

Applicant Mark & Steve Properties LTD
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Ward: Gillingham North

Case Officer: Sam Pilbeam

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 June 2026.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 10 March 2026:
LHA (25A-25)-011 - Proposed Site Plan
LHA (25A-25)-012 - Proposed Floor Plans
LHA (25A-25)-013 - Proposed Floor Plans
LHA (25A-25)-014 - Proposed Elevations

Received 16 March 2026:
LHA (25A-25)-014 - Proposed Cycle Storage Details

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 Prior to the first occupation of the property as a six-bedroom Class C4 HMO the cycle facilities as shown on drawings numbers LHA (25A-25)-011 (Proposed Site Plan) received 10 March 2026 and LHA (25A-25)-014 (Proposed Cycle Storage Details) received 16 March 2026 shall be implemented in full and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of the property as a six-bedroom Class C4 HMO the refuse facilities illustrated on drawing number LHA (25A-25)-011 (Proposed Site Plan) received 10 March 2026 shall be implemented in full and thereafter retained.

Reason: In the interests of sustainability with regard to Policy T4 and BNE2 of the Medway Local Plan 2003.

- 6 The house of multiple occupation hereby approved shall be occupied by a maximum of six people.

Reason: To regulate and control the number of occupants of the property in the interests of the amenities of neighbouring properties and of occupants of the site itself which has limited communal facilities, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The Waste Management Plan received 10 March 2026 shall be implemented in full on first occupation of the property as a Class C4 six-bedroom HMO hereby approved and shall thereafter be permanently retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

The reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the change of use of the existing Class C3 dwelling into a six-bedroom, six-person Class C4 House in Multiple Occupation (HMO).

In order to facilitate the conversion of the property into a small-scale HMO, the proposal includes the construction of a single storey extension to the rear, alongside the installation of a rear flat roof box dormer.

The proposed rear extension would project approximately 6m in depth, and 6m in width, supporting a flat roof rear and measuring 3.7m in height. The dormer would effectively measure the width of the property, however, it would be slightly inset from the ridge, eaves, and gable ends.

Internally, the property would comprise:

Lower Ground floor - of a store and plant room;

Ground floor - two ensuite bedrooms, living room, kitchen dining room, utility and w.c.;

First floor - three ensuite bedrooms and a study;

Roof Space - One ensuite bedroom.

The property also benefits from a 20m deep rear garden and existing outbuilding within the rear garden.

Relevant Planning History

MC/25/0871

Neighbourhood consultation application for the construction of a single storey extension to rear 6m. The extension will extend beyond the rear wall of the original dwelling by 6m maximum height of the extension from the natural ground level is 4m.

Decision: Approval

Decided: 11.06.2025

MC/25/0754

Application for a Lawful Development (Proposed) for the construction of a 3m single storey extensions to facilitate the conversion from a C3 dwelling to a C4 House of multiple occupation (HMO) and a flat roof dormer loft conversion.

Decision: Approval

Decided: 28.06.2025

Representations

The application has been advertised on site, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

One residential objection has been received, on the basis:

- Loss of a family home;
- Increased parking pressures, traffic, and erosion of existing highways safety.

Southern Water commented noting the proximity of a public sewer within the application site. The applicant is advised that they will need to seek express consent with Southern Water to ensure their apparatus is accessible and not damaged throughout the building process.

Kent Police commented on the application requesting they are consulted as Designing out Crime Officers (DOCO's) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been submitted to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

The application site lies within the urban area of Gillingham in a predominately residential area and falls within Gillingham North, one of the seven Wards that have been covered by an Article 4 Direction. The Direction came into effect on the 22 January 2026 and was confirmed on 5 May 2026

The Article 4 direction for those wards removes the permitted development rights to convert a C3 dwelling house to a C4 small house in multiple occupation. It does not make the conversion unacceptable but just brings the change of use into planning control so that the proposed conversion can be assessed against Development Plan policies and the NPPF.

A Lawful Development Certificate (LDC) was issued on the 28 June 2025 for the change of use from a Class C3 Dwelling into a Class C4 HMO. However, the use was not implemented prior to the Article 4 Direction coming into force on the 22 January 2026. As the LDC has not been acted upon, the permitted development right it certified no longer applies, and full planning permission is being sought.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF seeks to pursue sustainable development in a positive and proactive manner through paragraph 11, stating that applications should be considered with a presumption in favour of sustainable development, unless policy provides a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 61 articulates the Government's objective to significantly boost the supply of homes, highlighting the importance of bringing forward a variety of land and housing types to support local housing demand.

Policy H7 of the Local Plan supports permitting HMO's subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character;
- (ii) and the property is located where increased traffic, and activity would not be detrimental to local amenity; and
- (iii) either the property is detached, and the proposal would not adversely affect the amenity of the occupiers of nearby properties;
- (iv) or where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

Policy H7 pre-dates the introduction of Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015; where the change of use from a Class C3 dwellinghouse to a Class C4 small HMO was established as permitted development irrespective of location. In this respect, Class L of the GDPO effectively represented a shift in national policy thinking and a recognition that small HMOs were a legitimate and mainstream form of accommodation.

This thinking has also been reflected in recent years by Inspectors and Court decisions, finding HMOs to form an important part of housing mix in an area and not intrinsically harmful without any adverse impacts having been clearly and robustly evidenced.

In this respect, the Council's emerging Local Plan. Policy T8 moves away from being led by a location and property driven criteria and seeks to avoid detrimental clusters of HMOs and to ensure that they provide a suitable quality of accommodation. The

supporting text to the policy acknowledges that HMOs have a role to play in sustainable and inclusive communities providing accommodation for single people on low incomes and can also be accommodation of choice for young professionals moving to an area. The supporting text does though acknowledge harm where there are high concentrations of HMOs and/or poor management of properties. Accordingly, Policy T8 supports planning applications for HMOs where they:

- Do not adversely affect the character and amenity of the area;
- Do not contribute to an over provision of HMOs in an area;
- Do not lead to the loss of suitable units for family accommodation, particularly in areas of high concentration of HMOs;
- Do not generate excessive parking demands;
- Provide a suitable level of amenity complying with national internal space standards and at least one reception room and kitchen or equivalent space;
- Make provision for waste and cycles;
- Do not adversely affect the health of residents – new and existing.

Policy T8 focuses on the cumulative effect of HMOs within a given area. In particular, whether a certain concentration or clustering gives rise to demonstrable harm. This density led approach aligns more consistently with the weight of appeal decision-making.

At a Ward level, the total percentage of HMOs when expressed as a percentage represents 2% of the total housing stock. More locally, along Ingram Road there are two identified HMOs within the Councils HMO Evidence Paper, these are both located to the south and are separated from one-another. In addition to the two HMOs along Ingram Road there are a further three on other roads within close proximity to the site.

There are, therefore, a limited number of dispersed HMOs with the locality which would not represent a clustering or overconcentration. A further single HMO along Ingram Road would not materially alter this position, nor would it result in a cumulative impact in-such that the development would alter the character or amenity of the area.

Accordingly, the principle of the proposed change of use is considered acceptable.

Design

Both the NPPF and Local Plan stress the emphasis of good design and achieving high quality buildings. Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials.

Paragraph 135 of the NPPF confirms that development should contribute to the overall quality of the area, whilst being sympathetic to local character, including the surrounding built environment and landscape setting; supported further by paragraph 131, which adds that good design is a key aspect of sustainable development.

The application site is located within the urban area of Gillingham, with Ingram Road being characterised by predominantly residential uses, with other land uses sporadically located along the road, including community buildings, schools, and small shops at ground floor.

The wider area as a whole generally forms a tightly knit consistent urban grain, with properties arranged in a linear form along the highway and set within modest, regularly sized plots, with some examples of larger plots being retained over the years for community purposes or having been redeveloped.

The application property occupies a rectangular end of terrace corner plot, following the prevailing pattern of development: having been inset slightly from the highways via a forecourt separating the buildings principal façade and footpath.

The proposal seeks to implement two additions to the existing dwelling, both of which are located to the rear and are identical to that which has been previously approved.

The additions would comprise a 6m in depth by 6m in width rear flat roof extension standing at 3.7m in height and a rear dormer that would effectively extend the width of the existing dwelling. While both the dormer and rear extension are on the larger side of what the applicant could achieve, they are nonetheless reflective of an underlying residential scale of development, appearing subservient with the host dwelling and commensurate with the surroundings.

Therewith, the proposed additions are considered sympathetic in terms of size, scale, and massing to the surrounding built environment conserving the character of the area.

No objections are, therefore, raised with regard to Policy BNE1 of the Medway Local Plan and paragraphs 131 and 135 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposal on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 135f of the NPPF relates to the protection of these amenities. This is supported by Policies H7 of the Local Plan and T8 of the emerging Plan.

Future Occupants

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015 with the requirement for the provision of a single bedroom to measure a minimum of 2.15m in width and support a floor area of 7.5m². All of the proposed bedrooms would exceed these requirements and, in some cases, would significantly exceed the space standards set out by the NPPG. Similarly, all bedrooms and habitable rooms would be served with an adequate degree of natural light and afforded suitable outlook.

The communal space comprises of a 14m² living room, 32m² kitchen dining room, alongside a ground-floor utility room and lower-ground store. There would also be a study at first floor level. These communal areas would be shared amongst a total of six individuals.

The kitchen area is the main general functional space, for both cooking and dining, supported by a separate living room for recreation and leisure. Further supporting the day-to-day functions of the property are utility rooms and stores, this includes washing machines for residents and potential areas for individuals to dry clothes opposed to in bedrooms. The first-floor study area would also facilitate working from home.

The proposal would provide a significant level of amenity space for occupants including separate functional and communal spaces. Therefore, the proposal would accord with the provisions of Policies BNE2 and H7 of the Local Plan; Policy T8 of the Emerging Plan; and paragraph 135(f) of the NPPF.

In order to ensure the proposed standards of internal amenity are not compromised, or the dwelling does not become overly cramped, a condition requiring the occupancy of the property to not exceed more than a total of six residents is recommended.

Adjoining Neighbours

The proposal comprises of two elements that could impact the existing conditions of adjoining and broader neighbouring amenities: the additions to the existing property along with the proposed change of use.

The proposed external alterations include the construction of a single storey extension to the rear and installation of a rear box dormer.

The proposed single storey extension would project approximately 6m to the rear, standing at 3.7m in height, and has been inset from the adjoining neighbour's boundary by approximately 6m in width. Furthermore, the proposed extension is identical, in regard to mass, scale and size, to the approved larger homes extension issued under case reference number MC/25/0871 June 2025.

By virtue of the properties sitting, relative to the orientation of the sun in conjunction with the existing buildings massing and relationship with the adjacent dwelling to the north: the proposed rear extension would not result in a loss of outlook, sunlight, or encroach onto adjoining residential habitable space.

The rear dormer effectively measures the width of the existing property with insets from the eaves, ridge and gable ends. Again, much like the above, the dormers mass, scale, and size have been previously approved under case reference number MC/25/0754 in June 2025.

Whilst it is understood that the dormer would grant the property additional views into the adjacent neighbouring rear garden, these do not introduce a form of overlooking

that does not already exist at first floor and also has been approved already as part of the larger home's extension application.

The existing property comprises of a large dwelling supporting a total of three bedrooms and also 2 separate living areas, one of which could be used as an additional bedroom, if necessary, which when assessed against the NPPGs Technical Housing Standards could support the occupation of a total of at least six individuals. The proposal for a 6 person HMO would not demonstrably increase the comings and goings to the property from that which could exist as a family dwelling, and a condition could be imposed on any approval limiting the number of occupants to 6. Such a view is substantiated by recent appeal decisions against similar HMOs elsewhere in the borough.

Accordingly, the proposal is not considered to result in any significant or demonstrable harm against the existing conditions of neighbouring amenity and would comply with the provisions of Policies BNE2 and H7 of the Local Plan; Policy T8 of the Emerging Plan; and paragraph 135(f) of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity. Paragraph 115 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

While it is understood that the application site would not be able to meet its parking need off-street, nor does the current use as a single occupancy dwellinghouse. Likewise, the Medway Residential Parking Standards state: "*Reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance*". To this effect, the property falls within the urban area of Gillingham and is afforded a range of amenities with approximately 10-to-15-minute walking distance. Such as: Gillingham High Street and Railway Station; Schools, local clubs and community groups, local green space including Hill Fields Community Park; and bus stops.

While it is acknowledged that there are some existing pressures on car parking within the area, the site is in a highly sustainable location and the nature of the HMO occupancy in such sustainable locations more typically presents itself to occupants who do not own cars. However, the site falls outside of a car parking management zone, therefore, parking within the nearby area is unregulated and cannot be controlled by conditions.

In order to determine the existing conditions and availability of parking, in the case whereby occupants do possess a private vehicle, a parking beat study has been

conducted in line the standard Lambeth Methodology: finding a parking stress of 92% to 94% on the two separate days the study was conducted.

These margins fall below the generally accepted margin of 95% parking stress or over. Therefore, it is accepted that the proposal would likely have some impact upon the current parking situation. However, this would not go above and beyond what could be a parking pressure resulting from full occupancy as a single dwelling.

In both cases, the likelihood of all occupants owning a private car is low, with census data in the area showing most dwellings owning a single vehicle and less than 5% of household with three or more vehicles.

Given the sites sustainable location, the Councils Interim Parking Guidance; alongside the proposed occupancy type; and demonstrated margin for some additional vehicles within the area, the proposal would not result in significant material harm to the existing parking conditions within the locality.

In order to further encourage the use of alternative modes of transport, a condition requiring cycle storage to be installed onsite prior to first occupation as an HMO is recommended.

In light of the above and subject to the recommended condition, no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the emerging Plan or paragraphs 115 and 116 of the NPPF.

Biodiversity Net Gain (BNG)

As of 2 April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

In this instance, no onsite habitat is impacted by the proposal and, therefore, no objection is raised to this with regard to paragraph 193 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £350.16 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway

& Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Approval

It is considered that there is no over concentration of HMOs in the area and the proposal has been designed to provide a good level of amenity for prospective occupiers without harming the amenity of the neighbouring occupiers.

The proposal complies with the provisions set out in paragraphs 11, 61, 115, 116, 131, 135, 135(f), 194 and 195 of the NPPF, Policies BNE1, BNE2, BNE35, H7, S1, S6, T1 and T13 of the Local Plan and Policy T8 of the emerging Plan. The application is, therefore, recommended for approval.

The application would typically be determined under delegated powers, however, is being referred for determination by Planning Committee at the request of Cabinet members following the adopted Article 4 direction.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>