

## MC/26/0282

Date Received: 16 February 2026

Location: 13 Park Avenue, Gillingham, Medway ME7 4AS

Proposal: Change of use from Class C3 Dwellinghouse into a 7-bedroom, 8-person House in Multiple Occupation (Sui Generis) with improved communal living space and amended internal layout; Reinstatement of front balcony, wood. Existing woodwork to front to be repaired, refurbished and painted. To the rear, to install 3 x rooflights and install cycle store within existing side garage. (revised scheme). following removal of permitted development rights (Lawful Development Certificate ref: MC/25/0950).

Applicant Mr. Tevyn Allen

Agent C. B. Wright and Associates Limited  
Ms Clare Wright 123 Marlborough Road  
Gillingham  
ME7 5HD

Ward: Watling

Case Officer: Sam Pilbeam

Contact Number: 01634 331700

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**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 16 February 2026:  
2511\_PL05 - Existing and Proposed Block Plans  
2511\_PL06 (REV A) - Proposed Mixed Plans

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 first use of the property as a seven-bedroom, eight-person Sui Generis HMO, details of the proposed balustrade including its design, height, profile, materials, finish, and colour shall be submitted to and approved in writing by the Local Planning Authority. The balustrade shall be installed in accordance with these details and retained thereafter.

Reason: To safeguard against the character and appearance of the Conservation Area in accordance with Policies BNE12 and BNE14 of the Medway Local Plan.

- 5 Prior to first use of the property as a seven-bedroom, eight-person Sui Generis HMO details of the cycle storage structure including its design, height, profile, materials, finish, and colour shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be installed prior to first occupation of the property as an HMO in accordance with this application and retained thereafter.

Reason: To safeguard against the character and appearance of the Conservation Area in accordance with Policies BNE12 and BNE14 of the Medway Local Plan.

- 6 Prior to first use of the property as a seven-bedroom, eight-person Sui Generis HMO details of the refuse storage structure including its design, height, profile, materials, finish, and colour shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage structure shall be installed in accordance with the approved details prior to first occupation of the HMO the subject of this application and retained thereafter.

Reason: To safeguard against the character and appearance of the Conservation Area in accordance with Policies BNE12 and BNE14 of the Medway Local Plan.

- 7 The house of multiple occupation hereby approved shall be occupied by a maximum of eight 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.

- 8 The Bin Management, Waste and Recycling Plan received 19 March 2026 shall be implemented in full on first occupation of the property as a Sui Generis seven-bedroom, eight-person 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.

- 9 The alterations, including but not limited to the ground floor rear window installation, blocking up for the rear first-floor doors, installation of a wooden balustrade, and installation of two rear rooflights shown on drawing number 2511\_PL06 (REV A) received 16 February 2026, shall be completed in full prior to first occupation of the property as a Sui Generis seven-bedroom, eight-person 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 an existing Class C3 dwelling into a seven-bedroom, eight-person Sui Generis House in Multiple Occupation (HMO).

In addition to the conversion of the property the proposal also seeks minor alterations to the front and rear of the dwelling. Including, to the rear, the installation of a timber window at ground floor; the blocking-up of a rear balcony door; and insertion of three conservation rooflights. And to the front the reinstatement of a wooden bay window balustrade at first-floor level and insertion of a bin store within the front garden.

Internally the proposed Sui Generis HMO would comprise of a utility room and w.c at lower-ground floor level; two ensuite bedrooms and open plan kitchen dining room at ground-floor; three ensuite bedrooms and a kitchen at first floor; and two ensuite bedrooms within the roof-space.

The property also benefits from a 21m deep rear garden and side garage which is proposed for cycle storage.

### **Relevant Planning History**

MC/25/0950

Application for a Lawful Development Certificate (proposed) for change of use from dwelling (Class C3) to a 6-bedroom house in multiple occupation (Class C4).

Decision: Approval

Decided: 07.05.2025

MC/25/2078

Change of use from 6-person house of multiple occupancy to an 8-bedroom 8-person house in multiple occupation (Sui Generis) together with reinstatement of metal balustrade to front balcony, replacement of existing wooden windows to UPVC white casement opening windows, replacement of existing first floor balcony door and garage doors to UPVC, refurbishment of existing wooden front entrance doors, installation of three rooflights to rear, reinstatement of metal balustrade to rear balcony and creation of cycle store within existing side garage.

Decision: Refusal

Decided: 12.12.2025

### 11 Park Avenue

MC/26/0483

Change of use of Vacant Care Home Class (C2) to a 7-bedroom HMO Class (Sui Generis).

Decision: Pending consideration on this agenda

### **Representations**

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

**Four residential objections** have been received, on the basis:

- Erosion of the character of the area;
- Loss of safety and impact on existing properties;
- Increased volumes and waste and littering;
- Increased parking pressure and risks to highways safety;
- Increased volumes of noise, disturbance and anti-social behaviour;
- Oversaturation of HMOs within the Ward and local area;
- Concerns with parking beat survey methodology;
- Questions legitimacy of submitted management plans.

**Cllr Tracy Coombs has objected** to the application, on the basis:

- Increased parking pressure and risks to highways safety;
- Impact upon the character of the Conservation Area;
- Loss of safety and impact on existing properties, including antisocial behaviour;
- Increased volumes and waste and littering.

### **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 falls within Watling, one of the seven Wards that have been covered by an Article 4 Direction restricting the permitted development rights for the change of use from Class C3 (Dwellinghouse) to a Class C4 (Small HMO). 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 7 May 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.

Following this approval, the applicant sought a further permission seeking the conversion of the property into an eight-bedroom, eight-person Sui Generis HMO. This was refused by the Council on the basis of:

- the poor-quality external alterations to the front harming the character of the Conservation Area;
- lack of outlook provided to a ground floor bedroom supporting only views into an alleyway;
- lack of shared amenity space for residents;
- overlooking by reason of the reinstated balcony to the rear;
- failure of the proposal to demonstrate its impact upon parking within the site; and
- failure to mitigate against the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes.

This revised application has been submitted seeking to address the above concerns, and the detail of these aspects will be assessed below.

### *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.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, firstly, at a Ward level, the total percentage of HMOs when expressed as a percentage represents 1.2% of the total housing stock.

More locally, along Park Avenue there is one additional HMO within the Councils HMO and Evidence Paper. This is located at 11 Park Avenue and is currently subject to a full planning application (also on this agenda) seeking the conversion of the property into a seven-person Sui Generis HMO and currently supports permission for the use of the property as a C2 Care Home. In addition to this, the adjacent properties to the south at 15/17 Park Avenue have been amalgamated and converted into a thirteen-bedroom C2 Care Home.

As such, it is acknowledged that this segment of Park Avenue currently accommodates two established C2 uses, which are grouped together.

The remainder of the street is characterised by single family accommodation.

Consequently, whilst there is an identifiable grouping of three non-single occupancy residential uses along this segment of Park Avenue, the overarching pattern of the street when taken as a whole remains primarily single-family accommodation. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity. In view of the above no objection is raised in principle to the conversion of the property to a 7 bed HMO.

### *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 also located within Gillingham Park Conservation Area and, therefore, subject to the provisions of Policies BNE12 and BNE14 of the Local Plan which seek to preserve the special architectural character and heritage of Conservation Areas and that proposals contained within a Conservation Area should achieve a high-quality design.

The proposed alterations can be defined by their location on either the front or rear of the property, with the alterations to the front being highly visible from within the Conservation Area (CA) whereas to the rear there are far more limited views, with a more limited overall impact on the CA.

The alterations the front include the reinstatement of a wooden bay window balustrade at first-floor level and insertion of a bin store within the front garden.

The submitted elevations and annotations against drawing number 2511\_PL06 REV A illustrate a detailed and faithful replication of the former balcony balustrade to be installed in wood and finished in white paint. This addition would complement the surrounding detailing of the CA and the Edwardian frontages. As such no objection would be raised in principle. However, in order to ensure the installation is of a sufficient quality and remains faithful to the wider setting, a condition is recommended requiring details of the balcony to be submitted to and approved in writing by the LPA.

Similarly, again while no objections are raised with regard to the bin storage, details of the storage structure materials and finish are required by condition.

Turning to the rear elements, the proposed alterations include the installation of a timber window at ground floor; the blocking-up of a rear balcony door; and insertion of three conservation rooflights. No objections would be raised to the proposed installations, given they are all relatively minimal and would not increase the massing, bulk or size of the existing property.

As a whole, the proposed alterations are considered to be sympathetic to the character of the CA, the residential scale of the street-scene and the character of the property, subject to the recommended conditions requiring the submission of detailed elements of the balustrade, and no objections would be raised with regard to Policies BNE1, BNE12 and BNE14 of the Local Plan or 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 7.5m<sup>2</sup>; and a double 2.75m in width and 11.5m<sup>2</sup> in floor area.

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.

Concerns were previously raised and formed one of the grounds for refusal against the formerly submitted MC/25/2078 due to the addition of a newly created habitable room with limited outlook and reduced natural light. This bedroom was located on the ground floor and faced directly into a shaded alleyway adjacent to a 2.5 storey dwelling and side garage. This concern has been addressed.

In the current scheme bedroom 7 is served via a side facing window but this is acceptable as it does not face onto an alleyway but faces over hipped roofs on adjacent properties affording a greater degree of light, outlook and openness.

On the ground floor layout bedroom two opens onto and bounds the adjacent communal lounge and kitchen space with potential implications for noise transfer and disturbance. In this respect the proposal for a larger HMO, requires greater building regulation standards, including sound proofing of rooms and partitions.

The communal space comprises of a 28m<sup>2</sup> open plan kitchen dining area on the ground-floor and additional supporting 6m<sup>2</sup> kitchen on the first floor, alongside a utility room on the lower-ground floor.

The open plan kitchen dining area is depicted as the main general space. While a single space, given its 'L'-shape, the room naturally delineates itself into two main areas, supporting the functions of cooking and dining, in one location, while also providing space for recreation and leisure, without these two activities conflicting with one-another.

Further supporting the main communal space is an additional kitchen on the first floor and utility room at lower-ground floor level. These rooms provide an ancillary purpose insofar as they ensure more functional tasks can be directed to other areas of the property, rather than dominate and interfere with the main communal room.

These communal spaces would provide a significant level of amenity space for occupants including septate functional and communal spaces, alongside oversize bedrooms with sufficient levels of light and outlook. 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 eight residents is recommended.

### Adjoining Neighbours

The proposal does not seek to alter the existing built form insofar as to result in any impacts to the existing relationship with neighbouring levels of light, outlook, and overshadowing. Rooflights are being added to the rear, however, these are high level and would not afford future occupants with views above and beyond that of the existing first-floor rear window.

The existing property comprises of a large dwelling supporting a total of four-bedrooms, at first-floor or above, and, when assessed against the NPPGs Technical Housing Standards the property could support the occupation of a total of eight individuals.

Furthermore, the property is one half of a pair of semi-detached properties, the other half of which is a care home and proposed to be an HMO. While the adjacent property is a 13-bed care home. Park Avenue is characterised by a more spacious suburban grain, with properties generally being set within wider plot and benefiting from greater levels of separation. Relative to more tightly knit and constrained mid-terraced plot.

The lower density pattern provides increased physical separation between neighbouring dwellings, thereby reducing the potential disturbance from comings and goings in the HMO.

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 local clubs and community sports groups; local green space including Gillingham Park; numerous local convenience shops; and bus stops. In addition to this Gillingham High Street and Railway Station are located an approximately 20-minute walk away from the site.

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 with the standard Lambeth Methodology, finding a parking stress of 73%. This falls significantly below the generally accepted margin of 95%, thereby demonstrating that the parking saturation within the locality would be capable of accommodating additional vehicles should future occupant's own vehicles.

Notwithstanding that, 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 but is being referred for determination by Planning Committee due to the number of representations received contrary to the Officers recommendation.

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### **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/>