

MC/26/0221

Date Received: 09 February 2026
Location: 58 York Avenue, Gillingham, Medway ME7 5JG
Proposal: Change of use from dwellinghouse (Class C3) to a 6-bedroom 6 person house in multiple occupation (Class C4) together with construction of a single storey rear extension, L-shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation with roof space with associated bin/cycle store.

Applicant Agent: Solihull Nick Beecham
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Ward: Gillingham South
Case Officer: Stephie Theedom
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 - Refusal

- 1 The proposal only provides for a kitchen and small eating area as internal communal space, which is also used to provide access to the rear amenity space the arrangement which would reduce the meaningful space to support the day-to-day activities of the six individuals living together other than cooking. With no other communal spaces/lounges within the property this would result in the occupiers being reliant on living, relaxing, working from their bedrooms. This would result in a poor and inadequate level of internal amenity for prospective residents which would also be to the detriment of their health and wellbeing. Consequently, the proposal is considered contrary to Policies BNE2 and H7 of the Local Plan, Policies T8 of the emerging plan and paragraph 135(f) of the National Planning Policy Framework 2024.
- 2 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

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

Proposal

This application seeks planning permission for the change of use from dwellinghouse (Class C3) to a 6 bedroom 6 person house in multiple occupation (HMO) (Class C4) together with construction of a single storey rear extension, L-shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space with associated bin/cycle store within the garden area.

Internally, the proposal would comprise of:

- Ground Floor – Kitchen dining area and two bedrooms with ensuites;
- First Floor Plan - 2 bedrooms with ensuites;
- Second floor - 2 bedrooms with ensuites.

There is also a garden to the rear.

Relevant Planning History

MC/25/1937	Construction of dormer to the rear to make the loft habitable, with two rooflights to the front. Decision: Approval Decided: 11.12.2025
MC/25/2422	Application for a Lawful Development Certificate (Proposed) for the change of use from Class (C3) single dwelling house to class (C4) up to 6 Bed, 6 Person house of multiple occupation. Construction of a single storey infill extension to rear along with an L shaped dormer to rear/side with roof lights to front to facilitate living accommodation within the roof space. Decision: Refused Decided: 05.02.2026

Representations

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

One letter of objection has been received on the following grounds:

- The Planning statement refers to Mansfield!
- Internal layout shows eight ensuite rooms which is different from the proposal;
- There are no bus routes on York Avenue.

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 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 Gillingham South Ward, 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 22nd of 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.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to 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 of the NPPF. Stating that applications should be considered in favour for a presumption in favour of sustainable development, unless the Policy provides a clear reason for refusal, or that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 61 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

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.

The application site is within an urban area of Gillingham and is within walking distance of Gillingham Town Centre. The site is within walking distance of local public transport such as bus services and Gillingham Train Station. The site is within a predominantly residential area, with a few other HMO's operating in the area to the proposed site, alongside terrace housing and is in close proximity to Medway Hospital.

The internal floor area of the existing house is approximately 109.8.6m². The internal floor area with the proposed extensions would be approximately 161.4m² as such would be adequate for conversion. It is considered that the size of the property is supported for conversion, and the proposed HMO would be in keeping with the mixed character of the area without detriment to the Council's housing mix.

While it is recognised that there are mixed-use elements within the vicinity the immediate location of the site would not be characterised as 'predominantly mixed-use or commercial character'.

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 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 health of residents – new and existing.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, there is a limited number of registered HMOs within 200m of the site and there appears to be a no of dwellings subdivided into flats. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity.

Whilst Policy H7 does not state what is considered too large for single household occupation, elsewhere in the Local Plan it states that “the Council considers that dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households.” The size of the existing property itself measures marginally less than 120sqm internally, however, after the extensions it’s above 120sqm, therefore, potentially allowing for its change of use without negative impacts upon the amenities of future occupants or resulting in the loss of a dwelling that would more broadly lend itself towards single family dwellings.

It is considered that the size of the property is supported for conversion, and the proposed HMO would be in keeping with the mixed character of the area without detriment to the Council’s housing mix.

As such, the principle of converting the existing property into an HMO would be considered acceptable and would accord with the provisions of Policy H7 of the Local Plan and Policy T8 of the emerging plan of the Local Plan.

Design

Both the NPPF and Local Plan stress and 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.

Moreover, paragraph 135 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting, supported 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, and the property is a mid-terrace house located on York Avenue. The external works consist of the construction of a single storey rear extension, rear dormer to the loft and rooflights to the front. The application property is on residential street that is, generally comprising of two storey terraced dwellings in uniform design. The immediate area forms a tightly knit urban grain.

The single storey rear extension is a 3m infill extension off the original rear wall. The rear extension will create a hallway and access from the communal kitchen to the rear garden area. The overall design is considered acceptable given that it is to the rear of the property and would not cause harm to the street scene or surrounding, therefore, complies with Policy BNE1 of Medway Local Plan 2003 and paragraphs 131 and 135 of the NPPF. The rear extension could also be constructed under permitted development.

The L Shape dormer would partially sit on the two-storey extension and would be of flat roof design. The dormer would have an approximate volume of 47sqm. This dormer already has planning consent under application MC/25/1937. As part of the assessment of that application, it was concluded that the proposed dormer was not considered to cause detrimental harm to the appearance of the host dwelling or wider street scene.

The proposed external extensions, therefore, comply with Policy BNE1 of Medway Local Plan 2003 and paragraphs 131 and 135 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling 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.

Neighbouring Residential Amenity

By virtue of the properties siting, relative to the orientation of the sun and adjacent dwellings it is not considered that the alterations would result in a loss of outlook, sunlight; or encroach onto adjoining residential habitable spaces. The rear dormer would provide views into rear neighbouring gardens but no more than exist by virtue of the existing first floor windows or already exist from other neighbouring two storey properties.

The proposal seeks to convert the property into a six-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. The existing house has three bedrooms comprising, one double and two single bedrooms and could have been occupied by three people, however, with the approved loft conversion that could be six people. Reflecting on recent appeal decisions within Medway, it is not considered that the change to a six person HMO would result in such demonstrable harm to neighbour amenity from comings and goings as to justify a refusal of permission.

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 double 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 National Planning Policy Guidelines (NPPG).

All bedrooms would be served with an adequate degree of natural light and afforded suitable outlook.

The garden area to the rear provides acceptable outdoor amenity space.

There is one kitchen/diner area at ground floor which is proposed to provide the only internal communal space for use by the occupants. It is considered that while the bedrooms are reasonable offering occupants a degree of independent living within their rooms, the kitchen and dining area would measure only ten sqm and would not provide any real communal lounge area/facility. In addition, the kitchen/dining area serves as the corridor/walkthrough to access the outdoor space where the cycle storage is accessed which would further exacerbate the inadequacy of the communal area to serve six occupants.

Policy T8 clearly sets out that equivalent space to a reception room is necessary to accord with the Policy. The Policy also states that HMO accommodation will only be supported where it does not adversely affect the health and well-being of the residents (new and existing). The communal area is not two separate rooms and does not provide adequate communal space for six residents for living and dining, as set out in emerging plan Policy T8.

The proposal would not, therefore, provide suitable level of occupier amenity in relation to bedroom 6, or communal accommodation for the number of residents at the property offering a poor level of overall occupier amenity contrary to Policy T8 of the Regulation 22 Local Plan, Policies BNE2 of the Local Plan and paragraph 135f of the NPPF.

Highways and Parking

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.

The existing property does not benefit from any off-street parking, and no parking is proposed as part of the application. 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". The property lies in a sustainable location, close to bus routes and within walking distance of local amenities/facilities, including the Town Centre and Gillingham Railway Station. There is evidence that occupiers of HMOs in such sustainable locations are less likely to own cars. It is, therefore, considered, on balance, to be acceptable in regard to parking. Notwithstanding that, a condition requiring the submission of a parking management plan to detail how residents and their visitors would be deterred from parking on the street is recommended should the application be approved.

Cycle storage is indicated on the proposed plans which would be considered acceptable in terms of the size and requirements. This provision can be secured through an appropriately worded condition.

Subject to the recommended conditions, the proposal is considered to be acceptable in highway terms and in accordance with Policies H7, T1, T4 and T13 of the Local Plan and paragraph 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 £337.49 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 application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes

through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

Conclusions and Reasons for Recommendation for Refusal

By virtue of the inadequacy of the proposed communal provision to serve 6 residents, it is considered that the proposal would result in an unacceptable internal amenity for prospective residents which would be to the detriment of their health and wellbeing. Consequently, the proposal is considered contrary to Policies BNE2 and H7 of the Local Plan, Policies T8 of the emerging plan and paragraph 135(f) of the National Planning Policy Framework 2024.

The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

The application would normally be determined under delegated powers but is being referred determination by Planning Committee at the request of Cabinet members when they adopted the 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>