

MC/26/0080

Date Received: 20 January 2026
Location: 48 Franklin Road, Gillingham, Medway ME7 4DF
Proposal: Change of use from a dwelling house (use class C3) to a 7-bedroom, 7-person house in multiple occupation (HMO) (sui generis), together with the construction of a rear dormer to the loft and rooflights; provision of cycle storage, bin storage within the existing garage, and installation of solar panels.
Applicant LJR Property Investments Ltd
Mr. Laine Hilden
Agent C. B. Wright and Associates Ltd
Ms Clare Wright
123 Marlborough Road
Gillingham
ME7 5HD
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 21 October 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:

PH4-07 Bicycle Store Details
PH4-02 Site Plan
Received 20 June 2026

PH4- 06 Proposed Sections and Elevations
MD-100162-PL-00C Floor Plans Ground Floor And Basemen
MD-100162-PL-01D Floor Plans 1st Floor And Loft

Received 28 June 2026

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

- 3 The house of multiple occupation hereby approved shall be occupied by a maximum of seven 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.

- 4 The Parking Management Plan as submitted within this application or any alternative Parking Management Plan subsequently submitted to and approved in writing by the Local Planning Authority, shall be implemented in full prior to the commencement of the use of the property as a 7-person House in Multiple Occupation (HMO) (sui generis) and shall thereafter be maintained and adhered to at all times.

Reason: In the interests of sustainability and residential amenity in accordance with Policies T13 and BNE2 of the Medway Local Plan 2003.

- 5 The Waste Management Plan as submitted within this application, or any alternative waste Management Plan subsequently submitted to and approved in writing by the Local Planning Authority, shall be implemented in full prior to the commencement of the use of the property as a 7-person House in Multiple Occupation (sui generis) and shall thereafter be maintained and adhered to at all times.

Reason: In the interests of sustainability and residential amenity in accordance with Policies T13 and BNE2 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of the property as a 7-bedroom Sui Generis HMO the cycle facilities as shown on approved drawing PH4-07 and PH4-02 shall be implemented in accordance with these details 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.

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

Proposal

The application property is a semi-detached two storey dwelling.

The application is for the change of use from a dwelling house (use class C3) to a 7-bedroom, 7-person house in multiple occupation (sui generis), together with the

construction of a rear dormer to the loft and rooflights; provision of cycle storage, bin storage within the existing garage, and installation of solar panels.

The existing layout comprises:

Basement – cellar;

Ground floor – Living room, family room, kitchen, small family room, garage;

First floor – 3 Bedrooms, shower room and toilet;

Loft – storage.

The proposed internal layout would comprise of:

Basement – Lounge and utility room;

Ground floor – 2 bedrooms with ensembles, open plan kitchen and dining area and bin store;

First floor - 3 bedrooms with ensembles;

Second floor - 2 bedrooms with ensembles.

Site Area/Density

Gross internal floor area: 206 sqm

Relevant Planning History

MC/25/2147	Change of use from a 6-person house of multiple occupation (Class C4) to a 9-bedroom 9-person house in multiple occupation (Sui Generis) together with construction of a single storey rear extension, bin/cycle store within existing. Refused 29 December 2025
MC/25/2181	Application for a Lawful Development Certificate (Proposed) for garage conversion to habitable room and loft conversion with the dormer to the rear incorporating rooflight. Approved 12 December 2025
MC/25/2077	Application for a Lawful Development Certificate (proposed) for change of use from dwelling house (Class C3) to a 6-bed house in multiple occupation (Class C4). Approved 28 November 2025

Representations

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

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.

Eight letters of objection have been received on the following grounds:

- Loss of family home;
- HMO out of keeping in this area;
- Proposal will exacerbate on street parking problems in the street;
- Increase in noise and disturbance due to number of occupants an independent work/lifestyles;
- Refuse issues due to number of independent occupants and lack of control generally on refuse disposal on HMOs;
- Previous refusal – reasons still stand;
- Transient nature of occupants and impact on social cohesion of neighbourhood;
- If allowed the removal of dropped kerb could increase on street parking by one space;
- Bed 2 has a lack of light/outlook;
- Bed 8 would need roof to be raised which would be out of keeping with street character;
- Over concentration of HMOs will cause ASB issues;
- Loss of light/overlooking due to extensions.

Councillor Louwella Prenter has written to object to the application for the following grounds:

- Overdevelopment due to number of tenants;
- Increase traffic congestion in area;
- Increase on street parking pressure;
- Increase transient population with impact on social cohesion;
- Increase refuse issues due to number of individual occupiers;
- Additional ASB issues caused by over concentration of HMOs in area;
- Unacceptable noise and disturbance from 8 individual unrelated occupants;
- Previous refusal reasons not overcome;
- Loss of family home;
- Over concentration of HMOs in area.

Naushabah Khan MP has written to object on the following grounds:

- Increase parking pressures;
- Loss of existing off-street parking;
- Increase ASB due to high levels of HMOs in the area;
- Refuse problems due to number of unrelated individual occupiers;
- Loss of family home and impact on social cohesion of area;
- Reasons for previous refusal not overcome.

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 2026 (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 is located within the Gillingham South Ward, one of seven wards subject to an Article 4 Direction which removes permitted development rights for the change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4). The Article 4 Direction came into force on 22 January 2026 and was subsequently confirmed on 20 July 2026.

The effect of the Article 4 Direction is to remove the permitted development rights previously available under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Direction does not prohibit such changes of use but instead brings them within planning control so that proposals can be assessed against the Development Plan and other material planning considerations.

The property benefits from a Lawful Development Certificate for the change of use from dwelling house (Class C3) to a 6-bed house in multiple occupation (Class C4) (MC/25/2077) and for a garage conversion to habitable room and loft conversion with the dormer to the rear incorporating rooflight (MC/25/2181).

While some work was undertaken internally starting with the change of use, it's considered that the property was not brought into use as an HMO prior to the Article 4 Direction being put in place and, therefore, the change of use is no longer lawful and would require planning permission.

Planning permission was sought under reference MC/25/2147 for the Change of use from a 6-person house of multiple occupation (Class C4) to a 9-bedroom 9-person house in multiple occupation (Sui Generis) together with construction of a single storey rear extension, bin/cycle store within existing side garage and installation of solar panels. This application was refused by Planning Committee in December 2025 for the following reason:

The proposed layout as a 9-bedroom HMO would result in poor living conditions for future occupants by reason of lack of outlook, sufficient light and noise for the occupant of bedroom 1 given that the window is ground level lightwell located very close to the main access route within the site and the plant room, the levels of outlook and light afforded to bedroom 3 by its close proximity to the existing rear projection and proposed dormer and its close proximity to the boundary fence and the usable space with bedroom 9 within the roof space due to the sloping roof profile to the front of the property would result in restricted headroom all would result in a poor level of amenity for future occupiers contrary to Policy BNE2 of the Medway Local Plan 2003, Policy T8 of the Submitted (Regulation 22) Medway Local Plan 2041 (December 2025) and paragraph 135(f) of the National Planning Policy Framework (2024).

The proposal the subject of the current application was originally submitted as an 8-bed 8-person house of multiple occupancy. Amended plans and revisions have now been received changing the proposal to a 7-bed 7-person house of multiple occupancy.

Principle

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

The site is located within the urban area of Gillingham. The National Planning Policy Framework (NPPF) seeks to support sustainable development through Policy S3, whilst Policy HO7 seeks to ensure that the planning system delivers a sufficient supply and variety of homes to meet identified housing needs.

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.

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 number of other HMO's operating in close proximity to the proposed site, alongside flats and single household dwellings. There is a dentist within close proximity to the proposal site, and there are commercial units at either end of Franklin Road.

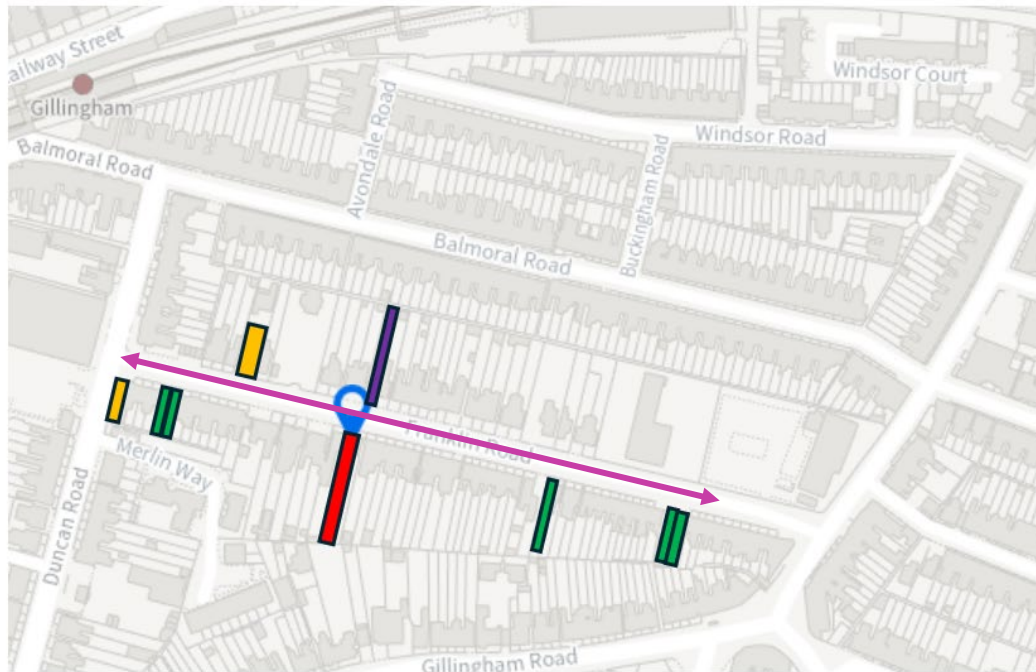
Whilst Policy H7 doesn't state what is considered too large for single household occupation, elsewhere in the Local Plan it states that "the Council considers that dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households." The internal floor area of the existing house is approximately 206 m². The internal floor area with the extensions 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 T8 of the emerging Local Plan 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.

In this case, there are a no existing licensed HMOs within 200m of the site and a relatively small number of converted flat properties within the surrounding area. It is, therefore, considered that the proposal would not result in a harmful concentration of HMOs nor materially alter the residential character of the locality.



- Application site
- HMO under consideration
- Purpose built flats
- Converted flats

An updated map and figures produced identifying the surrounding land-uses along the length of the road. Franklin road is over 200m in length as such the arrow on the above plan shows the 200m length that has been considered.

A breakdown of uses found through both a search of the planning history and from a walking survey at approximately 200m from the application site, is set out below. In terms of non C3 uses there were no care homes, hostels or HMOs identified. There are several flats in the area (set out below):

Observations	HMO's	Flats
Public Access	0	54 Franklin Road
Site visits, CTAX and HMO register	0	FF Flat 2 Franklin Road 10A Franklin Road 10B Franklin Road 11A Franklin Road 11B Franklin Road 11C Franklin Road 68 Franklin Road 90A Franklin Road 90B Franklin Road 92A Franklin Road 92B Franklin Road
Total properties surveyed	67	
Total HMO's	1 Pending consideration (No. 25)	

There are 67 properties within 200m of the site and there appears to be some purpose-built flats, 3 dwellings that have previously been subdivided into flats and a HMO (No.25) that is currently under consideration but no registered HMOs. The proposed development would result in 1% of the 67 properties within the 200m, subject to the approval of the application at 25 Franklin Road this would result in 3% of properties within the 200m radius. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity.

The Gillingham South DHA Location Maps of HMO map shows a 21 existing HMOs with in a 500m radius and 2,606 homes, therefore, less than 1% of the area is covered by HMOs. DHA shows one existing HMO at approximately No.55/57 these properties were checked during the walk though and by the data we hold on to HMOs, there is no current evidence of them being an HMO.

As such, the principle of converting the existing property into a 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.

Policy DP3 of the NPPF sets out the key principles of well-designed places. Proposals should respond to their context so that they integrate and enhance their surroundings.

The application site is located within the urban area of Gillingham. The property is a semi-detached house located on Franklin Road. The external works consist of the construction of a rear dormer to the loft, rooflights; provision of cycle storage, bin storage within the existing garage, and installation of solar panels. The application property is on a mostly residential street that is, generally comprising of two storey terraced and semidetached dwellings formed of a range of designs and details. The immediate area as a whole forms a tightly knit urban grain.

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 43sqm and would attach to the two-storey rear projection of the original dwelling. While there may be concern regarding the appearance of the dormer, it can be constructed under permitted development and, therefore, no planning concerns can be legitimately raised in this regard.

The plans also show a garage conversion to provide a bin store at the front with the remainder of the garage being used for storage. The external change from the street scene is minimal and the garage door will be removed and a set of doors installed to allow access to the bin store. There is no objection in design terms in relation to Policy BNE1 of the Local Plan and paragraph DP3 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 Policies DP3 and P3 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

In terms of the external works, namely the proposed dormer, by virtue of the properties sitting, relative to the orientation of the sun and adjacent dwellings it is not considered that these 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 what exists by virtue of the existing first floor windows or already exist from other neighbouring 2 storey properties. The dormer could also be constructed under permitted development.

The proposal seeks to convert the property into a 7-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. As explained above while the lawful development certificate was permitted it was not fully implemented before the Article 4 came in to play and, therefore, there is no fallback position in this case.

In terms of comings and goings of the site, the existing property has 2 double bedrooms and one single bedroom, resulting in a potential occupancy level of 5 adults. The proposal would only, therefore, increase the number of occupants by 2. It should be noted again that the dormer could be constructed under permitted development which would increase the number of bedrooms at the property by 2, making it a 5-bed property. It is not considered that the proposed increase in residents would result in such a demonstrable increase in comings and goings such as to justify a refusal of planning permission, particularly if it is factored in that the existing property and occupancy could increase without the need for planning permission.

Subject to this condition to restrict the number of occupiers to 7, no objections would be raised in regard to Policies BNE2 and H7 of the Local Plan, Policy T8 of the emerging plan and Policy P3 of the NPPF.

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 National Planning Policy Guidance (NPPG).

The reduction in the number of bedrooms and the changes to the plans have addressed the concerns raised in the refusal of the previous application for a 9-bedroom HMO in terms of resident amenity.

The basement has been changed from a bedroom to a lounge area and as this is a secondary small communal living space the lightwell and noise from the plant room are considered acceptable in this case. There is also a good-sized communal living space within the ground floor proposal.

All bedrooms would meet notational space standards and would be served with an adequate degree of natural light and afforded suitable outlook. The remaining communal space comprises of a 20.14m² kitchen/dining room and 16m² communal living room and 4m² utility room in the basement. Furthermore, externally there is a rear garden. These would be shared amongst a total of seven individuals. The kitchen area is considered suitable as a general functional space for cooking and dinning, whilst the living room is considered of a suitable size for the proposed number of residents. The rear garden is also considered to provide further amenity space for residents reducing an overreliance upon the main communal areas or occupant's bedrooms.

In order to ensure that the internal amenity standards of future occupants are not compromised, or that the dwelling becomes overly camped, a condition requiring that the occupancy of the property does not exceed more than a total of seven residents at any one time is recommended.

Subject to the recommended condition restricting occupation numbers, no objections would, therefore, be raised in regard to Policies BNE2 and H7 of the Local Plan, Policy T8 of the emerging plan and Policy P3 of the NPPF.

Highways and Parking

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Policy T4 relates to cycle parking and sustainable modes of transport. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity.

Policy TR2 of the NPPF relates to local parking standards whilst Policy TR3 relates to locating development within sustainable locations. These Policies support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. Policy TR4 of the NPPF relates to street design, access and parking and states that a flexible approach can be applied to parking standards. Policy TR6 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". Given the property falls within the urban area of Gillingham, with amenities such as shops, green space, public transport links and schools/colleges within approx. 10 – 15-minute walking distance, and close proximity of Gillingham High Street, the site is considered to meet these parameters.

While it is acknowledged that there are some existing pressures on car parking within the area, this is mitigated through the requirement of parking permits, while the site is in a highly sustainable location and the nature of the HMO occupancy more typically presents itself to occupants who do not own cars.

Notwithstanding the above, in order to encourage the likelihood of future occupants to choose alternative modes of transport to the private car, two conditions are recommended to require cycle storage within the rear garden; and a car parking management plan detailing how future occupants of the HMO will be deterred from obtaining a parking permit.

Consequently, in light of the above and subject to the recommended conditions, no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the emerging Plan and TR6 of the NPPF.

Biodiversity Net Gain

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 policy N2 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 (SAMS) 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 paid the SAMMS Mitigation Contribution Agreement payment under reference MC/25/2147 that was refused and, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Medway Local Plan and paragraphs 193 and 194 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

The principle of converting the existing property into a 7-bedroom, 7-person HMO is considered to be acceptable due to the property being located where there is not an over-concentration of HMOs and being of a size suitable for conversion. The design,

neighbouring residential amenity and future occupier amenity as well as highways considerations are considered to conform. Therefore, the proposal is considered to accord with the provisions of Policy BNE1, BNE2, H7, T1, and T13 of the Medway Local Plan 2003, Policy T8 of the Draft Local Plan 2025 and Policies HO7, TR3, TR4, TR6, DP3, P3, and N2 of the National Planning Policy Framework 2026.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of representations received expressing a view contrary to the officer's recommendation and due to the objection from Councillor Louwella Prenter.

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/> .