



Delegated Report

Proposed Lawful Development Certificate

Application no: 20250309

Location: 9 Prospect Grove Gravesend Kent DA12 2SA

Description: Application for a Proposed Lawful Development Certificate; Change of use from C3 dwelling to C4 6 Bed HMO.

Applicant: Mr Amit Luthra

Site Visit Date: N/A

Submitted Documents/Plans

- Application form;
- Location Plan;
- Drawing no. COL/9PG/SD100 - Existing Plans
- Drawing no. COL/9PG/SD101 – Proposed Ground Floor Plan;
- Drawing no. COL/9PG/SD102 – Proposed First Floor Plan; and
- Drawing no. COL/9PG/SD103 – Proposed Loft Floor Plan.

Policies

Not applicable, this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended).

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Town and Country Planning act 1990 (as amended)

The Town and Country Planning (Use Classes Order) 1987 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
19900251	Erection of single storey side and rear extensions to form enlarged kitchen/diner, utility room, bathroom and w.c.	Permitted	18.06.1990
19900055	Section 53 determination as to whether planning permission is required for the erection of single storey rear extensions to form enlarged kitchen/ diner, bathroom, lobby and w.c.	Granted	06.02.1990

Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. Nonetheless, two representations have been received and the comments are summarised below, although they cannot be considered as part of this application.

The comments made can be summarised as follows:

- HMO not viable;
- Parking will add to an already major issue in this and surrounding roads;
- Will add to anti-social behaviour;
- Extension is out of keeping with surrounding homes in the area which are all family homes;
- Rear extension will be clearly visible from streetscene especially from St John's Road;
- Detrimental to neighbours and future owners;
- Strongly objects to any HMO or large extensions to terraced houses in this area due to change in appearance and bulk;
- Loss of a family dwellinghouse;
- Result in an incongruous, bulky and disproportionate dwelling giving a cramped three storey appearance when viewed from rear, detrimental to dwelling and surrounding area;
- Fails to safeguard amenity of future occupiers or neighbouring properties;
- Proposal would increase parking demand in area; and
- Applicant has failed to provide ecological evidence to inform a habitat regulations assessment to address the impact on the Thames Estuary and Marshes Ramsar site.

(Officer note: Please note despite the neighbour comments, there is no extension proposed to the building.

Officer's Analysis

The Town and Country Planning (Use Classes) Order 1987, assigns use classes to various uses. In the case of small HMO's the legislation designates this as use Class C4 with the description of; '*Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*'. Class L, Part 3, Schedule 2 of the GPDO, allows for conversion from C3 (dwellinghouses) to C4 (Houses in Multiple Occupation), without requiring planning permission, where certain criteria are met.

Part 3, Schedule 2 of the GPDO

Class L – Small HMOs to dwelling houses and vice versa

Permitted Development:

L	Development consisting of a change of use of a building -	Y/N
(a)	From a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule	N/A
(b)	From a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule;	Y
L.1	Development is not permitted by Class L if it would result in the use-	Y/N
(a)	As two or more separate dwelling houses falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C4 (houses in multiple occupation) of that Schedule; or	N/A

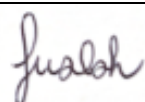
(b)	As two or more separate dwelling houses falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C3 (dwelling houses) of that Schedule.	N/A
-----	---	-----

The existing property is currently a four bedroom dwelling and the submitted proposed plan shows that the property would change to a six bedroom HMO (House of Multiple Occupation). There would be one bedroom at ground floor, three bedrooms at first floor and one bedroom at second floor level. There would be a shared kitchen and a utility room a ground floor level. Each bedroom would have an en-suite and bedrooms 1 and 3 would have a kitchenette in the room. It should be noted that in order to comply with Class L, the property can only house six residents and the bedrooms are single occupancy only. It is based on the number of residents and not the number of bedrooms. If any of the rooms occupy more than one person, then the HMO will require planning permission.

The proposed six persons HMO falls within the above limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would comply with the definition of C4 (Houses in Multiple Occupation), as set out within The Town and Country Planning (Use Classes) Order 1987.

Therefore, planning permission is not required, and a Lawful Development Certificate can be issued.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	22 May 2025	Dated:	22 May 2025