
Appeal Decision

Site visit made on 13 December 2016

by Jason Whitfield DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th January 2017

Appeal Ref: APP/H5390/W/16/3155521
161 Goldhawk Road, London W12 8EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Horton against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01682/FUL, dated 13 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is described as "seeking re-classification, on a permanent basis (full planning permission was previous granted on a temporary basis on 05/01/2010) of basement area B1 on. This would then permit this space to be used as a booking office for a private hire car service."
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the lower ground floor to a private hire car service at 161 Goldhawk Road, London W12 8EN in accordance with the terms of the application, Ref 2016/01682/FUL, dated 13 April 2016, subject to the following conditions:
 - 1) No driver of any private hire car used in connection with the use hereby permitted shall visit the premises for the purpose of waiting; taking orders or instruction; collecting clients from the premises; for the purpose of taking refreshments or using the facilities; or for any other purpose other than administration.
 - 2) At no time shall customers be picked up at, dropped off at or visit the premises of the private hire car operation hereby permitted.
 - 3) The premises of the private hire car operation hereby permitted shall be used to direct private hire vehicles by telephone, fax, email or other digital transmission only. Private hire vehicles used in connection with the use hereby permitted must not park or wait outside the premises on Goldhawk Road.

Procedural Matters

2. The description in the banner heading above is taken from the application form. It is somewhat lengthy and lacking in clarity. I have therefore used the Council's description of the proposal from the decision notice which I consider more accurately describes the development. Planning permission was granted in 2010 (2009/03119/FUL) for the change of use of the lower ground floor to a private car hire service for a temporary period of a year. That period has lapsed and it is evident that the business has operated from the property since. As such, the proposal has been described as 'retention of'. Retention is not an
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act of development, however, and I have therefore omitted reference to it from the formal decision. For the avoidance of doubt, on the evidence before me, my consideration of the appeal relates to the proposed change of use of the lower ground floor to a private car hire service.

Main Issue

3. The main issue is the effect of the proposal on highway safety in the area.

Reasons

4. This appeal property relates to the lower ground floor of a three-storey building on Goldhawk Road which is currently occupied by the offices of a private hire car service business. The ground floor is occupied by a separate insurance company. To the front of the property is a small forecourt area which provides parking for 1 one car. The surrounding area has a mixed commercial character including retail, food and drink and professional and financial services. There are also surrounding residential streets.
5. Goldhawk Road is classified as a Tier 2: London Distributor Road under Policy DM J6 of the Hammersmith and Fulham Development Management Local Plan 2013 (DMLP). It is, as such, identified as a route of strategic importance and Policy DM J6 states that development will not be permitted if it would prejudice the effectiveness of these roads to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around, but not within, local areas.
6. The Council's concerns largely derive from the potential for the premises to be used as a base for the drivers of private hire vehicles which would in turn lead to an increase in parking stress and the unsafe parking of vehicles on Goldhawk Road and the surrounding residential streets. Transport Policy 34 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (PGSPD) states that the Council will seek off-street servicing for all new development. No such space is provided to serve the business as the parking space to the front is exclusively for the use of the insurance business on the ground floor.
7. Nevertheless, the appellant indicates that the business operates as a booking office which is solely for the use of administrative staff and is not used as a base for drivers. Moreover, no customers are permitted on the premises. Indeed, the booking office is inaccessible from the front of the shop which I agree discourages walk-in trade. The appellant indicates that business is sourced solely by phone, that driver collections occur entirely from customer addresses and that all journey details are given to drivers via a data display within their vehicles. Drivers do not wait at the office between collections and do not visit the property to load or unload passengers.
8. It is indicated that drivers only ever attend the office on rare occasions for administrative tasks and do so at set times. They do not visit the property to load or unload passengers. To that end, in the event that drivers are required to attend the office for such tasks, I have no reason to believe that such parking demand could not be accommodated within the dedicated on-street parking spaces along Brackenbury Road and surrounding streets. Indeed at the time of my site visit there were several dedicated on-street spaces available a short walk from the appeal site. Whilst I recognise my observations

are only a snapshot of a particular time of day, I have no evidence to suggest they are not representative of typical parking conditions.

9. I recognise several private vehicle hire businesses operate on and around Goldhawk Road which has resulted in a high demand for on-street parking. However, a high demand for on-street parking is common place in such commercial areas and, whilst some parking may be required as a result of the proposal, given the size of the taxi office and the operating arrangements of the proposed business, I do not consider the change of use would materially add to such problems. Whilst I note the Council regularly receives complaints from local residents regarding private car hire services parking on and around Goldhawk Road, there is no evidence that such complaints specifically relate to the appeal premises. As a result, on the evidence before me, I am satisfied that the use is unlikely to result in indiscriminate parking on Goldhawk Road or the surrounding road network and will not, as such, prejudice the effectiveness of the highway network.
10. I conclude, therefore, that the proposal will not have a harmful effect on highway safety in the area. Consequently, the development complies with Policy DM J6 of the DMLP. It also accords with Policy DM J1 of the DMLP which states that proposals will be assessed for their contribution to traffic generation and their impact on congestion on the primary route network. Finally it accords with Transport Policy 34 of the PGSPD as well as Policy T1 of the Hammersmith and Fulham Core Strategy 2011 which states that appropriate parking should be provided to meet the essential needs of the development.

Other Matters

11. The appeal property is located in the Bradmore Conservation Area. The Council has not raised any concerns in this regard. The appeal site is in a predominately commercial area and there would be no material change in the appearance of the building. I am satisfied therefore that the proposal preserves the character and appearance of the conservation area.

Conditions

12. I have considered the conditions suggested by the Council. I agree a condition restricting visits to the premises from drivers is necessary in the interests of highway safety, however, I agree with the appellant that a limit of one weekly visit would be unreasonable and unenforceable. A condition to prevent any signage on the building for the purposes of advertising the business is not necessary as I have no evidence that the lack of such signage would discourage customers from visiting the premises to any significant degree. Nevertheless, I agree a condition preclude customers from the premises or from being picked up or dropped off is necessary to prevent indiscriminate parking on Goldhawk Road. Likewise, a condition restricting communication methods with private hire vehicles is necessary.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR