



Appeal Decision

Site visit made on 21 January 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2025

Appeal Ref: APP/H5390/W/24/3351734

173 Dalling Road, Hammersmith and Fulham, London W6 0ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs Frame against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/00473/FUL.
 - The development proposed is describes as Existing cellar and ground floor rear/kitchen and living area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
2. As this is a failure case, the Council did not determine the planning application within the required timeframe. Therefore, the appellants have chosen to appeal against non-determination. The council indicated within their statement of case that had they determined the proposal it would have been refused planning permission. This is based on two reasons - the absence of both an acceptable construction method statement and a construction logistics plan, in the interests of highway and public safety.
3. The proposal before me at appeal relates to a rear in-fill extension at the dwelling as well as the enlargement of the basement area in order to provide increased family space as well as the excavation of a front lightwell. The principle of the proposal is not in dispute between the parties and I have no reason to form a different view on the matter. As the area in dispute between the parties relates to construction works and highway and pedestrian safety only, therefore I will focus on this issue.

Main Issue

4. The main issue of this appeal is the effect of the proposal on highway and pedestrian safety.

Reasons

5. The appeal site is located within the Bradmore Conservation Area. Its significance is derived from the rich and varied architectural styles seen across the sub areas although it is by and large a Victorian suburb expansion. The appeal site is located on a residential road with a verdant character and some differing ranges of build-form evident together with a striking large-scale red brick Ravenscourt Park Mansion block. The appeal site is an attractive decorated Victorian two storey dwelling that forms part of a wider terrace. It adds positively to the significance of the CA.
6. As the proposal relates to a building and is within a conservation area, I have had special regard to sections 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act). From my assessment of the proposal, it would lead to a neutral effect upon the character and appearance of the CA.
7. The proposal seeks to extend a residential dwelling. The complication of the works is largely attributed to the excavation of the lower ground basement and the context of where the dwelling is located in a tight knit residential area and close to a local primary school, and is furthermore a constrained site. Given the complexity of the works involved, construction logistics are essential to enable the safe movement of all vehicles both construction related and otherwise, on-street parking and the safe passage for cyclists and pedestrians.
8. The front of the site would be screened by hoardings and the front garden used for storage with no direct access for construction vehicles into the garden. A hoarded skip would be positioned within a suspended parking bay outside the site for largely the duration of excavation works. The excavated material would be loaded into the skip via a conveyor belt at high level from the garden carrying waste material. The demolition processes, construction operations, utilities connections all form part of the proposal and generate a substantial number of vehicular trips, increased pressure on the road network as well as the need to safeguard the safety of public users of the highway network. As a whole, the project would involve around an 11 month programme.
9. A draft Construction Logistics Plan (CLP) has been submitted to the Council by the appellants based on the proportionality of the scale of works involved. A CLP is a broad framework to understand the parameters to manage construction vehicle activity in order to safeguard parking availability, traffic flow, road safety and residential amenity and more, during site construction operations. It sets out details for routing of vehicles, site access, vehicle call up procedures, details of traffic diversions and site responsibility procedures, amongst other things.
10. The Council's Hammersmith and Fulham Local Plan policy DC11 is specific in seeking a Construction Method Statement (CMS) to be submitted with an application when consent is sought for basement extensions, in association with a construction traffic management plan (CTMS) as required through Policy DC11 part L. Overall, this is to ensure that construction traffic activity does not cause unacceptable harm to pedestrian, cycle and vehicular road safety. Furthermore, Local Plan Policy T7 is also targeted to protect the highway network from the effects of activities arising from demolition, construction, utilities and other logistical operations.

11. The Council confirm the CMS complies in part with the requirements of policy DC11 although they consider it does not meet the requirements of part L of the same policy in terms of the CTMS that is attached to the CMS.
12. From the information before me I do not consider there is sufficient evidence from the appellants by way of the Design and Access Statement and contractual letter from Richard F Gill Associates is satisfactory to understand the construction works involved, sequence of building operations or logistics of site operations is properly detailed.
13. Furthermore, even if the Council supports a planning condition to secure an updated version of the CPL in the interest of flexibility, I am not convinced that the content of the CPL is sufficiently robust to understand the impacts of the proposed construction operations on road and pedestrian safety to instil confidence that it would be properly mitigated.
14. I note there is limited information on a schedule of site works to understand the sequence of construction events in a logical programme. Despite the fact the appellants consider they cannot be precise with start dates based on planning permission, irrespective of this, there should be some semblance of a plotted timeline to construct the development based on scheduled tasks and milestones. This therefore informs the construction operations at the site going forward. These will require careful planning and professional input given the context of the site and nature of works involved.
15. I could see from my inspection that there are parking restrictions along the street. These allow parking for local residents with a residents parking permit and an option to pay for on-street parking for a maximum period of eight hours. I note some local streets operate parking restrictions in the same way.
16. This flexibility allows the opportunity for on-street parking for the likes of site operatives' vehicles to park in the existing parking bays for a long period of time. A skip would also remove a parking space for a considerable duration of site works. This has the effect of displacing residents' vehicles causing a highway safety issue especially in an area where parking stress is up to about 90%. Therefore, the capacity for on-street parking is already in high demand.
17. It would be further stretched if parking suspension orders for the development are also required. There are limited details of how frequently this would occur, even if the appellants explained they would minimise this. I also noticed during my time on site that a number of parking suspension orders were planned. The existing building works I observed at 161-163 Dalling Road will also exacerbate the demand. All these things considered leads me to the view that here is an acute likelihood of the proposal leading to detrimental effects upon parking demand, and the local highway.
18. Moreover, I cannot be certain that only '1 or 2' vehicles would be predicted to arrive at site each day. There is no detailed schedule of works presented for me to accurately assess the effects of the proposal. Deliveries/pick ups from operators to and from the site would be likely forced to load and unload on the street in front of the area where the skip would be in place which would be in-situ for quite some duration of the project. There may be no on-street parking available. On-road activities will require time to fulfil with limited details of how this would be managed, meanwhile, pedestrian safety would be put at risk.

19. These events would have a further effect on highway safety as the free flow of traffic would be impeded whilst on loading/off loading occurs, and given where the junction of Nasmyth Street is located, conflict between vehicles, cyclist and pedestrians would likely arise. Although vehicles may exit the site in a forward gear, a banksman or watcher may be on hand, I am not convinced there is sufficient detail before me to persuade me this could be effectively controlled to mitigate the impacts of the proposal on the highway network, especially as vehicle tracking has not been acceptably scheduled. The area is residential in character and roads are constrained and a local primary school is within close quarters. The wider effects of the impact on the development on this is not adequately evidenced to safeguard the highway network or the free flow of public users.
20. I note the reluctance of the appellants to agree to a planning condition being imposed with regards to both the CMS and the CLP. The appellant bases this on guidance contained within the Construction Logistics and Community Safety (CLOCS) standards as this type of development meets the 'lower' level of impact (by them using the construction costs as set out within the CLOCS). On this assumption they consider there has been sufficient information submitted to address this area, especially as they are of the view what has been submitted is proportionate to the size of the scheme.
21. However, be that as it may, and despite what the appellant considered to be a small enlargement to the dwelling, the logistical implications based on the complexity of the proposal, over a prolonged period of time requires a thorough understanding of logistics to demonstrate the highway network is adequately safeguarded.
22. The appellants bring to my attention examples of other local developments where CLP have been required and highlights the indiscriminate parking and other violations that have occurred during building operations. Those are incidents related to other developments and can be reported to the Council for investigation. Whilst I am aware of other building works occurring locally as well as previous examples where CMP's are required, these are particular to that specific site and taken on a case by case basis. I need to be satisfied all information is before me pertaining to this proposal.
23. To conclude on this matter, the appellant has not demonstrated that the proposal would safeguard the free flow of the local highway network and would not have an adverse impact on pedestrian and cycle safety, contrary to the National Planning Policy Framework, the London Plan 2021, policies T7 and DC11 of the Hammersmith and Fulham Local Plan and Key Principles TR19, TR20 and TR21 of the Planning Guidance Supplementary Planning Document 2018 which all aim to mitigate the effects of development and to protect the highway network and its users.

Other Matters

24. The improvements to the living quarters would be an advantage to the appellants. It would have a neutral effect upon the character and appearance of the conservation area. However, as a totality, these are neutral in the overall scheme of things and neither weigh for or against the proposal.

25. I read the frustration of the appellants in terms of their experience with the Council pertaining to the planning process and duration. However, this is not within my sphere of comment and therefore I refer you to the Council in the first instance.

Conclusion

26. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed and planning permission is refused.

Alison Scott

INSPECTOR

