



Appeal Decision

Site visit made on 2 April 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/H5390/W/24/3355569

Land adjacent to 2 Effie Place, Hammersmith and Fulham, London SW6 1TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Jones against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/02801/FUL.
 - The development proposed is the creation of x3 new build flats on land adjacent to 2 Effie Place.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Simon Jones against the Council of the London Borough of Hammersmith and Fulham. This application is the subject of a separate Decision.

Main Issues

3. The main issue is the effect of the proposed development on highway safety and air quality with regard to the loss of the Effie Road turning head, and car parking.

Reasons

4. The appeal site is adjacent to a semi-detached pair of dwellings with the closest being 2 Effie Place. It includes an area of incidental landscaping, 4 parking bays, and the road's turning head.
5. Effie Place is a narrow dead-end road accessed from Effie Road. It has residential properties along it and an age exclusive housing complex, Granville House, at the end. On the opposite side of the Effie Place / Effie Road junction (the junction) is The BIMM Music Institute, an academic establishment.
6. Effie Road has a mix of academic, commercial, and residential uses along its length, so is heavily used for deliveries, access, and parking. It is a no-thru road and there are parking bays along both sides which makes it single lane causing when vehicle try to pass in opposite directions. Any cars entering Effie Road must turn before they can leave in a forward gear. As observed during the site visit, Effie Place often provides the space for cars to turn but larger vehicles are forced to turn in the junction itself. Due to the narrowness of Effie Road and proximity of the parking bays this means the turn can take multiple manoeuvres and may even require vehicles to back up Effie Road to provide space. This layout is constrained, awkward and creates a high level of potential conflict between moving and turning

vehicles. The conflict potential is further increased by the high level of pedestrian and cycle movement around the junction either accessing the nearby premises or cutting through the area.

7. The proposal would remove the turning head and so remove any opportunity for cars to turn conveniently and safely. This would mean cars would also have to use the junction to turn, after first reversing out of Effie Place. This would not only further impede the free flow of traffic but further increase the potential of conflict between vehicles, cyclists, and pedestrians around the junction. Hence, the proposal would fail to promote a safe environment for cyclists and pedestrians and not provide adequate opportunity for delivery or service vehicles to turn other than in the already heavily used and constrained junction.
8. The proposal was submitted with a transport statement which is dated December 2020 and references data collected as far back as 2016, as well as the potential impacts that the COVID pandemic had on parking numbers. It states that the proposal would likely attract one additional delivery/service vehicle per day but has not provided evidence to support this conclusion. Therefore, without corroborating evidence or up to date figures this transport statement carries little weight.
9. It is acknowledged that matters relating to the turning head were not brought to the attention of the appellant within the approval of the previous scheme, 2020/03477/FULL. Although, this permission has expired so carries limited weight, it has not been satisfactorily shown that the conditions relating to highway safety at the time of that decision are comparable to the current situation.
10. As observed on site there is clearly a high potential of conflict between various road users and there is nothing before me to evidence how the proposal would not make the current situation worse. So, taking a precautionary approach as the loss of the turning head would be permanent with no opportunity to replace it, I am not satisfied that the evidence demonstrates the proposal's acceptability in light of highway safety.
11. Thus, the proposal would fail to comply with London Plan (LdnP) Policies T4 and T7, and Local Plan (LP) Policy T1, insofar as they seek to reduce road danger, promote efficient deliveries and safe environments for cyclists and pedestrians.
12. As residential development, there is a likelihood it would attract additional cars into the area. Both LdnP Policy T6 and LP Policy T4 require, amongst other things, that car-free development should be the starting point for all development and justification is required should car parking be considered necessary. Taking this into account and with nothing to support a differing conclusion, I am satisfied that due to the appeal site's very good transport links (as identified by its PTAL¹ score of 5) it stands to reason that the proposal should be secured as car-free development.
13. It would, therefore, be necessary to prevent future occupants of the proposal applying for car parking permits. This is most commonly secured by obligation. The appellant has not submitted an agreement to secure this, but has proposed the use of a condition, giving examples. Such a condition would have to be negatively worded, and its use supported by evidence showing how compliance with it would be possible.

¹ Public Transport Accessibility Levels

14. There is nothing before me to detail the mechanism the appellant is seeking to secure by condition, how that mechanism would be actioned and whether other parties that may be required to act as part of that mechanism are aware. Therefore, in this instance, there is not enough certainty in detail to ensure the use of such a condition could be considered reasonable and enforceable. Accordingly, the proposal cannot be secured as car-free development and so fails to comply with LdnP Policy T6 and LP Policy T4.
15. This would also be the case in relation to air quality. Vehicle emissions impact air quality and poor air quality has a direct impact on the health of residents, which should be protected. That the proposal cannot be secured as a car-free development any cars it attracted would add to the cumulative effect existing car emissions have on the deterioration of the existing air quality in the area. Consequently, the proposal would also fail to comply with LdnP Policies T2 and SI1 which, amongst other things, seek to promote healthy streets by reducing car dominance and vehicle emissions.
16. Accordingly, the proposed development would have an unacceptable effect on highway safety and air quality with regard to the loss of the Effie Road turning head as well as car parking. It would fail to comply with LdnP Policies T2, T4, T6, T7 and SI1, and LP Policies T1 and T4.

Other Matters

17. It is acknowledged that no harm has been found in relation to character and appearance, the setting of the adjacent conservation areas, living conditions of future occupants, cycle and refuse storage, construction logistics, and contamination. However, a lack of harm, by definition, cannot weigh for or against the proposal.
18. Interested parties have raised concerns relating to the living conditions of the occupants of 8 Effie Place, construction disturbance, access for those less able and the loss of trees and open space. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.

Balance and Conclusion

19. The proposal would provide additional residential units, and the Framework does seek to boost the supply of housing. Although this would attract moderate weight, housing provision should not come at the cost of highway safety or air quality, a position also supported by the Framework, so in this instance I do not find this benefit would outweigh the harm identified.
20. Consequently, for the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR