



Appeal Decision

Site visit made on 4 June 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/H5390/W/25/3360797

Ground and Basement, 94 New King's Road, London SW6 4LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Ms S Erkmans (Queensbridge Investments Ltd) against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/02365/PMA56.
 - The development proposed is the change of use of the ground floor and basement from a hairdresser (Class E) to a self-contained flat (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Class MA of Part 3 of Schedule 2 to the General Permitted Development Order (the GPDO) permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to a use falling within Class C3 (dwellinghouses) of Schedule 1. My determination has been made on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would make adequate provision to restrict future occupiers from applying for parking permits and the effect on highway safety; and
 - whether the proposal would make provision of adequate natural light in all habitable rooms.

Reasons

Highway safety

4. The appellant has submitted a Unilateral Undertaking concerning future occupiers not being able to apply for on-street car parking permits other than Blue Badge Holders. However, this undertaking is not complete as it doesn't include the address of the witness. The undertaking also states that the owner, given as Waltonfortune Holdings Limited, has submitted the Prior Approval application, but there is a different company name provided as the appellant on this appeal. The

effect of the absence of an accurate, completed undertaking is that there is no mechanism to restrict future residents' ability to apply for parking permits.

5. The site is in an accessible location to public transport which would reduce reliance on the car as a mode of transport. The proposal, although for a one-bedroom flat, would nevertheless generate a demand for car parking in an area where there is very limited space available for parking. From my observations on site, this would result in increased parking stress and vehicle movements, and the potential for illegal or unsafe parking which would be prejudicial to highway safety.
6. In conclusion, the proposal would fail to make adequate provision to restrict future occupiers from applying for parking permits and it would have an unacceptable harmful impact on highway safety. As such, it would fail to comply with, insofar as they are material considerations, Policy T4 of the Hammersmith & Fulham Local Plan and Section 9 of the National Planning Policy Framework, which seek, amongst other matters, car parking permit free measures on any new development.

Natural light

7. The proposed flat would have a living room/kitchen at ground floor level that would be served by a large window. Despite the depth of the room, the large size of the window would ensure adequate natural light to this habitable space. Concerns have been raised that the property directly faces the pavement and is on a busy shopping parade, and this may necessitate privacy measures such as obscure glazing or blinds. However, given the height of the front window above the average head height of a typical pedestrian, I consider that even with such measures, adequate natural light could be provided to the living room/kitchen area.
8. The proposed bedroom would be served by a window that faces a garage to the rear, with the presence of other structures to the boundaries to either side of the appeal site. An internal daylight assessment¹ has been provided which demonstrates that the rooms comply with the BRE guidelines for internal daylight. The outdoor space at the rear would be associated with the proposed flat and excessive steps to ensure privacy that could impact on natural light are therefore not likely to be necessary.
9. Although the basement would not benefit from any natural light, this lower level, despite it representing a significant extent of the overall floor space, would not have any habitable rooms.
10. I therefore conclude that the proposal would provide adequate natural light in all habitable rooms.

Other Matter

11. Whilst the current lawful use of the site within Class E has the potential to generate vehicular traffic from employees, visitors and deliveries, I have not been provided with a detailed comparison of this to the proposal. I have found the transport and highways impacts of the proposed development unacceptable for the reasons set out.

¹ Internal Scheme Performance (Sunlight Assessments UK)

Conclusion

12. I have found the proposed development would be acceptable in relation to the provision of natural lighting, but it would have unacceptable highway impacts. I conclude, for the reasons given above, that the appeal should be dismissed.

F Rafiq

INSPECTOR