



Appeal Decision

Site visit made on 19 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025.

Appeal Ref: APP/H5390/W/25/3367810

Lyric House, 149 Hammersmith Road, Hammersmith and Fulham, London W14 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required 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 appeal is made by Lyric Hammersmith Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/02381/PMA56.
 - The development proposed is change of use of the existing building from offices (Class E) into 33 self-contained residential flats (Class C3) comprising of 6 x 1 bedroom 1 person, 19 x 1 bedroom 2 person, 6 x 2 bedroom 3 person and 2 x 2 bedroom 4 person units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A draft legal agreement has been submitted which includes a mechanism to restrict future occupiers from applying for a car parking permit. As this agreement has not been completed, I have determined the appeal on the basis that it is not in place. Therefore, I have not taken this into consideration in my decision.

Background and Main Issues

4. 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) provides for a permitted development right for the change of use of a building falling within use Class E (Commercial, Business and Service) to Class C3 (Dwellinghouses). Paragraph MA.2.(2) of the GPDO requires that where any development under Class MA is proposed, before beginning the development, the developer must apply to the local planning authority for the prior approval of a number of matters. The Council refused the application in relation to the development's transport impacts and fire safety.
5. On that basis, the main issues are whether prior approval should be granted in relation to the development's transport impacts and fire safety.

Reasons

Transport impacts

6. Lyric House is an office building situated on Hammersmith Road, a busy distributor road which incorporates an advisory cycleway, close to the signalled junction with

Brook Green. There are parking restrictions in place to the site frontage and at my site visit I observed that there is limited parking capacity in the surrounding area.

7. Hammersmith and Fulham Local Plan (2018) policy T4 states that the Council will require car parking permit free measures on all new developments, unless evidence is provided to show that there is a significant lack of public transport available. The supporting text goes on to state that the council will only consider the issuing of permits for on street parking in locations where the public transport accessibility level (PTAL) is 2 or lower. The site has a PTAL level of 6b, indicating an excellent level of public transport accessibility. The main parties agree that the site has excellent access to facilities, services and public transport.
8. The development would provide cycle storage in accordance with the requirements of London Plan (2021) policy T5. Given this, and the site's excellent public transport accessibility, occupants would have a range of transport modes available to them, and they would not necessarily have to rely on a car for day-to-day requirements. This would likely lessen reliance on the private car and so therefore car parking. Nonetheless, no mechanism is before me to restrict future occupiers from applying for a parking permit. Given the scale of the development, even with the range of transport modes available and the measures set out in the Framework Travel Plan to encourage travel by sustainable means, there is a significant possibility that the development would generate some private car ownership. Given the parking restrictions in the surrounding area and limited capacity for additional on-street parking this would contribute to increased parking pressure in the surrounding area.
9. The submission provides limited details on the effects of construction on the highway network or how these effects would be managed. Whilst the conditions of class MA do not specifically ask for details of construction management, I am satisfied that they fall under the wider 'transport impacts of the development', the approval of which is a requirement of the class MA prior approval application. The appellant suggests that details of construction management could be secured by a pre-commencement condition. However, given the characteristics of the site and the surrounding highway network, on the basis of the limited information before me I cannot be assured that a scheme to deal with the development's effects on the highway can be achieved to the Council's satisfaction. Given this, the condition would not meet the tests set down in the PPG.
10. The operational waste management plan sets out that bins would be collected directly from the ground floor waste store with collection from the kerbside of Hammersmith Road adjacent to the waste store. The submission is supported by a swept path analysis drawing showing that a 10m rigid vehicle can safely pass the refuse vehicle on the kerbside on collection days. The appellant's submission sets out that the existing refuse collection frequency is daily. The proposed weekly refuse collection schedule would result in a reduction in the frequency of trips by refuse collection vehicles.
11. The Transport Statement sets out that the existing office use generates a maximum of 15 delivery and servicing vehicle trips per day and the proposal would generate a maximum of 3 delivery and servicing vehicle trips per day. This results in a significant reduction in the number of delivery and servicing vehicle trips. I have not been presented with any compelling evidence that these estimates are inaccurate.

12. In light of the above, the number of delivery and servicing and refuse vehicle trips associated with the development would reduce and there is no compelling evidence that these trips would have any greater impact on the highway network than the existing use. There is no suggestion that the current arrangements cause harm to the free flow of traffic on Hammersmith Road or the cycle route or that they have resulted in collisions between vehicles or with pedestrians or cyclists. Given this, the arrangements for delivery and servicing and refuse collection are acceptable.
13. I find that the transport impacts of the proposed refuse collection and delivery and servicing would be acceptable. However, in the absence of a mechanism to secure car-free development and the resultant effect on parking stress in the area, I conclude that the development would lead to unacceptable transport impacts. Additionally, in the absence of satisfactory details of construction management, it has not been demonstrated that construction impacts on the highway network would be acceptable. I therefore find that the proposal would not satisfy condition MA.2.(2)(a) of Schedule 2, Part 3, Class MA of the GPDO.

Fire safety

14. Condition MA.2 (2) (i) of Class MA requires regard to be had to fire safety. The Council raise concerns that the single escape stair would be made vulnerable by the connection to proposed ancillary areas, such as the ground floor storeroom, refuse store and cycle storage. The appellant has submitted a Planning Fire Statement which sets out that the use of protected lobbies to these ancillary facilities meets the requirement of building regulations provided they have included the requisite smoke control and ventilation requirements. The submission clarifies that these features would be provided and thus the fire safety strategy would comply with building regulations. Given this, I have been presented with no compelling reason to find that the fire safety strategy would be unacceptable.
15. For the above reasons, I conclude on this issue that the proposal would be acceptable in relation to fire safety and would satisfy condition MA.2(2)(i) of Schedule 2, Part 3, Class MA.

Conclusion

16. The development would make acceptable provision in relation to fire safety in accordance with MA.2.(2)(i). However, it has not been demonstrated that the transport impacts of the development would be acceptable, in accordance with MA.2.(2)(a).
17. Therefore, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR