



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/25/3366772

Beaumont House, Kensington Village, Avonmore Road, Hammersmith and Fulham, London W14 8TS

- 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 Schroders Capital UK Real Estate Fund against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2025/00186/PMA56.
 - The development proposed is application for Prior Approval under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GDPO') for the change of use of the existing office accommodation to provide residential accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission includes documents which did not form part of the planning application (Healthy Streets Transport Assessment, Proof of Evidence of Natural Light, ownership plan- PL002). These documents do not represent an amendment to the scheme. The Council has had the opportunity to comment on these. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to these documents in determining this appeal.
3. A Unilateral Undertaking (UU) has been submitted with the appeal which includes a mechanism to restrict future occupiers from applying for a parking permit. The Council has been given the opportunity to comment on this UU. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this in my decision. I will return to this matter later 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, development is permitted subject to the condition that the developer apply to the local planning authority for the prior approval of a number of matters. The Council refused the application in relation to natural light provision and the development's transport impacts.

5. In light of this, the main issues are whether prior approval should be granted in relation to the provision of adequate natural light and the development's transport impacts.

Reasons

Natural light

6. The site comprises Beaumont House, a 5-storey office building. The proposal would result in the creation of 119 single aspect flats over 5 floors. Condition MA.2 (2) (f) of Class MA requires regard to be had to the provision of adequate natural light in all habitable rooms of the dwellinghouses. Paragraph W subparagraph 2 (2a) states that "where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses."
7. There is no definition within the GPDO as to what constitutes adequate natural light. The appellant has submitted an Internal Daylight Report (IDR) carried out in accordance with the Building Research Establishment publication Site Layout and Planning for Daylight and Sunlight, a Guide to Good Practice (2022) (BRE). The IDR sets out that all the rooms would meet minimum targets for sunlight of receiving at least 1.5 hours of sunlight on 21 March, but that 26 habitable rooms would not achieve the minimum targets in relation to daylight. However, this assessment did not take into account the 29-storey development at 100 West Cromwell Road (100 WCR) under construction near to the site.
8. The Proof of Evidence on natural light (PoE) considers the effect of the development at 100 WCR on daylight and sunlight levels. It includes a median daylight illuminance (MDI) assessment which sets out that once the development at 100 WCR is completed, 52 habitable rooms would fail to satisfy the BRE guidelines on daylight levels and 93 habitable rooms would drop below the target values for sunlight exposure. The evidence indicates that some of these rooms would receive less than 2/3 of the required daylight illuminance, and some would receive as little as 0.5 hours of sunlight on 21 March, 1/3 of the required minimum target. Given this, following the completion of 100 WCR, the development would result in a number of rooms which would fail to meet the BRE standards for daylight and sunlight. In some rooms the shortfalls in daylight and sunlight would be notable.
9. Whilst the BRE is only guidance, the IDR and PoE, which suggests compliance with the standards, do form a material consideration and both indicate that there would be shortfalls in daylight and sunlight to some of the habitable rooms, in particular once 100 WCR is completed. Whilst it is stated that the target daylight level of 150-lux would be achieved for the front part of the affected rooms, the openings would fail to provide adequate levels of natural light to the remainder of the rooms. Consequently, the affected rooms would be dark and uninviting spaces in which to spend time, to the detriment of the living conditions of future occupants.
10. In support of the proposal the appellant refers to the densely populated site location. It is stated that several buildings in London¹ also have shortfalls in daylight and sunlight levels, and this is supported by daylight and sunlight assessments for these buildings. However, whilst I have no reason to doubt the appellant's suggestion that these developments are desirable to prospective occupiers, that is

¹ Butlers Wharf, Dundee Court, Palace Mansions, Argyll Mansions

not to say that they provide an acceptable living environment in relation to levels of natural light, and in any case, I don't know what the prevailing policies or regulations were guiding the availability of light when these developments were approved and built. Therefore, this is not a matter which weighs in favour of the proposal.

11. In support of the proposal, an appeal decision² is referenced in which the Inspector noted that all of the dwellings would receive daylight meeting the BRE 2011 guidelines, and that the shortfalls from the BRE 2022 guidelines for daylight would be relatively small. In the current appeal the shortfalls in daylight and sunlight against current BRE standards are far from 'relatively small'. Given this, the current appeal differs from the decision to which I have been directed.
12. I note that the BRE sets out that its guidelines should be interpreted flexibly and that the National Planning Policy Framework states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. Nonetheless, the Framework is also clear that this should not be at the expense of providing acceptable living standards. Given the shortfalls outlined above, the proposal would fail to provide acceptable living standards in relation to natural light.
13. My attention has been drawn to a prior approval application which, it is stated, was determined by the Council without an internal daylight report³. There is limited information before me regarding that development. In any case, even if that development failed to provide adequate levels of daylight, that would not justify further development which fails to provide acceptable natural light levels. I therefore afford this decision limited weight.
14. In light of the above, I conclude that the development would fail to provide adequate natural light in all habitable rooms. I therefore find that the proposal would not satisfy condition MA.2(2)(f) of Schedule 2, Part 3, Class MA of the GPDO.

Transport impacts

15. The site is located within Kensington Village, a gated development with controlled vehicular access between 7am and 10pm. Whilst not within the site, the basement of Beaumont House comprises car parking for the Kensington Village development. The development is accessed from Avonmore Road and Stanmore Road, both of which have parking restrictions in place between 9am and 8pm. At my site visit I observed that there is limited parking capacity in the surrounding area.
16. 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 4 and 6a, indicating good to excellent levels of public transport accessibility. In light of this, and guidance set down in the Planning Guidance Supplementary Planning Document (2018) (SPD) which sets out that development in areas well connected

² APP/F5540/W/22/3294272

³ Application 2024/01303/PMA56

by public transport will be expected to be car-free, the Council set out that the units are required to be car parking permit free, to be controlled via a legal agreement.

17. The appellant has submitted a UU which stipulates that occupiers shall not apply for a parking permit for any controlled parking zones in the borough (other than a Blue Badge Holder). However, the UU does not provide evidence of the signatory's title to the land. I cannot therefore be satisfied that all persons with an interest in the site are a signatory to the obligation. Thus, the obligation before me is incomplete and its implementation uncertain, and there is no mechanism 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 to occupiers, it is likely 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 area.
18. The submission includes a Healthy Streets Assessment which considers the impact on the capacity of the local transport network, concluding that the development would have an appropriate access strategy, would encourage the use of sustainable travel modes and would have a net positive impact on the transport and local highway networks resulting in a net reduction in trips across all modes of transport.
19. The Transport and Waste Briefing Note states that existing restrictions on delivery and servicing to the wider Kensington Village would remain in place between 10pm and 7am and that residents would be made aware of this restriction. Delivery and service vehicles would access via the existing barrier-controlled entrance and undertake loading and unloading activity from permitted on-street locations within the wider development. There is no evidence before me that these existing arrangements cause harm to the safe operation of the highway network, or that the proposal would generate a larger volume of servicing and delivery trips compared to the existing use. It is stated that there are no restrictions on cycles and motorcycle entering the site outside of the restricted hours and that parking restrictions in the surrounding area do not extend beyond 8pm. Given this, I am satisfied that deliveries, including those outside of the restricted hours, can be accommodated without harm to the operation of the highway network.
20. I have found that the transport impacts of delivery and servicing would be acceptable. However, in the absence of a mechanism to secure the car-free nature of the development and the resultant effect on parking stress in the area, I conclude that the development would lead to unacceptable transport impacts. I therefore find that the proposal would not satisfy condition MA.2(2)(a) of Schedule 2, Part 3, Class MA of the GPDO.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR