



Appeal Decision

Site visit made on 23 September 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2025

Appeal Ref: APP/H5390/W/25/3368307

176 Wandsworth Bridge Road, Hammersmith and Fulham, London, SW6 2UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval of details required by a condition of a planning permission.
- The appeal is made by Harvey Kasin against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref 2025/00732/DET, sought approval of details pursuant to conditions 13 and 14 of planning permission Ref 2024/00430/FUL, granted on 25 September 2024.
- The development proposed is change of use of the rear part of ground floor level from retail (Class E) into a 1 bedroom self-contained studio flat (Class C3); erection of a single storey rear extension including formation of a rear garden, following the demolition of existing single storey rear extension.
- The details for which approval is sought relate to the submission of a preliminary risk assessment report and site investigation scheme.

Decision

1. The appeal is allowed, and the preliminary risk assessment, site investigation scheme and supplementary information submitted, pursuant to conditions 13 and 14 of planning permission Ref 2024/00430/FUL, granted on 25 September 2024, are approved.

Background and Main Issue

2. Conditional planning permission was granted for change of use of part of a ground floor shop, together with a small single storey rear extension. This appeal relates to the Council's refusal to discharge conditions 13 and 14 of that planning permission, which require the submission of a preliminary risk assessment (PRA) report and site investigation scheme. The reason given for both conditions is that *"Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site and/or the applicant is proposing a sensitive use. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies CC9 and CC13 of the Development Management Local Plan (2018)."*
3. Policy CC9 of the Hammersmith and Fulham Local Plan February 2018 (the local plan) seeks to ensure that development is not permitted unless practicable and effective measures are taken to treat, contain or control any contamination. Policy CC13 of the local plan relates to development resulting in activity that may be a source of nuisance to occupiers of surrounding properties, and to the development of new residential properties close to uses that pose a potential nuisance or hazard to health. As the proposal is for a residential use and is not adjacent to any premises undertaking polluting uses, I do not consider policy CC13 to be directly relevant to the conditions in question.

4. The conditions in question refer to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004). This government guidance was withdrawn on 8 October 2020, and as such I have had no regard to this in reaching my decision.
5. The appellant considers the conditions in question to be onerous and unjustified. However, the application before me seeks to discharge the conditions rather than to vary or remove them, and as such I must determine the appeal on this basis.
6. The main issue is whether the information submitted covers the details required by the conditions and is sufficient to enable them to be discharged, having regard to the reason for imposing them.

Reasons

7. The appeal site is located within a terrace comprising commercial premises at ground floor level, with basement storage space below, and residential accommodation on the upper floors above. There is a footpath from Ashcombe Street that runs along the rear of the terrace. However, access from this to the appeal site is currently blocked up. The whole of the rear yard, which I am advised has been used as storage space incidental to the ground floor shop, is enclosed and covered over with a corrugated steel roof.
8. At the time of my visit, the ground floor of the appeal site was in use as a café with outdoor seating to the front. Prior to this, I understand that it was used as a shop selling cards and party accessories for approximately 30 years, and before that as a newsagents from the time it came into the appellant's family ownership in September 1951. Adjoining No.178, on the junction of Ashcombe Street, was in use as a hair and beauty salon, and adjoining No.174 comprised a vacant ground floor shop unit. On the opposite side of the junction to Ashcombe Street, I saw that the shop at No.180, Fulham Valeting, offers services including dry cleaning and clothing alterations and repairs. Terraced houses line the opposite side of the road and the streets to the rear.
9. Apart from the small ground floor level commercial units, along part of the western side of Wandsworth Bridge Road, the area is predominantly residential. Development on the eastern side of Wandsworth Bridge Road is late 19th century and on the western side is early 20th century. Historic maps suggest the land was orchard and farmland prior to being developed for housing. Most if not all of the residential and ground floor commercial premises in the area have been extended to the rear. I have not been made aware that any contamination was discovered during any of these developments. The proposal to convert and extend the ground floor level of the existing rear outrigger would involve minimal excavation and ground disturbance.
10. Condition 13 requires that a PRA report, undertaken by a competent person, is submitted to the Council, and that this report shall comprise the following:
 - A desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses – I am satisfied that this has been provided and further supplemented by additional historic records held by the Council and supplied in their letter dated 6 June 2025. As this additional information did not reveal any further evidence of significant concern, its inclusion within the PRA prior to the completion of the site

investigation scheme, would have been unlikely to result in any different conclusions or recommendations being necessary to inform this.

- A site reconnaissance (otherwise known as a visual site inspection or walkover survey) – Whilst a site visit of the area has been undertaken, the PRA report confirms at paragraph 1.3 that no access was possible to the property. Although an internal photograph of the front of the shop, taken through the front window has been provided, the covered rear yard area on which the new extension would be constructed has not been inspected or photos of this area provided. However, this relates to a very small area in which the risk of contamination being visibly present is very unlikely based upon the other information available. As further phase II ground investigations of this area are recommended anyway, I am satisfied that the visual inspection undertaken is sufficient at this stage.
 - A conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and planned at the site – I am satisfied that this has been provided.
 - A qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages – This is unnecessary as no potential pollutant linkages were found.
 - Annex 2 of the Planning Policy Framework (the Framework) defines a competent person to prepare site investigation information as a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation. I have no reason to doubt that the PRA report was prepared by such a person.
11. The Council state the information submitted is insufficient to discharge the condition because the walkover survey is incomplete and further clarification is required regarding historical and current fuel sources, the location and condition of service entries and drains into the existing building, and whether the nearby dry cleaners currently undertake cleaning on or off site. I have already commented on the walkover survey. The current fuel sources have been confirmed as gas and electric for cooking and heating. Chimneys indicate coal or wood would have been burned historically to provide heat. New services would be provided for the new residential unit. The evidence before me indicates dry cleaning is not undertaken from the dry cleaners shop, and that groundwater flow from this shop would be away from the site. If onsite cleaning is taking place, this would be controlled by environmental permitting regulations and registered with the local authority environmental health department. The evidence before me suggests the risk of contamination is very low and the Council's reason for refusal does not justify why the additional information requested is essential, relevant or proportionate. There is also no evidence before me to suggest that the Council has visited the site or has any evidence of its own to support its concerns about risks to human health or the environment resulting from the approved development.
12. As the PRA recommends a phase II investigation, to assess the ground conditions further, to obtain soil samples and, where possible, groundwater samples for contamination analysis, I am satisfied that any contamination present would be identified and addressed to discharge conditions 15-18. The appellant has confirmed their intention to undertake these works.

13. Condition 14 requires that no development shall commence until a site investigation scheme, undertaken by a competent person, is submitted to the Council, and that this scheme shall make provisions, where relevant, for the sampling of soil, soil vapour, ground gas, surface and groundwater.
14. I am satisfied that the submitted site investigation has been undertaken by a competent person as defined by the Framework. It is proportionate to the scale of the development, and it makes suitable recommendations, having regard to the PRA and the requirements of the condition, for relevant further testing to be undertaken. The 3 proposed hand excavated pits to 1.50m below ground level, is considered acceptable given the scale of the development and the likely depth of any excavations required in connection with its construction.
15. My attention has been drawn to a planning permission that was granted for a larger extension, at around the same time as the appeal proposal, at No.164 Wandsworth Bridge Road. This property forms part of the same terraced block as the appeal site and would be affected by the same existing and historic surrounding land uses, but was not subject to contamination conditions, with the Council instead applying a more pragmatic and cautionary approach and imposing an informative requiring that the Council be informed should any unexpected contamination be discovered during excavations. A further application at No.152 Wandsworth Bridge Road was determined on the same basis, and the Council's written response to a request made under the Freedom of Information Act 2000, dated 6 May 2025, indicates that this would be the usual course of action where risks are considered low.
16. I have also been provided with details relating to a development at Nos.182-184 Wandsworth Bridge Road, adjoining the dry cleaners, which also considered existing and historic land uses in the area. Whilst I agree that applicants should source their own information and not rely upon that provided to others, this nevertheless supports the conclusions of the appellant's submissions that the likelihood of contamination from existing and historic uses in the immediate area is very low.
17. I therefore conclude that the information submitted complies with the requirements of the conditions, and is proportionate to the scale and nature of the proposed development, and the scale and nature of the surrounding existing and historic land uses, which are predominantly residential with some very small scale commercial uses that have operated alongside and below residences for over 100 years, without any evidence of harm to health or the environment.
18. Subject to the development being undertaken in accordance with the recommendations of the submitted PRA and Site Investigation Scheme, no unacceptable risks would be caused to humans, controlled waters or the wider environment contrary to policy CC9 of the local plan.

Conclusion

19. The submitted details are sufficient to discharge conditions 13 and 14 of planning permission Ref 2024/00430/FUL. Accordingly, the appeal is allowed.

R Bartlett

INSPECTOR