
Appeal Decision

Site visit made on 14 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/H5390/W/25/3365741

87 Gayford Road, London W12 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Salte 6 Ltd against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2025/00720/FUL.
 - The development proposed is the change of use of an unrestricted storage and distribution unit (Use Class B8) together with the erection of a mansard roof extension and alterations to facilitate the creation of five residential units (Use Class C3) and three roof terraces, together with associated waste and cycle storage provision.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an unrestricted storage and distribution unit (Use Class B8) together with the erection of a mansard roof extension and alterations to facilitate the creation of five residential units (Use Class C3) and three roof terraces, together with associated waste and cycle storage provision at 87 Gayford Road, London W12 9BY in accordance with the terms of the application, Ref 2025/00720/FUL, and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Salte 6 Ltd against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area, including on the nearby Ravenscourt and Starch Green Conservation Area; and
 - planning obligations.

Main Issues

Character and Appearance

4. In its Statement of Case the Council has said that the proposed roof extension, in isolation, would not be out of keeping with its neighbouring context. However, it has said that it should not be considered in isolation. It has expressed what it

says is a fundamental concern relating to the proposed mansard roof extension and associated roof terrace given the extent of the existing built volume on the site and its almost total coverage of the footprint of the site.

5. However, it does not necessarily follow that the extent of existing development on a site would render unacceptable any alterations or additional development, or even require compelling justification. Although the Council has said that similar roof extensions are typically limited to an increase in ridge height of approximately 225-300mm with the existing front roof pitch being retained, any such alteration must also be considered in its context.
6. The appeal scheme would increase the roof pitch such that it would be raised in relation to the roof profile of 89 Gayford Road and adjoining properties. There is not a consistent ridge height or pitch on properties on this part of Gayford Road which results in sometimes quite marked differences in the amount of parapet walls that can be seen between properties, one example being between the appeal site and the adjoining property to its south (85 Gayford Road). Whilst the appeal scheme would create a height differential with its immediate neighbours, particularly the property to its north (89 Gayford Road) which has a relatively shallow roof pitch, I do not find that this would be uncharacteristic or jarring given the varied context within which the site is located which also includes different roof forms, roof-level extensions and terraces. Furthermore, and noting that the Council has not suggested that this aspect of the appeal scheme would cause any other harms (for example in terms of overlooking), I do not find that it is unacceptable in and of itself, or simply because it adds to what the Council considers to be an already intensively-developed site.
7. The Council has also said that the appeal scheme would result in the total overdevelopment of the property to its rear and that this would impact on the nearby Ravenscourt and Starch Green Conservation Area (CA) because most of the rear elevation above ground floor would be visible from Wendell Park and the CA. Given the potential for harm to this designated heritage asset I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. Whilst the current view of the appeal site from the CA might be relatively innocuous and form part of the background when seen from Wendell Park, change does not necessarily equate to harm. In this case the appeal scheme would improve this part of the site, replacing the relatively featureless rear part of the existing built form with a well-considered, appropriately-proportioned residential building that would not appear to be substantially larger, over-dominant or out-of-place in the wider residential context of the Park and the CA. Therefore, I find that the appeal scheme would have a neutral effect on the setting of the CA and would therefore preserve its character and appearance.
9. Overall, I do not find the proposals to be inappropriate, insensitive or over-dominant, or unacceptable in terms of bulk, massing and intensity of development, that they would result in the overdevelopment of the site or that they would be harmful to the character and appearance of the site or the wider area.

10. Therefore, the appeal scheme would not be in conflict with the Act. It would also not be in conflict with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018) (LP) or with paragraphs 135, 139, and 212 of the National Planning Policy Framework (the Framework) which together seek high-quality development that responds to its context and which preserves or enhances the significance of heritage assets, including their settings, and note that great weight should be given to the conservation of heritage assets.

Planning Obligations

11. The appellant submitted this appeal on the basis that the only outstanding matter related to the agreement of planning obligations. It has provided copies of correspondence with the Council which challenge the Council's request for a financial contribution of £150,000, also reminding the Council of the tests that need to be met in respect of planning obligations. Despite the appellant pursuing this matter over a number of months, I have not been presented with any justification from the Council for such a contribution and the Council's Statement of Case is silent on this point.
12. The appellant has submitted two unilateral undertakings (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended), both dated 7 July 2025. It has confirmed that the document that has been certified by Peacock and Co is the version that I should take account of. This includes a mechanism which provides that any obligation which I conclude does not pass the statutory tests for obligations (which are set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (Regulation 122)) shall have no effect.
13. Schedule 2 of the UU provides for a monitoring fee in relation to a demolition and construction logistics plan. I sought justification from the main parties in relation to this. The appellant said that it was not aware of any policy justification for such a contribution and the Council did not respond. In the absence of any justification for the proposed contribution I cannot conclude that it meets the tests in Regulation 122. Therefore, Schedule 2 of the UU shall have no effect.
14. Schedule 3 would restrict the occupants of two of the residential units from applying for an on-street car parking permit. However, in its Statement of Case the Council has said that in light of parking information provided by the appellant, only one unit would have a car parking permit restriction. Therefore, I consider that the obligation as drafted is not necessary to accord with LP Policy T4 which relates to parking standards and parking permit restrictions, that it is therefore not necessary to make the development acceptable in planning terms, and that it should relate to only one unit. Following consultation with the main parties the appellant confirmed that the parking permit restriction should relate only to Flat 1. Therefore, the restriction relating to Flat 5 as noted in Schedule 3 shall have no effect.
15. Schedule 4 provides a mechanism for the appellant to enter into a section 278 agreement to remove the dropped kerb and to improve the footway, along with associated works, on land adjacent to the appeal site. I consider this to be necessary given that motor vehicles will no longer enter the appeal site and that the removal of the dropped kerb would represent improved conditions for

pedestrians and other users. This would accord with LP Policy T3 which seeks to improve the walking environment.

16. Subject to the amendments noted above, the obligations in the UU dated 7 July 2025 would meet the three tests set out at paragraph 58 of the Framework and with Regulation 122, and therefore I can take into account those obligations as part of my decision.

Other Matters

17. Objectors have raised issues in relation to the loss of employment use / the change of use, flood risk, noise and disturbance, waste , loss of privacy through overlooking, the quality of the proposed residential accommodation, traffic and parking pressure, disruption during construction including from dust, air quality, the absence of wider sustainability benefits to the community, and the capacity of local infrastructure and services to accept additional development. Based on the appeal application and the Council's and the appellant's statements of case, I am satisfied that these matters have been fully considered, can be dealt with by planning conditions or obligations where appropriate, that the appeal scheme is satisfactory when assessed against the relevant development plan policies, and that none of these matters should weigh against the appeal scheme.
18. An objector has also stated that the appeal scheme would set a precedent for similar developments. However, each decision must be determined having regard to the particular circumstances of the case and the acceptability or otherwise of the appeal scheme does not have a bearing on the acceptability of proposals elsewhere.

Conclusion

19. I conclude that the appeal scheme accords with the development plan when taken as a whole such that the appeal should be allowed, and that there are no material considerations which suggest that an alternative conclusion should be reached. Therefore, for the reasons given above the appeal should be allowed.

Conditions

20. I have reviewed the conditions proposed by the Council in light of the tests in the Framework and advice in the Planning Practice Guidance, also taking into account the appellant's comments on these.
21. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have also attached the Council's proposed condition which requires the approval of materials which is necessary in the interests of the character and appearance of the area.
22. The Council has also proposed a condition requiring detailed drawings at a scale of 1:20. However, the proposed condition refers to a different site and the justification for this condition refers to locally-listed buildings even though there are none on the appeal site. Taking account of the circumstances of the appeal site, I do not find that such detail is necessary in this case.
23. Conditions which require authorisation of aerials etc. and which limit external pipework, plant, and external structures not shown on the approved plans (such

- as water tanks) are necessary in the interests of the character and appearance of the local area, as is a condition restricting the installation of air conditioning and other ventilation equipment, albeit I have modified the proposed condition to enable domestic ventilation to kitchens and bathrooms to be installed given that smaller-scale domestic equipment is not likely to result in a harmful impact.
24. Conditions requiring the provision of cycle parking and refuse and recycling facilities before the development is occupied, and the retention of these thereafter, are necessary to promote non-car transport and in the interests of the character and appearance of the area.
25. Although the Council proposed conditions seeking the submission of Demolition Management and Logistics Plans, a Construction Logistics Plan, a Construction Management Plan, and a Delivery and Servicing Plan, the appellant has already provided a Demolition Method Statement and Construction Management Plan, a Construction Logistics Plan and a Deliveries and Servicing Plan (Section 8 of the Transport Statement) which I have reviewed and find to be acceptable and proportionate, and necessary to minimise the impact of development on the occupiers of nearby properties and users of the highway network. Therefore, there is no need for such details to be submitted again and I have attached a condition requiring compliance with the submitted documents.
26. A condition relating to temporary site fencing during the construction phase is also necessary to minimise the impact of development on the occupiers of nearby properties and users of the highway network.
27. To ensure that risks relating to flooding are minimised, a condition requiring that the development is carried out and maintained in accordance with the submitted Flood Risk Assessment is necessary.
28. The Council proposed conditions relating to transport and / or industrial noise sources; external noise from machinery, extract / ventilation ducting, mechanical gates, etc.; the separation of noise-sensitive rooms in neighbouring flats; and the separation of commercial and noise-sensitive premises. Notwithstanding that no commercial uses are proposed and that there are no commercial uses adjoining the appeal site, the appellant has set out its approach to the creation of an acceptable noise environment for the appeal scheme and neighbouring occupiers. Having reviewed its Planning Stage Noise Impact Assessment and the Statement of Details to Enhance the Acoustic Detailing for Separating Walls and Floors, I find these to be acceptable and proportionate and that it is necessary to require compliance with the approach set out therein along with the retention of any noise mitigation measures.
29. The Council also proposed a series of conditions relating to contamination including investigation, remediation, verification and monitoring which the appellant has said are not needed. Based on the appellant's submissions, which include Phase 1 and Phase 2 environmental assessments, I do not find that further investigation is necessary. However, I have attached a condition requiring that works proceed in accordance with the recommendations in the Phase 2 Environmental Investigation and that in the event that contamination is encountered, works are suspended so that remediation, verification and monitoring schemes can be agreed with the Council.

30. Although the Council suggested a condition requiring air quality and dust management plans during demolition and construction, this matter is already dealt with in the appellant's Demolition Method Statement and Construction Management Plan and Air Quality Assessment and I have attached a condition requiring compliance with these during construction. Therefore, a separate condition is not required.
31. Furthermore, conditions relating to details of ventilation and air source heat pumps (ASHP) are not necessary because the appellant has confirmed that ventilation is not required and that it would be using electric boilers rather than ASHP.
32. Finally, it is necessary to limit the appeal scheme to Class C3 residential use so that the effects of any change of use can be fully considered by way of a planning application given the proximity of the proposed residential units to other residential units.

P Burley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:
 - Proposed Ground Floor Plan – 300E;
 - Proposed First Floor Plan – 301E;
 - Proposed Second Floor Plan – 302E;
 - Proposed Roof Plan – 303E;
 - Proposed Front and Rear Elevations – 310E;
 - Proposed Section A-A – 311E;
 - Proposed Section B-B – 312E;
 - Proposed Section C-C – 313E;
 - Proposed Section D-D – 314E;
 - Proposed Section E-E – 315E;
 - Proposed Section F-F – 316E;
 - Proposed Section G-G – 317E; and
 - Proposed Section H-H – 318E.
- 3) Prior to commencement of the demolition phase of the development hereby permitted, a scheme for temporary fencing and / or enclosure of the site where necessary shall be submitted to and approved in writing by the Council, and such fencing / enclosure shall be erected in accordance with the approved details and retained for the duration of the building works. No part of the fencing / enclosure of the site shall be used for the display of advertisements.
- 4) The development shall not commence (save for works of site clearance and demolition of existing buildings) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings including details of: the colour, composition and texture of the brick and painted render; the colour, composition and texture of any metal and stone work; all external windows including opening and glazing styles; roof surfaces; roof top plant and general plant screening; and all external hard surfaces including paving have been submitted to and approved in writing by the local planning authority. A sample panel showing the external materials as appropriate shall also be erected onsite for the Council's inspection prior to commencement of the works. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.
- 5) Prior to first occupation of the development hereby approved, details of any aerials, antennae, satellite dishes or other telecommunications equipment to be installed in the development shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no additional aerials, antennae, satellite dishes or other telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

- 6) The development hereby approved shall not be occupied until the refuse / recycling storage enclosures, as indicated on the approved drawings, have been provided. The approved facilities shall be retained for the lifetime of the development.
- 7) Prior to the first occupation of the residential units hereby approved, cycle storage shall be provided in accordance with approved plans. The cycle storage shall be retained for the lifetime of the development.
- 8) The development shall be carried out in accordance with the Demolition Method Statement and Construction Management Plan dated 14 March 2024, the Construction Logistics Plan dated April 2024, the Air Quality Assessment dated March 2024 and the Deliveries and Servicing Plan at Section 8 of the Transport Statement dated April 2024.
- 9) The development shall be carried out in accordance with the details set out in the Phase 2 Environmental Investigation dated 27 June 2024. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the relevant part of the development shall not resume or continue until remediation, verification and monitoring schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 10) The development shall be carried out in accordance with the Flood Risk Assessment dated 8 July 2024. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development and thereafter be permanently retained.
- 11) The development shall be carried out in accordance with the details set out in the Planning Stage Noise Impact Assessment (dated 28 March 2024) and the Statement of Details to Enhance the Acoustic Detailing for Separating Walls and Floors (dated 8 May 2024). All noise mitigation measures shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 12) No plumbing or pipes, other than rainwater pipes, shall be fixed externally on the front elevations (i.e. facing Gayford Road) of the building hereby approved.
- 13) No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected or installed on any part of the roofs of the development hereby permitted.
- 14) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings (other than domestic bathroom and kitchen extract vents where the plant is internal) without planning permission first being obtained.
- 15) The residential units hereby approved shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

End of Conditions