
Appeal Decision

Site visit made on 16 October 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/H5390/W/25/3362818

Hythe House, 200 Shepherd's Bush Road London W6 7NL

- 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 appeal is made by Turley against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/03056/PMA56.
 - The development granted approval is change of use of the ground (part), first, second, third and fourth floor levels from commercial, business and service use (Class E) into 58no. self-contained residential flats (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the Officer Report, the Notice of Refusal and the Appellant's Appeal Questionnaire, as these sources include the reference to the proposed change of use of the ground floor.
3. Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England), Order 2015 (as amended) (GPDO) provides a permitted development right for the change of use of a building falling within Use Class E (Commercial, Business and Service) to Use Class C3 (Dwellinghouses), subject to limitations and conditions.
4. Paragraph MA.1 sets out the requirements to qualify for permitted development under Class MA and there is no dispute between the main parties that the proposed development meets the general requirements listed. I see no reason to question this.
5. Paragraph MA.2 of Class MA requires that development is permitted subject to the condition that, before commencing, the developer must apply to the local planning authority for prior approval in respect of specified matters. In this case, prior approval was refused because the information provided was insufficient to demonstrate that the proposed car-free development, together with its delivery, servicing and waste storage arrangements, would not cause adverse transport impacts. Due to these concerns, the Council also declined to accept the submitted Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 intended to restrict future residents from applying for parking permits, other than blue badge holders.

6. In support of the appeal, the appellant has submitted a significant amount of new and updated documents including a delivery and servicing plan, waste management strategy, technical parking note including a parking survey and revised drawings which include changes to cycle parking typology, cycle storage doorways, refuse chute specification and demarcation of delivery and servicing parking bays. As part of this, confirmation that the Council's Waste Contract Manager agreed to the proposed refuse collection procedure has also been included. The appellant has also submitted a signed UU to prevent future residents from applying for parking permits. It is contended that the additional and updated documents and the signed UU were not required at the application stage as the Council could have secured these matters using planning conditions.
7. However, Schedule 2, Part 3, Paragraph W.(3)(b) of the GPDO states that the local planning authority may refuse an application where, in the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. The Council was therefore entitled to consider the sufficiency of the information provided and was not obliged to use planning conditions to address this.
8. Further to this, the 'Procedural Guide – Planning Appeals – England' makes clear that the appeal process should not be used to evolve a scheme. It advises that appeals are generally determined on the same basis as the original application and should not normally introduce new evidence or technical data that was not before the local planning authority and interested parties at the application stage.
9. The appellant explains that the new technical reports submitted with the appeal seek to address the reasons for refusal and that the revisions to the drawings are non-material. While the changes to the drawings may appear minor individually, they are numerous and include additions such as loading bays and alterations to cycle storage, waste collection and floor areas. The new technical reports also contain a considerable amount of detailed information. Although the appellant undertook consultation on the refuse collection procedure, there is no evidence of wider consultation on the revised drawings or technical reports. Taken together, these revisions and new material represent a substantial and fundamental change to the information considered by the Council, and which was consulted upon at the application stage. As such, accepting the revisions and new material at appeal would risk procedural unfairness to the Council and interested parties, as it cannot be assumed that those entitled to comment have had the opportunity to do so. The revised drawings and new technical reports should therefore not be accepted, and the appeal must be determined on the basis of the plans and documents originally submitted.
10. Notwithstanding the above, I have considered the signed UU separately, as it remains materially unchanged from the version submitted with the application.

Main Issues

11. The main issues in determination of the appeal are:
 - whether prior approval should be granted in respect of the transport impacts of the proposed development, with particular regard to car free development, delivery and servicing and adequate and safe waste storage; and

- whether the submitted UU would prevent the proposed development's future residents from applying for parking permits with the exception of blue badge holders.

Reasons

12. The appeal site comprises Hythe House, a building with five floors of office space and a basement used for plant and storage. It fronts Shepherd's Bush Road and has an open rear car park with 40 spaces. Access to the car park is via a barriered and gated one-way access which enters and exits under the ends of the building.
13. The proposed development would involve the ground floor being reconfigured to provide office space, cycle storage and bin stores, with the upper floors converted to 58 self-contained residential flats. The rear of the site would retain the one-way access arrangement and accommodate deliveries, servicing and disabled parking.

Transport impacts

Car free development

14. The main parties agree that the site has a public transport access level (PTAL) of 6b, denoting excellent public transport accessibility. The development would be car free, providing more than the required 93 long-stay and three short-stay cycle spaces. The existing 40 rear car parking spaces would be reduced to seven spaces for disabled residential use and one for the office. I have no reason to doubt these matters.
15. In relation to cycle storage, the existing 30 stands to the rear of the building would be retained. An additional four short-stay spaces would be provided in the rear car park, and a further 100 spaces would be accommodated on the ground floor within two secure storage areas. Of these, around 6% would be accessible spaces, 20% Sheffield stands, and 74% double-stackers. The proposed ground floor drawing¹ shows entrance door widths to the cycle storage areas ranging between 1.325 and 1.350 metres, and users would need to navigate 90-degree turns to access these areas.
16. While there is a general over-provision of cycle spaces, the Officer Report and the Highways and Transport team indicated that the proportion of Sheffield stands should be closer to 50%. Reference was made to the West London Cycle Parking Guidance 2017 (WESTTRANS), which advises that parking should be easy to use for people of all ages and abilities, with at least 50% of spaces avoiding the need to lift a bicycle, and that ramped or two-tier stands should be limited to less than 50% of provision.
17. In its consultation response, Transport for London (TfL) welcomed 20% Sheffield stands and 5% accessible spaces but raised concerns about the three-door access and narrow door widths and referred to Chapter 8 of the London Cycling Design Standards 2016 (LCDS). This guide recommends no more than two doors and a minimum external door width of two metres for larger cycles. The Highways and Transport team also sought justification for the proposed three-door arrangement.

¹ Drawing Ref: 050100 Rev 05 Proposed Ground Floor Plan.

18. The WESTTRANS guidance indicates that consecutive doors should be avoided unless automated and that no more than two sets of doors should be provided. It further advises that all doors should have a minimum width of 1.2 metres. However, it does not expressly address provision for larger cycles.
19. Although there are differences between the WESTTRANS and LCDS documents, both emphasise that poor design can result in cycle parking not being used.
20. Policy T5 of the London Plan 2021 (London Plan) states that cycle parking should be designed and laid out in accordance with the LCDS. While the use of the word “should” allows a degree of flexibility, it does not justify a standard that would deter the use of the cycle storage.
21. Reference is made to the Mayor of London’s consultation on the “Towards a New London Plan” proposal, which indicates that cycle parking standards may be reviewed in response to industry feedback. The appellant suggests that a reduction in policy requirements is likely in future but acknowledges that there is no certainty that any such change will occur. I therefore attach limited weight to this.
22. I recognise the constraints arising from retrofitting an existing building and the need to incorporate fire access, and I accept that some mitigation could be achieved through automation of the doors and alterations to door sizes and the layout of the cycle stands. However, even with such changes, I am not convinced that the overall access arrangements and layout would result in cycle storage areas of an acceptable standard. As such this would deter future residents from using the cycle stores and cycling.
23. Given the above and the uncertainty over whether satisfactory mitigation could be achieved to make the cycle storage areas acceptable, the use of a planning condition to address this would not be reasonable or appropriate.
24. Further to the concerns regarding cycle storage, the Officer Report and comments from the Highways and Transport team also noted that, for the proposed car free office, no parking survey or assessment of potential parking spillover impacts on the surrounding streets had been provided.
25. A Transport Statement (TS) accompanying the application did consider some of the highway impacts from the proposed development and offered a Travel Plan be secured by a planning condition if concerns on sustainable travel remained. However, it did not assess the potential parking demand generated by the proposed car free office use and did not include a parking survey or any assessment of the likely effect on the availability of on-street parking in the surrounding area.
26. Notwithstanding the lack of an assessment in the TS, it is contended that existing high parking charges and restrictions on staying times on the surrounding streets would deter car free office use parking. However, there is little evidence to demonstrate that this would effectively reduce parking to a level that overcomes the concerns identified. Similarly, there is no substantive evidence to show that the Travel Plan offered in the TS would satisfactorily address the potential parking impacts. While it is argued that any car free office use parking overspill would be small, there is little evidence to support this. Given the uncertainties regarding the extent of parking demand, the capacity of surrounding streets and how any

impacts would be mitigated, the use of planning conditions to secure these matters would not be reasonable or appropriate.

27. Reference is made to the appeal site's previously refused application in 2024 (Ref: 2024/01506/PMA56), where it is contended that the above parking concern was not raised. However, in that case, four car parking spaces to the rear of the site for office use were not accepted, and the Officer Report made clear that they should be removed and that a transport assessment should be submitted to address impacts on the capacity of the transport network at local, network-wide and strategic levels. No evidence has been provided to demonstrate that this requirement did not encompass the need to consider the potential impacts on parking availability within the surrounding area.
28. Based on the above, there is little persuasive evidence to demonstrate that the proposed car free office use would not result in overspill parking by office workers, visitors and the like. Nor has any detailed assessment been provided to show that the locality has sufficient capacity to accommodate such demand. Even allowing for the reduction in office floorspace, the encouragement of active travel and the high level of public transport accessibility, the proposal would in all likelihood increase competition for parking in the surrounding area, potentially leading to undue pressure on the existing provision. With no evidence to the contrary, the proposal would cause unacceptable transport impacts from this aspect.

Delivery and servicing

29. The details in the TS submitted to demonstrate that delivery and servicing would be appropriately managed and would not result in an unacceptable impact on the highway are very limited.
30. The proposed rear servicing area would be accessed beneath the building, which would significantly restrict the size and type of vehicles able to use it. Although the TS indicates that the existing rear servicing arrangement would be retained and be suitable for the proposed development, no substantive evidence has been provided to support this claim. There are no details of delivery and servicing arrangements for either the existing building or the proposed development to enable any meaningful comparison. While the rear area may have accommodated the previous large office use, this does not demonstrate that it would be suitable for the scheme now proposed. Similarly, the appellant's assumption that larger vehicles would not be required is unsupported by evidence. No information has been submitted on vehicle dimensions or swept paths for the rear access, nor has any consideration been given to potential changes in servicing needs, such as increased and simultaneous parcel and food deliveries. These concerns were also highlighted in the Officer Report and by the Highways and Transport team, reinforcing the absence of robust evidence to demonstrate that the proposed servicing arrangements would be acceptable.
31. Furthermore, the TS did not detail how delivery and servicing during the construction phase would be managed, as raised by TfL. It is therefore unclear whether construction-related activities would cause further unacceptable transport impacts and compromise the safety of the site access.
32. Although TfL welcomed the indication that deliveries would remain the same as the existing arrangement and occur on site, it still is necessary to demonstrate that such an approach would be appropriate and sufficient to meet the operational

requirements of the proposed development. As set out above, no substantive details have been provided to confirm this.

33. In light of the above and the uncertainties that an acceptable delivery and servicing arrangement can be completed, the use of planning conditions to secure a delivery and servicing plan and a construction management plan would not be reasonable or appropriate.
34. Overall, I am not persuaded that the proposed deliveries and servicing could be reliably undertaken without causing unacceptable transport impacts and compromising the safety of the site access.

Waste Management

35. The waste management strategy for the proposed development is outlined in the TS. In accordance with the Hammersmith & Fulham Planning Guidance Supplementary Planning Document February 2018, it specifies that refuse and recycling chutes would be installed within the building, leading to designated bin stores at ground-floor level. It further states that waste collection would continue from Shepherd's Bush Road as existing, with bins moved to a safe area by the building's facilities management team on collection days.
36. The Officer Report considered that, given Shepherd's Bush Road forms part of the Strategic Road Network, a detailed waste management strategy should have accompanied the application and raised a concern regarding the collection point of the bins on the pavement. While the Highways and Transport team recommended confirmation of the arrangement's acceptability with the Waste and Recycling team, it did not raise any concerns regarding traffic impacts arising from the proposed strategy.
37. It is evident that bin collection from Shepherd's Bush Road already occurs and no highway impact concerns have been identified in relation to this. Furthermore, the proposed ground drawings² clearly show the bin stores within the building, and no evidence has been presented to indicate that these would be unacceptable. From my site visit, it was apparent that a reasonably sized area exists adjacent to the building's entrance steps and ramp where bins could be temporarily stored for collection without obstructing the footway or impeding the free movement of pedestrians.
38. Overall, there is no compelling evidence to demonstrate that the proposed waste management arrangements would cause unacceptable transport impacts or compromise the safety of the site access. In this case, the use of a planning condition would be a reasonable and appropriate means of securing a detailed waste management strategy.

Highway Conclusion

39. The proposed cycle storage arrangements would not provide facilities of an acceptable standard and there is insufficient evidence to demonstrate that the car free office use would avoid harmful overspill parking impacts on the surrounding streets. In addition, there is a lack of robust information to confirm that delivery and servicing, including during the construction phase, could be managed without causing unacceptable transport impacts. While the proposed waste management

² Drawing Ref: 000004 Rev 03 Proposed Site Plan and 050000 Rev 06 Proposed Ground Floor.

strategy could be satisfactorily addressed by a planning condition, this would not outweigh the significant harms identified above.

40. Insofar as they are related to transport impacts, the proposed development would conflict with Policies T1, T2 and T4 of the Hammersmith and Fulham Local Plan February 2018 (Local Plan) and Policies T5, T6 and T7 of the London Plan. However, it would not conflict with Policy CC7 of the Local Plan.
41. For the above reasons, the proposal would cause unacceptable transport impacts and would not accord with condition MA.2.(2)(a) of Schedule 2, Part 3, Class MA of the GPDO. As such the proposal would not be permitted development.

Unilateral Undertaking

42. The second reason for refusal relates to the absence of an agreed UU to secure removal of the ability for future residents to apply for parking permits with the exception of blue badge holders. However, while a signed UU has been provided by the appellant, with a view to addressing this matter, having concluded that the proposed development is not permitted development, it is neither necessary nor appropriate to give this any further consideration.

Other Matters

43. The appellant contends that the proposed development would meet the London Plan's policies aimed at making the best use of the land and increasing house supply. It is also detailed that the proposed development is supported by Paragraph 125 of the Framework which states that substantial weight should be placed on using suitable brownfield land for homes and promote and support development of under-utilised land and buildings. However, these matters are not relevant in the consideration of the proposal under the provisions of Class MA of the GPDO and I therefore give them little weight.
44. Reference is also made to Paragraph 116 of the Framework which states that development should only be refused on highway grounds if there were unacceptable impact on highway safety. For the reasons set out above, the proposal would result in an unacceptable highway impact and accordingly should be refused in accordance with Paragraph 116 of the Framework.

Conclusion

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

J Symmons

INSPECTOR