
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: 05 January 2026

Appeal Ref: APP/H5390/W/25/3367888

Waterford House, 1-7 Waterford Road, Hammersmith and Fulham, London SW6 2DL

- 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 ReAssure Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/02752/PMA56.
 - The development proposed is the change of use from a commercial, business and service use (Class E) into 34 no. self contained residential flats (Class C3), comprising of 20 x 1 bedroom units and 14 x 2 bedroom units.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from a commercial, business and service use (Class E) into 34 no. self contained residential flats (Class C3), comprising of 20 x 1 bedroom units and 14 x 2 bedroom units at Waterford House, 1-7 Waterford Road, Hammersmith and Fulham, London SW6 2DL in accordance with the application 2024/02752/PMA56 and the details submitted with it subject to the conditions set out on the attached schedule and the obligation in the Unilateral Undertaking dated 22 October 2025.

Preliminary Matters

2. The description of development is taken from the Officer Report, the Notice of Refusal and the Appellant's Appeal Questionnaire, as it more clearly defines the development.
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 proposal meets the requirements listed. I see no reason to question this.
5. Paragraph MA.2 of Class MA provides 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, the Council refused prior approval for four reasons. In summary, these were: that it had not been satisfactorily demonstrated that all habitable rooms would benefit from adequate natural light (reason one); insufficient information to show the proposal would not result in adverse transport impacts (reason two); the absence of a finalised Unilateral Undertaking (UU) to restrict future residents from applying for parking permits other than blue badge holders (reason three); and that the proposed external alterations were not permitted under Class MA (reason four).

6. In relation to the above, the Council acknowledges that in determining a recent appeal on this site (Ref: APP/H5390/W/24/3354466), the Inspector concluded that a scheme with an identical internal layout would provide sufficient natural light to all habitable rooms. In response to this finding, the Council now accepts that this matter does not justify refusal and has confirmed that the first reason for refusal has been addressed. I have no reason to take a different view and have therefore not considered this matter further.
7. The appellant submitted a separate planning application (Ref: 2025/01357/FUL) to address the Council's concerns relating to the existing undercroft car parking, the vehicular access to the rear area and the external works. This scheme has been granted (granted scheme), and it has been submitted in support of the appeal to respond to the Council's second and fourth reasons of refusal. In response to comments made during the determination of the granted scheme, amendments to the proposed external works have been completed. To ensure consistency with this granted scheme, revised drawings of the proposed development's ground and first floor plan and information plan¹ have also been submitted.
8. The appellant has also submitted a signed UU made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 to prevent future residents of the proposed development from applying for parking permits. The Council has confirmed agreement of this.
9. With regard to this submitted new and additional information, the 'Procedural Guide – Planning Appeals – England' makes clear that the appeal process should not be used to evolve a scheme and advises that appeals should be 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.
10. However, in this case, the information does not fundamentally change or evolve the proposal. The granted scheme has been appropriately considered by the Council and consulted upon at its application stage. The revised drawings submitted match the granted scheme and the amendments have therefore been appropriately considered. The submitted UU has been agreed with the Council and, as it would prevent the proposed development's future residents from applying for parking permits, it would not adversely affect any interested parties. Overall, accepting the information provided in support of the appeal would not result in procedural unfairness or cause prejudice to the Council or other interested parties. I therefore conclude that the revised drawings and additional information should be accepted, and I have determined the appeal on this basis.

¹ Drawing Ref: 3213.PLN.MA.102 Rev E – Ground and First Floor Plans and 3213.PLN.MA.110 Rev C – Information Plan

11. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework dated December 2024 (the Framework) and issued a written ministerial statement titled 'Planning Reform: Next Phase'. The consultation and draft Framework do not constitute Government policy or guidance, and I consider in this case that there is no requirement to seek further submissions on this matter. I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

12. The main issues in determination of the appeal are whether or not:
- the submitted signed UU would prevent the proposed development's future residents from applying for parking permits with the exception of blue badge holders;
 - the proposed external alterations would be beyond the scope of a Class MA proposal; and
 - the transport impacts of the proposed development would be acceptable.

Reasons

13. Waterford House is a four-storey building in commercial, service and business use, accessed from Waterford Road. At one end of the building is an undercroft area providing car parking, bin storage and access to a vehicle parking area to the rear. The rear area also has garaging and parking associated with the residential dwellings within the gated Lord Robert Mews. The site is situated within the Moore Park Conservation Area (CA).
14. The proposed development would involve the building's conversion to 34 self-contained residential flats. The undercroft area would be converted to cycle parking and refuse bin storage and the access through to the rear would be removed.

Unilateral Undertaking (UU)

15. The signed and agreed UU dated 22 October 2025 would restrict future residents from applying for parking permits, other than for blue badge holders. I see little reason to question this. The UU is necessary to prevent the development from causing unacceptable transport impacts and is directly related to the proposal and is fairly and reasonably related in scale and kind. Accordingly, it meets the tests for a planning obligation set out in the Framework.
16. The UU would therefore satisfactorily address the third reason for refusal.

External alterations

17. Class MA permits the change of use of a building but does not explicitly authorise external alterations. However, the granted scheme permits the proposed development's required external alterations to be completed. These works are also shown on the proposed development's revised drawings.
18. To secure the granted scheme's works, the appellant has proposed that a condition be used requiring the works to be completed prior to the proposed development's occupation. Following consultation, the Council has agreed a condition could be used to secure the granted scheme works but that a Grampian condition should be

used. While there is some disagreement on the condition wording, it is evident that, as the works are clearly defined and are reasonable and necessary, an appropriately worded condition would meet the six tests set out in Paragraph 57 of the Framework and would therefore be acceptable.

19. As such the proposed external alterations can be secured and would not conflict with the limitations of Class MA. As such the fourth reason for refusal would be satisfactorily addressed.

Transport impacts

20. The granted scheme's work would remove the undercroft access to the rear parking area, and this would eliminate potential conflicts between vehicles and pedestrians or cyclists accessing the proposed cycle parking, as well as those using and handling the proposed refuse bins. In addition, removing the access would sufficiently deter vehicular parking to the rear parking area, thereby ensuring that the development would satisfactorily operate as car-free. The works would also ensure the proposed development provides the required level of cycle parking and stands.
21. As detailed above, the use of a condition to secure the granted scheme's works would be acceptable and the UU would support the proposed development being car-free.
22. Accordingly, the second reason for refusal would be satisfactorily addressed.

Summary

23. Consequently, subject to an appropriately worded planning condition for the granted scheme, inclusion of the UU and reference to the revised drawings, then the proposed development would not cause unacceptable transport impacts and would be permitted development as defined in Class MA of the GPDO.
24. Insofar as they are related to transport impacts, the proposed development would not conflict with Policy T1, T2, T3, T4 of the Hammersmith and Fulham Local Plan February 2018 (Local Plan).

Other Matters

25. A number of interested parties have made representations regarding the proposal. While I have carefully considered these, it is important to note that under Class MA of the GPDO, the scope of assessment is limited to the matters set out in paragraph MA.2(2). As part of this, Class MA does not require detailed consideration of wider amenities such as green spaces, communal areas, children's play facilities, public transport, healthcare provision, or schools. As such representations relating to these matters are not relevant.
26. Some representations suggest that alternative forms of development, including relocating the nearby medical centre to the appeal building, introducing business use at ground floor level, or providing a mixed-use scheme should be considered for the development. Other concerns relate to the potential effects of Chelsea Football Club's expansion and requests for contributions towards wider infrastructure improvements. However, I am required to determine the appeal on the basis of the submitted plans and details. The suggested alternative forms of development do not form part of this proposal and are not relevant to my decision.

Furthermore, no substantive evidence has been provided to demonstrate that the development would place undue pressure on local infrastructure or result in harm in this regard.

27. The proposal would retain and make effective use of the existing building, delivering a range of residential accommodation that meets the Nationally Described Space Standards, provides satisfactory levels of natural light to habitable rooms and has clear boundaries to neighbouring properties. The Council did not raise concerns regarding noise levels, the safety of neighbouring residents, or maintenance of the building. It further concluded that the development would not appear unduly dominant in heritage terms and would preserve the character and appearance of the CA. With no evidence to the contrary, I see little reason to question the building's appearance, quality of the accommodation, the number of units proposed, the amenity of neighbouring residents, or if building maintenance would be undertaken. There is no persuasive evidence that the proposal would not be sustainable and liveable over the longer term, or that the residential units would be used for temporary sleeping accommodation. Accordingly, the concerns raised on these matters do not alter my view of the proposal.
28. Representations were also raised regarding highway impacts on Lord Robert Mews and the surrounding area, particularly in relation to traffic queuing at the barriered section of Waterford Road, conflicts within the rear parking area, and increased traffic. However, the Transport Note prepared by Icen Projects (Transportation) in October 2024 indicates that the development would likely require one refuse collection per week for general waste and recycling, which would be broadly comparable to the existing arrangements and would represent a negligible change. With the removal of the existing undercroft vehicle access, and the measures to discourage car use, the proposal's effects on the rear parking area and on traffic would be significantly limited. As detailed above, the development would not result in unacceptable highway impacts.
29. The GPDO requires that development permitted under Class MA must be completed within three years starting with the prior approval date. A representation refers to an existing tenancy which may restrict the ability to carry out the works within that period. However, the condition relates to the timing of completion rather than the likelihood of implementation. Matters concerning lease agreements are private issues and do not affect whether the proposal meets the requirements of Class MA. Accordingly, this does not weigh against the proposal.
30. In December 2025, prior approval was granted (LPA Ref: 2025/01087/PMA56) under Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO for the change of use from office (Class E) to 33 self-contained residential flats (Class C3), comprising 19 one-bedroom and 14 two-bedroom units. However, as I have found the proposal before me to constitute permitted development within Class MA of the GPDO, it is not necessary to consider the December prior approval in any detail.

Conditions

31. I have considered the conditions suggested by the Council and amended these where necessary for clarity and precision. I have also added new conditions where I consider these to be necessary. The parties were consulted on the proposed conditions, and I have considered the comments provided.

32. The time limit for completion within three years and the restriction of the use to only dwellinghouses are already secured by the standard conditions set out in paragraph MA.2(5) and (6) of the GPDO. As such, suggested conditions 1 and 3 are unnecessary and have not been imposed.
33. Even though prior approval requires the development to be completed in accordance with the details approved, due to revised drawings being included, for certainty, I have included suggested condition 2 but I have added a list of drawings.
34. To mitigate flood risk and limit its impact on residents, suggested condition 4 is necessary. Suggested condition 5 is required to ensure compliance with water efficiency standards. Suggested conditions 6 to 11, relating to contamination and remediation, are essential to identify any contamination, assess associated risks, and secure appropriate remediation measures so that the site is suitable for its intended residential use.
35. A condition is necessary to ensure the granted scheme for the external works is completed. The appellant has suggested a condition requiring these works to be fully completed prior to the occupation of the development. The Council, by contrast, seeks a Grampian-style condition preventing implementation of the development until the works are completed. Given that the approved scheme is clearly defined and largely agreed, the appellant's approach is reasonable, proportionate and enforceable, and it achieves an appropriate balance between ensuring delivery of the necessary works and allowing the development to proceed. I have therefore imposed this form of condition in preference to the Council's suggested Grampian condition and have replaced the suggested condition 12 accordingly. As the approved works would be completed in full and in accordance with agreed details, there is sufficient certainty that they will be permanent. For that reason, I have not included the Council's suggested wording requiring the cycle storage to be "thereafter permanently retained".
36. To secure appropriate refuse storage and prevent the accumulation of waste and protect residents and the environment, I have imposed suggested condition 13.
37. In the interest of the living conditions of future residents, a condition for a noise assessment and a scheme for sound insulation is required. Additionally, conditions are required to restrict construction working hours and to secure the submission and approval of a construction method statement to protect neighbouring residents from construction impacts.

Conclusion

38. For the reasons given above the appeal should be allowed and prior approval should be granted.

J Symmons

INSPECTOR

Schedule Of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - 3213.PLN.MA.100
Site Plan - 3213.PLN.MA.101
Proposed Ground & First Floor Plans - 3213.PLN.MA.102 rev E
Proposed Second & Third Floor Plans - 3213.PLN.MA.103 rev A
Proposed and Existing Front and Rear Elevations - 3213.PLN.MA.104
Proposed and Existing Side Elevations - 3213.PLN.MA.105
Existing Ground & First Floor Plans - 3213.PLN.MA.108
Existing Second & Third Floor Plans - 3213.PLN.MA.109
Information Plan - 3213.PLN.MA.110 rev C
- 2) The development hereby permitted shall be carried out and completed in accordance with the details contained within the Flood Risk Assessment by FloodSmart Plus dated 28 May 2024. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.
- 3) Prior to the first occupation of the development hereby permitted full details of proposed water efficiency measures to limit internal use of water to no more than 105 litres per person per day shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be installed in accordance with the approved details and shall thereafter be permanently retained for this purpose.
- 4) No development hereby permitted shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall comprise: 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; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 5) No development hereby permitted shall commence until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 6) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development hereby permitted shall commence until, following a site investigation

undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 7) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development hereby permitted shall commence until, a remediation method statement is submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 8) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development hereby permitted shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 9) Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development hereby permitted shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works shall be carried out in compliance with

and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 10) The development hereby permitted shall not be occupied until the external works approved under planning permission ref. 2025/01357/FUL have been completed in full, including the provision of the secure cycle storage and the removal of vehicular access to the undercroft, as shown on the approved plans.
- 11) Prior to the first occupation of the development hereby permitted full details of the refuse storage within the area shown for this purpose on the approved plans have been submitted to and approved by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved plans and the approved details prior to the first occupation of the residential units and shall be so permanently maintained for this designated purpose.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall include:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt and excess water onto public highway and private roads;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) details on consolidation and co-ordination measures to be enabled to reduce impact of construction vehicle movements;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - ix) delivery, demolition and construction working to only be completed during 08:00 - 18:00hrs Mondays to Fridays and 08:00 -13:00hrs on Saturdays, and not on Sundays or Bank Holidays.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) No development hereby permitted shall take place until a noise assessment and details of measures to provide acoustic insulation for the containment of internally generated noise, (and associated ventilation measures) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed and completed prior to the first occupation of the development and shall thereafter be retained and maintained in good working order at all times.