
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: 06 January 2026

Appeal Ref: APP/H5390/W/25/3368375

227 Shepherd's Bush Road, Hammersmith, London W6 7AS

- 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 227 SBR Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2025/01113/PMA56.
 - The development proposed is for the change of use of the first, second and third floor levels from offices (Class E) into 21no self-contained flats (Class C3) comprising of 18 x 1 bedroom and 3 x 2 bedroom flats; change of use of part of the ground and mezzanine floor level from office (Class E) into 1 x 2 bedroom self-contained flat (Class C3).
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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 of the first, second and third floor levels from offices (Class E) into 21no self-contained flats (Class C3) comprising of 18 x 1 bedroom and 3 x 2 bedroom flats; change of use of part of the ground and mezzanine floor level from office (Class E) into 1 x 2 bedroom self-contained flat (Class C3) at 227 Shepherd's Bush Road, Hammersmith, London W6 7AS in accordance with the application 2025/01113/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 9 October 2025.

Preliminary Matters

2. I have used the development description detailed in the Officer Report, Notice of Refusal and on the appellant's Appeal Questionnaire as this more accurately describes the proposal.
3. Article 3(1) and 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 (Dwellings), subject to limitations and conditions.
4. At the time the Council made its decision it determined that there were no limitations under Paragraph MA.1 that would prevent the proposal from being permitted development subject to the conditions under Paragraph MA.2 being satisfied. I see no reason to question this.

5. Paragraph MA.2 of Class MA stipulates that development is permitted subject to the condition that, before commencement, the developer applies to the local planning authority for prior approval in respect of specified matters. In this case, the Council refused prior approval for four reasons: first, it had not been demonstrated that all proposed habitable rooms would receive adequate natural light; second, the proposed cycle storage would involve external alterations not permitted under Class MA and no agreed Unilateral Undertaking (UU) had been provided to restrict future residents from applying for parking permits; third, Flat 1 would fail to achieve the finished floor to ceiling height required by the Nationally Described Space Standards 2015; and finally, no Planning Fire Safety Strategy had been submitted.
6. To address the second reason for refusal, the appellant submitted a separate planning application (Ref: 2025/01160/FUL) for the proposal's required external alterations including the installation of two rooflights, the formation of a new door opening to the delivery area, and the provision of cycle and refuse storage. This application has been granted (granted scheme) and has been submitted in support of the appeal. The appellant has also provided a signed UU made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974, which restricts future residents from applying for parking permits, other than blue badge holders. The Council has confirmed that this UU would be acceptable. In addition, to address the third reason for refusal, the appellant has submitted a revised drawing titled 'Back Elevation (East)' Ref: SHE_P12c12 Rev. C, dated 26 June 2025, which is stated as now showing the correct finished floor to ceiling height for Flat 1.
7. With regard to the 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. Indeed, the Council has raised this point in its appeal statement.
8. However, in this case, even when taken together, 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 submitted UU has been agreed with the Council, and it is highly unlikely that preventing the proposed development's future residents from applying for parking permits would adversely affect any interested parties. In relation to the revised drawing submitted, this only clarifies the ceiling height and would not fundamentally change Flat 1. 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.
9. 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

10. The main issues in determination of the appeal are whether or not:

- adequate natural light would be provided in all habitable rooms of the proposed development;
- the transport impacts of the proposed development would be acceptable;
- the proposed development would comply with the Nationally Described Space Standards; and
- the proposed development would meet the fire safety requirements.

Reasons

11. The appeal site comprises a four-storey detached office building accessed from Shepherd's Bush Road. A shared access at one end of the building leads to a rear undercroft and an adjoining external area currently used for car parking and servicing.
12. The proposal seeks conversion of the building to 22 self-contained residential flats, retaining a small element of office accommodation at ground floor level. The undercroft and external area would provide disabled parking, cycle storage, and refuse and recycling facilities.

Adequate natural light

13. Paragraph MA.2(2)(f) of Class MA requires that all habitable rooms within a dwellinghouse are provided with adequate natural light. The GPDO does not define what constitutes 'adequate natural light'.
14. There is no dispute between the main parties regarding which rooms within the proposed development would be classed as habitable. The appellant submitted an Interior Daylight and Sunlight Report, prepared by Consil and dated 6 June 2025, which assessed the daylight and sunlight received by these rooms in accordance with the guidance set out in the BRE Report Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) (BRE guidance). The report concluded that all flats would achieve daylight and sunlight levels exceeding the BRE guidance recommendations and that the natural light provision would be acceptable.
15. The Council does not dispute the use of BRE guidance, or the figures calculated in the report in assessing natural light. Nor does it dispute that the report demonstrates that there would be adequate daylight provision in all the flats. However, it contends that the sunlight assessment shows some habitable rooms in Flats 1, 6, 7, 13, 14, 20 and 21 would not meet the BRE guidance's recommended levels of sunlight.
16. However, regarding sunlight, the BRE guidance does not require every habitable room to achieve a specific amount of sunlight. Instead, the BRE guidance recommends that a dwelling would appear reasonably sunlit if at least one main window wall faces within 90 degrees of due south and a habitable room, preferably a living room, receives at least 1.5 hours of sunlight on 21 March. The BRE guidance also notes that where groups of dwellings are planned, site layout design

should aim to maximise the number of dwellings that meet the above recommendations.

17. The Council has provided no evidence to demonstrate that the interpretation of how sunlight should be assessed under the BRE guidance is incorrect. While it argues that some habitable rooms would not receive 1.5 hours of sunlight on 21 March, this is not the basis on which the BRE guidance determines sunlight adequacy. Moreover, the Council has not shown that, when assessed in accordance with the guidance, the flats it identifies - Flats 1, 6, 7, 13, 14, 20 and 21 - would fail to meet the recommended sunlight standard.
18. Accordingly, while not all habitable rooms would receive 1.5 hours of sunlight on 21 March, the Interior Daylight and Sunlight Report demonstrates that the proposed flats would achieve daylight and sunlight levels consistent with the BRE guidance. Considering both daylight and sunlight provision together, I am satisfied that all habitable rooms would benefit from adequate natural light. Accordingly, the requirements of paragraph MA.2(2)(f) would be met.

Transport impacts

19. The main parties agree that the site has a public transport access level (PTAL) of 6b, denoting excellent public transport accessibility. With the exception that one commercial and one residential blue badge parking space would be provided, it has been agreed that the proposed development would be car free and a total of 28 residential cycle parking spaces (26 long stay and 2 short stay) would be required and provided at ground level. The proposed refuse and recycling storage and delivery and servicing arrangements were also accepted by the Council. I have no reason to disagree with these matters.
20. To ensure the proposed development would be car-free, the signed and agreed UU dated 9 October 2025 would prevent, other than for blue badge holders, future residents from being able to apply for parking permits. I see little reason to question the content of the UU. 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.
21. Class MA permits the change of use of a building but does not expressly authorise external alterations, including those required for the proposed cycle parking. However, the granted scheme includes permission for the necessary external works, and these are consistent with the works shown on the proposed development's drawings. To secure the granted scheme's works, the Council has suggested a condition requiring their full completion prior to occupation of the development. I consider this condition would meet the six tests set out in paragraph 57 of the Framework and would therefore be acceptable. Accordingly, the external alterations can be secured without conflicting with the limitations of Class MA.
22. Taking all transport-related matters into account, and subject to the planning condition for the granted scheme and the inclusion of the UU, the proposed development would not cause unacceptable transport impacts. It would accord with part MA.2(2)(a) of the GPDO.

23. Insofar as they are related to transport impacts, the proposed development would not conflict with Policy T4 of the Hammersmith and Fulham Local Plan February 2018 and Policies T5 and T6 of the London Plan 2021.

Nationally Described Space Standards (NDSS)

24. Aside from the dispute between the main parties regarding whether Flat 1 meets the NDSS requirement for a minimum ceiling height of 2.3 metres across at least 75% of its gross internal floor area, it is agreed that all other flats comply with the NDSS. I see little reason to disagree with this.
25. In relation to Flat 1, revised drawing SHE_P12c12 Rev. C titled 'Back Elevation (East)' dated 26 June 2025, clarifies that the finished floor to ceiling height for Flat 1 to be 2.5 metres at ground level and 2.46 metres at mezzanine level. The flat would therefore comply with the NDSS's finished floor to ceiling height.
26. The proposed development would accord with paragraph 9A of Article 3 of the GPDO in respect of compliance with the NDSS.

Fire safety

27. Paragraph MA.2(2)(i) of Class MA requires consideration of fire safety where the fire risk condition applies. Under MA.3, the fire risk condition is met if the development relates to a building that will contain two or more dwellinghouses and satisfies the height requirement in paragraph (3), read with paragraph (7) of Article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The height requirement is that the building is at least 18 metres in height or comprises seven or more storeys.
28. The proposed development does not meet either the height or storey threshold and therefore does not trigger the fire risk condition. As a result, consideration of fire safety impacts on future occupants is not required.
29. Development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters for consideration. No substantive evidence has been provided to demonstrate that the London Plan Guidance: Fire Safety 2022 or Policy D12 of the London Plan applies where the fire risk condition is not met. Accordingly, as fire risk is not a matter requiring assessment in this case, Policy D12 (Fire Safety) of the London Plan 2021 does not apply, and a fire statement is not required.
30. Consequently, the proposed development would accord with parts MA.2(2)(i) and MA.3 of the GPDO.

Other Matters

31. Matters relating to air quality, Secured by Design, and water efficiency were raised by consultees. However, the Council has not identified any specific requirements for these matters, and I have no reason to take a different view.
32. At the time the Council made its decision, and the appeal was started, the Council was in the process of proposing an Article 4 Direction of the GPDO which would remove Permitted Development Rights allowing the change of use from business, commercial and service use to residential. This direction was proposed to come into force on the 5 December 2025. However, the Council has confirmed that it has

not been adopted at this time. Accordingly, I give this limited weight and consider it does not outweigh my finding that the proposal would be permitted development.

Conditions

33. I have considered the conditions suggested by the Council and amended these where necessary for clarity and precision. The appellant has commented on the suggested conditions, and I have considered the comments provided.
34. 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. I have renumbered the other conditions to suit.
35. Even though prior approval requires the development to be completed in accordance with the details approved, due to revised drawings being submitted, for certainty, I have included suggested condition 2 but have, for accuracy, revised some of the drawing references as suggested by the appellant.
36. To prevent transport impacts, a condition is necessary to ensure the granted scheme for the external works is completed in full prior to the proposed development's occupation. Suggested condition 4 has therefore been included to secure this. To mitigate flood risk and limit its impact on future occupiers suggested condition 5 is necessary. Suggested condition 6 is required to ensure the proposed development is in accordance with the Noise Impact Assessment and the living conditions of future occupiers are protected.

Conclusion

37. For the reasons given above, I conclude that 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 complete accordance with the approved plans and drawings listed in this decision notice:
 - SHE_P01c16 Rev C; SHE_P02c16 Rev C; SHE_P03c16 Rev C; SHE_P04c16a Rev C; SHE_P05c16a Rev C; SHE_P08c16 Rev C; SHE_P09c16 Rev C; SHE_P10c16 Rev C; SHE_P11c16 Rev C; SHE_P12c12 Rev C and SHE_P13c16 Rev C;
 - Cover Letter Ref. HC/ET/P25-0304, dated 14 April 2025 prepared by Pegasus Group;
 - Accommodation Schedule Rev C12, dated 14 April 2025;
 - Delivery and Service Plan - Conversion Ref. AF/CC/P25-3477/05, dated April 2025 prepared by Create Consulting Engineers (Create) Limited;
 - Flood Risk Assessment Ref. ST3782/FRA-2503-Rev 2, dated March 2025 prepared by Stomor Ltd;
 - Healthy Streets Check for Designers prepared by Create Consulting Engineers (Create) Limited;
 - Interior Daylight and Sunlight Report dated 6 June 2025 prepared by Consil;
 - Noise Impact Assessment to a Proposed Development Ref. 250219-R001A, dated 11 April 2025 prepared by ACA Acoustics;
 - Phase 1 Contaminated Land Assessment (Class MA Conversion) Ref. CB/CC/P25-3477/01 Rev A, dated April 2025 prepared by Create Consulting Engineers (Create) Limited;
 - Transport Statement - Conversion Ref. AF/CC/P25-3477/03, dated April 2025 prepared by Create Consulting Engineers (Create) Limited; and
 - Transport Technical Note - Conversion Ref AF/VL/P25-3477/08 dated June 2025 Prepared by Create Consulting Engineers (Create) Limited.
- 2) Prior to the occupation of the 22 self-contained residential units hereby approved to the ground, mezzanine, first, second and third-floors of the application property, the cycle and refuse storage as shown on Drawing Nos. SHE_P01d12c Rev D, SHE_P10d12c Rev D and SHE_P12d12c Rev D approved on 4 July 2025 under planning application ref. 2025/01160/FUL, shall be installed and retained for the lifetime of the development.
- 3) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment Ref. ST3782/FRA-2503-Rev 2, dated March 2025 prepared by Stomor Ltd. 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.
- 4) The development hereby granted prior approval shall be carried out and completed in accordance with the details contained within the Noise Impact Assessment Ref. 250219-R001A, dated 11.04.2025 prepared by ACA Acoustics. No part of the development shall be used or occupied until all commercial noise 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.