
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: 14 January 2026

Appeal Ref: APP/H5390/W/25/3370517

**Unit 14, Talina Centre, 23a Bagley's Lane, Hammersmith and Fulham
London SW6 2BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Framechoice Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2025/01201/FUL.
 - The development proposed is a three storey new build two-bedroom dwelling with outdoor terrace and part accommodation within pitched roof.
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Decision

1. The appeal is dismissed.

Background and preliminary matters

2. I have used the development description shown on the planning application as no confirmation has been provided to show a change had been agreed.
3. Prior approval was granted at the appeal site in October 2016 for the change of use of the ground and first floors of Unit 14 from offices to a two-bedroom self-contained flat, and this was implemented. A condition preventing future occupants from obtaining parking permits was discharged in May 2018. In January 2023, prior approval for the erection for two storeys on the existing two storey dwelling to accommodate 2 x 1 bedroom flats was refused. However, this decision was overturned on appeal (Ref: APP/H5390/W/23/3325378) in February 2024. Subsequent planning applications in August 2024 and April 2025 for the demolition of the existing building and its replacement with larger five and four storey single-family dwellings were both refused. This appeal relates to the April 2025 planning application (LPA Ref: 2025/01201/FUL) which was refused in June 2025.
4. The appellant advises that a Unilateral Undertaking (UU) was submitted with the application which sought to address traffic and highway safety concerns by removing the existing front external parking space and to prevent future occupiers from applying for on-street parking permits. The Council did not consider this UU in any detail due to other concerns it had with the proposal. A further UU has been submitted in support of the appeal, made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974. I consider this undertaking in more detail below.
5. 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

6. The main issues in the determination of the appeal are:

- the effect of the proposed development on the character and appearance of the surrounding area;
- whether or not the proposed development would provide adequate living conditions for future occupiers, with regard to noise and disturbance; and
- the effect of the proposed development on traffic and highway safety.

Reasons

Character and appearance

7. The Talina Centre is a predominantly light industrial estate comprising a series of terraced blocks of similar two-storey height, with a mix of shallow-pitched and mono-pitched roofs arranged along a central access road, interspersed with areas for parking and servicing. The site is accessed from Bagley's Lane. The buildings are typically of simple brick construction with large, glazed sections to their front elevations and some of their gable ends. While there is visual evidence that some units have been altered over time, they still display a generally uniform height and architectural style and form which creates a consistent and cohesive character and appearance across the estate.
8. The appeal site occupies a position towards the outer end of one of the near-central terraced blocks. Although it is currently in residential use, the existing building retains the architectural appearance and characteristics of the surrounding units.
9. The proposed development would fundamentally alter the existing building through its demolition and replacement with a substantially taller, detached three-storey structure incorporating a steeply pitched roof converted to provide internal accommodation and external amenity space.
10. The design is said to reference a warehouse typology reflecting the former utilitarian Thames-side context and to draw on the height and architectural features of more distant buildings, including 15–21 Elswick Street, 25 Bagley's Lane, adjoining housing and properties on Imperial Road. It is presented as a modern interpretation of a Victorian 'Works' building, characterised by brick construction, steel-framed windows and pitched roofs, a building type still found in parts of London and often converted to residential use. However, this approach disregards the prevailing uniformity and the modest, low-rise scale of the closely related units within the estate, as well as the physical separation that distinguishes the site from the taller and more varied buildings in the wider surroundings. The proposal would not positively relate to the character of the estate or reflect its historical pattern of development in and around it. Even though the site is set back from the public highway and would not be the tallest building in the area, it would still remain prominent within the estate and visible from a number of nearby public roads. As a

result, it would introduce a largely isolated, stark and incongruous form that would fail to respect the established character and appearance of its immediate context and would not constitute a sympathetic addition.

11. Although the appeal site lies outside a Conservation Area, is not subject to an Article 4 Direction, and none of the buildings are listed, identified as local 'Buildings of Merit', or possess notable architectural merit, these factors do not justify or outweigh the significant harm the proposal would cause to the character and appearance of the area.
12. In conclusion of this matter, the proposal would unacceptably harm the character and appearance of the surrounding area. It would be contrary to Policies DC1 and DC2 of the Hammersmith & Fulham Local Plan 2018 (Local Plan) and D4 of the London Plan 2021 (London Plan) which seek, amongst other matters, for new development to be to a high standard of design which is compatible with the scale and character of the existing development and its setting and respects and enhances its townscape context.

Noise and disturbance

13. The Noise Impact Assessment (Ref: VA5557.2411056.NIA1.2), dated November 2024 and prepared by Venta Acoustics, assessed potential noise and disturbance to future residents of the proposal. It identified that the site is mainly affected by road traffic noise, with additional sources including the adjacent Bagley Depot and a 'dark kitchen' unit opposite. A baseline survey covering daytime, evening and weekend periods established existing background levels. The assessment confirmed that the scheme's internal layout and room orientation were designed to position openable windows on elevations screened from local noise sources. It details that the bedrooms would have openable windows only on west and south façades, the living/dining room with windows on the north, west and south façades, and the study on the south façades, all well screened from the Council depot and the dark kitchen at Unit 19. It also details that the external roof area would not require additional noise mitigation. Where higher noise exposure would occur, measures such as thermal double-glazing and trickle vents were specified. The assessment also outlined a ventilation strategy comprising a mix of natural and passive ventilators for habitable rooms, with the option of incorporating a Mechanical Ventilation with Heat Recovery system, though it was noted that this was not relied upon for summer overheating or natural ventilation. The report concluded that the development would not result in significant adverse noise impacts and would be suitable for residential use. The Council's Environmental Protection Team reviewed the assessment and raised no objection, subject to conditions.
14. Although the Council questioned the basis and suitability of the site's residential use, no compelling evidence has been provided to show that such a use does not exist, and I have considered the appeal accordingly. While the proposed building would have a larger floor area, the number of bedrooms would remain the same, and the Council has offered no substantive evidence that future occupancy would materially exceed that of the existing use. While some rooms would increase in size, the plans indicate that much of the additional floorspace would comprise ancillary accommodation, including entrance hall, garage and an ensuite to the principal bedroom. There is therefore little to indicate that the scheme would result

in a significant increase in resident numbers or an intensification of the site's residential use.

15. Further the Council has provided limited evidence to show the noise assessment is not sufficiently site-specific or a credible assessment of noise or that the proposed acoustic design, ventilation strategy and mitigation measures would not be suitable. Nor has it demonstrated why these measures could not be secured by condition. Although reference is made to historic noise complaints from nearby residential properties, no evidence has been provided to show that these relate directly to the appeal site or that they undermine the findings of the noise assessment.
16. Accordingly, the proposal would acceptably mitigate noise impacts from neighbouring uses and provides a reasonable proportion of openable windows and mix of natural and passive ventilators for the habitable rooms. Taking these facts together, there is little to suggest the living conditions of future residents would be unacceptably affected by noise or that unacceptable ventilation issues and climate change impacts would occur. Furthermore, as the proposed development would be fully responsible for appropriately managing and mitigating noise impacts from the surrounding uses, it would accord with the Agent of Change principle set out in Policy D13 of the London Plan. There is also little to suggest the proposal would adversely affect employment land or economic development in the borough.
17. In conclusion of this matter, subject to a planning condition securing the noise assessment and its mitigation, the proposed development would provide acceptable living conditions for future occupiers, with regard to noise and disturbance. It would comply with Policies DC2, CC2, CC11, HO4 and HO11 of the Local Plan which seek, amongst other matters, for new development to be to a high standard of design, provide a high quality residential environment and protect against existing and proposed sources of noise.

Traffic and highway safety

18. The proposed development would, at ground floor, include an internal garage with electric charging point, cycle store and refuse store.
19. The updated Transport Statement (Ref: 22970503)(TS) by Steer, dated April 2025, confirmed that the appeal site benefits from an allocated external parking space to the front of the unit and that existing occupiers are prevented from obtaining on-street parking permits. It identifies that the private access road within the estate accommodates low levels of vehicular movement and is therefore capable of safely supporting pedestrian activity. The TS also notes that, although the area is generally well served by public transport within standard walking distances, the Transport for London (TfL) Public Transport Accessibility Level (PTAL) for the site is recalculated as 2, rather than the TfL's indicated level of 3. To ensure no net increase in parking provision or traffic generation, the TS details that the existing external parking space would be surrendered to allow the proposed garage, and future occupiers would be prevented from applying for on-street parking permits. It proposed that these measures would be secured by way of a UU or planning condition.
20. Policy T4 of the Local Plan sets out that the Council requires car parking permit free measures on all new development unless evidence is provided to show that there is a significant lack of public transport available. Within this policy's

supporting text it is indicated that the Council will consider issuing permits for on street parking in locations where the PTAL level is considered 2 or lower.

21. While the Council states that the appeal site has a PTAL of 3 and adjoins an area with a PTAL of 4, it has provided no substantive evidence to demonstrate that the PTAL value of 2 calculated in the TS is incorrect. Having regard to this, and to my own observations of the distance to, and availability of, some of the public transport services in the vicinity, I am satisfied that there is adequate justification, consistent with Policy T4 of the Local Plan, for allowing the appeal site to qualify for an on-street parking permit. As this would represent provision of a single parking space, I see little reason why this could not be provided through the proposed internal garage subject to the removal of the front allocated external parking space and the prevention of future occupiers applying for on-street parking permits.
22. Although Policy T6 of the London Plan establishes car-free development as the starting point for all proposals, it also recognises that parking provision may be appropriate where it reflects existing and future levels of public transport accessibility. In this context and given my findings above regarding the site's PTAL and access to public transport, I do not consider the inclusion of the proposed internal garage would conflict with this policy. It would also still meet the policy's key aim of providing the minimum necessary parking.
23. With the provision of just the internal garage, the proposal would not increase the existing parking provision or traffic generation. It would not increase vehicular movements or adversely impact parking on the estate and surrounding on-street parking demand. It would also not be detrimental to sustainable transport modes, the free flow of traffic, cyclist and pedestrian safety or air quality. Through the inclusion of the cycle store, it would encourage bike ownership and cycling.
24. As noted previously, a UU has been submitted in support of the appeal to secure the parking mitigation measures described above, and the Council has not disputed its content. However, the undertaking has not been fully dated and is therefore incomplete. In the absence of a completed and dated deed, the obligations it contains would not take effect and would not secure the mitigation required. The appellant has also proposed the use of the planning condition imposed on the October 2016 prior approval as a means of securing the mitigation. However, this condition did not address the removal of the private front external parking space, and no alternative wording capable of securing this has been provided. As the external parking space lies outside the application's red line boundary, I am not persuaded that a condition could properly regulate its use. Such a condition would not be directly related to the development for which permission is sought, and it has not been demonstrated that it could be enforced with sufficient certainty. It would therefore fail to meet all the tests for conditions set out in Paragraph 57 of the Framework. With no evidence to the contrary, I am not satisfied that the mitigation proposed would be secured.
25. Consequently, without a means of fully securing the removal of the front allocated external parking space and prevention of future occupiers from applying for on-street parking permits, the proposal would have an adverse impact upon traffic and highway safety. It would therefore conflict with Policies CC10 and T4 of the Local Plan and Policies SI1, T2 and T6 of the London Plan. These seek amongst other matters for development to provide sufficient car parking to meet the essential needs of development and reduce potential adverse air quality impacts.

Fallback

26. The granted prior approval (Ref: APP/H5390/W/23/3325378), issued in February 2024 for a two-storey upward extension to provide two additional flats, constitutes a genuine fallback with a realistic prospect of implementation were this appeal to be dismissed.
27. Although this scheme would also increase the height of the building, it would achieve this with a substantially lower ridge line and through materials and detailing that would more appropriately reflect the established form and architectural character of both the host property and the surrounding development. Consequently, the fallback scheme would not appear visually intrusive or incongruous, nor would it give rise to the level of harm to the character and appearance of the area that would arise from the appeal proposal.
28. In addition, no compelling evidence has been provided to demonstrate that the fallback scheme would be exposed to unacceptable levels of noise and disturbance, or that it would result in unacceptable traffic and highway safety effects. On the information before me, there is little to indicate that the fallback is not broadly comparable with the appeal proposal in respect of these matters.
29. Accordingly, although the fallback attracts significant weight, its implications on character and appearance, noise and disturbance, and traffic and highway safety do not outweigh or justify the appeal proposal.

Other matters

30. I have taken account of the objection made by an interested party. The Council did not identify harm in respect of outlook, sunlight, privacy or overlooking, and on the evidence before me I see no compelling reason to reach a different conclusion on these matters.

Planning balance and conclusion

31. The effects relating to noise and disturbance, and those concerning traffic and highway safety, are matters that would ordinarily be expected to be addressed satisfactorily in any well-designed residential scheme. Unless such considerations give rise to clear and demonstrable benefits, their being found acceptable carries only neutral weight in the overall planning balance. In this case, no such benefits have been identified. While the proposed development would not be unacceptably affected by noise or disturbance, it would result in unacceptable effects on traffic and highway safety. As such, these considerations would not outweigh the significant harm the proposal would cause to the character and appearance of the area.
32. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR