



Appeal Decision

Site visit made on 9 December 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/H5390/W/25/3369186

Griffin House, 161 Hammersmith Road, Hammersmith and Fulham, London W6 8BS

- 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 Griffin House Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application reference is Ref: 2024/03032/PMA56
 - The development proposed is 'Change of use of the existing building from offices (Class E) into 86no. self-contained flats (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 existing building from offices (Class E) into 86no. self-contained flats (Class C3) at Griffin House, 161 Hammersmith Road, Hammersmith and Fulham, London, W6 8BS in accordance with the application 2024/03032/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 27 November 2025.

Preliminary Matters

2. The description of development is taken from the Planning Statement, the Notice of Refusal and the Appellant's Appeal Form. The planning application form refers to the Planning Statement in respect of the description of 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 two reasons. In summary, these were: that insufficient information was provided to show the proposal would not result in adverse transport impacts (reason one); and the absence of a finalised Unilateral Undertaking (UU) to restrict future residents from applying for parking permits other than blue badge holders (reason two).

6. The appellant has submitted a signed UU made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 and Section 106 of the Town and Country Planning Act 1990 to prevent future residents of the proposed development from applying for parking permits. The Council has in correspondence confirmed agreement that the UU would overcome the objection to the proposals raised in reason for refusal No 2. As such, this is no longer a matter of dispute between the parties and refusal reason 2 falls away.
7. The appellant has also submitted a Transport Note prepared by Momentum Transport Consultancy as an addendum to the Appeal Statement of Case which responds to the Council's reasons for refusal.
8. With regard to this 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.
9. Having regard to the substantive and procedural tests established in caselaw, the information in this case does not fundamentally change or evolve the proposal. Hence, it remains broadly similar to the information that interested parties were consulted upon at its application stage. 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.
10. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and issued a written ministerial statement (WMS) titled 'Planning Reform: Next Phase'. The WMS sets out the broad direction of travel for future national policy, and the draft Framework could be subject to change as a result of consultation. Hence, both carry limited relevance in the specific case before me. Therefore, it is unnecessary to seek further submissions on these documents. I am satisfied that no party's interests would be prejudiced by my taking this approach.
11. In their decision notice the Council cites several development plan policies. I have had regard to these insofar as they are relevant to the prior approval matters under consideration.

Main Issue

12. The main issue is whether the transport impacts of the development would be acceptable.

Reasons

Transport impacts

13. London Plan (2021) Policy T5 indicates that developments of this nature should include 150 long-stay cycle parking spaces and 4 short-stay spaces. The development would provide 156 long-stay and 4 short-stay cycle parking spaces. The long-stay spaces would be located in a secure area within the existing undercroft car park to the rear of the building. The short-stay spaces would be provided as Sheffield stands situated at the rear of the building. However, the Council is not satisfied that the short-stay spaces are appropriately located, as access to this area would be via two access-controlled gates. The Council considers that these spaces should be positioned in a more accessible location, such as at the front of the building, where there would appear sufficient space to accommodate them.
14. The London Cycling Design Standards (2014) require cycle parking to be located in an accessible position and recommend, at paragraph 8.2.1, that no more than two doors should be required to access a cycle store. The appellant has referred me to advice provided by the Council in How to Keep Your Cycles Safe in Hammersmith & Fulham, which states that bikes should be parked at recognised secure cycle parking that is well-lit and covered by CCTV, criteria that the proposal would meet. The appellant has also provided details of a recently approved application¹ in the borough where short-stay cycle parking, was located behind three doors.
15. Taking these matters into account, particularly that the requirement to pass through two doors complies with the London Cycling Design Standards (2014) and noting the proposed overprovision of long-stay spaces, which is positive in terms of encouraging cycling, I am satisfied that the proposed cycle parking arrangements are acceptable. I also note that the spaces will be in a secure monitored location. Furthermore, several existing public cycle parking spaces are located on the pavement at the front of the building which were in situ when the office use of the site was operational. In this context it would be reasonable to conclude that demand for use of these pavement spaces may have reduced because of the loss of the office use. They could now play a role as short stay spaces associated with the development. Accordingly, I conclude that the proposal would not result in unacceptable transport impacts in the area in terms of provision of cycle spaces.
16. The anticipated daily total of 18 delivery trips identified by the appellant has not been challenged by the Council. Their concern relates to multiple delivery trips occurring simultaneously and the potential for conflicts between delivery vehicles, pedestrians, and cyclists. There is a significant distance between the main road and the access gates to the side of the building, which would allow several delivery vehicles to queue off the highway if necessary. To mitigate any residual risk of clashes between vehicles and more vulnerable road users, the appellant proposes a signage plan to guide site users and alert drivers to the presence of pedestrians and cyclists, particularly around the paved areas at the front and sides of the site. This could be secured by means of a planning condition imposed under the provisions of GPDO Schedule 2, Part 3 (W) (13). I also note that a separate raised

¹ Ref: 2025/01419/PMA56

footway runs around the perimeter of the building, reducing the potential for conflicts between users. Based on the proposal before me, I am satisfied that there is limited potential for vehicles to be displaced onto Hammersmith Road or for conflicts between delivery vehicles and other users.

17. The appellant has proposed an alternative approach to waste collection from the front of the building, which would address the Council's concerns regarding the need for waste trucks to access the waste storage area to the rear via the private access road. This approach involves facilities management personnel moving waste bins to the front of the site for collection on the appropriate collection day. This arrangement could be secured by means of a planning condition imposed under the provisions of GPDO Schedule 2, Part 3 (W) (13). Based on the proposal before me, and subject to an appropriate condition, I am satisfied that the proposed waste collection strategy is acceptable and that waste trucks will be able to make collections from the premises in a manner that is not harmful to highway safety.
18. The signed and agreed UU dated 27 November 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.
19. Consequently, subject to appropriately worded conditions for the granted scheme, and the obligations in the UU, then the proposed development would not cause unacceptable transport impacts and would be permitted development as defined in Class MA of the GPDO.

Other Matters

20. A number of interested parties have made representations regarding the proposal. While I have carefully considered these, under Class MA of the GPDO, the scope of assessment is limited to the matters set out in paragraph MA.2(2). The impacts on privacy, security and light from the building on neighbouring occupiers, noise generation, pollution arising from the proposal, and construction-phase impacts are not within the remit of matters for prior approval. Similarly, matters relating to the loss of employment floorspace fall outside the scope of this assessment. Accordingly, the representations relating to these matters do not alter my findings on the main issue.
21. The Council has not raised concerns regarding contamination risks associated with the existing building that could not be addressed by means of a planning condition. The evidence before me does not suggest that contamination would present a significant constraint. The preliminary risk assessment indicates that the identified risks relate primarily to soil and ground gas. As the proposal involves a change of use of an existing building, with no external alterations and only internal refurbishment, the likelihood of contamination posing a risk to future occupiers is low.
22. Similarly, no issues have been identified in relation to flood risk, the impact of noise from commercial premises on future occupiers, the provision of adequate natural light in all habitable rooms provided, or fire safety. These are the relevant matters necessary to determine whether prior approval is required. I have no

evidence before me that would lead me to challenge the Council's conclusions on these matters which are therefore deemed acceptable subject to appropriate conditions.

Conditions

23. The time limit for completion within three years and the restriction of the use to dwellinghouses are secured by the standard conditions set out in paragraph MA.2(5) and MA.2(6) of the GPDO. Moreover, Schedule 2, Part 3, paragraph W(12) of the GPDO states that development must be carried out in accordance with the details approved. The Council's suggested conditions covering these matters are therefore unnecessary and have not been imposed.
24. Furthermore, paragraph W(13) of the GPDO stipulates that prior approval can be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Hence, any additional conditions imposed must relate to the prior approval matters for Class MA in this instance.
25. I have included the suggested conditions, with amendments, relating to cycle and refuse storage. These will help encourage cycling and promote this sustainable transport mode. To mitigate any residual risk of conflict between vehicles and more vulnerable road users, and to give effect to revisions to the waste collection arrangements, I have amended the condition requiring the submission, agreement and implementation of a revised Delivery and Servicing Plan (DSP). The DSP must include a signage strategy to guide site users and alert drivers to the presence of pedestrians and cyclists, particularly in shared areas, and should enable waste collection from the front of the building, avoiding the need for collection vehicles to enter the rear of the site.
26. It is necessary to secure the implementation of the submitted flood risk mitigation and noise insulation measures prior to the occupation of the residential units and thereafter ensure their retention and maintenance.
27. Additionally, a condition is imposed requiring a Construction Logistics Plan, to reduce transport impacts and ensure safe site access. I have not imposed the suggested Construction Management Plan condition, given that the majority of works associated with this change of use will be internal and do not directly relate to a matter for which prior approval is required under paragraph MA.2(2) of Class MA of the GPDO.
28. Details of an on-site car parking management plan is required to ensure that the approved provision is utilised efficiently such that it avoids harmful transportation impacts.
29. A condition relating to water-supply infrastructure is not necessary, given the nature of the development, which involves the change of use of an existing building. I have not been provided with compelling evidence to demonstrate why such a condition is required in this context or relates to a matter for prior approval under Class MA.
30. I have considered the Council's proposed conditions 11–16 alongside the appellant's consolidated contamination condition. The proposal involves the conversion of existing commercial floorspace with no material ground disturbance and the evidence before me indicates the risk to be low. Having regard to the

nature of the development and paragraph 197 of the Framework which states that where a site is affected by contamination or land-stability issues, responsibility for securing a safe development rests with the developer and/or landowner, I do not consider a condition to be necessary in these circumstances.

31. Conclusion

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

F P Tinsley
INSPECTOR

Schedule of Conditions

- 1) Prior to the occupation of the residential units, the cycle and refuse storage shown on drawing 2401-SPP-GH0-0G-DR-A-20-1050 Rev P02 shall be installed and thereafter retained for the lifetime of the development. Prior to the occupation of the residential units, a revised Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Council. The DSP shall include a signage strategy and provisions to enable waste collection from the front of the building. The development shall thereafter proceed in accordance with the approved details for the lifetime of the development.
- 2) The development shall be carried out and completed in accordance with the approved Flood Risk Assessment (Ref. 24-13-DMAG-FRA Rev.P03, dated 25/10/24 by Davies Maguire). 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 thereafter be permanently retained and maintained as necessary.
- 3) The development shall be carried out and completed in accordance with the details contained within the report Site Suitability for Residential Development (Ref. 65212504-SWE-XX-XX-T-U-0002 Rev.C01, dated 25/10/24 by Sweco). 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 thereafter be permanently retained and maintained as necessary.
- 4) Prior to the commencement of the development, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Council. The CLP shall accord with Transport for London (TfL) requirements and shall minimise the impact of construction traffic on nearby roads, including restricting construction trips to off-peak hours only. It shall specify the number, size and routes of construction vehicles, the measures to ensure all construction vehicles are washed and cleaned to prevent mud and debris being carried onto the highway, and any additional traffic-management measures considered necessary. The approved CLP shall be implemented throughout the construction period.
- 5) Prior to the occupation of the residential units, a Parking Management Plan shall be submitted to and approved in writing by the Council. The approved on-site parking spaces shall be clearly marked out and operated only in accordance with the approved details and shall thereafter be permanently retained.

End of Schedule