



Appeal Decision

Site visit made on 3 February 2026

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/H5390/Q/25/3374185

Schoolkeepers House, 285 Munster Road, London SW6 6BW

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to modify a planning obligation.
 - The appeal is made by Mr Minh Quach against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The development to which the planning obligation relates is change of use of the existing property from school caretaker's house (Class F1(a)) into a single family dwellinghouse (Class C3); erection of brick boundary walls with cladding to replace the existing chain link fencing to the western and southern elevation of the site, ref: 2023/01291/FUL granted 14th February 2024.
 - The planning obligation, dated 14 February 2024, was made between the Mayor and Burgesses of the London Borough of Hammersmith and Fulham and The Fulham Cross Academy Trust.
 - The application Ref 2025/01935/VAPO, dated 14 July 2025, was refused by notice dated 9 September 2025.
 - The application sought to have the planning obligation modified as follows: remove schedule 2.1 relating to parking permit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the obligation is reasonable and necessary in the interests of promoting sustainable modes of transport and protecting air quality.

Reasons

Sustainable transport

3. The site has a PTAL score of 3 which, the Council advise, indicates it is well located for proximity to public transport links. Indeed, at my site visit I noted bus stops in close proximity to the site. It is also apparent that this part of Munster Road near the site contains a range of shops and facilities that would serve the day to day needs of the residents of the dwelling.
4. Part B of London Plan (2021) policy T6 identifies that car-free development should be the starting point for all development in places that are well-connected by public transport. Similarly, policy T4 of the Hammersmith & Fulham Local Plan (2018) ('HFLP') sets out that car parking permit free measures will be required unless evidence is provided to show that there is a significant lack of public transport available; and principle TR3 of the Council's Planning Guidance Supplementary Planning Document (2016) also says that development in areas well connected by public transport will be expected to be car-free. HFLP policy T1 also seeks to encourage a modal shift away from private vehicles.

5. In light of this policy context, it would be reasonable for the occupiers of the site to be prevented from obtaining a parking permit, which they would need to have to be able to park on-street near the site, and instead be encouraged to use the available good public transport network.
6. It is necessary therefore for the obligation to remain in place so as to prevent the occupier of the site from having a parking permit, as removing the obligation would result in conflict with the aforementioned policies.

Air quality

7. The Council advise that the whole borough is within an Air Quality Management Area and that at this site, the NO₂, PM₁₀, and PM_{2.5} concentrations currently fail the WHO Air Quality Guideline values. However there is no further evidence to support this. On the other hand, I have no evidence before me, such as an air quality assessment, to demonstrate that traffic generated by the proposal would not harm air quality locally.
8. HFLP policy CC10 sets out that developments should be air quality neutral and that proposals that would materially increase exceedances of local air pollutants will be resisted. The explanatory text to the policy adds that developments that do not exceed the GLAs emissions benchmark for transport will be considered air quality neutral.
9. It is reasonable to consider that the emissions generated by traffic from a single dwelling would be minimal. Nonetheless, I have no evidence before me to be satisfied that the emissions resulting from that traffic would not materially increase pollutants.
10. The appellant's suggestion that amending the obligation so that the occupiers are only permitted to own electric cars, would eliminate exhaust emissions, but not all particulates, such as those from tyres or brakes.
11. I recognise the previous occupiers would most likely have had a car. However as they were employed at the school, vehicle trips would most likely have been far fewer than those generated by an independent dwelling whose occupants may need to drive elsewhere for work, and so the effect on air quality would be less.
12. Overall, I cannot be confident that removing or amending the obligation would not adversely affect air quality, which would be contrary to policy CC10, as set out above, and HFLP policy T1 which seeks to encourage a modal shift to improve air quality.

Other Matters

13. The parking survey that the appellant has conducted shows there is sufficient on-street parking capacity to accommodate the vehicles resulting from the development. Indeed, the Council does not dispute the findings of this either. However the effect of removing the obligation on the availability of parking is not the Council's concern, although I note that it was referred to in the reasons for refusal of the previous application to remove the obligation.

14. The appellant has referred to case law¹ where it was found that because an obligation under s106 must relate to the use of land, and as the obligation in that case referred only to the use of the public highway for parking, the obligation did not fall within s106 so could not be enforced. However that case also confirmed that there are wider powers under s16 of the Greater London Council (General Powers) Act 1974 which do allow for obligations made in connection with the land.
15. The obligation before me states, at paragraph 4.1, that the deed, and the undertakings within it, are made under s16 of the Greater London Council (General Powers) Act 1974. The obligation which the appellant seeks to remove or amend is an undertaking in schedule 2. It is therefore made under s16 and is enforceable.
16. The appellant also refers to a host of appeal decisions in which conditions, which sought to prevent the occupants of the sites from securing parking permits, were successfully removed. Usually this was because the Inspector considered that a planning condition was not the appropriate mechanism to ensure parking permits were not applied for, and sometimes because the Inspector considered there was sufficient capacity to accommodate the additional cars. These cases all differ from that before me because in this case there is an obligation under s16, which is an appropriate mechanism, and because the effect on parking capacity was not a reason for refusal.

Conclusion

17. The obligation to prevent the occupiers of the dwelling from applying for a parking permit is directly related to the development permitted, is necessary to make the development acceptable in terms of encouraging sustainable modes of transport and protecting air quality, and is fairly and reasonably related in scale and kind to the development. It therefore accords with Regulation 122 of the CIL Regulations.
18. Without the obligation in place, the change of use would conflict with the development plan as a whole, and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is dismissed.

Andrew Owen

INSPECTOR

¹ Khodari v Royal Borough of Kensington and Chelsea & Cedarpark Holdings Inc [2017] EWCA Civ 333