



Appeal Decisions

Site visit made on 17 February 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2026

Appeal A Ref: APP/H5390/C/24/3355656

Unit 1D, Woodstock Studios, 36 Woodstock Grove, London, W12 8LE

- The appeal is made under section 174 of the 1990 Act (as amended).
- The appeal is made by Fund Ourselves Ltd against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
- The notice was issued on 10 October 2024.
- The breach of planning control as alleged in the notice is *without planning permission, the installation of a new air conditioning unit in the rear courtyard to the eastern elevation of the site.*
- The requirements of the notice are:
Remove the air conditioning unit installed in the rear courtyard at ground floor to eastern elevation of the site.
- The period for compliance with the requirements is *4 weeks of the date on which this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the 1990 Act (as amended).

Appeal B Ref: APP/H5390/W/24/3356900

Unit 1D, Woodstock Studios, 36 Woodstock Grove, London, W12 8LE

- The appeal is made under section 78 of the 1990 Act (the 1990 Act) as amended against a refusal to grant planning permission.
- The appeal is made by Fund Ourselves Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref is 2024/00885/FUL.
- The development proposed is Installation of ground level external air source heat pump (retrospective).

Formal Decisions

Appeal A

1. The enforcement notice is quashed.

Appeal B

2. The appeal is allowed and planning permission is granted for installation of ground level external air source heat pump at Unit 1D, Woodstock Studios, London, W12 8LE in accordance with the terms of the application, Ref 2024/00885/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published by the Government on 17 August 2026. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the new Framework policies where necessary in this appeal.

4. Notwithstanding the description of development set out in the heading of Appeal B above, which is taken from the application form, it includes the superfluous wording “retrospective”, which addresses the merits of a case and is not a description of development, and should therefore be deleted.

The Enforcement Notice (Appeal A)

5. In accordance with section 173(1) of the 1990 Act (as amended), an enforcement notice must state, *‘the matters which appear to the local planning authority to constitute the breach of planning control’* and it must be stated in such a way that it *‘enables any person on whom a copy of it is served to know what those matters are’* (section 173(2)). In other words, the allegation must be clear.
6. The enforcement notice is targeted against a new air conditioning unit in the rear courtyard to the eastern elevation of the appeal site. At the site visit it was apparent that the newly installed unit in the courtyard was in fact an air source heat pump (ASHP) rather than an air conditioning unit. I also noted that there were two existing air conditioning units mounted on the wall above the ASHP.
7. Furthermore, the requirements of the notice are to remove the air conditioning unit installed in the rear courtyard at the ground floor to the eastern elevation of the site. As stated above, the air conditioning condensing units are fixed to the wall of the appeal site, whilst it is the ASHP which is affixed to the floor at ground floor.
8. The appellant also raises concerns in respect to the accuracy of the plan attached to the notice, given that it does not specifically identify the location of the alleged breach but encompasses the entire building. This adds confusion with respect to which piece of equipment the alleged breach relates. The compliance period also refers to paragraph 5, which has not been included on the notice, albeit this appears as a typo.
9. Consequently, I have concerns on whether the notice is a valid one and, if not, whether it is capable of correction. Pursuant to section 176 of the 1990 Act (as amended), I have the power to correct any defect, error or mis-description, provided I am satisfied there will be no injustice to either party.
10. There is confusion in regard to the location and type of the equipment to be removed, thus, it is unclear which of these items need to be removed in order to restore the land and thus comply with the notice. The description of the alleged breach and the requirements of the enforcement notice are therefore imprecise, and there is no additional information attached to the notice to provide clarification. Furthermore, given the vague nature of the plan, this does not assist in these matters either.
11. A correction of the notice and/or the plan could potentially broaden the scope of the notice resulting in injustice to the appellant. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would likely be caused to one or both of the main parties were I to do so.
12. For the reasons given above, I conclude that the notice does not specify with sufficient clarity the alleged breach of planning control or the land where the breach of planning control is alleged to have taken place. There are also ambiguities within both the allegation and the required steps to be carried out. I

find, therefore, that the enforcement notice, as issued, is invalid. Accordingly, it is directed that the enforcement notice is quashed.

Appeal B

Main Issue

13. The main issue is the impact of noise from the ASHP at the ground floor level on the existing occupiers of the residential units above.

Reasons

14. The appeal property known as Woodstock Studios is located at the end of Woodstock Grove in Shepherds Bush, and comprises of a mixture of commercial and residential units. The rear of the site adjoins a railway line, with the immediate surrounding area largely residential. Despite the proximity to residential properties the overwhelming feel of the area is one of mixed use, given the presence of a large number of commercial uses nearby in Shepherds Bush. The proposal is for an ASHP which will replace two older units which were previously in operation.
15. Policy P3 of the Framework is clear, that proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Proposals are therefore required to provide healthy living conditions for occupiers and users avoiding exposure to sources of pollution, including noise, which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions.
16. This approach is echoed in policy CC11 of the London Borough of Hammersmith & Fulham Local Plan (LP), adopted February 2018, and policies NN1 and NN4 of the London Borough of Hammersmith & Fulham Planning Guidance Supplementary Planning Document (SPD), also adopted in February 2018. These collectively state that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by existing occupants.
17. Policy P4 of the Framework also makes it clear that decisions should integrate effectively with existing businesses, and where the operation of an existing business could have a significant adverse effect on new development, the applicant (or 'agent of change') should provide suitable mitigation before the development is completed.
18. Planning Practice Guidance (PPG) sets out further detailed guidance¹, including relating to the 'agent of change' principle. This includes taking into account current activities, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. The 'agent of change' will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a noise nuisance being found.

¹ Noise - Paragraph: 009 Reference ID: 30-009-20190722

19. As part of the application, the appellants submitted a Noise Impact Assessment (NIA)². The NIA compared the existing background levels with the external noise emissions of the ASHP taken at the nearest sensitive receptors. These are the second floor residential windows above the ASHP which serve habitable rooms. The NIA acknowledges that internal access was not obtained to these rooms, thus actual internal noise levels were unachievable. Nevertheless, reasonable adjustments based on the guidance on sound insulation and noise reduction for buildings (BS8233:2014), were applied to the calculations.
20. The NIA concluded that the ASHP noise emissions were calculated to achieve the BS8233 internal noise criteria inside the nearest sensitive receptor unit, subject to suitable conditions.
21. As part of the appeal, the appellants submitted a further Planning Noise Assessment (PNA)³ again sampling the existing baseline noise values and comparing these against the external noise emissions of the ASHP. All values were modelled at the upper floor windows at the residential unit above the ASHP. Whilst the PNA highlighted alternative background noise figures and predicted noise levels than the previous NIA, the assessment also concluded that the ASHP noise levels were 10 dB below the background levels, highlighting the scheme would have low impact. The PNA stated that the internal noise levels are also within BS8233 tolerances, suggesting that there would be no adverse effects.
22. The Council, however, has advanced little in the way of contradictory evidence, suggesting that the windows at the nearest noise receptors, whilst currently unopenable, could be replaced with openable units, thus allowing increased noise pollution to impact on the existing residents. The Council have also indicated that there is potential for structural noise transmission which would need to be addressed by plant isolation and anti-vibration mounting.
23. The PNA states the proposed ASHP would replace older units at the site and has been mounted on a concrete base in order to specifically minimise vibration transmission. Furthermore, following my site visit it was apparent that the location of the ASHP unit is such that any vibration would in the first instance be transferred into the concrete base rather than the building subject to the appeal. I do not consider that subject to the ASHP units being appropriately installed with anti-vibration mountings, that there is any significant potential for the transmission of vibrations into the adjoining building. Subject to a condition for the provision of appropriate anti-vibration mountings I find this approach appropriate.
24. Both the NIA and the PNA propose further mitigation measures through a restriction in operating hours between 0800 – 1900 Monday to Friday. This would prevent any disturbance during the night time period when background noise levels are lower. This could again be achieved through the provision of a suitable condition.
25. Overall, subject to conditions, I am satisfied that the development would not cause harm to the living conditions of existing residents from noise. As such, the proposal complies with the relevant requirements of policies CC11 of the LP, NN1 and NN4 of the SPD and policies P3 and P4 of the Framework. When read together these

² ASHP Noise Impact Assessment prepared by Cass Allen Associates Ltd (Ref: RP01-23663-R1)

³ Planning Noise Assessment prepared by ARM Acoustics (Ref: ARM0335-01)

policies expect new development to prevent unacceptable impacts of noise and vibration and to ensure a good standard of amenity for existing occupiers.

Conditions

26. In attaching conditions to this decision, I have had regard to policy DM3 of the Framework and the tests set out in the Planning Practice Guidance⁴. Given that the development is retrospective there is no need to attach the standard time limit condition or approved plans.
27. The unit to which the appeal relates is a commercial property and does not operate overnight. In order to avoid disturbance to the nearby residential properties at times when the background noise levels are lower, it is necessary to impose an hours of use restriction which prevents the operation of the ASHP unit during the night, and also requires a post installation noise assessment.
28. In order to preserve the living conditions of the occupiers of nearby residential properties, it is necessary to impose a condition that limits the potential transfer of vibration.

Overall Conclusion

29. Subject to conditions, I have found the development would not cause harm to the living conditions of nearby residential properties with particular regard to noise and vibration, and, as such, would comply with the development plan for the area. It is not suggested that the proposal conflicts with the development plan in any other respect.
30. For the above reasons, I therefore conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR

⁴ Use of Planning Conditions: Paragraph: 003 Reference ID: 21a-003-20190723

SCHEDULE OF CONDITIONS

- 1) Within three months of the date of this decision, details of the external sound level emitted from the air source heat pump and mitigation measures as appropriate shall be submitted in writing to the Council. The measures shall ensure that the external sound level emitted from the air source heat pump will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented following the grant of planning permission and thereafter be permanently retained.
- 2) Within three months of the date of this decision, details of anti-vibration measures shall be submitted in writing to the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators, and that fan motors are vibration isolated from the casing and adequately silenced. The approved details shall be implemented following the grant of planning permission and thereafter be permanently retained.
- 3) The air source heat pump hereby permitted shall not be operated except between 0800 hours and 1900 hours Monday to Friday.

END OF SCHEDULE