

# Appeal Decision

Site visit made on 23 January 2014

**by R J Maile BSc FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 February 2014**

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**Appeal Ref: APP/H5390/A/13/2202594**

**Carriageway opposite 92-98 Hurlingham Road, London, SW6 3NR.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Transport for London against the Council of the London Borough of Hammersmith and Fulham.
  - The application, ref: 2012/04104/FUL, is dated 13 December 2012.
  - The development proposed is installation on the carriageway of a Barclays Cycle Hire docking station containing a maximum of 27 docking points for scheme cycles plus terminal.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application submitted in December 2012 originally received full Officer support at pre-application and application stage, resulting in the grant of planning permission by the Council on 8 February 2013. The decision, however, was challenged by a third party following an application for Judicial Review.
  3. The Council chose not to defend the proceedings and a Consent Order was issued by the High Court on 27 June 2013, which quashed the original planning permission. One of the terms of the Consent Order required the Council to remit the planning application for re-determination as soon as practicable.
  4. The Council elected to re-consult on the application, with a consultation period some time in August 2013. The appellant considered this unnecessary, given that there had been no material change in circumstances since the submission of the original application. Accordingly, an appeal was lodged against non-determination.
  5. I understand that on 11 September 2013 the Council's Planning Applications Committee resolved that it would have granted planning permission for the scheme had an appeal not been submitted. It is therefore contended by the appellant that the proposal benefits from full support at political as well as at officer level within the Borough.
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### **Preliminary Matters**

6. During the appeal process there have been changes arising from the grant on appeal of an application for the installation of a Barclays Cycle Hire docking station containing a maximum of 40 docking points and a terminal on the foot-path outside Napier Court, Ranelagh Gardens, near to the current appeal site (appeal ref: APP/H5390/A/13/2199046 dated 28 October 2013). The terminal is close to Putney Bridge Underground Station and works had commenced on its construction at the time of my site visit.
7. It is also relevant that planning permission has recently been granted by the Council for an alternative docking station for 21 cycles in Hurlingham Road some 80m to the east. This site was inspected during my site visit.
8. These planning permissions are material a consideration in my determination of this appeal.

### **Main Issue**

9. The main issue in this case is the impact of the proposed cycle docking station and associated works upon the character and appearance of the Hurlingham Conservation Area and the setting of The Vineyard, a Grade II listed building on the north side of Hurlingham Road.

### **Reasons**

10. The proposal involves the provision of a cycle docking facility for a maximum of 27 cycles, together with a terminal approximately 2.4m in height. It would be located within the carriageway of Hurlingham Road and replace four kerbside car parking bays.
11. The appeal site and those for which planning permissions have recently been granted as referred to above are all on roads forming part of the London Cycle Network Routes. Likewise, all are conveniently located to serve the key attractors detailed in the appellant's statement (paragraphs 3.6-3.9).
12. I note Transport for London ('TfL') has indicated that the current proposal is its preferred option and that if the current appeal is allowed it would not proceed with the docking station at Field Cottage, Hurlingham Road. In this event, and as suggested by the Council, a condition could be imposed to ensure that only one cycle docking station is constructed in Hurlingham Road.
13. The appellant has produced a Heritage Report dated 4 September 2013. This concludes that the replacement of the guard rail adjacent to the appeal site and the row of parked vehicles with cycles would represent an enhancement to this part of the conservation area; also, that the proposed docking station would be too far away to have any impact on the listed buildings at 76 Hurlingham Road and the adjacent former stables.
14. I acknowledge that TfL has gained planning permission for in excess of 578 Barclays Cycle Hire docking stations throughout London. Many of these are within conservation areas and, in a few cases, within World Heritage sites and the Royal Parks. I fully support the provision of such facilities, which have become an accepted part of London's streetscape.

15. The extension of the scheme into Fulham and Hammersmith accords with National policy in the Framework<sup>1</sup> and with Borough Wide Strategic Policy T1 of the Core Strategy<sup>2</sup> to increase opportunities for walking and cycling. However, each case needs to be considered on its individual merits.
16. In the subject case the permitted schemes nearby, and particularly that for 21 cycles in Hurlingham Road, are likely to meet the aspirations of TfL and the Council to increase cycle provision to meet the local attractors identified by the appellant. Although marginally smaller than the current appeal proposal, the docking station at Field Cottage is closer to New Kings Road, to Broomhouse Lane and Linver Road, which also form part of the Cycle Network Routes.
17. Whilst noting and accepting the views of the appellant's heritage adviser, his report was written prior to the grant of planning permission for the other two schemes close by. I also appreciate that the removal of four parked cars or vans and the low barrier to the pavement will bring some enhancement to the character and appearance of the conservation area and to the setting of The Vineyard. The cycle docking station will nevertheless be a permanent feature and includes a terminal some 2.4m in height.
18. It is probable that the facility will encourage far more activity than would be associated with four parked vehicles. The clutter of the cycles and docking station would also be visible from the six windows of The Vineyard, which are elevated above the level of the front boundary and which would have a clear view of the docking station. These factors will adversely affect the character and appearance of the conservation area and setting of the listed building.
19. I acknowledge that the provision of docking stations has been found acceptable in other similar situations. However, the grant of permission for an almost identical docking station only some 80m to the east has convinced me that there is no overriding need to allow the current proposal, which would breach the Council's adopted policies for the protection of the historic environment.
20. I therefore find on the main issue that development as proposed would bring about an unacceptable impact upon the character and appearance of the Hurlingham Conservation and the setting of the nearby listed building, contrary to Strategic Policy BE1 of the Core Strategy.

## **Conclusion**

21. For the reasons given above, I conclude that the appeal should be dismissed.

*R. J. Maile*

INSPECTOR

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<sup>1</sup> The National Planning Policy Framework.

<sup>2</sup> London Borough of Hammersmith and Fulham Core Strategy – October 2011.

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