
Costs Decision

Site visit made on 20 September 2022

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

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

Decision date: 20th December 2022

Costs application in relation to Appeal Ref: APP/X5990/Y/22/3292964 University Of Notre Dame, 1-4 Suffolk Street, London SW1Y 4HG

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by The University of Notre Dame London for a full award of costs against Westminster Council.
 - The appeal was against the refusal of an application for listed building consent for installation of secondary glazing to three windows at first floor level on front elevation (and specifically to room No. 1.02 / Undergraduate Director).
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant claims that the Council did not take account of submitted drawings in reaching its decision and this alleged failure resulted in the applicant having to defend its position at appeal. Neither the officer's delegated report nor the decision notice issued by the Council mentioned a set of plans that would have provided sufficient detail to enable the Council to fully understand the effects on the listed building.
4. Whilst some drawings are mentioned in the decision notice and officer's report, it is unclear whether the drawings listed in the application for costs were considered. Having perused the Council's online register of planning and related applications, I note that the 'MAX-FULL PACK-WIN-1-4 Suffolk Street the drawings pack) is only included in the list of plans and do not appear to be available for online viewing. I am surprised that the applicant did not raise the omission of the drawings pack during the course of the application. The Council is silent on this issue.
5. From my perspective, I did not find that the drawings pack mentioned above provided the necessary detail that would normally be required to paint a full picture of what is actually proposed. I carried out an internal inspection to satisfy myself that the window reveals were sufficiently deep to accommodate the secondary glazing units and without affecting the shutters to the sashes. I

felt sufficiently comfortable that a condition could be imposed that would protect the special architectural and historic interest of the building. I can appreciate why the Council might have taken a stricter line.

6. Given this, I do not consider that the Council would have been in a better position to fully understand the scope of the works had those drawings been available (although I cannot with absolute certainty be sure that the Council did not take them into consideration). Why the plans pack was not included in the officer report and decision notice, despite its reference on the Council's website, remains a mystery – but a mystery that has not caused prejudice to the applicant given my criticism of the dearth of detail contained in the plans pack. Neither can I comment as to why the Council did not impose a planning condition in the way that I have done - but this is not the issue here.
7. Accordingly, I do not consider that the Council's actions have amounted to unreasonable behaviour in the way that the PPG would find unacceptable.

Conclusion

8. For the above reasons, I conclude that the application should be refused. Unreasonable behaviour has not occurred.

Gareth W Thomas

INSPECTOR