



Costs Decision

Site visit made on 31 January 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Costs application in relation to Appeal Ref: APP/K5600/D/24/3352715 16 Pembroke Road, Kensington and Chelsea, London W8 6NT

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Rupert and Pamela Goodman for a full award of costs against the Royal Borough of Kensington and Chelsea Council.
 - The appeal was against the refusal of planning permission for the creation of a new laundry room/WC under the existing hard standing area at the front of the main house, plus two new roof lights to top floor. The creation of a bedroom and bathroom with lightwell under the existing rear studio building in the garden with two new roof lights on the garden side. Alterations to the exterior of the existing garden studio are proposed to both elevations (garden and mews facing).
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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. In this instance, the basis of the appellant's application for a full award of costs falls into two distinct areas where they feel there has been unreasonable behaviour on the part of the Royal Borough of Kensington and Chelsea Council:
 - In refusing the application and the absence of reasons given for this refusal in relation to living conditions of neighbouring residential occupiers.
 - In the planning committee members making a decision that was contrary to the recommendation of the Council's planning officer.
4. The report of the Council's planning officer makes only a recommendation to the committee, and I am satisfied that the officer's report set out all relevant policies, balanced the issues and provided council members with the professional advice that they would need to make a reasonable decision. However, committee members are not bound by that recommendation and will bring their own knowledge and experience in developing their opinions, balancing the evidence and exercising their role as decision makers.
5. Although the Council's planning officer recommended that the application be approved, committee members in this instance took a different view and decision. This is something that it is within their role as decision makers to do, having had

regard to all material considerations. Further, the degree to which planning decisions relating to nearby properties are material considerations, and what weight is to be given to these in balancing all material considerations is for committee members as the decision makers to decide.

6. I am satisfied that in making their decision the Council has acted reasonably and that the reasons for refusal, as set out in the Council's decision notice dated 24 July 2024 were specific in relation to living conditions of neighbouring residential occupiers and referred to relevant policies.
7. Whilst I appreciate that the outcome of the original application will have been a disappointment to the appellant, I find that Council was not unreasonable in coming to that decision, even though, following consideration of the application on its merits alone, I have not concurred with the Council's decision.
8. I find, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Victor Callister

INSPECTOR