



Costs Decision

Site visit made on 5 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Flat 3, 15 Aberdare Gardens, London NW6 3AJ

Costs application in relation to Appeal Ref: APP/X5210/W/24/3354986

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Keith Bernstein for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for the creation of roof terrace with railings with associated roof alterations and skylights.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Matters relating to character and appearance are generally quite subjective. However, in this instance, the external changes to No. 15 would be very minor and largely unnoticeable from the street. Furthermore, the Council seemingly failed to sufficiently consider that such schemes are already a feature of the street scape in the immediate area, particularly at No. 4 which is opposite the appeal site. It therefore seems to me that refusing the original application was unreasonable.
4. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Camden shall pay to Mr Keith Bernstein, the costs of the appeal proceedings described in the heading of this decision; such costs are to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to the Council of the London Borough of Camden to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Butcher

INSPECTOR