



Costs Decision

Site visit made on 19 June 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Costs application in relation to Appeal Ref: APP/N5660/D/25/3364845 208 Gipsy Road, Lambeth, London, SE27 9RB

- 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 Shulem Stern for a full award of costs against the Council of the London Borough of Lambeth.
 - The appeal was against the refusal of planning permission for the erection of a single-storey ground floor rear and side infill extension; erection of rear mansard roof extension and mansard roof extension to the rear outrigger and the installation of 2 rooflights to the front roof slope.
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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. The applicant's claim relates to the Council's procedural handling of the planning application which in turn, they argue, affected the substance of the matter under appeal. The procedural matters relate firstly to factual errors in the officer's report with regard to the proposed single-storey ground floor extension, and secondly, failure to consider a fallback position for the proposed roof extension.
4. The officer's report fairly and reasonably describes the 3m height and almost 10m length of the flank wall to the proposed single-storey rear extension. Due to differences in land levels between the appeal site and the adjacent road and pavement along Oaks Avenue, and the rising land levels along Oaks Avenue itself leading away from the appeal site, the actual height of the extension relative to the existing boundary fence was misrepresented by the Council. The extension would not project above the height of the existing boundary fence to the degree that was asserted within the officer's report.
5. Nevertheless, the plans do not explicitly show a retained fence along the boundary. The impression I get from the application drawings is that the flank wall of the extension would form the boundary enclosure along the back edge of the pavement for its length along Oaks Avenue. Therefore, whilst I accept that the Council's assessment appears based upon an exaggerated perception of the extension's height relative to the road, for reasons amplified in my appeal decision I do not

accept the applicant's opposing assertions that the resulting visual intrusion would be minimal.

6. It is evident from the officer's report that the Council did not consider any possible fallback position for an alternative roof extension as permitted development. However, the applicant concedes that no such fallback position was explicitly highlighted to the Council at the time of the original application. It is reasonable for the applicant to expect the Council to have considered a realistic fallback position and to have attributed weight to it within an overall planning balance before reaching their decision. However, I do not consider it reasonable to expect the Council themselves to formulate alternative design solutions for comparison.
7. Furthermore, and for reasons again set out in my decision, I am unable to concur with the applicant's assertion that any differences between the proposal and a fallback option would be minor. That opinion is unsupported by any reasoned analysis on the part of the applicant.
8. Despite some shortcomings with the Council's reading of the plans and contextual analysis of the proposal, ultimately their decision was based on sound planning principles including consideration of adopted design guidance and support by relevant policies of the development plan. Moreover, following my own conclusions based upon the planning merits of the case overall, their decision did not lead to an appeal that could necessarily have been avoided.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that neither a full nor partial award of costs is justified.

John D Allan

INSPECTOR