



Costs Decision

Site visit made on 25 July 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Costs application in relation to Appeal Ref: APP/N5600/D/25/3366981

48 Gipsy Hill, London SE19 1NL

- 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 Mark Risner 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 internal renovations, refurbishment works and rear extension.
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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 appeal application followed an earlier proposal to enlarge and alter No 48 that was also refused planning permission. Since these schemes were different, it is not surprising that the Council's objections in each case were not the same. As the Officer's Report (OR) records the planning history of the site and lists the previous reasons for refusal, the earlier scheme was not ignored. While the applicant considers that the Council has been inconsistent in its approach in each case, the appeal proposal was assessed on its own planning merits. This is an entirely reasonable approach to take.
4. Planning decisions often involve matters of judgement concerning the character and appearance of a building or the local area. It is inevitable that opinion will vary. While the applicant considered that the Council's previous concerns had been addressed and resolved, the Council clearly did not share that opinion. Its stance is clearly explained in the OR. While the OR does not explicitly address certain matters such as the changes made from the earlier scheme or whether the 2-storey rear projection was a later addition to the original building, it understandably focussed on those matters that it considered to be critical to its decision.
5. The reason for refusal, which refers to the wraparound window and enlargement of the hard landscaping to the front amenity space, is precise, specific and relevant. Reference is made to relevant development plan policies and planning guidance. Given the details shown on the submitted plans, and design and heritage issues raised, the Council had reasonable planning grounds for its decision.

6. The consultation response from the Conservation and Urban Design Officer (C&UDO) states that the rear return, to be rebuilt, would be taller than its existing counterpart. From my inspection of the plans, I do not share that opinion. In any event, the C&UDO stated that this change would be acceptable. Given the terms of the reason for refusal, the Council's decision clearly did not turn on this matter.
7. The applicant is deeply critical of the Council in its handling of the application and the lack of feedback provided despite several chase up emails and telephone calls. That the Council should have made contact during the application and outlined its concerns, raised any queries or requested further information to enable it to reach a decision is a reasonable expectation. A greater level of communication with the applicant earlier in the process may have negated the need to pursue an appeal and so avoid its associated costs. However, given the fundamental difference of opinion between the main parties on the acceptability of the proposal, I am not convinced that was a likely outcome.
8. My assessment of the effects of the proposal differ to those of the Council. These differences arose because I made different judgements on all the evidence rather than because of any inadequacies in the content of the Council's case. That I came to a different conclusion and have allowed the appeal does not mean that the Council failed to show why in its view the development should not be permitted or that it failed to substantiate its case.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

Gary Deane

INSPECTOR