



Costs Decision

Site visit made on 9 July 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Costs application in relation to Appeal Ref: APP/N5660/D/25/3364846

63 The Chase, Lambeth, London SW4 0NP

- 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 M Peachey 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 'erection of two-storey rear extension at lower and upper ground floors, reinstating the lower ground floor side window, together with erection of a rear mansard roof extension including the installation of two front roof lights, and the replacement of windows and front doors, the provision of bin store and planter, plus the installation of metal entrance gate, railings to front garden and new gate with security railings above'.
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Decision

1. The application for an award of costs 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 PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both substantive and procedural grounds.
4. In respect of the development plan, I am satisfied that the Council undertook a detailed and policy-led assessment of the proposed development, having due regard to the relevant provisions of the Lambeth Local Plan (2021) (LLP) and associated guidance, including the Lambeth Design Guide SPD (2023) (the SPD). The delegated officer's report demonstrates that the Council gave specific and meaningful consideration to the impact of the proposal on the character and appearance of both the host dwelling and the wider Conservation Area (CA).
5. I recognise that the determinative factors in this case relating to character and appearance are largely subjective. Therefore, it was reasonable for the Council to have exercised planning judgement in reaching its own views on these matters. I have also found conflict with the development plan in these matters in respect of the proposed two storey rear extension.
6. The applicant contends that the Council applied the SPD inflexibly. However, the SPD, while advisory, is intended to support the implementation of LLP Policies

which prioritise local distinctiveness, subordination of extensions, and the retention of original features, particularly within a CA. Where conflict with the SPD guidance has been found the delegated officer's report sets out why this is considered harmful in this case. As such, it was reasonable and correct for the Council to afford weight to this guidance in assessing the proposal's design quality.

7. The applicant refers to developments at 65 and 67 The Chase, but no detailed evidence has been provided, such as information in relation to planning context, circumstances, or rationale underpinning those developments, to demonstrate that they are a direct parallel to the appeal proposal. The Council acknowledged existing development but gave clear reasons why they did not justify approval in this case. The existence of similar development nearby does not compel the Council to permit further alterations where harm is identified. Each application must be determined on its own merits, as occurred here.
8. Similarly, reference to the allowed appeal at 57 The Chase is noted, but on the limited evidence presented I cannot be certain that it represents a direct parallel to the proposed development and therefore cannot conclude that the Council has acted unreasonably in their determination. The Council acknowledged existing and recently approved roof extensions within the street and considered it in its overall assessment. While I found the mansard element of the appeal proposal acceptable, the Council's differing conclusion was reasonably reached and justified.
9. The applicant contends that the Council failed to distinguish between private and public views in their assessment. The Council's assessment focused on the overall impact on the character and appearance of the Conservation Area, as required by the National Planning Policy Framework (2024) (the Framework) and the development plan. Visibility from public viewpoints is relevant but not determinative and harm can arise regardless of public visibility. While no explicit distinction was made by the Council in this case it does not represent unreasonable behaviour.
10. The Council has clearly set out substantive, evidence-based reasons and reached a judgement accordingly. As such, I consider that the Council has properly evaluated the application and considered the merits of the scheme.
11. The applicant contends that the Council failed to undertake a heritage impact analysis. The delegated officer's report includes a structured analysis of the site and its significance within the CA, supported by detailed input from the Council's Conservation Officer. This assessment addresses the impact of the proposed two-storey rear extension and identifies the degree of harm associated with that element of the scheme. However, it is apparent that the report does not explicitly assess the degree of harm to the CA arising from the proposed mansard roof extension. Furthermore, there is no clear evidence that the Council undertook the requisite balancing exercise, weighing any identified harm against the public benefits of the proposal, as required under paragraph 215 of the Framework. This represents a procedural omission in the decision-making process.
12. That said, based on the evidence before me, it has not been demonstrated that the outcome would have been materially different had such an exercise been undertaken. The appellant has not substantiated that the public benefits associated with the scheme, when taken as a whole, are of sufficient weight to outweigh the identified less than substantial harm to the designated heritage asset or conflict with the policies of the development plan in respect of the host dwelling itself. As

such, while the procedural shortcoming is acknowledged, I am not persuaded that it would have led to a different decision, or that the extent or substance of the appeal would have been appreciably altered.

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

SJ Desai

INSPECTOR