
Costs Decision

Site visit made on 29 July 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Costs application in relation to Appeal Ref: APP/H5390/W/25/3363875

7 Lyric Square, Hammersmith and Fulham, London W6 0ED

- 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 Romulus Developments Ltd for a full award of costs against the Council of the London Borough of Hammersmith and Fulham.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the first, second and third floor levels from an office use (Class E) into 5no. self-contained residential flats (Class C3), consisting of 4no. one bedroom units and 1no. two bedroom unit.
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Decision

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

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. The applicant is seeking an award of costs on the basis that the Council has acted unreasonably, stating the submitted assessments demonstrate that the proposed development would result in good quality residential accommodation. The applicant also contends that the application should have been assessed against the criteria that Parliament has required for prior approval applications, and not what the Council would like to control.
4. The PPG makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to procedure relating to the process, or the substance of the matter under appeal, for example, by unreasonably refusing planning applications.
5. With regard to reason for refusal 1, the applicant provided an Internal Daylight and Sunlight Report (the DSR) that also had regard to relevant guidance produced by the Building Research Establishment. This indicated that the development would meet recommended standards for daylight, although some areas of the development would be below target levels in terms of sunlight.
6. As acknowledged by the main parties and set out within my accompanying decision, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) does not provide a definition for adequate natural light. However, it is reasonable to take into account the amount of

daylight and sunlight a development would achieve in order to assess this aspect. Whilst I have found that the proposed development would be acceptable in this respect having regard to the GPDO, it was not unreasonable for the Council to refuse the application on this ground when exercising their planning judgement on the matter. Their reasons for doing so took into account the findings of the DSR, which noted some deficiencies in relation to sunlight, and these have been substantiated within the officer report and appeal statement.

7. With regard to reason for refusal 2, the applicant submitted a Transport Statement. A draft unilateral undertaking was also provided in relation to securing car free development. The Council's officer report and reason for refusal set out their main areas of concern on this aspect of the proposal. Whilst I have not found conflict with the GPDO in relation to the issues raised on car parking and the delivery and servicing strategy, the accompanying appeal decision has been dismissed in relation to the information on transport impacts relating to cycle parking. The Council has explained their reasons within the report and statement, again exercising planning judgement on these matters. I therefore do not consider that the Council has behaved unreasonably in refusing the application on these grounds.
8. For reason for refusal 3, the Council has made their assessment having regard to the details shown on the submitted plans. In my accompanying decision I consider that the plans and supporting information indicated that the units in question would be for 1 bedroom, 1 person occupancy. As such, the proposal would not conflict with the GPDO in this respect. I do not consider that the Council has been unreasonable in this respect based on the details indicated on the plans and as the applicant has subsequently amended these to provide greater clarity. However, even if the Council was found to have been unreasonable on this matter, I do not consider that this has resulted in unnecessary or wasted expense.
9. Finally, on reason for refusal 4, my accompanying decision concludes that the proposal would not conflict with Schedule 2, Part 3, Class MA, MA.2.(2)(i) and MA.3 of the GPDO in relation to the fire risk condition and consideration of fire safety impacts. Whilst the proposal would not meet the fire risk condition, the Council has had regard to the London Plan Guidance, Fire Safety (2022) (the LPG) and Policy D12 of The London Plan (2021) (the LP).
10. Although I have found that it is not necessary to consider this further as a prior approval matter where the fire risk condition is not met, the Council has referenced the guidance in the published LPG and the LP, which they considered to be relevant as a material consideration. Despite my findings on this main issue, I do not consider the Council to have behaved unreasonably in this respect.

Conclusion

11. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

N Armstrong

INSPECTOR