



Costs Decision

Site visit made on 22 July 2025 by S Wilson LL.B. MSc MRTPI

Decision by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 SEPTEMBER 2025

Costs application in relation to Appeal Ref: APP/N5660/D/25/3367488 15 Pyrmont Grove, Lambeth, London SE27 0BG

- 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 Catherine Phillips for a full award of costs against of the Council of the London Borough of Lambeth.
 - The appeal was against the decision of 25/00887/FUL to refuse planning permission for loft conversion with rear dormer on the main roof and outrigger, raising the ridge by 400mm.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons

3. 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.
4. The Appellant states that the Council has acted unreasonably by failing to properly consider and take into account the prevailing character and appearance of the area and the existence of similar roof extensions in the immediate vicinity and by departing from the findings of the Inspector in relation to a similarly approved development at 13 Pyrmont Grove.
5. Whilst evidence of a fallback position was presented for No 13, and this formed part of the reasoning for allowing the appeal, as indicated in the Appeal Decision attached to this costs award, when read as a whole, it was not the only reason. Furthermore, whilst the Council claim the appellant did not provide similar evidence of a lawful development certificate, appellants are not required to submit one to ascertain a fallback position to justify a proposal. The Council can consider permitted development allowances as part of its assessment when considering the suitability of proposals, along with considering the existing prevailing characteristics of the area, and proposals that have been permitted for similar schemes in the vicinity, especially those at appeal.

6. Given the scheme before the Council was for a very similar proposal on the same terrace row and having taken account of the reasoning in the appeal decision for No 13, the Council has failed to determine similar cases in a consistent manner, departing from the findings in the previous appeal decision. This is unreasonable behaviour and resulted in unnecessary expense in the appeal process.

Conclusion and Recommendation

7. Consequently, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is justified.

Scott Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Katie McDonald

INSPECTOR

COSTS ORDER

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 Lambeth shall pay to Catherine Phillips, the costs of the appeal proceedings described in the heading of this decision; such costs 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 Lambeth, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.