



Costs Decision

Site visit made on 8 September 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Costs application in relation to Appeal Ref: APP/Z5630/W/25/3369157

St Nicholas Court, Surbiton Road, Kingston Upon Thames, KT1 2HT

- 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 Mr Haines of Decimus Residential Ltd for a full award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the addition of a single storey, under prior approval, to existing 3 storey residential block, to create 2x 2 bedroom self-contained flats, including expansion of refuse bin store and the addition of secure cycle storage.
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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 submission made by the applicant relates to a substantive claim that the Council's position was vague, inconsistent, and inadequately supported as the Council did not provide any technical evidence or calculations to substantiate its position in relation to the developments non-compliance with the Nationally Described Space Standards (NDSS). Furthermore, the applicant contends that the Council failed to take into account that the layout of the proposed development would be identical to the flats below which was previously approved by the Council.
4. The layout of the proposed flats being identical to the flats below has no effect on whether the development before me complies with Article 3(9A)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and the Council was reasonable in not taking this into account when making its assessment of the development against this part of the GPDO.
5. I acknowledge that the Council did not submit evidence specifically showing how it calculated the floor area of the relevant bedroom. However, the Council have substantiated its position stating that it undertook its own calculations based upon the information submitted with the planning application, including the scaled floor plans which is a reasonable approach to take. Given my concerns with the floor area measurements provided by the applicant, I have found that there is insufficient evidence to demonstrate the proposal would comply with the NDSS.

6. Whilst the applicant produced a statement of case for the appeal and provided final comments on the evidence of the Council, the contents of the applicant's submissions directly respond to the Council's reason for refusal and relates to the main issue of the appeal. No time or effort has been expended by the applicant responding to a case that should not have been defended by the Council or could have been avoided entirely.
7. As such, the Council has taken a reasonable approach in assessing the developments compliance with Article 3(9A)(b) of the GPDO and this has not resulted in any unnecessary or wasted expense by the applicant in contesting the appeal.

Conclusion

8. I therefore find 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.

C Housden

INSPECTOR