



Costs Decisions

Site visit made on 8 October 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Costs application in relation to Appeal A Ref: APP/X5990/W/25/3359769

33 Craven Road, City of Westminster, London W2 3QA

- 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 Tom Leeman for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of planning permission for internal alterations, partial infill of existing lightwell and first floor extension to rear.
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Costs application in relation to Appeal B Ref: APP/X5990/Y/25/3359773

33 Craven Road, City of Westminster, London W2 3QA

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tom Leeman for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of listed building consent for internal alterations, partial infill of existing lightwell and first floor extension to rear.
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Decisions

1. Appeal A - the application for an award of costs is refused.
2. Appeal B - the application for an award of costs is refused.

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. While the applicant considers that the principle of the proposal is not contrary to the development plan, in my appeal decisions I have set out clearly the reasons why it would not make a positive contribution to Westminster's townscape and streetscape, in conflict with policies 38, 39 and 40 of the Westminster City Plan 2019-2040.
5. The proposal also fails to satisfy the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) as it would not preserve the special interest of a Grade II listed building, or its setting, or any of the features of special architectural or historic interest it possesses. Additionally, as the proposal would not preserve or enhance the character or appearance of the Bayswater Conservation Area (BCA), it runs contrary to section 72(1) of the Act.

6. Although heritage designations are a significant constraint, I concur with the applicants point that they do not preclude development entirely. However, in this case, I have found that the public benefits which would be derived from the proposal would not outweigh the magnitudes of less than substantial harm I have found it would cause to the listed building and BCA.
7. Despite an extension of time not being agreed between the main parties, the evidence before me indicates that the decision notices for the planning application and listed building consent were issued several weeks beyond the statutory determination date. No doubt this would have been frustrating for the applicant and I acknowledge the offers to go through the proposal with the Council's Case Officer. However, while responses from the Council may not have been as prompt as desired by the applicant, nonetheless responses were sent and a site visit was undertaken which included a discussion of the scheme.
8. Furthermore, following the visit, the applicant submitted clarifications via emails during June 2024¹, the latter of which was accompanied by the Design Development Sketches. The sketches, alongside the email explanation of the options considered, clearly sets out the design evolution of the scheme and the reasoning behind selecting the final solution which the applicant concluded to be the most appropriate. As such, it is unclear how a further discussion between the applicant and the Council would have altered the outcome of the planning application and listed building consent based on the scheme as proposed.
9. On this basis, I see no reason to conclude that the Council has not worked with the applicant in a positive and proactive way as far as possible, as required by the Framework and set out within the informative paragraph on the decision notices.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted in respect to both Appeal A and Appeal B.

Juliet Rogers

INSPECTOR

¹ Dated 21 and 25 June 2024