



Costs Decision

Hearing held on 18 November 2025

Site visit made on 18 November 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Costs application in relation to Appeal A Ref: APP/K5600/W/25/3369602

39 Harrington Gardens, London SW7 4JU

- 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 The Royal Borough of Kensington and Chelsea for a partial award of costs against Mr James Woolf.
 - The appeal was against the refusal of planning permission for a lift, external alterations and gilt leather wallpaper restoration.
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Appeal B Ref: APP/K5600/Y/25/3369601

39 Harrington Gardens, London SW7 4JU

- 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 The Royal Borough of Kensington and Chelsea for a partial award of costs against Mr James Woolf.
 - The appeal was against the refusal of listed building consent for a lift, external alterations and gilt leather wallpaper restoration.
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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 costs application was made orally and later in writing at the hearing. The Appellant's rebuttal and the Council's final comments were also made orally at the hearing. The application was made on procedural grounds.
4. In summary, the Council considers that the Appellant demonstrated unreasonable behaviour because of the delay in providing information, failure to adhere to deadlines, and by introducing fresh evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen. The Council submits that the noise/vibration assessment, intended to demonstrate the lifts impact on neighbouring occupants, and a fire safety statement were not provided until the appeal was made. Then, at a much later stage, a structural report was submitted.

5. The Council advises that when the Inspector wrote to the parties to accept the additional evidence and to confirm that these matters would be discussed at the hearing, its Statement of Case had already been submitted along with the agreed Statement of Common Ground. Subsequently the Council states that officers only had seven working days to review this additional information and agree a new Statement of Common Ground with the Appellant.
6. The Council believes that the delayed submission of essential evidence and the presentation of new material immediately prior to the hearing constitutes unreasonable behaviour under the Procedural Guidance. This resulted in unnecessary costs for the Council to address late evidence, to renegotiate the Statement of Common Ground, and reallocated resources away from other statutory duties. In particular, the Council states that the late submission of the structural report by the Appellant placed significant additional demands on the its time and resources at a critical stage in the appeal process.
7. At the hearing (and in summary), the Appellant advised that the Council's validation guidance was not explicit about requiring a noise report for the lift, therefore none was provided. Furthermore, the Appellant commented that the Council had time to ask for the additional documents, but it chose not to. The Appellant suggested that the Council should have commented on the noise/vibration assessment and fire safety statement in its Statement of Case rather than waiting for the Inspector to accept them.
8. The Appellant stated that a structural report was submitted with the original application and that the addendum was produced as the Council, in its Statement of Case, considered the information to be inadequate and could not be left to condition. Therefore, the Appellant explained that the existing document was updated with a couple of extra sentences. Furthermore, the Appellant added that the delay in formally submitting this update was necessary to allow all parties to review the extra information.
9. It would have been helpful for the noise/vibration, fire safety evidence and full structural information to have been submitted with the original applications. Based on the discussion at the hearing, it appears that submitting this information with the appeal would have been logical. In particular, the siting of a lift in the light well between the two properties should have been anticipated as being a concern to the adjoining neighbours. Also, the installation of the lift would undoubtedly have structural implications for the building, requiring a detailed evaluation from the outset. However, in relation to noise/vibration and fire safety, there is little to indicate that the Council highlighted these matters or sought further information whilst it was determining the applications.
10. Given the apparent absence of discussion of these matters during the consideration of the applications and taking account of the reasons for refusal, it was reasonable for the Appellant to submit the noise/vibration and fire safety documentation with the appeal in an effort to address these matters. This was not seeking to develop or evolve the scheme, and it remained the same scheme considered by the Council and interested parties at application stage. At this early stage in the appeal process the Council had time to consider the additional reports in its Statement of Case and it is not clear why the Council felt that it should wait for my clarification. Indeed, the Council's late acceptance in the Statement of Common Ground that the noise and vibration assessment addressed its concerns, subject to

conditions, (a view shared by the neighbours' representative at the hearing), demonstrates that this matter could have been addressed earlier. Therefore, had the Council acted in a more timely fashion in relation to noise/vibration and fire safety, these matters could have been addressed well before the hearing. This would have benefitted everyone in narrowing the matters in dispute and for the efficient running of the appeal process.

11. The appellant submitted a structural report with the original application and the late addendum provided further clarification following the Council's Statement of Case. However, this document appears only to have been updated with a few sentences. Therefore, there is little to suggest that, even at such a late stage, the Council officers had to commit significant time and resources to deal with this matter. The addendum may have been delayed by a few weeks from its issue date but that does not appear unreasonable given that it would need to be reviewed by relevant parties before its formal submission.
12. Drawing all the above together, the Appellant should have provided most of the supporting documentation relating to noise/vibration, fire and a detailed structural assessment as part of the original applications. However, the Council did not appear to request this information whilst considering the applications, and it was reasonable for the Appellant to attempt to address this as part of its appeal documentation. Therefore, although there were delays in the appellant providing the evidence, the late submissions were not unreasonable. The Council had time to address this extra documentation and ultimately, narrowing down the main issues sooner would have saved the Council time and resources.
13. Unreasonable behaviour by the Appellant resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, an award of costs is not warranted.

G Bayliss

INSPECTOR