
Costs Decision

Site visit made on 24 June 2026

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2026

Costs application in relation to Appeal A Ref: APP/X5990/W/25/3375654 Flat F, 104 St George's Square, London SW1V 3QY

- 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 Jack Parker for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of planning permission for a rear extension over the outrigger to 4th floor flat.
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Costs application in relation to Appeal B Ref: APP/X5990/Y/25/3375761 Flat F, 104 St George's Square, London SW1V 3QY

- 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 Jack Parker for a full award of costs against City of Westminster Council.
 - The appeal was against the refusal of listed building consent for rear extension over the outrigger to 4th floor flat.
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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, 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. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal). PPG makes it clear that costs cannot be claimed for the period during the determination of the original application, although behaviour of the parties at this time can be taken into account.
5. The applicant is seeking a full award of costs due to the Council's unreasonable behaviour at the application stage and during the appeal process on both procedural and substantive grounds. The applications for an award of costs and the response of the Council have been made in writing and will not be repeated here in detail.
6. On procedural grounds, the applicant argues there has been unfairness due to the Council failing to engage constructively and proportionately, thereby resulting in

unreasonable behaviour by acting contrary to guidance relating to early engagement and constructive dialogue.

7. I note that no pre-application advice was sought by the applicant prior to the submission of the applications. Whilst there is no requirement for this to be undertaken, PPG¹ advises of its significant potential to improve the efficiency and effectiveness of planning applications and their likelihood of success in some cases. It could have provided the applicant with an early indication that the proposal would be unlikely to be supported by Officers and for the potential for continuing discussion between the parties.
8. The Council has explained that officers provided advice to the applicant prior to determination of the applications that the proposals were unlikely to be supported based on identified heritage impacts. The applicant says that this advice was not clear or timely and that no revisions were invited. As a result, and for other reasons, the applicant requested that, rather than be determined under the Council's delegated scheme, the applications be determined by the Council's Planning Sub-Committee (the Committee). Officers agreed to this request and the applications were seemingly considered and determined following some discussion between Officers and Councillors. I do not find this approach unreasonable in the context of the advice within the PPG regarding co-operation on behalf of the Council as well as the value of pre-application engagement.
9. On substantive grounds, the applicant submits that the Council failed to have regard to material considerations and submitted evidence; failed to substantiate the reasons for refusal; has made inconsistent and contradictory decisions; and failed to make a proper assessment of the proposal. In failing to address these matters, the applicant contends that the Council's actions have prevented or delayed development/works which should clearly have been permitted having regard to its accordance with the development plan. For reasons given in my appeal decisions, I find that the proposal is not in accordance with the development plan.
10. Whilst I appreciate the outcome of the applications would have been a disappointment to the applicant, the Council were not unreasonable in coming to the decisions from the information they had available to them. The Council's decision notices set out clear reasons why it was concerned that the proposal would cause harm to the listed building and the conservation area.
11. In reaching its decisions, the Council's Committee report clearly identifies the appeal site as part of a Grade II listed building and refers to the relevant sections of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) and the National Planning Policy Framework (the Framework). Although the Council's assessment of significance in relation to the listed building and the Pimlico Conservation Area is brief, so too is the applicant's heritage assessment. The Committee report refers to the pattern of rear extensions to the listed building as contributing to the building's significance and townscape views are also mentioned. Neither the Council nor the applicant have provided a full assessment of the layered history of the listed building, including when the second and third floor of the closet wing was constructed. However, the proposal is not complex, and I find the Committee report and the Council's appeal statement provide an assessment

¹ Paragraph: 001 Reference ID: 20-001-20190315

- pursuant to section 16(2) of the Act as well as a clear explanation as to the matters of concern, and the conflict with policy.
12. Consistency in decision-making is important, but each proposal must be considered on its own planning merits having regard to the specific proposal and site-specific circumstances. The Council is under no obligation to identify purportedly similar development that has been recently approved (or refused) in the area in reaching its decision on the applications. However, a failure to consider or explain departures from precedent can be an example of unreasonable behaviour.
 13. The Committee report identifies several nearby properties that have full-height closet wings and provides an explanation for their existence. From information submitted with the applications and local knowledge, Councillors would also be likely to have been aware of other examples of full-height closet wings in the area when making their decision.
 14. The Council is not required to undertake a formal visual impact analysis in this case. Listed buildings are safeguarded for their inherent architectural interest, irrespective of whether public views of the building can be gained. Whilst it would have been helpful for the Council to specify from where views of the proposal would be visible in the context of the conservation area, this is apparent from a site visit and the submitted plans.
 15. There is evidence that the Councillors may have been misled at the Committee meeting in relation to paragraph 125(e) of the Framework. Indeed, Officers acknowledged Councillors should have been advised of the revised form of paragraph 125(e) in the December 2024 Framework as it differed from the December 2023 Framework. However, the applicant's cost rebuttal advises that both the content of paragraph 125(e) and the significance of the removal of the 'prevailing height' caveat were drawn to the attention of Councillors in the applicants written submissions prior to the Committee meeting. Thus, there is no evidence to suggest that had the correct version of the Framework been referred to, that they would have reached a different conclusion and that the applications would have been approved. In which case, even though there may have been unreasonable behaviour at the application stage in this regard, this has not led to any unnecessary and wasted expense, particularly as I have the current Framework before me and still find the proposal to be unacceptable.
 16. The applicant's costs rebuttal argues that the Council did not carry out a heritage weighting exercise. The Council concluded that the proposal would result in a moderate degree of 'less than substantial harm' to both the listed building and the conservation area. Whilst the Council identified no heritage or public benefits in the Committee report, the Statement of Case referred to the contribution to family-sized accommodation as a public benefit. Nonetheless, the Council failed to carry out the balancing exercise when determining the applications in the way required by the Framework. In so doing, it failed to take account of a material consideration, namely the contribution that the proposal would make to the provision of family-sized accommodation. That was unreasonable behaviour in relation to the substance of the appeal.
 17. It is therefore necessary to consider whether that unreasonable behaviour caused the applicant to incur unnecessary or wasted expense in the appeal process. To my mind it did not. On the balance of probabilities, the evidence before me indicates

- that the Council would have reached the same conclusion in any event, particularly as Councillors would have been aware of the additional residential floorspace proposed from the submitted plans and information in the Committee report. This indicates to me that the appeal would still have been needed, even if the Council had taken into account this benefit.
18. It will be seen from my decisions in dismissing the appeals, that I have found harm. Although I have not agreed with the Council's position regarding the level of harm stipulated in Committee report, the weight I gave to the public benefits that would flow from the appeals did not outweigh the weight that I attached to the harm. Moreover, I also found conflict with the policies of the development plan that were identified in the Council's reason for refusal.
19. Thus, for the reasons given, the appeals could not have been avoided, and the Council has not prevented, or delayed development that should clearly have been permitted having regard to its accordance with the development plan, national policy, and any other material considerations. In this regard, the matters raised by the applicant have not, individually, or cumulatively, led to wasted expense in the appeals process.
20. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeals has not occurred and an award of costs is not warranted.

Ann Veevers

INSPECTOR