



**RESPONSE TO APPELLANT'S REBUTTAL
TO COSTS APPLICATION
FOR THE LONDON BOROUGH OF CAMDEN**

**Appeal by Mr M Sturgis
Site at Rebecca Hossack Galleries, 2a Conway Street,
London, W1T 6BA**

Reference: APP/X5210/A/14/2222767/NWF

21 August 2014

SUMMARY OF APPELLANT'S APPLICATION FOR COSTS

- 1.1 The following have been submitted by the various parties in respect of costs:
 - a. The appellant submitted an application for costs;
 - b. The Council submitted a response to this (submitted on 6 August 2014);
 - c. The appellant submitted a rebuttal of this.
- 1.2 This represents a response to point c above following concerns that additional points were being raised by the appellant that were not in the original costs application. References to specific paragraphs of the appellant's rebuttal are given in brackets below where appropriate.
- 1.3 The appellant considers that unreasonable behaviour has also occurred due to the members of the Development Control Committee not showing reasonable grounds for taking a decision contrary to the advice of officers and not producing relevant evidence to substantiate the authority's stance.
- 1.4 This is disagreed with and the reasons for this are outlined below. This document should be read alongside the Council's previous response (point b above) and the Council's statement of case.

THE COUNCIL'S RESPONSE

- 1.5 The appellant's rebuttal (point c) relates to unreasonable behaviour concerning procedural matters and substantive issues as defined by paragraph 031 of the PPG. The appellant refers to Circular 03/2009 which has now been superseded by the PPG.
- 1.6 The appellant confirms that planning authorities are not bound to accept the recommendations of their officers (paragraph 1.2), and this in itself is not unreasonable.
- 1.7 It is suggested that the reason is too general and that it does not specifically identify the neighbouring properties which may be affected. However, the report identifies 2 Conway Street and 44 Maple Street as being affected and the transcript provided by the appellant clearly indicates that the planning officer introducing the item identified the properties which were considered relevant and they were then discussed. It is therefore disagreed with that the appellant could not have been clear on which properties were affected, especially as the appellant's representative was present and spoke at the committee meeting itself.
- 1.8 The appellant suggests that no specific evidence has been produced by the Council to substantiate the reasons for refusal (paragraph 1.5 and

- 1.8). The Council's statement of case does just that and is the appropriate time in which to expand upon the concerns raised by the members of the committee.
- 1.9 It is suggested that a daylight and sunlight report was made available to the committee but was not taken into account (paragraph 1.6), and that the committee report or appeal decision were not considered (paragraph 1.8). Echoing the Council's response to the original costs application the information was all available to members of the committee. The fact that they disagreed with the recommendation does not imply lack of consideration.
- 1.10 It is suggested that the discussion centred on the use of the site as a gallery (paragraph 1.7). However, the transcript confirms that when the decision was made it was on the basis that the proposal was for a residential flat.
- 1.11 It is also suggested that the appeal decision referred to in the Council's initial response should be discounted as it related to an assessment of character and appearance (paragraph 1.9). This was not put forward as being relevant in terms of the nature of the development, rather as confirmation that the committee was not obligated to endorse the views of officers. However, given that the appellant has acknowledged this anyway this is not a point which needs further justification.
- 1.12 In conclusion, the evidence subsequently put forward by the appellant largely centres on the committee members disagreeing with the officers, which is not unreasonable. The transcript shows a full and lively discussion involving pertinent questions which were answered. The members of the committee were entitled to reach their view and the Council's statement of case expands on this and demonstrates that it was a reasonable decision.