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## Costs Decision

Site visit made on 19 October 2012<sup>1</sup>

by **A Edgington BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

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### **Appeal Refs: Appeal A - APP/X5210/W/21/3270197 & Appeal B - APP/X5210/Y/21/3270198**

#### **64 Lincoln's Inn Fields, London WC2A 3JX**

- 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 Thakkar for a full award of costs against London Borough of Camden.
  - The appeals were against the refusal of the Council to grant planning permission and listed building consent for Full planning permission and listed building consent to raise the existing rear extension, to lower the third-floor ceiling level and for the erection of a single storey double pitch mansard roof extension along with alterations to the front façade to facilitate the creation of a two bedroom apartment and associated plant.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Paragraph 030<sup>1</sup> of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 051<sup>2</sup> of the PPG states that awards against appellants may be either procedural, in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The application was concerned with alterations to the roof and third floor of the Grade II listed 64 Lincoln's Inn Fields.
4. The applicant argues that the Council has refused planning permission and prevented development that accords with the latest development plan and associated guidance. It is also argued that the Council has failed to adequately discharge its statutory duty in determining the significance of the heritage assets and have presented inaccurate assertions about the impacts of the proposal.
5. The applicant has submitted a very detailed heritage statement which charts a timeline of alterations to 64 Lincoln's Inn Fields since an original build in the 17<sup>th</sup> century. The applicant argues that as the original building dates from the 17<sup>th</sup> century, but has a predominantly 19<sup>th</sup> century roof, there would be

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<sup>1</sup> Reference ID: 16-030-20140306

<sup>2</sup> Reference ID: 16-051-20140306

- heritage benefits arising from the removal of the 19<sup>th</sup> century roof and its replacement with a mansard roof and an additional storey.
6. The Council has inspected the accessible area of the roof, and reached the conclusion that a high proportion of timbers and structures date from the 19<sup>th</sup> century or before. Its conclusions in this regard appear to be supported by the engineers' plans which map out the entire roof structure, complete with estimated dates of the constituent timbers.
  7. The officer's report sets out the Council's response to the arguments advanced by the applicant in some detail. The report states that the Council accepts that *the roof has been altered since its original construction but that the existing multi-formed roof is a key and integral part of the significance of terrace houses of this age and is central to the understanding of the building's development through time. In this regard the retention of the existing roof form is particularly key in preserving the building's architectural and historic significance.*
  8. This statement appears to me to encapsulate the Council's argument, which concludes that *the form of the roof in situ is an integral part of the significance of this listed building and fundamental to understanding.* The Council sets out that the reuse of roof timbers, as proposed, would lead to the loss of historic fabric and that conservation theory gives value to all periods of a site's development. The report also cites the Inspector for a previous appeal who noted that *a considerable number of old timbers remain and that the previous form of the roof can clearly be read.*
  9. As such, the officer's report clearly sets out that the Council considers that the existing roof form is a key component of No 64's overall heritage significance. The report also contains a heritage balance where the loss of the 19<sup>th</sup> roof structure is weighed against the potential benefits as set out by the applicant. I can appreciate that the applicant disagrees with the Council on these points and with its conclusion. However, I am unable to conclude that the Council has failed to produce evidence to substantiate its decision or provided vague, generalised or inaccurate assertions, or failed in its statutory duty.
  10. It is alleged that the Council has presented inaccurate assertions about the impacts of the proposal, but no examples of inaccuracy are provided. As such I give this argument no weight.
  11. In concluding that the development and proposals would harm the significance of the heritage assets, the Council has found conflict with the relevant policies of the development plan. This does not amount to unreasonable behaviour.

## **Conclusion**

12. There is no evidence before me to suggest that the Council has acted unreasonably. As such unreasonable behaviour resulting in unnecessary costs at appeal has not been demonstrated. The application for an award of costs is refused.

*A Edgington*

INSPECTOR