

Costs Decision

Site visit made on 11 October 2016

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Costs application in relation to Appeal Ref: APP/Y5420/D/16/3155492 57 The Chine, Hornsey, London N10 3PX

- 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 Ms Vivienne Constad for an award of costs against the Council of the London Borough of Haringey.
 - The appeal was made against the refusal of planning permission for a new 1 storey side extension. 2 new dormer windows to an existing loft room.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and such behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The appellant's basis for claiming costs is that the Council acted unreasonably in respect of four main areas, which I will address in turn. Firstly, that insufficient weight was given to the recent grant of permission for the same form of development at the adjoining property, No 55. However, the officer's report at paragraph 6.4 refers to this adjoining development and draws a clear distinction between the position and visibility of the appeal property in comparison to No 55 as a basis for concluding on the impact of the proposed dormers. Given that this involves a matter of judgement on the effects of development, which the Council has expressed clearly and given reasons for, I find no unreasonable behaviour in this regard.
 4. With regard to the second ground, while relevant policies in the emerging Development Management DPD may not have changed between statutory stages, the Council is entitled to accord them different weight at different points in time, according to the progress they have made. More importantly, however, in respect of any practical consequence for the Council's decision, I am not persuaded that had the Council given little or no weight to these policies it would have led to a different outcome. The decision to refuse permission was based on quite a number of other policies dealing with similar matters from four different development plan documents. For these reasons, there was no unreasonable behaviour on the Council's part.
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5. The appellant also claims that the Council acted unreasonably by not having due regard its own Design Guidelines for the area. I am unclear why this was the case, but the Council is not bound to take such non-statutory guidance into account. The main point is that adequate reasons are given for its overall decision. While the Council did not take account of the Estate Design Guidelines for reasons that are unknown, it is not possible to infer that had it done so it would have led to a different outcome and therefore obviated the need for the appeal. As such, I find no unreasonable behaviour occurred with regard to this matter.
6. On the final matter, I accept the Council's contention that the reference to Policy CSV1 rather than CSV5 is a typographical error. Indeed, reference appears to be made to the correct policy (albeit it is referred to as 'CV5') at paragraph 6.3 of the officer's report. The appellant also contends that this policy is not saved from the Unitary Development Plan, although the Council states in the officer's report that it is. However, as with the second issue, the decision was based on many other development plan policies and, therefore, any erroneous reference to this UDP policy did not have a determinative effect on the outcome of the application. Despite the appellant's concerns, I can find nothing in the Council's behaviour that amounts to unreasonable behaviour.
7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

J Bell-Williamson

INSPECTOR