
Costs Decision

Site visit made on 10 October 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 31st October 2016

Costs application in relation to Appeal Ref: APP/L5240/W/16/3154899 103 Lower Addiscombe Road, Croydon CR0 6PU

- 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 Charlie McDermot for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for alterations, erection of rear extension at first and second floors and dormer extension in rear roof slope.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and has thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
 3. Examples of this, referred to by the appellant, include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
 4. In my Appeal Decision, I have found that the proposed development would not have a harmful effect upon the character and appearance of the appeal property and the surrounding area. However, this is a matter of planning judgement, and I do not consider that the Council behaved unreasonably in reaching a different view to me, particularly given the discrepancies between the proposed plans and elevations which I have noted in my Appeal Decision.
 5. The development proposed was originally described on the application form as "Proposed conversion of shop unit into 3 no self contained units with new extension to rear and roof/loft conversion." The scheme was revised and amended plans showing the alteration and extension of the 2 existing flats within the appeal property were submitted to the Council prior to the determination of the planning application. The description of the proposed development set out on the Council's decision notice reflects these revisions.
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6. However, Section E of the appeal form states that the description of development has not changed from that stated on the application form, and duplicates the original description of the development.
7. Against the background set out above, although not referred to in the Council's delegated report or reason for refusal, I do not consider that the Council has behaved unreasonably in making reference in their appeal statement to the minimum internal space standards set out in the nationally described space standard and the London Housing Supplementary Planning Guidance.

Conclusion

8. In conclusion, I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C L Humphrey

INSPECTOR