

Costs Decision

Site visit made on 10 October 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 17th November 2016

Costs application in relation to Appeal Ref: APP/C5690/D/16/3157707 2 Border Road, London SE26 6HB

- 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 Mrs Frances Brooker for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for a single storey rear and side extension.
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Decision

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

Reasons

2. Planning Policy Guidance advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. In refusing the application the Council has set out its reason for refusal summarising why it considers the proposed development does not accord with the relevant development plan policies. Further reasoning and clarity behind its decision can be found in the officer's report.
 4. Whilst, in determining the appeal itself, I have come to a different view from the Council on the evidence, I do not find that the Council has acted unreasonably in coming to view that it did.
 5. The main issue in my determination of the appeal is the effect upon the character and appearance of the area. This primarily requires the decision maker to make a reasoned and informed judgement based on the particular merits of the case and taking account of relevant development plan policies.
 6. The Council's officer report sets out, with satisfactory clarity, the reasons why it considers the proposal to harm the appearance of the host property and the wider area. Such reasons relate to the criteria set out in the relevant development plan policies it has cited. The Council has not therefore acted unreasonably in refusing the application and subsequently defending it at appeal.
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7. The Council is entitled to come to the view it did on the proposal and as it has satisfactorily provided reasoning for why it decided to refuse the application, it has not unreasonably prevented or delayed the proposed development.
8. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs is therefore not justified.

David Cliff

INSPECTOR