The Planning Inspectorate

Costs Decision

Site visit made on 14 February 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 22 March 2017

Costs application in relation to Appeal Ref: APP/L5420/W/16/3161538
87 Addiscombe Road, Croydon, CR0 6SF

- 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 Datoo Partnership Ltd. for a full award of costs against the Council of the London Borough of Croydon.
- The development proposed is described as "existing property consists of 7 bedsits, proposing a conversion into 4 flats (3 x 1b and 1 x 2b) with basement extension including external works, landscaping and cycle park.

Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the 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. The application has been made in relation to procedural and substantive issues. The applicant has stated that the Council has not co-operated adequately with him in the process of determining the application and has acted inconsistently, and that the Council has made inaccurate assertions about the proposal's impact in respect of the floorspace to be provided, the number of bedrooms in the basement flat, Flat 1, and whether or not Flats 1 and 3 would be single aspect.

4. The evidence supplied indicates that the Council has endeavoured to respond in a timely manner to the numbers of pre-application requests and applications made by the applicant, within the constraints imposed by the large numbers of planning applications they are required to handle.

5. While the applicant may have been frustrated in the refusal of the appeal application which is the subject of this costs application, I note that he received planning permission in 2015 (Ref/ 15/03092/P) for the conversion of the house into three flats. This suggests to me that cases are being considered on their differing merits, rather than inconsistently.

6. No evidence was put before me to explain or justify the terms applied by the applicant to the Case Officer who determined the case.

7. Turning to matters of substance, the application plans were not clear in respect of the floor to ceiling heights to be provided in the complicated layout of the upper part of Flat 4, and I have no reason to doubt the Councils explanation that their measurements were scaled electronically from these. While I have concluded in my decision that adequate provision would be made in terms of headroom, this conclusion was in part informed by measurements provided in the context of the appellant's final comments on the appeal, which do not appear to have been available to the Council at the time of their decision.

8. While the Officer's report had inaccurately identified the number of bedrooms in the basement flat, Flat 1, as I have found in my decision, the issue of outlook was an equally relevant consideration in respect of the living room shown at the rear of the proposed flat. This error would not therefore have been likely to alter the outcome of the Council's determination of the case.

9. The Officer's report is clear that that the majority of windows would be located on the flanking wall of the building, and may intend to suggest therefore that parts of the proposed flats would be effectively single aspect. While more care should have been taken in the use of the term "single aspect", as I have found in my decision, the limited nature of the dual aspect of Flats 1 and 3 did not overcome the poor quality of their outlook overall which was identified in the report. It appears to me therefore that the loose use of this term did not undermine the Council's analysis of the proposals, and would not have led to a different determination of the case.

Conclusion

10. I find therefore that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

S J Buckingham

INSPECTOR