
Costs Decision

Site visit made on 3 July 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 21 July 2017

Costs application in relation to Appeal Ref: APP/G5750/D/17/3176789 98 Nelson Street, London E6 1QA

- 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 Ssanyu Joy Namata for a full award of costs against the Council of the London Borough of Newham.
 - The appeal was against the refusal of the Council to grant planning permission for single storey side and rear extensions.
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Decision

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

Reasons

2. The Government's 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 or wasted expense in the appeal process. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the appeal, for example by unreasonably refusing an application or by a failure to produce evidence to substantiate each reason for refusal on appeal.
3. The appellant states that the application was originally registered and placed on the Council's website with incorrect and misleading plans attached. However, it is clear from the description of the development and dimensions within the delegated report that the Council assessed the effects of the appeal proposal and not of the existing, unauthorised development. It is possible that the officer who produced the report is familiar with the appeal site because of an involvement in the previous enforcement notice and appeal. Hence, although it is good practice to undertake a site visit to assess each application, it may be that this was not necessary in this instance.
4. I note the appellant's concerns about references in the delegated report to the poor quality materials used in the unauthorised development. However, on my reading, those references were made to reinforce the officer's concerns about the lack of detail on the application plans with regard to external materials to be used in the appeal proposal. That wording does not imply that the officer was under the false impression that the appeal scheme would be constructed in timber and plastic sheeting; indeed the reference to the render indicated on the scheme drawing shows that this was not the case.

5. Whether the proposal would be a disproportionate or overwhelming addition to the host property and what its effect on the character and appearance of the surrounding area would be are matters of planning judgement. Similarly, as no standard distances or criteria are relied upon, the likely effect on the outlook of the occupiers of the adjacent dwellings is also a matter of judgement. Although I have reached different conclusions on these matters that does not demonstrate that the officer's judgement was reached unreasonably or on the basis of any misunderstanding as to the nature and scale of the proposal.
6. The delegated report had regard to the findings of the Inspector who determined the previous appeal and assessed the key differences between the current proposal and the unauthorised additions. Although no statement of case has been submitted by the Council the delegated report is sufficiently comprehensive and clear for me to understand the reason for refusal and the basis on which the officer's conclusions were reached.
7. For these reasons I find that the appellant has not demonstrated that the Council acted unreasonably in refusing the application or that she has been put to any unnecessary or wasted expense in relation to the making of the appeal.

Paul Singleton

INSPECTOR