The Planning Inspectorate

Costs Decision

Site visit made on 18 July 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2017

Costs application in relation to Appeal Ref: APP/A5840/D/17/3176329
3 Green Walk, London SE1 4TU

- 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 Rose Campbell for a full award of costs against of the London Borough of Southwark.
- The appeal was against the refusal of the Council to grant planning permission for the "removal of the existing 'butterfly' slate roof; on the rear two thirds of the house the construction of a slate clad dormer roof extension; and on the front third of the house creation of a new private terrace at second floor behind the existing parapet wall".

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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.

3. It is clear from the Council's decision letter that it considered the proposal would harm the architectural integrity of the terrace and would result in less than substantial harm to a designated heritage asset, with reference to relevant development plan policies.

4. The officer's report clarifies that the replacement of a butterfly roof would cause substantial harm to the integrity of the building and wider terrace; and that the appearance of the roofline, within the context of adjoining properties, would not be enhanced. The use of the adjective 'substantial' does not invalidate the Council's underlying analysis or negate the finding of harm itself.

5. The appellant suggests that the Council's reasoning is based on an in-principle objection to alterations to butterfly roofs as the proposal would not be readily visible from the street. The appellant's Heritage and Townscape Assessment, however, recognised that there was a need to assess the impact of the proposal in private views and that the alterations would be visible from several domestic properties.

6. It was therefore not unreasonable for the Council to consider the effect of the proposal on the appearance of the roofline and, on finding harm to the integrity of the terrace, determining whether this would result in 'substantial' or 'less than substantial harm' to the designated heritage asset. On finding 'less than

substantial harm' to the Conservation Area the Council correctly went on to weight the harm against the public benefits of additional residential floor space, as required by the National Planning Policy Framework.

7. The appellant also suggests that the Council has been inconsistent when determining similar planning applications. This issue has been addressed in my appeal decision, although I reiterate that the appellant's examples differ materially from the circumstances of the appeal proposal.

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

Oliver Blower

Appointed Person