
Costs Decision

Site visit made on 12 August 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Costs application in relation to Appeal Ref: APP/Y5420/W/19/3229956 368-370 Green Lanes, London N4 1DA

- 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 Newrange Properties Ltd for a partial award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for ground floor rear extension to hotel.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the costs of consultant fees incurred in the appeal process. The applicant considers that the Council behaved unreasonably, including by not carrying out its own assessment and not substantiating the part of the reason for refusal relating to overshadowing of neighbouring residential properties.
4. The Council did not request a daylight and sunlight assessment in support of the planning application, nor did the applicant submit one. The Council exercised its planning judgement based on the information that was available to it at the time and concluded that the proposed development would be in conflict with development plan policies, including those that protect residential amenity. In refusing the planning application on the grounds of conflict with the development plan in this regard, the Council was exercising its duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and, in that respect, did not behave unreasonably.
5. The daylight and sunlight assessment subsequently submitted with the appeal demonstrated that there would be some reduction in light to neighbouring properties. Although the impact would not be significant, the findings indicate that the Council made a very finely balanced decision and it was not therefore unreasonable to raise concerns in respect of overshadowing.

6. In any case, the reason for refusal did not relate solely to overshadowing. As can be seen from my appeal decision, and notwithstanding the results of the daylight assessment, I agree with the Council that there were sufficient grounds for refusing planning permission on grounds relating to the living conditions of neighbouring occupiers.

Conclusion

7. Therefore, while the applicant has incurred expense in the appeal process, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Sarah Manchester

INSPECTOR