



Costs Decision

Site visit made on 18 November 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Costs application in relation to Appeal Ref: APP/E5900/D/19/3235907 31 Senrab Street, Tower Hamlets, London E1 0QE

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Nigel Oh for a full award of costs against the Council of the London Borough of Tower Hamlets.
 - The appeal was against the refusal of the Council to grant planning permission for a loft conversion.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. The Planning Practice Guidance ("PPG") advises that costs may be awarded against a party who has behaved unreasonably where this has directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG also states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to procedural matters at appeal or with respect to the substance of the matter under appeal.
 4. Though the applicant suggests the Council advised that a proposal that reflected the dormer at No 19 would be approved, there is no evidence to support this claim, and in any case each proposal must be determined on its own merits. Indeed, as described in the appeal decision, there are differences between No 19 and the appeal site in terms of their location. Furthermore, any delays in the processing of the application, whilst unfortunate, did not delay development which should clearly have been permitted, as the appeal is dismissed. Also, with regard to the appellant's assertion that the reason for refusal is copied from a refusal of planning permission for a different extension, it would not be unusual for similar proposals on the same street to raise the same concerns from the Council and be judged against the same policies.
 5. I note the additional costs incurred by the appellant as a result of being unable to undertake roof repairs simultaneously with the proposed conversion. Nonetheless, as I do not consider the Council acted unreasonably, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
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Conclusion and Recommendation

6. For the reasons given above and having had regard to all other matters raised, I recommend that the application for an award of costs should be refused.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

Andrew Owen

INSPECTOR