
Costs Decision

Site visit made on 2 March 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2020

Costs application in relation to Appeal Ref: APP/C5690/D/19/3243361 3 Sambruck Mews, Catford, London SE6 2NJ

- 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 Mr and Mrs Tyler for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of an application for the Construction of single storey extension to front elevation, the replacement of windows: current double glazed timber casement to be replaced with uPVC double glazed units of similar format and the removal of the roof and the construction of first floor and roof matching existing.
-

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 or wasted expense in the appeal process.
3. The appellant has outlined their concerns relating to a change in the description of the proposal which they claim caused delay in the validation of the application. It is claimed that additional details were requested relating to double hung sash windows when casement windows were proposed.
4. This is partly an administrative matter in relation to the application and does not relate to costs incurred during the appeal process. However, while I do not have full details of all communications between the parties, the evidence indicates that a request for additional information was made only a few days after the Council's receipt of the application, which appears to have been validated on return of the email from the agent. I do not therefore identify any unreasonable behaviour on the part of the Council in relation to this matter.
5. The appellant has also expressed concerns relating to the extended length of time taken to make the decision due to administrative errors. However, again, whilst this matter is administrative and not related to costs incurred during the appeal process, the evidence indicates that an extension of time was agreed and the application was subsequently determined within this extended time period. I do not identify any unreasonable behaviour on the part of the Council in relation to this matter. I also find no substantive evidence that the appellant incurred any additional expense as a result of this delay, which was made on

the basis of refusal of permission and not non determination, two weeks later than otherwise would have been the case.

6. Whilst the appellant has raised concerns regarding discussions on site relating to the outcome of the application, I have no evidence detailing what was discussed. In any case, the ultimate decision of the Council was to refuse permission. Whilst the appellant has expressed concerns in respect of the manner in which the decision was arrived at, the Council report clearly sets out why the proposal was found unacceptable and I find nothing within the report to suggest that a decision was not reached on the basis of the merits of the proposal and a sound understanding of the site following the visit.

Conclusion

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

T J Burnham

INSPECTOR