



Costs Decision

Site visit made on 23 June 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Costs application in relation to Appeal Ref: APP/Y5420/D/19/3225867 263 Mount Pleasant Road, Tottenham, London N17 6HD

- 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 Schriber for an award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for the retention of the rear roof dormer on top of the main house together with the change of use from a single dwellinghouse to three flats (1x3-bedroom 4P, 2x1-bedroom 1P).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 applicant alleges that the Council behaved unreasonably because it failed to accurately and appropriately assess the development proposed and did not substantiate its reason for refusal. In addition, it is claimed that the Council prevented this development from being granted by failing to give sufficient weight to the 'fall-back' position of the outrigger dormer.
4. I appreciate that some aspects of the Council's evidence could have been clearer. However, when its evidence is read as a whole, I am satisfied that the Council did not assess the proposal on the basis that it included both the dormer in the main roof and the outrigger dormer. Rather, the impact of the main roof dormer was assessed on its own and in the context of the outrigger dormer. This is similar to the approach that I took for the assessment of this scheme.
5. It can also be seen from my own assessment that I found that the additional dormer would unacceptably exacerbate the harmful visual impact caused by the outrigger dormer. The Council did not, therefore, perform a flawed assessment by finding that the proposal would be harmful in a visual sense even when seen in context with the outrigger dormer.
6. The Council's reason for refusal is clear and is appropriately justified through the appeal process through its Statement of Case. Taking this, and all of the above into account, I am satisfied that the Council did not unreasonably

prevent a development that should have been granted. Neither did it perform a flawed, inaccurate, assessment or fail to substantiate its reason for refusal.

7. Once the Council had refused the scheme, the appellant had the choice to either seek to gain its support for an alternative scheme or to test the Council's decision through the appeal process. In choosing the latter, the appellant did not incur unnecessary expense in presenting his case, even though he failed to persuade me that the scheme was acceptable.

Conclusion

8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

M Heron

INSPECTOR