
Costs Decision

Site visit made on 21 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2020

Costs application in relation to Appeal Ref: APP/X5210/D/20/3249459 15 Holly Lodge Gardens, London N6 6AA

- 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 Dr and Mrs H and E Buehler and Clarke for a full award of costs against the Council of the London Borough of Camden.
 - The appeal was against the refusal of planning permission for development originally described as 'construction of part two and single storey rear extension, 2No single storey side extensions, roof alterations including addition of new portal windows to front gables and roof lights and replacement hard wood window frames and gates'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and where the unreasonable behaviour has directly caused unnecessary or wasted expense in the appeal process. It goes on to explain that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to procedural matters or to the substance of the matter under appeal. Examples given of unreasonable behaviour include vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The Council does not dispute the applicant's assertion that no site visit took place in connection with the appealed application, but explains that the case officer had previously visited the site in February 2019 for an earlier application¹, and that the conservation officer had separately viewed the property from the street. Photographs from the original visit together with aerial images and drawings were used to assess the proposal.
4. I note the applicant's view that an assessment of the proposal in comparison to the existing extensions to the rear of the dwelling and in the context of neighbouring buildings was essential. However, the drawings and supporting information submitted with the application clearly show the relationship of the proposed development with the existing building, as well as its surroundings. There is nothing within the officer's report which contradicts my own observations or leads me to believe that the Council failed to properly take into account the merits of the scheme with regard to the existing extensions to the building, the surrounding context or any other material considerations. From the evidence before me, I am satisfied that the Council had adequate material

¹ Application reference 2019/0585/P

- to inform their assessment and there is nothing to suggest that the Council would have reached a different conclusion had a further visit taken place.
5. The applicant disagrees with the Council's assessment of the effect of the proposal on the character and appearance of the building and conservation area, but these are matters of judgement. The Council's concerns with the proposal area are explained within the officer's report with reference to relevant development plan policies and guidance. These include requirements for consideration of the character and proportions of existing buildings as well as the surrounding area context. Moreover, even where development cannot be widely seen, the officer's report refers to guidance within the Holly Lodge Estate Conservation Area Appraisal and Management Strategy 2012 that extensions may so adversely affect the architectural integrity of the building to which they are attached that the character of the conservation area is prejudiced. Such harm would not be avoided by the existence of other extensions to nearby buildings.
 6. I find that the Council's concerns with the development were reasonable, and that the decision was appropriately reached according to the planning merits of the proposal. Accordingly, I do not consider that a failure to visit the site in connection with the appeal application contributed to any vague, generalised or inaccurate assertions about the proposal's impact that would demonstrably constitute unreasonable behaviour.
 7. I also note concerns expressed within the applicant's evidence over apparently inconsistent advice given by the Council prior to the determination of the application. However, while I can understand the applicant's frustration, the PPG notes that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage and that costs unrelated to the appeal are ineligible.
 8. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, for the reasons given above, the application for a full award of costs is refused.

J Bowyer

INSPECTOR