



Costs Decision

Site visit made on 1 September 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Costs application in relation to Appeal Ref: APP/U5360/D/20/3251298 24 Sutton Place, Hackney, London, E9 6EH

- 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 Mark Roe for a full award of costs against the London Borough of Hackney Council.
 - The appeal was against the refusal of planning permission for alterations to rear elevation glazing without complying with a condition attached to planning permission Ref 2015/1716.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by not determining similar cases in a consistent manner.
4. The applicant states that the Council failed to take note of, or ignored, the information put to it at application stage regarding the surrounding context. In particular, the applicant highlights that the Council did not explain why the dormer windows at 17 and 19 Sutton Square were considered acceptable whilst the proposal was deemed harmful. The appeal statement provided by the applicant also highlighted other developments with similar back-to-back distances in the vicinity of 24 Sutton Place which were considered acceptable.
5. I consider the Council accurately assessed the proposed development in relation to the immediate context to the rear of the appeal site. Their view on the harmful effect of the removal of Condition 3 was made sufficiently clear in the officer's report and they clearly distinguished between that effect and the effect from the dormer windows at the houses in Sutton Square. Overall, the impacts of the two forms of development are sufficiently distinguishable such that the Council were not unreasonable in coming to different decisions.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.

Thomas Courtney

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 is refused.

Andrew Owen

INSPECTOR