

Costs Decision

Site visit made on 30 October 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

**Costs application in relation to Appeal Ref: APP/E5330/W/20/3249347
160 Courtlands Avenue, London SE12 8JB**

- 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 Mrs Revi Walker (Walker Properties) for a full award of costs against the Royal Borough of Greenwich.
 - The appeal was against the refusal of planning permission for a single storey rear extension.
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Decision

The application for an award of costs is refused.

Reasons

1. The Planning Practice Guidance advises that 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.
2. The appellant submits that the Local Planning Authority (LPA) has acted unreasonably by refusing to approve the proposed extension, given that it would be of a conventional design and appearance, to the rear of the building and not visible from the public realm. The appellant notes that the area is not within a conservation area and that the building is not listed. The appellant considers that the design of the proposed extension cannot be described as dominant or incongruous and would be subservient to the main building. The applicant also considers that the alleged harm to living conditions to upper floor flats would be an impossibility and that any loss of privacy to neighbours is baseless. Finally, the appellant refers to an approval to a similar proposal in the same area.
3. In this case, I have allowed the appeal and granted planning permission for the development. However, the LPA clearly had significant concerns in relation to its size and appearance and its possible adverse effects on the occupiers of adjoining flats and I do not consider it unreasonable for it to have refused the application based on such matters. So far as the reference to a similar approval in the vicinity is concerned I am unaware of the factors which prompted the LPA to determine the application as it did.

4. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated

Steven Hartley

INSPECTOR