



Costs Decision

Site visit made on 14 December 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Costs application in relation to Appeal Ref: APP/V5570/D/20/3256986 1, Gatcombe Road, Islington N19 4PT

- 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 J Saumarez-Smith for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of planning permission for alterations to existing single storey side garage extension with the addition of a pitched, slate roof and inverted dormer to the rear roof slope.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers the Council behaved unreasonably resulting in unnecessary and wasted expense in the appeal. With reference to examples of unreasonable behaviour provided in the PPG the appellant claims that the Council prevented development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The appellant also claims that the Council made inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis.
4. The Council refused planning permission for the development that is subject to this appeal on its perceived impact on the character and appearance of the area. The policies cited in the decision notice relate to design and the protection of Islington's built and historic environment.
5. Impact on character and appearance and the weight to be attributed to various other materials considerations is a matter for the decision maker and is largely a matter of fact and degree. It will be seen from my decision letter that I have drawn different conclusions from my assessment of the proposal, concluding that the development would have a neutral effect on the character and appearance of the area and would not result in harm to the significance of the heritage asset by virtue of harm to the setting of the CA.

6. Notwithstanding that I came to different conclusions to those of the Council on the main issue in my Decision, I consider that the Council objectively evaluated and considered the merits of the proposal, having regard to the relevant policies within the development plan and relevant guidance within the National Planning Policy Framework. Furthermore, in exercising its planning judgement, the Council adequately reasoned and substantiated its reasons for refusal; and demonstrated on planning grounds why, in its opinion, the proposal was unacceptable. As such, I consider that the Council did not behave unreasonably in its evaluation and determination of the application.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

J Hunter

INSPECTOR