



Costs Decision

Site visit made on 11 January 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Costs application in relation to Appeal Ref: APP/E5330/D/20/3258956 90 Frederick Place, Plumstead SE18 7BH

- 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 & Mrs Parbat Shivji & Bharti Parbat Kerai & Kerai for a full award of costs against Royal Borough of Greenwich Council.
 - The appeal was against the refusal of planning permission for the construction of mansard roof extension with 2no. dormers to front and rear roof slopes to existing single dwellinghouse.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ 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 application for costs claims that the behaviour of the LPA has been unreasonable in relation to the following procedural and substantive matters-
 - not engaging with the appellant nor their agent during the course of the application nor showing any signs of proactiveness;
 - unequal applying of policies;
 - providing inaccurate information on the delegated report; and
 - altering the description of the application without the appellant's agreement.
4. I have been supplied with details of correspondence between the appellants agent and the Council. It appears that when asked, the Council have provided an update to the agent with regard to the fact that they would be likely to refuse the planning application. This would have given the opportunity for the appellant to withdraw the scheme or look to engage in discussions around whether any alternative scheme may be suitable to the Council. The onus would be on the appellant to proactively suggest any alternative scheme. The evidence does not therefore suggest the Council has failed to engage.

¹ Paragraph: 030 Reference ID: 16-030-20140306

5. Although I have come to a different conclusion to the Council, relevant policies and guidance have been drawn to my attention and a logical case has been made as to why the Council believed that the proposal was in conflict with these policies and guidance. The evidence does not indicate that any undue weight has been afforded to any particular policy or guidance.
6. I am satisfied that the Council have paid an acceptable level of regard to the range of roof extensions already in existence in Frederick Place. There is nothing to indicate that such extensions were permitted following the publication of the SPD² guidance in December 2018 which is an important consideration in this case. In any event, even if this were the case, the matter in relation to the existing mansard roofs effectively comes down to a judgement as to whether they form a significant part of the character of the street scene close to the appeal property. This is a matter of planning judgement.
7. I note that the existing roof form appears to have been wrongly categorised by the Council, however even had this been accurately assessed I am not certain that they would have reached an alternative conclusion.
8. As I have noted within my decision letter, changes were made to the description of the proposal. It would have been open to the appellant to challenge this description had they so wished. However, in any event, these changes were minor and I fail to see how this matter will have resulted in unnecessary or wasted expense in relation to the appeal.

Conclusion

9. 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.

T J Burnham

INSPECTOR

² Royal Borough of Greenwich Supplementary Planning Document Residential Extensions, Basements and Conversions Guidance December 2018.