
Costs Decision

Site visit made on 14 September 2021

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th September 2021

Costs application in relation to Appeal Ref: APP/A5840/D/21/3266932 118 Landells Road, London SE22 9PJ

- 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 Sirakov for a full award of costs against the Council of the London Borough of Southwark.
 - The appeal was against the refusal of planning permission for a loft conversion/extension to include ridge height increase (450mm) and rear dormer and two roof lights to front roofslope.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The costs application was made after the appeal was submitted and relies on new information about two developments which the applicant considers are similar to the appeal proposal. The applicant considers that this demonstrates that the Council's handling of the application was unreasonable and resulted in an unnecessary appeal.
 3. The new information relates to planning permissions granted for roof extensions at 44 and 46 Landells Road. The approval at 46 was included in the applicant's original appeal statement. While the approval at 44 adds to the number of roof extensions allowed in the vicinity of the appeal property, it does not give rise to any substantive considerations in addition to those illustrated in the applicant's original appeal statement.
 4. The Council has acknowledged the presence of roof extensions in the area and the resulting variation in ridge heights along Landells Road. Its position was based on the particular relationship between the ridge height of the appeal property and its immediate neighbours. That relationship is not directly affected by the permissions granted at 44 and 46.
 5. Having considered the relationship between the appeal property and its neighbours, as well as to the wider street scene, in the main appeal decision I found that the appeal proposal would not be harmful. Nevertheless, it was not unreasonable of the Council to have particular regard to the relationship between the appeal property and its immediate neighbours when it considered the application. As such, the applicant's submissions do not adequately
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demonstrate that the Council determined similar cases in an inconsistent manner (PPG Paragraph: 049 Reference ID: 16-049-20140306).

6. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Simon Warder

INSPECTOR