
Costs Decision

Site visit made on 30 November 2021 by Max Webb BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

**Costs application in relation to Appeal Ref: APP/U5360/D/21/3279259
37 Egerton Road, Hackney, London N16 6UE**

- 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 Shulem Aksler for a full award of costs against the London Borough of Hackney.
 - The appeal was against the refusal of planning permission for the erection of a rear roof extension to the main roof slope and two Velux windows to the front roof slope.
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (the 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.
4. Inconsistency within the Council's decision making has been raised due to other large rear dormers, of a similar scale, to the proposal either being in place or having been granted permission, in particular at 23 and 43 Egerton Road. Both of these dormers have a different built design to the proposal, including two windows rather than a single window. Despite similarities in size, there are therefore sufficient differences that, given each application should be determined on its own merits, the Council were not acting unreasonably in refusing planning permission for the applicant's scheme.
5. Whilst there are other dormers in the vicinity of the site, including at 17 and 29 Egerton Road, there are also numerous roof slopes that do not contain rear dormers. Dormer extensions therefore do not form the predominant character of the area. The Council outline this in the officer's report and their reasoning is adequately justified. Therefore, irrespective of the outcome of the appeal, the Council did not behave unreasonably in refusing the planning application.
6. The appellant refers to another costs decision within Hackney that suggested inconsistency in decision making by the Council. However, that decision relates to a different development situated in a different context, and therefore cannot

be compared to this decision. In any case, as has been outlined above, it is considered there are enough differences between the proposal and other nearby dormers to demonstrate the Council were not unreasonably inconsistent in their decision making.

Conclusion

7. With the above in mind, I find that the Council has not acted unreasonably and thereby has not caused the applicant to incur unnecessary or wasted expense in the appeal process. A claim for costs is thus not justified and accordingly it is hereby recommended that the application for costs be refused.

Max Webb

Appeals Planning Officer

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

K Taylor

INSPECTOR