
Costs Decision

Site visit made on 22 February 2022

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Costs application in relation to Appeal Ref: APP/G5750/W/21/3282926 251 Lonsdale Avenue, East Ham, London E6 3QA

- 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 Yahya Nadat for a full award of costs against the Council of the London Borough of Newham.
 - The appeal was against the refusal of planning permission for construction of a single storey rear and first floor side extension for the ground floor flat and first floor flat.
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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 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 first reason for refusal relates to an inaccurate plan submitted part of the appeal scheme. From the evidence, the Council did not contact the Applicant regarding the error. Notwithstanding this, the Council assessed the scheme based on the submitted drawings and, as stated by the Applicant, appear to have interpreted the scheme correctly.
4. Therefore, even if the first reason for refusal amounts to unreasonable behaviour by the Council, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.

Conclusion

5. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR