



Costs Decision

Site visit made on 26 April 2022

by L Douglas BSc (Hons) MSc MRTPI

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

Decision date: 4 May 2022

Costs application in relation to Appeal Ref: APP/E5330/D/21/3280720 68 Burrage Place, Plumstead SE18 7BE

- 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 Muhammad Naeem Mirza for a full award of costs against the Council of the Royal Borough of Greenwich.
 - The appeal was against the refusal of planning permission for 'Erection of second floor with mansard roof'.
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Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The applicant has claimed that the Council acted unreasonably on substantive grounds which resulted in them delaying works and incurring wasted and unnecessary expense in pursuing the appeal, which could have been avoided. Specifically, it is claimed the Council failed to take other planning decisions in Frederick Place into account when reaching its decision and adopted a different approach when assessing the impact of the proposal on the character and appearance of the area compared to the approaches outlined in those other decisions. It is claimed the Council was selective in the examples of other decisions it referred to.
4. In its officer report, the Council referred to other planning decisions concerning sites in Frederick Place, but only those previously identified by the applicant. The Council considered the character and appearance of the area surrounding the appeal site to be different to that assessed in those cases on account of them being located on different, parallel streets.
5. I disagreed with the Council's claim that Burrage Place is overwhelmingly characterised by buildings with a distinctive butterfly roof form, and I found the proposed development would not harm the character or appearance of the area, despite an absence of mansard roof extensions within Burrage Place. During my site visit I saw there were similarities between the character and appearance of Burrage Place and Frederick Place. I did not consider the character and appearance of Frederick Place, or presence of mansard roof

extensions within Frederick Place, to be a factor weighing in favour of the proposal.

6. As a householder appeal, the Council was not afforded the opportunity to respond to the applicant's references to some other planning decisions. As the other decisions referred to sites within Frederick Place which could not be seen clearly from Burrage Place, I am satisfied that it was not essential for the Council to have summarised all those other decisions within its officer report.
7. The presence of flat roofs and other mansard roof extensions within Frederick Place were significant factors in those other decisions, but not the appeal proposal. The Council considered the butterfly roof form of the appeal site to form part of what it described as a uniform and consistent pattern of development in the area. Although I disagreed with the Council in this regard on account of different roof forms close to the appeal site, I do not consider the Council's reasoning in seeking to preserve the appearance of the butterfly roof form of the small terrace constituted unreasonable behaviour.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, an award of costs is not justified.

L Douglas

INSPECTOR