
Costs Decision

Site visit made on 24 May 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Costs application in relation to Appeal Ref: APP/Y5420/W/21/3289243 848 High Road, Tottenham, London N17 0EY

- 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 Gulfraz Taj for a full award of costs against London Borough of Haringey Council.
 - The appeal was against the refusal of the Council to grant planning permission for first floor rear extension, with internal and external demolitions and alterations to facilitate the proposal of a new 1 x 1 bed dwelling with ground floor commercial space.
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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.
3. He considers the Council incorrectly assessed the proposal as for the provision of 2 units, whereas he contends one already exists, that the only change in the scheme relative to an earlier iteration was a positive amendment to include the balcony, that the existing flat has no outdoor amenity space, and that any physical changes would be very limited. Thus, he contends, there was no sound basis for refusing permission, and that insufficient consideration was given by the Council to a previous appeal decision.
4. As I dismissed the appeal, I cannot logically support the appellant's contention that it should clearly have been permitted, and no unreasonable behaviour can be said to have occurred in that regard. In terms of the treatment of the previous appeal decision, although the Council continued to interpret the London Plan differently from the previous Inspector, it reached a view regarding the reconfiguration of the property as a whole. It was not unreasonable for the Council to have considered the effects of the scheme collectively in its first reason for refusal, rather than in respect of individual elements, some of which may be acceptable. Having had regard to the previous appeal decision, it is a legitimate matter of judgement as to whether the existing flat benefitted from outside space. Moreover, and the operational development associated with the proposed roof terrace and balcony were not before the previous Inspector.

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5. As noted in the associated appeal decision, the iterations of the plans advanced by the appellant in support of the scheme are complex. In that context it was not unreasonable for the Council to have considered all the various nuances of the scheme design before them. There is no indication in the evidence before me that the Council failed to take account of something they should have, or conversely took account of a scheme or element thereof which was manifestly not part of the proposal.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.