

Costs Decision

Hearing Held on 9 February 2022

Site visit made on 10 February 2022

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Costs application in relation to Appeal Ref: APP/L5240/W/20/3257791 2 Red Gables, Beech Avenue, South Croydon, CR2 0NL

- 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 The Estate of Mrs Joan Jameson Green (Mr C Botsford) for a partial award of costs against the Council of the London Borough of Croydon.
 - The hearing was in connection with an appeal against the refusal of planning permission for the demolition of a single large dwelling with garage (Red Gables) and the erection of a part 3/4 storey block of 34 flats, comprising 8 no. 1 bedroom flats, 3 no. 2 bedroom 3 person flats, 8 no. 2 bedroom 4 person flats and 15 no. 3 bedroom units; basement parking, cycle and bin storage; associated landscaping.
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Decision

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

The submissions for The Estate of Mrs Joan Jameson Green(Mr C Botsford)¹

2. The applicant's initial submission for a full award was revised to a partial award relating to reason for refusal one, which was the remaining area of dispute at the hearing.
3. The submission was made in writing and expanded upon orally. Put simply the applicant asserts that the Council has provided vague and contradictory assertions regarding the proposals design and impact and that it went against its own pre application advice and as such has behaved unreasonably.

The response by Council of the London Borough of Croydon²

4. The Council responded in writing and expanded upon this orally at the event. The Council does not accept that it has behaved unreasonably and stands by the reason for refusal which is grounded in the policy within the development plan.

Reasons

5. The Planning Practice Guidance (PPG) states that irrespective of the outcome of an appeal, costs may only 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 associated appeal process.

¹ Costs application made 16 August 2020 and updated on 01 and 06 February 2022

² Council's written costs response

6. It is clear from the submissions from both main parties that there has been extensive dialogue pre application. The applicant describes this as five rounds of submissions and meetings over a six year period. I understand that the applicant has found this process frustrating. In particular that there have been changes in officers, differing opinions and advice, comments have not been shared and a lack of understanding of the submitted Design and Access Statement. Indeed the applicant considers that there was wasted expense at the pre application stage and that the poor process has led to the appeal which they feel could have been avoided.
7. The site is located in a location where it is acknowledged that there is variety in the surrounding buildings. In addition as a corner site it occupies a reasonably unique position in the street scene. Design is a matter of judgement for the decision maker. In this case the Council provided evidence to support its position on these issues within its statement of case and in oral evidence at the hearing. In addition the Council's specialist officers did attend the hearing and explained the Council's position in detail regarding the scheme design. The relevant development plan policies and supplementary planning guidance were provided and referred to in support of the Council's decision. The Council did substantiate its case with reference to relevant policy considerations.
8. Therefore, overall, I do not consider that the Council's approach to this matter, which is ultimately a matter for the decision maker, is inherently unreasonable.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary expense as described in the PPG, has not been demonstrated. For the reasons given above I refuse the application for an award of costs.

D J Board

INSPECTOR