



Costs Decision

Site visit made on 6 September 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022.

Costs application in relation to Appeal Ref: APP/U5930/D/22/3290984 14 Kingsley Road, Walthamstow, E17 4AU

- 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 Rupert Lang against the decision of the Council of the London Borough of Waltham Forest.
 - The appeal was against the refusal of a rear extension to existing property to create larger kitchen/dining space. Rear dormer to create additional bedroom and bathroom within roof space.
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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 appellant considers that the Council has behaved unreasonably by failing to consistently determine applications that are similar in scale, nature, form and context, against the same planning criteria.
4. In his appeal statement, the appellant referred to another development in another part of Waltham Forest, where the Council had approved a proposal for a rear dormer. However, whilst an element of the appellant's proposal might have been similar to another proposal elsewhere, it does not necessarily follow that all relevant circumstances relating to each proposal are so similar as to provide for direct comparison.
5. In reaching my decision in respect of the appeal, and whilst not a determining factor, I noted there to be differing circumstances relating to the two properties.
6. In any case, there is evidence to demonstrate that the Council considered the appellant's proposal against the policies of the development plan and that it reached a conclusion based upon such considerations. The Council's approach complied with planning law in this regard.

7. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR