



Costs Decision

Site visit made on 4 October 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Costs application in relation to Appeal Ref: APP/U5360/W/22/3299205 Flat C, 48 Gloucester Drive, Hackney, London N4 2LN

- 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 Mike Hart for a full award of costs against London Borough of Hackney.
 - The appeal was against the refusal of planning permission for the widening of existing second floor dormer window to front elevation, raising of cill to flank elevation and minor internal alterations.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process. It is also clarified in the PPG that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, though behaviour and actions at the time of the planning application can be taken into account in the consideration of whether costs should be awarded or not.
3. The applicant claims that the Council has exhibited unreasonable behaviour that made the appeal necessary in the first place as the decision to refuse planning permission was unjustified and that the Council did not provide the opportunity to meet and/or discuss the proposals during the application process.
4. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the London Plan and Hackney Local Plan, and guidance within the Hackney Residential Extensions and Alterations Supplementary Planning Document that the Council state the proposal would conflict with. This reason has been adequately substantiated by the Council in its Officer Report. The Officer Report demonstrates why the Council concluded that the proposal would result in an obtrusive and incompatible form of development.

5. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided.
6. In terms of communication during the application process, the Council have stated that discussions were dealt with by e:mail and meetings were at the time restricted due to Covid and remote working. The Council continue that the appellant did not pursue pre-application guidance which was available prior to the submission of an application. Such a pre-application submission is not obligatory, and the applicant is perfectly entitled to submit a planning application without pre-application discussions. Whilst I note the applicant's comments that an on-site meeting may have had its benefits, I do not find that the lack of such a meeting, in light of communication via e:mail, amounts to unreasonable behaviour.
7. Whilst I have come to a different conclusion to the Council, the Council had adequately substantiated their reasons for refusal and the lack of an onsite meeting, in my view, does not result in unreasonable behaviour. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Harrington

INSPECTOR