



Costs Decision

Site visit made on 9 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Costs application in relation to Appeal Ref: APP/N5660/W/22/3310941 11 Ashlake Road, Lambeth SW16 2BB

- 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 PRP Property Development Ltd for a full award of costs against Lambeth Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for a ground floor rear full width extension and creation of a roof terrace with 1.7m obscure glazed balustrade above, to 11 Ashlake Road together with a roof light to ground floor lean to roof.

Decision

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

Reasons

1. 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. The same guidance makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Failing to produce evidence to substantiate a reason for refusal on appeal, or making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, are cited as examples and are reflected in the applicant's claim.
2. It has been put to me by the applicant that planning permission should have been granted as the Council have approved similar developments and have failed to provide evidence in relation to overlooking, noise and disturbance.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. The concerns raised in the reasons for refusal are apparent in the Officer Report which clearly sets out how the proposal, in the Council's opinion, would conflict with relevant adopted planning policies and the harm that the Council consider would arise. I am therefore satisfied that the Council's reasoning was credible and it was entitled to reach the decision it did. The fact that I found differently does not discredit the Council's case.
4. Accordingly, I do not find 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. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR