



Costs Decision

Site visit made on 15 August 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 5th October 2023

Costs application in relation to Appeal Ref: APP/E5900/C/22/3307643 Doros House, 12 Cambridge Heath Road, London E1 5QH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gokul Krishna for a full award of costs against London Borough of Tower Hamlets.
 - The appeal was against an enforcement notice alleging without planning permission, the addition of a balcony to flat GMO5, shown in the location outlined in blue on the attached photograph in Appendix 2.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. In this instance, the applicant alleges that the Council failed to evaluate the appeal application properly, as a site visit was not carried out.
3. Whilst I have found in favour of the appellant with regards to the appeal, I have only found the development to be acceptable on account of the revised privacy screening that has been erected since the start of the appeal. At the time the Council issued an enforcement notice, the balcony had a transparent glass surround, which did not provide any mitigation against the impact of mutual overlooking. In turn, even if the Council had carried out a site visit, they may well have reached the same conclusion.
4. Moreover, the intervening distance between the balcony to flat GMO5 and the properties along Mile End Road is very limited. Had the surrounding site context been different, particularly in terms of the covered walkway and other boundary obstructions, then I might well have sided with the Council and reached a different conclusion. However, the case was finely balanced, and even in this surrounding context, I do not consider that the Council's assessment of the appeal application was irrational or unreasonable.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

James Blackwell

INSPECTOR