The Planning Inspectorate

Costs Decision

Site visit made on 6 September 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Costs application in relation to Appeal Ref: APP/L5240/W/23/3316048
16 Upper Flat, Elgin Road, Croydon CR0 6XA

- 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 A Datoo of Marlpark 16 CRO Ltd for a full award of costs against the Council of the London Borough of Croydon.
- The appeal was against the refusal of the Council to grant planning permission for the addition of 2 dormer extensions to existing C4 HMO.

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.

3. As evident from the Council's officer delegated report and its response to the appellants statement of case, the Council had regard to the character of the surrounding area and site context in making its decision, including that there are properties in the local area that have had dormer roof extensions. A planning balance was exercised by the Council having regard to adopted development plan policy and other material considerations in reaching their decision.

4. The fact that there are other properties in the East India Conservation Area (EICA) with dormer roof extensions does not in itself justify that consent should be granted for dormers at the appeal premises. Appropriate regard must be had to the individual merits of a proposal, including its site context. In this instance the Council noted the context of the appeal property, including that it is a locally listed building; a non-designated heritage asset that positively contributes towards the special character of the EICA. It then made reasoned conclusions based on the effect of the proposals on the character and appearance of the host building and surrounding area.

5. I have no substantive evidence to show the Council has been inconsistent in its approach to decision-making on similar dormer extensions that have the same site context as the appeal proposal. The Council set out in its response to the appellant's statement the differences that in their view exist between the proposal and the examples of dormers elsewhere in the local area, therefore explaining there has been no inconsistency of approach on its behalf. I have

furthermore found that the examples provided do not influence the appeal proposal, as they do not have the same site context.

Conclusion

6. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

C Billings
INSPECTOR