



Costs Decision

Site visit made on 3 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Costs application in relation to Appeal Ref: APP/E5330/W/22/3298854 Land adjacent to 1 Bramblebury Road, Plumstead, London SE18 7TF

- 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 Louise Bettinson for a full award of costs against the Royal Borough of Greenwich.
 - The appeal was against the refusal of planning permission for demolition of existing garage and construction of a new 1-bed 3 storey dwelling.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. It goes on to state that local planning authorities are at risk of an award of costs if they make vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The applicant contends that the Council 'moved the goal posts' and introduced further issues in their decision notice, including an unjustified requirement for compliance with Building Regulation Requirement M4(2). Whilst this issue did not form a reason for refusal under the previous application at the site, the Council has confirmed that this was because, in that instance, simple amendments which could be resolved via a planning condition could have provided a M4(2) compliant layout. There are significant differences in the internal layout of the appeal scheme which this costs decision relates to, and as a result, the Council found that a M4(2) compliant layout could not be achieved or secured through a planning condition.
4. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I find no reason to disagree with the Council's conclusions.
5. It has been confirmed that an Officer did not undertake a site visit prior to determining the planning application. The applicant contends that, as a result, vague, generalised, and inaccurate assertions about the character of the townscape and the perceived impact of the dwelling on the streetscene have

been put forward by the Council. The appellant highlight that the street, in fact, comprises a mix of dwelling types including a large block of flats.

6. The Officer's report contains an explanatory note which sets out that officers used digital means of viewing the property remotely to assess the impact of the development. Whilst not mentioned in the assessment of the design of the proposal, the adjoining block of flats (known as Bert Reilly House), is referenced in the officer report. This indicates that Officers were aware that the streetscene contained a mix of dwelling types.
7. Issues that relate to character and appearance often involve matters of judgement. Within the report, the Council has clearly identified the elements of the design which they consider harmful to the character of the area. The Council's appeal statement of case clearly articulates their concerns. Whilst I have not agreed with the Council's analysis in relation to this refusal reason, they nonetheless produced clear reasoning backed up by reference to current planning policies. Consequently, they were not unreasonable in coming to that decision.
8. The PPG also states that examples of unreasonable behaviour by local planning authorities can include lack of co-operation with the other party or parties. The applicant contends that the Council did not answer or return telephone calls or indeed act in a proactive and pragmatic manner to resolve issues. However, there is no conclusive evidence before me in relation to this issue and, for this reason, I do not find that the Council behaved unreasonably.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B Pattison

INSPECTOR