



Costs Decision

Site visit made on 24 October 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Costs application in relation to Appeal Ref: APP/L5240/W/23/3317279 42 Estcourt Road, South Norwood, Croydon, London SE25 4SD

- 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 Mrs Joss Miller for a full award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for the conversion of No.42 including loft conversion, and construction of 6 x 2 bed residential apartments across site frontage.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellant's claim for costs is based on each of the Council's reasons for refusal.
4. The first reason for refusal includes the consideration of whether the appeal site was originally a 3-bedroom dwelling. I have disagreed with the Council on this issue, and have concluded that the Council's evidence is not conclusive with regards to the form of the original building. That said, the appellant's evidence is also of an anecdotal nature based on the recollections of a previous owner. Given the form and extent of the submitted evidence, as well as the circumstances of the extant site, I do not consider that the Council's consideration of this issue is so without foundation or substantiation as to represent unreasonable behaviour.
5. Part of the third reason for refusal relates to the form of the proposed external roof terraces and the effect on the living conditions of future residents, and I have concluded that this matter could be addressed by condition. However, this is a matter of planning judgement, and given the relationship between the roof terraces and neighbouring sites as well as proposed rear gardens, I do not consider that the Council's concerns on this matter are fundamentally unreasonable. In any event, I have concluded that the Council's concerns on communal play space are well-founded, and that the reason for refusal on this particular issue is therefore reasonable.

6. In respect of the fifth reason for refusal regarding fire safety, a Fire Safety Report (FSR) was only submitted at the appeal stage. Given the lack of an FSR or other substantive evidence on fire safety at the application stage, the Council could not be certain that this matter and the requirements of the London Plan 2021 could be addressed by condition. Although I have concluded that the FSR is sufficient to address this issue, the Council's reason for refusal on this matter is not unreasonable given the evidence before it when making its decision.
7. With regards to the reasons for refusal relating to character and appearance as well as car parking, I have agreed with the Council's concerns and therefore cannot conclude that it has behaved unreasonably on those issues.
8. 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 not therefore justified.

David Cross

INSPECTOR