



Costs Decision

Site visit made on 24 January 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Costs application in relation to Appeal Ref: APP/E5330/W/23/3325240 27A Herbert Road, Plumstead, SE18 3TB

- 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 Mr J Pinker for a full award of costs against the Council of the Royal Borough of Greenwich.
 - The appeal was against the refusal of planning permission for erection of two additional stories to the existing single storey building comprising 1 x 2 bedroom apartment.
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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.
3. The appellant's Daylight and Sunlight Report is based on the Building Research Establishment (BRE) publication of 2022 on *Site Layout Planning for Daylight and Sunlight: a guide to good practice*. However, the guide is intended to be used flexibly, is not mandatory and its numerical values are said to be purely advisory. Therefore, although the vertical sky component received by Window 4 would be slightly more than 0.8 times its existing value, this is not wholly determinative of the overall effect on internal living conditions. In particular, the Council was entitled to consider the percentage reduction and the findings of the previous Inspector in appeal Ref: APP/E5530/W/21/3285005.
4. Whilst I have found that the issue of daylight within the bedroom served by Window 4 does not amount to an objection, this is a matter of judgement that is not prescribed by the BRE guide. Therefore, it was reasonable for the Council to reach the view that it did. This is even though it has not acknowledged that, if strictly applied, the guidance indicates that diffuse daylight would not be adversely affected.
5. The National Planning Policy Framework indicates that local planning authorities should work proactively with applicants. Nevertheless, the PPG on *Determining a Planning Application* states that decisions should be made as quickly as possible and within the statutory time limit. That was the case here.
6. Given that the issues were well known to the Council pre-application engagement would have served little purpose so it was not helpful to refer to this in the informative on the decision notice. The applicant is disappointed that the case officer was unable to give a progress report before the application

was refused but the Council does not provide updates as a matter of course. In any event, given its stance in relation to the proposal, it is unlikely that any further information would have changed its decision. The Council also indicates that there is no mechanism to allow applicants to request that a matter be decided by the Planning Committee rather than under delegated powers.

7. Whilst the applicant might have preferred a greater amount of engagement before the application was refused, there is no requirement on the Council to do so. It took the view that the best course of action was to focus on issuing the decision and that was not an unreasonable approach to take.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Smith

INSPECTOR