



Costs Decision

Site visit made on 21 August 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Costs application in relation to Appeal Ref: APP/E5330/W/24/3336696 14 Conduit Road, Plumstead, Greenwich SE18 7AJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Teasdale for a full award of costs against The Royal Borough of Greenwich Council.
 - The appeal was against the refusal of planning permission for the construction of a mansard roof.
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Decision

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

Reasons

2. 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 basis of the appellant's application is that the Council have failed to give substantial weight in their decision to previously allowed appeals for mansard extensions in the council area. The appellant has characterised this as the inspectorate having advised the LPA on a number of occasions that the creation of a mansard roof or loss of a butterfly roof form will not give rise to an impact in terms of the creation of an uncharacteristic and incongruous addition to the street scene or result in harm to the character of the host dwelling, the terrace of which it forms part and the surrounding area.
4. However, appeal decisions are not advisory. They are specific stand-alone decisions that are made on the merits of individual proposals. Whilst weight can be given to appeal decisions as material in the consideration of other planning applications and appeals, the degree of weight given to previous appeal decisions is for the decision maker to reason and determine. This weighting can be based, amongst other matters, on consideration of similarity of proposal and context to that of the proposal that will be the subject of the decision.
5. The Council officer's report demonstrates that the council have had regard to previous appeal decisions¹ for similar mansard extensions in the Council area and responds to the applicant's planning submission on that basis. The officer's

¹ Appeal refs: APP/E5330/D/20/3258956 and APP/E5330/D/21/3280720

report sets out their finding, with reasons given, that the context of the properties in these appeals was dissimilar to that of the property to which the applicant's proposal relates. In making my decision, I likewise concluded that the previous appeal decisions related to properties where, although the proposed extensions and concomitant loss of a butterfly roofs were similar, the context and terraces of which they form part are significantly different to that of the appeal property. Accordingly, I afforded them limited weight in my considerations.

6. From the material submitted for the purposes of this appeal and costs claim I cannot, therefore, conclude that the Council have not determined similar cases in a consistent manner or are persisting in objections to a scheme or elements of a scheme for which the Secretary of State or an Inspector has previously indicated to be acceptable. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion

7. For the above reasons an award of costs is not justified

Victor Callister

INSPECTOR