



Costs Decision

Site visit made on 4 November 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Costs application in relation to Appeal Ref: APP/Y5420/W/24/3347579 10 Brampton Park Road, Wood Green, Haringey, London N22 6BG

- 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 Osher Rosenberg for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal to grant planning permission for the erection of a single storey rear extension, together with internal alterations, to facilitate the increase of an existing 8-bedroom HMO to 11 rooms (11 people) including the provision of cycle and refuse storage.
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Decision

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

Preliminary matters

2. As set out in the appeal decision the development description's '8-bed' reference has been amended to '8-bedrooms' for correctness. Also, reference is made to the refusal of planning application HGY/2023/2811 in the appellant's cost statement. However, only an appeal for the refusal of planning application HGY/2024/1126 is before me, and I have therefore only considered the cost application for this case.

Reasons

3. 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.
4. A previous planning application for the appeal site, HGY/2019/0824, was granted in May 2019 and it is advised by the appellant that this had a larger rear extension and similar internal modifications and refuse/cycle storage provisions to that of the current application. It is argued that this sets a precedent and demonstrates an inconsistency and an unreasonable approach by the Council.
5. However, while full details of this granted application are not provided, the development description for it indicates that it was for the conversion of the 8 bedroom HMO to three self-contained flats. As such, while there may have been some similarities in the building appearance in the two applications, there was a potentially significant difference in the resident use. No clear evidence has been presented to show the two applications were similar in terms of the

- number of residents, or their effects on such issues as internal activity, comings and goings and the refuse storage needs.
6. There is therefore no convincing evidence that the granted application was directly comparable and would have set a precedent for the current application. Consequently, the Council did not act inconsistently or unreasonably in not considering the granted application. In any event, the fact that a precedent may exist does not justify harmful development. This is a matter of planning judgement for the decision maker, and opinions may differ.
 7. The Council did not raise any specific concerns regarding the proposed cycle storage as the appellant alleges and while a reason for refusal with respect to the refuse storage was raised, this was based on comments provided by the Council's Waste and Recycling Team. The Council clearly set out its concerns regarding this matter in terms of harm to appearance. No evidence has been presented to show details were submitted to resolve this matter during the application stage. There is therefore no conclusive evidence that the Council acted unreasonably in regard to dealing with this matter.
 8. The Officer Report indicated that all relevant information was considered by the Council when deciding the application. This included the proposal's existing HMO use; its accessibility and sustainable transport location; the quality of its design and provided living space; the use of materials to match the existing building; its effects on noise and activity, and its refuse and cycle storage arrangements. The Officer Report and notice of refusal clearly set out the Council's reasons for refusing the current application and included detailed reference to relevant development plan policies and policies in the London Plan 2021 (London Plan). This included consideration of Policy SP11 of the Haringey's Local Plan 2017 and Policies DM1 and DM12 of the Haringey Development Management DPD 2017. Furthermore, little evidence has been presented to show that the development plan policies are not consistent with the National Planning Policy Framework including its emphasis on sustainable development, efficient land use and high-quality design.
 9. Overall, even though I reached a different conclusion than the Council, there is little evidence that the Council applied its planning judgement in an unreasonable or inconsistent manner.
 10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Symmons

INSPECTOR