



Costs Decision

Site visit made on 12 November 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

**Costs application in relation to Appeal Ref: APP/L5240/W/24/3342310
Land adjoining 1-17 Wedgewood Way, Beulah Hill, Upper Norwood,
Croydon, London SE19 3ES**

- 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 Zul Virani of Lower Richmond Properties Ltd for a partial award of costs against the Council of the London Borough of Croydon.
 - The appeal was against the refusal of planning permission for the erection of 2No. 4-bedroom dwellings with associated parking.
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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 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 applicant asserts that the Council's consideration of the application with specific regard to each of the reasons for refusal, except for matters of design, represents unreasonable behaviour.
4. As indicated in my appeal decision, although access is a reserved matter, layout is not. Together with the size and shape of the appeal site, the proposed car parking area significantly limits where access from Beulah Hill could be implemented. It is not, therefore, unreasonable for the Council to have determined the application based on the location of the access as shown on the Proposed Site Arrangements¹ plan. Supportive pre-application advice from the Council's Transport Officer has not been evidenced and, in any event, is not binding on the Council.
5. The Council's refusal relating to the effect of the proposed development on daylight and sunlight levels for neighbouring occupiers also includes concerns regarding the outlook experienced by these neighbours. Whilst I have concluded there would be no loss of daylight reaching the rooms served by the windows on the neighbour's rear elevations, there would be some reduction in sunlight reaching their gardens, as evidenced by the Daylight and Sunlight Analysis² report. Although this would be minor, nonetheless there would be a loss in sunlight as a result of the proposed development. As the onus is on the

¹ Dwg No. 001 rev C

² Ref: Z52259.2, prepared by EnergyCounsel, dated 3 April 2024

applicant to demonstrate that a proposal would not cause harm to neighbouring occupants, it is reasonable for the Council to refuse an application where this has not been substantiated.

6. Given the coverage of development on the site, the removal of a large proportion of existing vegetation is likely and the spaces where replacement planting or habitats can be supported are limited. Additionally, whilst the applicant's Biodiversity Metric and Biodiversity Net Gain Report is not before me, the Council have raised concerns regarding the methodology applied therein and the veracity of the subsequent metric results. On this basis, it is reasonable for the Council to request clarification or refuse the proposed development as a net gain in biodiversity has not been demonstrated.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs, including on a partial basis, is not warranted.

Juliet Rogers

INSPECTOR