



Costs Decision

Site visit made on 18 February 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Costs application in relation to Appeal Ref: APP/Y5420/D/24/3353478 120 Wargrave Avenue, London N15 6UA

- 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 Azriel Asher for a full award of costs against the Council of the London Borough of Haringey.
 - The appeal was against the refusal of planning permission for a basement and ground floor rear extension and resubmission of the first-floor extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant's claim is that the Council failed to properly assess the application as evidenced by the officer's report containing multiple errors and inaccuracies, with parts of the analysis copied from the previous refusal, with no consideration of the revisions made to the proposal. The applicant further points to inconsistent and arbitrary reasoning in introducing different reasons for refusal relating to living conditions in the basement which were not previously raised and which have been approved elsewhere. Finally, it is stated that the Council failed to engage in meaningful communication with the applicant during the application period that could have potentially avoided the errors in the officer's report. This is argued to be a failure of due diligence on the Council's part.
4. The Council has not responded to the costs application.
5. My decision sets out that the Council's analysis was seriously undermined by erroneous references to the form and planning history of the existing building; to the height of the proposed ground floor rear extension and to the proposed use of the basement level. These errors effectively rendered the analysis of little to no value and resulted in reasons for refusal which were wholly unsubstantiated.
6. In particular, the failure to address the half metre lowering of the height of the ground floor rear extension – a change made specifically to address a previous reason for refusal – was glaring.
7. Moreover, the Council persisted with a reason for refusal relating to overdevelopment that was based on an additional bedroom in the basement which was no longer proposed, and presented no cogent evidence as to why the revised

proposal would be unacceptable in terms of the standard of accommodation when no habitable rooms were now being proposed.

8. I acknowledge that the Householder Appeals Service does not afford the opportunity for local planning authorities to produce a statement of case, wherein the Council may have addressed some of these errors, but the procedure is well-established and it is incumbent on the Council to produce an accurate and reasoned officer's report from the outset as this may later be relied upon at appeal.
9. I have no evidence as to efforts made by the applicant to contact the Council during the application, but it is reasonable to consider that there was some shortcoming in this respect, as had there been meaningful communication, the significant errors in the officer's report could have been avoided. The Council's decision not to respond to the costs application also rather illustrates the applicant's argument on this point.
10. For these reasons, I conclude that the Council has relied on vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis, and it has failed to produce evidence to substantiate each reason for refusal on appeal. This amounts to unreasonable behaviour as defined by the PPG. As a result, and having regard to my main decision, the applicant has been faced with the unnecessary and wasted expense of making the appeal.
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Haringey shall pay to Mr Azriel Asher, the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to the Council of the London Borough of Haringey, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K Savage

INSPECTOR