



Costs Decision

Site visit made on 20 May 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Costs application in relation to Appeal Ref: APP/V5570/W/24/3357046 282-284 St. Paul's Road, Islington, London N1 2LH

- 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 Asher for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use from a ground-floor commercial shop class E to 2 studio flats class C3.
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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 applicant states that the Council has acted unreasonably by refusing to grant prior approval on the basis of privacy considerations which fall outside of the matters to be assessed when considering whether to grant prior approval. In addition, the applicant alleges that the Council have failed to substantiate their reasons for refusal by providing evidence or factual analysis.
4. In response the Council states that their duty extends to ensuring the overall quality of living conditions for future residents, which includes privacy. They state that the use of typical privacy measures such as obscure glazing or shutters can significantly reduce the amount of natural light entering a room.
5. The Council do not dispute the findings of the Daylight and Sunlight report insofar as they relate to the existing windows. As outlined above they raised concerns over the impact of any likely privacy measures, which may or may not be installed by future occupiers. The Council considers that the proximity of the windows to the footpath and bus stop means that future occupiers would need to adopt the property to ensure visual privacy and in accordance with BRE Guidelines these measures can be taken into consideration.
6. However, as set out in my decision letter, I have found that the proposed dwellings would be provided with adequate natural light to the habitable rooms. The installation of privacy measures would not necessarily result in a harmful reduction in natural light, there is little by way of evidence before me that it would result

Condition MA.2(f) not being met. Furthermore, the PPPG clearly sets out that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established.

7. Nonetheless, I find that it is not unreasonable for the Council to exercise their planning judgement on this matter. The Council has provided with the Officer Report and Appeal Statement reasons to support their conclusions. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR