



Costs Decision

Site visit made on 7 August 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Costs application in relation to Appeal Ref: APP/G5750/W/25/3364910

144 Boundary Road, Plaistow, Newham, London E13 9QG

- 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 City of London Holdings and Investments Limited for a full award of costs against the Council of the London Borough of Newham.
 - The appeal was against the refusal to grant planning permission for a side extension.
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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 during the appeal process.
3. In this case, the applicant seeks a full award of costs, arguing that the Council acted unreasonably by refusing the application on design grounds. This refusal, the applicant contends, contradicts the findings of a recent appeal decision concerning the same site, where a similar scheme was deemed acceptable in design terms—although that appeal was ultimately dismissed for unrelated reasons.
4. While the previous Inspector's findings are a material consideration, the fact that the earlier appeal was dismissed allows for a fresh assessment of the proposal on its own merits. I acknowledge the importance of consistency in decision-making, particularly in relation to fairness and legitimate expectations. Nevertheless, planning decisions must be based on the specific circumstances and planning context of each case.
5. Although the applicant asserts that the differences between the two schemes are minor, the Council identified notable distinctions in the extent of fenestration, the overall visual impact of the proposal, and the implications of its residential use. These included concerns about commercial bin storage, the functionality of the enclosed outdoor space, and internal layout considerations. These factors formed the basis of the Council's conclusion that the scheme would cause harm to the character and appearance of the area.
6. Having considered the appeal before me, I have reached similar conclusions to the Council. I find that the differences between the schemes were sufficiently significant to justify a different outcome on the issue of character and appearance.

Accordingly, I am satisfied that the Council has provided a clear and reasonable justification for its decision.

7. In light of the above, I do not consider that the Council's behaviour amounts to unreasonable behaviour as defined in the Planning Practice Guidance. It follows that no unnecessary or wasted expense has been incurred in the appeal process. I therefore conclude that an award of costs is not justified.

R Lawrence

INSPECTOR