
Costs Decision

Site visit made on 4 September 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Costs application in relation to Appeal Ref: APP/V5570/W/25/3366453 282-284 St Pauls 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) 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. Costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural relating to the process, or substantive relating to the issues arising from the merits of the appeal.

Procedural

4. The applicant sets out there have been previous prior approval applications at the appeal site, with the relevant application to this appeal representing the third application submitted for the same proposal. They go on to say that each submission was revised to address the sole reason for refusal in the preceding application. The applicant contends that the refusal of the application relating to this appeal introduced a new reason that had not been raised in any previous application or consultation. However, the Council state that the obscuring of the windows would create the same issues in relation to natural light as previous refusals.
5. Appeal ref APP/V5570/W/25/3362909 had not been determined at the time the Council had issued its decision notice. The Council's delegated report references three prior approvals at the appeal site for similar development to that of this appeal. All three refusals appear to relate to levels of natural light. Even if privacy concerns at elevated levels from the passengers in buses idling at the front of the

appeal site were not raised in previous decisions, the council were entitled to raise this when determining application P2025/0776/PRA. Further, this matter was included within their delegated report and not a new issue raised during the appeal process. Given the reason for refusal of the application relevant to this appeal is levels of natural light I do not consider the Council to have behaved unreasonably in this regard.

Substantive

6. The appeal scheme involves obscure glazing to the lower section of windows adjoining the highway with a large section above un-obscured. The Council contend that future occupiers would likely require additional obscure glazing of the front windows which would affect levels of natural light.
7. The applicant contends that this is based on hypothetical future occupant behaviour and is not a valid ground. Nonetheless, I am in agreement with the Council that given the proximity of the bus stop to the appeal site, buses would idle outside the appeal property and its passengers would be sat in an elevated position offering views into the proposed studio flats.
8. Whilst I have come to a different conclusion, it was not unreasonable for the Council to have exercised its planning judgement in respect of daylight and sunlight. As such, I do not consider the Council to have behaved unreasonably in this regard.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

N Unwin

INSPECTOR