
Costs Decision

Site visit made on 18 November 2025

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

Costs application in relation to Appeal Ref: APP/A5840/D/25/3373073
27 Casino Avenue, Southwark, London SE24 9PQ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Donncha O Shea for a full award of costs against Southwark Council.
 - The appeal was against the refusal of planning permission for a single storey side and rear extension.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance ('PPG') states that the aim of the costs regime is, amongst other things, to encourage all those involved to behave in a reasonable way and to follow good practice, and to encourage local planning authorities to properly exercise their development management responsibilities. Parties in planning appeals normally meet their own expenses, but costs may be awarded against a party who has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. At ID: 16-049-20140306 the PPG provides a non-exhaustive list of examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations; failure to produce evidence to substantiate each reason for refusal; providing vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not determining similar cases in a consistent manner.
4. At ID: 16-047-20140306 the PPG continues that a procedural award of costs against a local planning authority may arise from providing information that is shown to be manifestly inaccurate or untrue.
5. In summary, the applicant maintains that the Council's decision relied on demonstrably inaccurate statements, including false claims about proposed materials and the scheme's visibility, and that it introduced new reasoning after the decision had been issued.
6. The Council's officer report referred to harm arising from the proposed use of UPVC windows. That was an error, acknowledged by the Council, and probably arising from the Design and Conservation Officer's suggestion that the replacement

of existing UPVC windows with timber would introduce a heritage benefit. However, contrary to the applicant's claim, the officer report does not mention the use of 'oak', but refers instead to 'timber', and it does not state that an extension would be 'unacceptable in principle'.

7. The Council's decision and its officer report state that the proposal would significantly reduce the size of the host's garden but, contrary to the applicant's claim, they do not state that the majority of the garden would be lost. Instead, the report says that the majority of the host's rear garden adjacent to 25 Casino Avenue would be infilled. Given the siting and footprint of the scheme, and as the existing conservatory is contained within the host's 'L' shaped footprint, I consider that description in the report to be accurate.
8. In my appeal decision, I agreed with the appellant that the scheme would not impact the Casino Avenue streetscene, but I found that it would be visible from 'the public realm', as referenced in the Council's decision notice, given that, in my judgement, it would be seen from the alleyway.
9. Whilst the Council's officer report was not free from error, it is clear to me that its decision to refuse the application was based in large part on the proposal's siting, scale and mass, and its impact on the host property and the significance of the Sunray Estate Conservation Area. Those are matters of judgement, on which I agreed with the Council. I do not consider that without its erroneous reference to proposed UPVC windows it would have reached a different decision, and that the appeal could therefore have been avoided.
10. The Council adequately explained its decision by reference to the site and its context, and its decision was made in accordance with the development plan, having regard to other material considerations. I have no cogent evidence that it gave undue weight to advice contained in supplementary planning documents.
11. As set out in my appeal decision, I have few details of allegedly similar permitted schemes in the area, but the Council's officer report does refer to a conservatory at 21 Casino Avenue, which it says was allowed prior to the designation of the Sunray Estate Conservation Area in 2009.
12. Finally, the applicant states that the Council's 're-opening' of the application after its decision was an extraordinary step, which demonstrates its lack of confidence in the reason for refusal. However, according to the Council, an entirely new application was opened and given a different reference number, but it advised the applicant that it considered its original decision to be robust.
13. Thus, I am satisfied that the Council appropriately exercised its duty to determine planning applications in a reasonable manner, and that this is not a case where it prevented development which should clearly have been permitted or, on the basis of the available evidence, that it failed to determine similar cases consistently. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and the application for an award of costs is refused.

Chris Couper

INSPECTOR