



Costs Decision

Site visit made on 13 January 2026

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Costs application in relation to Appeal Ref: APP/A5840/D/25/3374892

15 Frankfurt Road, Southwark, London SE24 9NX

- 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 Soegianto for a full award of costs against the Council of the London Borough of Southwark.
 - The appeal was against the refusal of planning permission for erection of a rear roof extension over outrigger without complying with conditions attached to planning permission Ref 21/AP/3356, dated 19 November 2021.
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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. In particular, the appellant refers to examples of unreasonable behaviours which may lead to a substantive award of costs against a local planning authority, set out at paragraph 049 of the PPG, including, failure to produce evidence to substantiate each reason for refusal on appeal; refusing planning permission on a planning ground capable of being dealt with by conditions; and not determining similar cases in a consistent manner.
4. The appellant sought to vary conditions attached to a planning permission and asserts the Council acted unreasonably by not providing appropriate evidence to substantiate the reason for refusal, including not undertaking a site visit, and draws comparison with the Council's decision for a nearby scheme.
5. The Council's assessment of the proposal is set out in its delegated report and found that removal of obscured glazing would introduce new outlook opportunities onto the neighbouring property pertaining to a loss of privacy and undue overlooking. In addition, the Council notes the necessity for the obscured glazing had already been identified in the assessment of the original planning permission.
6. Furthermore, the reason for refusal set out on the Council's decision notice clearly articulates the harmful effects of the proposal and the development plan policy with which it would conflict. For these reasons, I am satisfied the Council adequately substantiated its reason for refusal with evidence.

7. The Council did not carry out a site visit, instead utilising photographs and satellite imagery to inform its assessment. The procedure for assessing the scheme is at the discretion of the Council.
8. As set out in my appeal decision letter, I have found the proposal would harm living conditions of neighbouring occupants. The evidence before me does not suggest the officer failed to properly understand the context of the site and its surroundings, and the absence of a site visit does not appear to have hindered the Council's assessment of the scheme.
9. As concluded in my appeal decision, the proposal to vary conditions would result in harm to the living conditions of neighbouring occupants. Therefore, the Council did not refuse planning permission on a planning ground capable of being dealt with by conditions. In addition, as discussed in my appeal decision, I do not consider the Council's decision was inconsistent with other similar cases.
10. The applicant incurred expense during the appeal process, including preparation and submission of appeal documents. However, for the reasons set out above, I do not consider the Council behaved unreasonably. Therefore, the appeal and costs associated with it could not have been avoided.
11. In conclusion, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Dade

INSPECTOR