



Costs Decisions

Site visit made on 8 October 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2026

Costs application in relation to Appeal A Ref: APP/V5570/W/25/3361706

Flat A, 22 Richmond Avenue, LONDON, N1 0ND

- 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 Ms India Ayles for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of the Council to grant planning permission for Amended scheme for Erection of full-width rear lower ground floor extension, with associated internal alterations incl. creation of 3rd bedroom (Listed building consent application also submitted). (Revised scheme to ref: P2024/1401/FUL and P2024/1402/LBC).
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Costs application in relation to Appeal B Ref: APP/V5570/Y/25/3361705

Flat A, 22 Richmond Avenue, LONDON, N1 0ND

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms India Ayles for a full award of costs against the Council of the London Borough of Islington.
 - The appeal was against the refusal of the Council grant listed building consent for Amended scheme for Erection of full-width rear lower ground floor extension, with associated internal alterations incl. creation of 3rd bedroom (Listed building consent application also submitted). (Revised scheme to ref: P2024/1401/FUL and P2024/1402/LBC).
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Appeal A Decision

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

Appeal B Decision

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

Preliminary Matters

3. Both applications relate to Flat A, 22 Richmond Avenue which forms part of a Grade II listed building¹, 22-44 Richmond Avenue, situated within the Barnsbury Conservation Area (CA). The costs applications are centred around the same issues in respect of both proposals. As such I have dealt with them within the same Decision Letter. I have, however, set out two separate formal Decisions in the interests of clarity.

¹ National Heritage List for England Entry Number: 1293178

Reasons

4. 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.
5. The PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore, the PPG includes lack of co-operation with the other party or parties, refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead, acting contrary to, or not following, well-established case law and not determining similar cases in a consistent manner as possible examples of unreasonable behaviour.
6. The applicant's claims for costs are on the basis that the Council misinterpreted its own adopted Local Plan Policies, did not apply a consistent approach and did not engage in a timely manner with the applicant's efforts to amend the proposals in order to achieve a suitable scheme. The applicant therefore considers that they incurred unnecessary and wasted expense in the cost of preparing the appeal papers and evidence.
7. Turning first to the interpretation of the Council's policies. As set out in the accompanying appeal decisions, the local plan must be taken as a whole and includes a suite of policies and guidance. The specific guidance referred to by the applicant does not indicate, as the applicant suggests, that full-width single storey extensions are permitted. Rather, it is worded to provide guidance which indicates that full-width extensions higher than one storey will *not* (my emphasis) normally be permitted. Individual pieces of guidance or policies do not cover every eventuality and the use of the word "normally" within that guidance allows for exceptions.
8. In this instance, these appeals relate to a Grade II listed building, nationally recognised as being of special interest and not simply to any building within a Conservation Area and as such the circumstances are markedly different and other statutory duties, policies and considerations must be taken into account.
9. The Council considered the applications under the wider umbrella of its statutory duties in respect of the heritage assets and the local plan in its entirety. Whilst the appeal schemes are in accordance with some elements of the adopted local plan, there are other areas where conflict exists. The Council has clearly set out their reasons for refusing the application using evidence and fact to substantiate these reasons and have reached a judgement in the way they are entitled to. I do not consider that the local plan policies have been misinterpreted.
10. As set out in my appeal decisions, the suggestion that the identified harms could have been overcome through the use of suitably worded planning conditions is not warranted in this instance. The details which required further information go to the heart of the proposals and I, nor the Council at application stage, could be certain that conditions would be an effective mechanism for making the proposal acceptable and ensuring that it would not cause harm. Moreover, the use of such

conditions would not have overcome the identified harm in its entirety and would not have made the scheme acceptable.

11. In my view, the Council's holistic approach was warranted and does not represent a misinterpretation of its policies. Neither could planning conditions have been imposed to ensure the proposals would not cause harm. As such, I do not consider that the Council acted unreasonably or prevented development which should clearly be permitted, having regard to its accordance with the development plan and national policy.
12. I turn now to the Council's consideration of other material considerations which are said to exist by way of other similar schemes which have been permitted and the Council's consistency of approach.
13. I accept that other single storey rear extensions have been permitted to similar properties. I further accept that, though the Council's costs rebuttal suggests these examples were considered at application stage, there is no reference to schemes which have been previously permitted nearby within the officer report. However, the Council's later evidence leads me to believe that they were aware of the circumstances on site
14. However, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical. As set out in my appeal decisions, schemes within the same Grade II listed terrace as the appeal property are of particular pertinence in this instance. However, the existence of other examples is not, in and of itself, a sufficient reason to justify the grant of planning permission or listed building consent. The existence of other alterations within the listed terrace is also such that any future changes must be considered cumulatively.
15. In my view, on the balance of probability, and on the basis of all of the evidence submitted, I consider that even if the Council officer's report had explicitly mentioned the other examples the decision made overall would have been the same. As such, I do not consider that the Council acted unreasonably in their consideration of the applications before them.
16. I accept that the applicant is frustrated that they sought to engage with the Council in a positive manner and do not feel their efforts were reciprocated. Indeed, the Council accepts that there were instances where responses to the applicant's emails were not made in a timely manner. However, despite the delays the Council do appear to have engaged with the applicant, in relation to both appeals, and provided feedback during the process. The Council clearly set out their reasons for refusing the applications and I do not consider that the appeals could have been avoided in their entirety. The expense involved, therefore, in putting together the appeals would have been incurred even had the Council communicated in a more efficient manner throughout. As such, I do not consider that unnecessary or wasted expense has been incurred by the applicant so as to warrant an award of costs.
17. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

L J O'Brien

INSPECTOR