



**Application for an award of appeal costs**

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn).

Notes to help you are in part D

**A. Information about the claimant**

Full name: **PAUL LATHAM**  
 Address: **36A ESTELLE ROAD**  
**LONDON**

Postcode: **NW32JY** Your reference: **621**

Daytime telephone No: [REDACTED] Fax no: [REDACTED]

Email address: [REDACTED]

Status (Appellant/Local Planning Authority/Interested Party):  
**Appellant**

Agent's Name (if applicable): **NA**

Agent's Address: **NA**

Postcode: **NA** Reference: **NA**

Daytime telephone No: **as above** Fax no: **NA**

Email address: **as above**

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 Date Received (Official use)

**B. Information about the party being claimed against**

Full name: Camden Council

Address: Regeneration & Planning Dev. Management  
Town Hall, Judd Street, London

Postcode: WC1H 8ND

Status (Appellant/Local Planning Authority/Interested Party):  
Local Planning Authority

**C. Information about the appeal**

Planning Inspectorate appeal reference number APP/TBC

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: Camden Council

Description of the development: .....  
Erection of a single storey rear infill side extension to the existing  
ground floor rear extension

Address of the site: 36A Estelle Road, london NW3 2JY

**D. Notes for guidance on your costs application – please read before going ahead**

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

**An award can only be made if both these tests are met.**

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

**Please also note there are time limits for making a costs Application** depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

**E. Your costs application**

Please state what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

see attached statement

**APPLICATION FOR COSTS: APPLICATION REF: 2015/1692/P**

The Council has mishandled the planning application by preventing development which should clearly be permitted having regard to the development plan and other material considerations such as pre-application advice, the actual historical pattern of development, recent precedent and an Appeal Decision.

The Council's email to the Appellant dated 11th June 2015 required that the Appellant amend the design to "*reduce the width of the extension by 0.9m (away from the boundary fence line with no.38) to fall in line with the existing property.*" (*Appendix C-1*).

In the examples given in the Council's subsequent email dated 16th June 2015 at 12 and 14 Estelle Road, the side passage was clearly maintained to allow side windows to be introduced not to follow an imagined pattern of development. The requirement to maintain a side passage at ground level between sets of terraces which extends behind the front terrace, effectively exerting a development control line on rear extensions to end-of-terrace properties in the Conservation Area is incorrectly presented in the email as Camden policy "*Camden Planning Guidance resists full width extensions.*" There is no policy which states full width extensions are resisted. (*Appendix C-1*).

The Council's requests to alter the application to offset the extension 900mm from the boundary were unreasonable as they would result in an unviable proposal as the resulting narrow 'box' on the side of the existing lean-to would be visually unsatisfactory, and there would be insufficient space to accommodate the additional study/bedroom. The Appellant's proposal does not require the side passage for rear access or daylight as access is already retained via French doors into the bay window; and windows facing onto a side passage are not required in this case.

The Council's subsequent refusal of the application is clearly founded on its previous requests to amend the design and is a wholly spurious reason for refusal introduced in the face of precedential consents at 11 Rona Road and 39 Shirlock Road (*Appendix C-2*), two sets of pre-application advice to the contrary (*Appendix C-3*) and an Appeal Decision which was allowed which turned upon the same spurious reason for refusal written by the same officer at the Council (*Appendix C-4*).

There is no mention in the Mansfield Conservation Area Appraisal and Management Strategy that an historical pattern of development survives at the rear which is architecturally distinguished, or that harmonious rear elevations exist, or mention of any important gaps or vistas existing where infilling would be inappropriate to substantiate the reason for refusal.

There is clear evidence on the Council's website of the original pattern of development which has been subordinated by more recent development at ground level but the Council appears unaware of the actual historical pattern of development at ground level in Estelle Road. (*Appendix C-5*)

Circular 03/2009- B16 states the Council's reasons for refusal should be "*complete, precise, specific and relevant to the application.*" The Council's reasons are - no doubt for good reason - vague and generalised.

As a result of the Council's mishandling of the Application the Appellant has incurred significant unwarranted costs preparing and defending an Appeal decision unnecessarily and now applies for a substantive award of costs against Camden Council.

Paul Latham, AABC, IHBC  
The Regeneration Practice  
Appellant

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

Consultant expenses and Appellant time in preparing and processing the Appeal, attending site etc.

**Please sign below**

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)



Signature .....

On behalf of                      Not Applicable

Name (in capitals)      Paul Latham, AABC IHBC

Date                              23rd July 2015

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<https://www.gov.uk/government/organisations/planning-inspectorate/about/personal-information-charter>

**Please note exceptions below but otherwise send this form and any supporting documents to:**

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.