

Costs Decision

Site visit made on 19 September 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Costs application in relation to Appeal Ref: APP/B5480/D/16/3152311 Land at 51 Acacia Avenue, Hornchurch, Essex RM12 4EW

- 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 Miss Lisa Cuthbert for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was made against the refusal of planning permission for a two-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 advises that costs may only 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. Guidance in the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011) advises that rear two-storey extensions should be carefully designed to minimise their bulk and that extensions should be subordinate to the host dwelling.
 4. The Council indicated in the Officer's Report that first floor rear extensions are not an unusual feature within the rear garden scene. Reference to recent planning permissions highlighted the scale of rear extensions in the vicinity of the appeal site, with regard to the character and appearance of the area.
 5. The Council was entitled to consider whether the proposal would have an adverse effect on the character and appearance of the host dwelling, terrace and surrounding area. These are matters of judgement. The Council referred to relevant development plan policy and guidance in this respect.
 6. It is necessary to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. It must be acknowledged that at the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Paragraph 14 in the Framework requires the approval of development proposal that accord with the
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development plan without delay, unless the development plan is absent, silent or relevant policies are out-of-date. Whilst not specifically referring to the presumption in favour of sustainable development, the Council concluded that the proposal would not accord with Policy DC61 and guidance in SPD. I am satisfied that this demonstrated that the Council made its decision in accordance with national policy on sustainable development.

7. In my opinion the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore, the Council's behaviour was not unreasonable when judged against the planning guidance. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J L Cheesley

INSPECTOR