

Costs Decision

Site visit made on 16 September 2016

by Timothy C King BA (Hons) MRTPI

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

Decision date: 27 September 2016

Costs application in relation to Appeal Ref: APP/W5780/D/16/3153944 2 Stonehill Avenue, Cranbrook, Ilford, IG1 3SH

- 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 Robert Jenkins for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against a refusal to grant planning permission for a single storey rear and two storey side extension.
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Decision

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

Reasons

2. Paragraph 030 of the planning guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The basis of this costs application is the applicant's opinion that the Council, despite planning permissions having been granted within Redbridge Borough for developments similar to that applied for, ignored such considerations and unreasonably refused planning permission for the proposal at issue. In this regard the applicant states that the Council adopted "a wholly inconsistent and unsympathetic approach." The Council, in response, comments that the proposed development conflicts with relevant planning policies and believes that it properly exercised its duty in determining the application.
 4. The site lies within a locally designated 'Residential Precinct' which, effectively an area of particular residential character, generally requires that particular attention be paid to ensure that new development is sympathetic and characteristic of the prevailing architectural design; in this instance, that of typical suburban housing with, amongst other features, hip-ended roofs. To this end relevant policies within the Council's Borough Wide Primary Policies Development Plan Document are very clear in their aims and objectives. Policy BD1 requires that a development proposal must be compatible with, and contribute to, distinctive character whilst, more specifically, Policy BD5 indicates that planning permission will only be granted where extensions to dwellings complement the character of the building.
 5. Although another of the latter's provisos mentions that extensions should also incorporate a roof profile sympathetic to the 'existing' dwelling this illustrates a common conflict between a householder's permitted development
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entitlement and planning policies which understandably seek to protect distinctive local character. In this instance the existing dwelling now constituted a recently formed gable-ended roof, albeit unsympathetic to its semi-detached neighbour due to it creating an imbalance between the pair. On this point I do feel that the Council, in its case report, could have been more explanatory as to its approach in this regard.

6. In previously granting planning permission, for a hip-ended two-storey side extension to reflect that of the then existing hip-ended main roof, the Council was clear in its assessment that this design would result in an extension subordinate to the host dwelling and I must agree with this assessment. However, I cannot agree with the applicant that the now proposed extension may be similarly termed a subordinate addition. The very marginal step down from the main ridgeline and the minimal recess from the dwelling's main front building line is unlikely to allow for such a visual impression.
7. The applicant mentions that the case officer was warned of an appeal and a potential for costs should the planning proposal be refused. Attempting to apply such pressure is not helpful to the planning process. Besides, the case officer, in response, cited a series of unsuccessful appeal decisions for like developments. The applicant comments that direct parallels cannot be drawn, despite providing a list of examples helpful to his own case. As each case must be taken on its own merits and particular individual circumstances any such precedent is not compelling. Although, in reaching my decision, I commented on a similar extension at No 16, further down the street, I had regard to such due to its proximity and similar form. However, this would not necessarily confirm the acceptability of the proposal at No 2 given that its design would not properly comply with the Council's planning policies and relevant guidance thereto.
8. Whilst, for the reasons stated in my decision letter, I found the proposal to be acceptable and allowed the appeal, the case represented an on-balance, design-based judgement. In the circumstances the Council was quite entitled to have reached a different decision and I am satisfied that the reason for refusal arrived at by the Council was credible. In light of the various factors I have outlined there is no reason therefore to suggest that the appeal could have been avoided.
9. For the reasons given above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated, and I refuse the application for an award of costs.

Timothy C King

INSPECTOR