
Costs Decision

Site visit made on 23 August 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 13 October 2016

**Costs application in relation to Appeal Ref: APP/F5540/W/16/3152178
1 Herm Close Isleworth TW7 4RH**

- 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 the Council of the London Borough of Hounslow for a full award of costs against Mr Abdul Lalji.
 - The appeal was against the refusal of planning permission for construction of 4-bedroom detached house with integral garage.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 052 of the Planning Practice Guidance advises that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding.
3. The Council argues that the appellant went ahead with the planning application, despite having received pre-application advice that the scheme in question was unacceptable. Specifically, the appellant was advised that the scheme would be unlikely to be supported because it would be bulky and out of scale with the surrounding context, and that the crown roof design would also be unacceptable. It may be seen from my decision that I agreed with the Council's conclusion on this issue.
4. It is well established, however, that awards of costs are rarely made where an issue turns on a matter of subjective judgement, such as design and, as in this case, the effect of the proposal on the character or appearance of the conservation area. Therefore, whilst the planning application did not accord with the pre-application advice given by the Council, that does not mean that the subsequent appeal had no reasonable prospect of succeeding.
5. However, for the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Therefore, no award is made.

Elaine Gray INSPECTOR
