
Costs Decision

Site visit made on 4 October 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 08 November 2016

**Costs application in relation to Appeal Ref: APP/M5450/W/16/3152931
Harrow View West (the former 'Zoom Leisure' Sports Ground), Harrow
View, Harrow and Wealdstone, London HA2 6QQ**

- 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 Persimmon Homes North London for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for consent, agreement or approval to details required by a condition of a planning permission.
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Decision

1. The application is dismissed.

Reasons

2. The Planning Practice Guidance 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.
 3. In considering unnecessary costs, actions incurred in the application process are only relevant in so far that they would have avoided the appeal. PPG indicates that the local planning authority should explain their reasons for not reaching a decision within the relevant time determination period. It is clear from the correspondence submitted to me that the Council had issues/concerns about a number of the details and therefore I am satisfied that there were substantive reasons to justify delaying the determination of the approval of details. On this basis, better communication with the appellant would not have enabled the appeal to be avoided altogether.
 4. The Council has detailed the urban and policy context of the proposal for its consideration on the matters of detail in this appeal. It has provided evidence to substantiate its reasons for a different type of window to be used in the development based on the appearance of uPVC windows. In this regard, uPVC windows have a different visual quality compared to aluminium or composite windows. Although I have favoured the appellant on this matter, the Council has provided evidence in terms of appearance, design and quality and consideration does involve an element of subjectivity in assessing impact. Similarly, the Council has substantiated its arguments about the visual merits of having balconies partly recessed into walls. Whilst the evidence before me in relation to fascia boards and guttering and paving slabs is less detailed, the
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- issues are less complicated. In substantiating their objections, the Council has referred to local and national planning policy, and the context of the site.
5. It has been argued that the Council has produced fresh evidence but some allowance has to be made for the appeal being a non-determination type. Based on its statement, the evidence is providing substantiation of its case that has been outlined in the correspondence put to me. In respect of guttering and fascia boards, this matter was raised in an email dated 26 May 2016 to the applicant. Although the matter of a paving slab detail has not been raised previously, this is a relatively minor matter within the context of the details at issue and I am not persuaded of any unnecessary expense in an appeal that would have needed to take place.
 6. In this appeal, the consideration of heritage assets would have been necessary given their location and significance in planning policy so I am not persuaded that the applicant has been put to unnecessary work on this. Although the planning history of the wider area has not been updated and provided by the Council, I am satisfied that their detailing of the outline planning and design guide for the wider Kodak site highlights the context of the site within a wider redevelopment area. In terms of other applications for the approval of details for Condition 4, their inclusion would have been useful but as I have had to consider the details in dispute on their individual planning merits, their omission is not significant and unreasonable.
 7. Overall, I am satisfied that the putative Council's reasons for objection, were substantiated on reasonable planning grounds necessitating the appeal, even though I have allowed it. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Jonathon Parsons

INSPECTOR