
Costs Decision

Site visit made on 2 November 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 17 November 2016

Costs application in relation to Appeal Ref: APP/L5810/D/16/3153832 25 Strathearn Avenue, Twickenham, Richmond upon Thames TW2 6JT

- 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 Barry Yardley for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the refusal of planning permission for demolition of existing garage and single storey side extension and erection of two storey side and single storey rear extension.
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Decision

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

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

3. The PPG advises that, irrespective of the outcome of the appeal, 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.
 4. The appellant claims that the Council acted unreasonably in refusing planning permission on the basis that the development should clearly have been permitted, having regard to its accordance with the development plan, national policy and other material considerations; and that vague, generalised or inaccurate assertions about the proposal's impact, unsupported by any objective analysis, were made.
 5. Notwithstanding my conclusions on the appeal proposal, I am satisfied that the Council clearly set out its reasons for refusal in the decision notice, based on relevant adopted development plan policy and its Supplementary Planning Document: House Extensions and External Alterations. That reason for refusal was also adequately explained in the Council's Officer report.
 6. I acknowledge that there has been a recent appeal decision for a new two storey extension at No 57 Strathearn Avenue that was allowed, Ref APP/L5810/D/16/3144310. However, I note that the design of that proposal and its relationship to the adjacent property at No 59 would be different to that of the appeal proposal. I am therefore satisfied that the
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Council should not necessarily have taken that appeal decision as being an over-riding material consideration, and that it appropriately considered the appeal proposal on its merits.

7. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR