

Costs Decision

Site visit made on 24 October 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/L5810/D/16/3156610

45 Park Road, Hampton Wick, Kingston upon Thames KT1 4AS

- 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 Scott Hillman for a full award of costs against the London Borough of Richmond Upon Thames.
- The appeal was against the refusal of planning permission for a proposal described as 'Modified first floor extension. The design substantially reduces the impact of the extended areas and responds to the Inspector's decision by providing: a smaller structure which is no longer "box-like"; reduced width and depth (c. 2.5 by 2.6m); the reduced roof and pitch to the end provides an improved integration with the dwelling as a whole; and removal of the window considered to be "wide and incongruous"'.

Decision

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

Reasons

2. National Planning Practice Guidance (the 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 appeals process.
 3. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally the Guidance is clear that costs cannot be claimed for the period during the determination of the planning application. However, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
 4. The appellant's application for an award of costs states that the Council failed to co-operate with the applicant during the application process and that the case officer failed to carry out a site visit.
 5. In response the Council have reasoned that amendments to the submitted scheme to were not sought from the agent as the Council still retained an in-principle objection to the extension of the first floor of this property and that this advice had been previously provided to the appellant by the Council. Further, the Council stated the site visit was carried out from the adjoining properties and it was not necessary to view the proposed development from the garden or inside the host dwelling.
 6. Therefore, based on all of the information before me, it is clear that the decision made by the Council was founded on their balancing of the evidence
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before them, including the previous appeal decision and the weight that they afforded it. It is also clear from Council's assessment of the application within their officer's report that a site visit took place.

7. Consequently, whilst I have found in favour of the appellant in terms of the appeal decision; based on the information before me there is no substantive evidence that demonstrates that the Council have behaved unreasonably in relation to their consideration and determination of the application.
8. In conclusion I find that it has not been demonstrated that the Council behaved unreasonably in determining the planning application and that the appellant's costs in mounting the appeal were not unnecessarily incurred. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Jameson Bridgwater

INSPECTOR