

Costs Decision

Site visit made on 27 March 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 24 April 2017

Costs application in relation to Appeal Ref: APP/N5090/D/17/3168580 24 Friars Avenue, London N20 0XH

- 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 M Shah for a full award of costs against the Barnet London Borough Council.
 - The appeal was made against the refusal of planning permission for the retention of existing patio with additional landscaping.
-

Decision

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

Reasons

2. *Planning Practice 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 appellant suggests that the Council acted unreasonably as the reasons cited for refusal were not valid or supported by adequate evidence and that the information provided, including the landscaping proposals, demonstrated that the patio would not lead to any loss of privacy at 22 and 26 Friars Avenue.
4. The Council's reason for refusal was quite clear. Although I disagree with some of their reasoning, I find their concerns with regard to the introduction of landscaping to prevent access to the sensitive area of the patio, to be well founded. I have not found the view from the deepest area of the patio back to number 26 to be unacceptable but this is a matter of judgement. Overall, I do not agree that the Council acted unreasonably when considering the proposal.
5. I have had regard to the examples of unreasonable behaviour set out in the *Guidance* and I do not agree that the Council has behaved unreasonably. Unreasonable behaviour resulting in unnecessary and wasted expense has not been demonstrated and an award of costs is not therefore justified.

Peter Eggleton
INSPECTOR
