

Costs Decision

Site visit made on 9 May 2017

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 19 May 2017

**Costs application in relation to Appeal Refs:
APP/P5870/C/16/3154202 and APP/P5870/C/16/315420
142 London Road, Wallington SM6 7HF**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by the Mr Adrian Lasrado against the London Borough of Sutton.
 - The appeals are related to the removal of a window, its replacement with a door and the creation of a roof terrace at the property.
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Decision

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

Reasons

2. Planning Practice Guidance (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 expense in the appeal process.
3. The application for costs refers to the unreasonable behaviour of the Council officer who dealt with the appellant in relation to various works carried out at the property. These include the sloping roof; the barriers erected to deter thieves; the fact that the change from window to door is within the footprint of the dwelling; the fact that neighbours agreed to the changes; the fire escape and the fact that all new flats in the vicinity have balconies. It is claimed that in not taking these matters into account the Council acted unreasonably.
4. However, any unreasonable behaviour must relate to how the Council has acted in relation to the appeal process relating to the enforcement notice as issued. The Council considered it expedient to take enforcement action and this is not, in itself, unreasonable. In my view and from all of the submissions I do not consider that the Council acted unreasonably with regard to the appeal process. The parties should, therefore, be responsible for their own costs.
5. The Appellant has not shown that the Council's actions were unreasonable and nor has it been shown that the Council's actions have led to unnecessary loss and expense for the Appellant in the appeal process relating to the issuing of the enforcement notice and dealing with the appeals. The claim for costs is, therefore refused.

Anthony J Wharton

Inspector
