
Costs Decision

Site visit made on 8 May 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 23 May 2017

Costs application in relation to Appeal Ref: APP/M5450/D/17/3172869 61 Orchard Grove, Harrow HA3 9QR

- 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 Bharat Kerai for an award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for single and two storey side to rear extension; single storey rear extension; roof extensions including rear dormer; installation of two rooflights in front roofslope.
-

Decision

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

Reasons

2. 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.
 3. Concern has been raised by the appellant with regard to the lack of an officer site visit. The Council confirms that an officer site visit took place as part of the process of considering the planning application. The appellant does not dispute this but considers a further officer site visit was necessary to enable the Council to consider changes made to the roof dormer to address officer concerns in relation to its size.
 4. Further to this, the appellant has also implied that he has sought to discuss the issues of contention with the Council to seek to agree minor differences between the approved scheme and that which has been built.
 5. These matters pertain to the processing of and the consideration of the planning application by the Council and are therefore matters between the appellant and the Council separate to this appeal. Notwithstanding this, I have no substantive or detailed evidence before me that would indicate that a further site visit or discussions could or would have obviated this appeal.
 6. The appellant further contends that had he applied for planning permission for each separate part of the proposed development, permission may have been forthcoming for each element individually. However, this is not what was applied for and therefore this was not before the Council for consideration.
-

7. The appellant advocates that the proposed development is only marginally larger than that of a previous planning permission granted by the Council. Furthermore, it is asserted that the rear dormer, as drawing on the submitted plans, or as built on site, would not be contrary to the Council's policies and/or guidance relating to dormer windows. The appellant acknowledges that the proposed development needs to be considered in regard to its effect on the character and appearance of the area.
8. The Council's Delegated Application Report evaluates each element of the proposed development and/or how it would relate to the host dwelling, how it would relate to the existing pattern of development and how it would effect upon the character and appearance of the area. There may be similarities between schemes but irrespective of this each proposal should be considered on its own merits as different circumstances will apply. The fact that the Council came to a negative decision is a matter for their discretion.
9. Despite the Council not setting out specific reasons for refusal in the decision notice, I am satisfied that the application was considered on its own merit in light of policy considerations and that the Council has substantiated its refusal within its Delegated Application Report which has been available to the appellant. The fact that I have arrived at a contrary view does not, of its self, show that the Council has behaved unreasonably.
10. The appellant has highlighted delays experienced with respect of the Council's validation process and that this has caused the applicant unnecessary delay. An award of cost cannot extend to compensation for indirect losses, such as, any delay incurred by the appellant in obtaining planning permission as this does not relate to the appeal process. Matters pertaining to the Council's validation process therefore should be taken up by the applicant and the Council separate to this appeal.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR