
Costs Decision

Site visit made on 5 June 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 12 June 2017

Costs application in relation to Appeal Ref: APP/F5540/D/17/3174053 182 Hall Road, Isleworth TW7 7PG

- 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 Zaher Shamshiri for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension 6m from original dwelling.
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Decision

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

Reasons

2. The 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 or wasted expense in the appeal process.
 3. The Appellant has applied for an award of costs on the basis that the Council did not take into account previous appeal decisions highlighted by the Appellant and that it is the Council's policy to refuse all prior approvals if an objection is received.
 4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) clearly states that where an owner or occupier of any adjoining premises objects to the proposal, the local planning authority must consider its impact on the amenity of all adjoining neighbours, not just those who made representations. By considering the impact of the proposal on all adjoining residents the Council complied with this procedure.
 5. It is clear that the Council was aware that No 1 Eversley Crescent has planning permission for a rear extension. However I saw for myself on the site visit that this has not been implemented and there is no guarantee that it will be. Whilst this was not a determining factor within my appeal decision, the Council's approach in assessing amenity based on what is currently on site was not unreasonable.
 6. As the assessment of the impact of a proposal on amenity is so site specific the consideration of other appeal decisions relating to different properties in other locations would carry little weight.
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7. Although in allowing the appeal I have come to a different conclusion to the Council, this does not mean that the Council acted unreasonably in reaching its own decision. I recognise that consideration of amenity involves a matter of judgement which at times can be very finely balanced. The Council has provided a reason for its decision supported by policies and has not, therefore, acted unreasonably. Furthermore there is no evidence before me to demonstrate that it is Council policy to refuse all prior approval development if an objection is received.
8. In conclusion I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given above, the application for an award of costs is therefore refused.

Y Wright

INSPECTOR