

Costs Decision

Site visit made on 13 June 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2017

Costs application in relation to Appeal Ref: APP/R5510/D/17/3173330 376 Victoria Road, Ruislip HA4 0EP

- 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 Roger Daoud for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of the Council to grant planning permission for a "Vehicle Crossing/Drop Kerb".
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Decision

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

Reasons

2. The appellant argues that, if it is now Council policy to reject vehicular crossover applications on Victoria Road, he should have been told before going to the expense of preparing and submitting his application.
 3. The development plan includes the London Borough of Hillingdon Unitary Development Plan saved policies, September 2007 (UDP). UDP policy AM7 seeks to ensure that permission will not be granted for development whose traffic generation is likely to prejudice the free flow of traffic or conditions of general highway or pedestrian safety.
 4. Further guidance is given in the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions 2008 (SPD). Amongst other things, the SPD clarifies that although in most circumstances it will be acceptable to provide off street parking in a front garden without the need for planning permission, if a proposed driveway and vehicular crossover leads out onto a classified road planning permission will be required.
 5. The Council do not have policies or guidance which prevents vehicular access on to classified roads, such as Victoria Road. It does, however, have policy and guidance which makes clear that planning permission is required, and the criteria on which such development will be assessed.
 6. It was therefore reasonable for the Council to advise that the appellant submit a planning application, so that the proposal could be fully understood and assessed against these policies and guidance, having regard to the site specific considerations.
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7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Oliver Blower

Appointed Person