
Costs Decision

Site visit made on 14 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 31 July 2017

Costs application in relation to Appeal Ref: APP/H5960/W/17/3171371 32 Brightwell Crescent, London SW17 9AE

- 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 Juma for a full award of costs against the Council of the London Borough of Wandsworth.
 - The appeal was against the refusal of planning permission for alterations and extensions to existing building to the rear of 32 Brightwell Crescent in connection with the creation of 5 one bedroom houses with first floor terraces and 1.7m high obscure glazed screening.
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Decision

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

Reasons

2. Paragraph 30 of the Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal, and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant submits that the Council has acted unreasonably by failing to consider the application properly. The appellant is concerned that Councillors did not visit the site, and so did not take the opportunity of fully assessing their concerns over the provision of inadequate living conditions for future occupiers of the development.
5. Whilst the planning officer's report found the proposal to be acceptable in this respect, the Council is not duty bound to follow the advice of its professional officers. However, if a contrary decision is reached, the Council must provide clear evidence to substantiate that reasoning.
6. The wording of the reason for refusal is clear, and the Council expands on it within its Statement of Case. The relevant development plan policy and the Council's 'Wandsworth Local Plan Supplementary Planning Document – Housing' (July 2015) set out the general approaches to be taken in the consideration of the living conditions for future occupants of developments, but

they avoid prescriptive guidance on matters such as outlook. Therefore, bearing the guidance in mind, it is a matter of judgement as to whether the outlook from a particular proposed development would be satisfactory. Consequently, I consider that the Council has substantiated its reason for refusal, and has not behaved unreasonably in this regard.

7. I note that the appellant feels aggrieved over procedural matters on the part of the Council in relation to the handling of their case. However, these matters are for the relevant parties to resolve, and have no bearing on the present application.

Conclusion

8. I find that unreasonable behaviour by the Council leading to unnecessary and wasted expense, as described by the Planning Practice Guidance, has not been demonstrated. As a result, no award is made.

Elaine Gray

INSPECTOR