The Planning Inspectorate

Costs Decision

Site visit made on 11 July 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 1st August 2017

Costs application in relation to Appeal Ref: APP/Q5300/W/17/3170150
48 Waggon Road, Enfield, EN4 0PP

- 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 & Mrs Anastasiou for a full award of costs against the Council of the London Borough of Enfield.
- The appeal was against the refusal of planning permission for a minor material amendment to rear roof to allow adequate height in second floor accommodation. Following the approved application for "demolition of existing dwelling, erection of 1 x 7 bed-single family dwelling, front and rear dormers and terrace at first floor level". 16/00705/FUL.

Decision

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

Reasons

2. Planning Practice Guidance (the Guidance) advises that where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

3. The Guidance advises that one of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to development costs through unavoidable delay.

4. Examples of behaviour which may lead to an award of costs against the local planning authority are also set out in the Guidance. These include failure to produce evidence to substantiate each reason for refusal on appeal.

5. The appellant considers that the Council's refusal of the proposal is not based on any reasonable objective assessment of the potential impact it would have on the character and appearance of the area. I have seen no response to the costs claim from the Council.

6. Nevertheless, to my mind the Council is clear that that the two smaller crown roofs approved as part of the application for the replacement dwelling, were sought to replace the originally proposed single crown roof, in order to reduce the bulk of the dwelling.

7. The replacement dwelling would be larger than the original existing house, and in my view the Council has adequately described the impact that the increase in the size of the roof as now proposed would have over and above the permitted scheme. It has done so with reference to the characteristics of the area and other nearby development, and in light of the provisions of the development plan.

8. As set out in my Appeal Decision, although I appreciate the proposed changes are described as minor amendments, I have also concluded that they would result in a more substantial and bulky roof form that would introduce a more considerable single roof profile which would be uncharacteristic of the area and much larger than that at neighbouring No 46.

9. On this basis, I consider that the Council has substantiated its position with some level of objective analysis and am satisfied that the reason for refusal stands up to scrutiny on the planning merits in this case.

10. This being so, I am not convinced that the appeal could have been avoided, and overall am content that the Council has not prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and any other material considerations.

11. I therefore conclude that the Council's behaviour has not been unreasonable and the appellants' costs in mounting the appeal were not unnecessarily incurred. Consequently, for the reasons given above, the application for a full award of costs is refused.

Elaine Worthington

INSPECTOR