



Costs Decision

Site visit made on 25 July 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 3rd August 2017

Costs application in relation to Appeal Ref: APP/A5270/W/17/3173743 62B Goldsmith Avenue, Acton, London W3 6HN

- 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 O'Grady for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for a roof extension to a rear (main) roof slope and a part rear roof extension to an outrigger roof slope, (involving conversion of a roof space to habitable use).
-

Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance (PPG)¹ advises that 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 applicant has suggested that the Council's unreasonable behaviour, in terms of a protracted time scale and delays for a minor loft conversion and extension, has led to various circumstances that have resulted in unnecessary or wasted expense. There is nothing to suggest however that the Council's behaviour has delayed the appeal process, apart from the applicant's position that the need for the appeal could have been avoided in the first place.
4. In my view, the appeal turns on matters of judgement relating to character and appearance. In my decision, I accept that the proposal would be somewhat distinctive and, in this regard, the Council was well within the bounds of reason to determine the application in the manner in which it did. This is the case notwithstanding that it was a second application on this matter, with changes made following a previous refusal. I also consider that the Council's position has been satisfactorily explained in its officer's report, even if a site visit was not made in relation to the second application. In terms of communication, I accept that to first discuss the application with the applicant on the day of the determination cannot be said to represent best practice, but neither does it represent unreasonable behaviour. I therefore do not consider that the Council's behaviour has resulted in an unnecessary appeal.

¹ Ref: 16-030-20140306

5. Where the applicant has suggested that the Council's behaviour resulted in disruption to planned works on site and the erection and dismantling of scaffolding, I consider that these matters lie outside of the appeal process. Furthermore, any actions on these matters before the grant of planning permission and where they are dependent on the permission would, in my opinion, be premature. On-going building maintenance is not the responsibility of the Council, and is also not an expense in the appeal process.
6. In view of all of the above points, I do not consider that the Council's behaviour has been unreasonable in the context of advice in PPG². It therefore follows that the applicant has not incurred any unnecessary expense.

Conclusion

7. Having taken into account all other matters raised, none result in an alternative view. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in PPG, has not been demonstrated and that an award of costs is not justified.

Stephen Roscoe

INSPECTOR

² Ref: 16-049-20140306