
Costs Decision

Site visit made on 30 August 2017

by Simon N Hand MA

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

Decision date: 5 September 2017

Costs application in relation to Appeal Ref: APP/T5150/C/17/3171577 189 East Lane, Wembley, HA0 3NE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ion Taralunga for a full or partial award of costs against the Council of the London Borough of Brent.
 - The appeal was against an enforcement notice alleging the erection of a single storey rear extension, retractable canopies and decking.
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Decision

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

The case for the Appellant

2. The appellant argues that the Council did not carry out a proper enforcement investigation. Had they done so they would have realised the decking was either not development or permitted development. They also relied on out of date policies or irrelevant ones, failed to take into account policies that supported the appeal and failed to objectively assess the parking or servicing needs properly.

Reasons

3. It follows from the failure of the ground (c) appeal that I do not consider the decking was either not development or permitted development, perhaps for not quite the same reasons as the Council, but nevertheless, the appellant was not put to the unnecessary expense of appealing that ground.
4. The fact that several policies were mentioned that were either out of date or irrelevant was unfortunate, but the Council did also mention the relevant policies they relied on. I cannot agree that this renders the fourth reason for issuing the notice unsustainable as it relied primarily on a subjective opinion as to the impact on the streetscene.
5. The Appellant mentioned a number of policies from the London Plan which they argued supported the developments, but because they were not mentioned by the Council does not make their actions unreasonable. They identified their objections which were primarily to do with character and appearance and these were not affected by the policies preferred by the appellant.
6. Finally, I do not think the policies on parking or servicing can be read as the appellant tries to do. The simple fact is the rear extension means there is less

room for servicing or parking. The previous Inspector identified loss of room for servicing as a specific issue and it was not unreasonable for the Council to do so again.

7. In my view, therefore while I did not agree with the Council in regards to the canopies, decking or the loss of servicing, the Council's arguments were not inherently unreasonable and so the appellant was not put to any unnecessary or wasted costs.

Simon Hand

Inspector