
Costs Decision

Site visit made on 8 November 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 24 November 2017

Costs application in relation to Appeal Ref: APP/T5720/D/17/3181120 12 Wool Road, West Wimbledon, London SW20 0HW

- 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 Mike Williams for a full award of costs against the Council of the London Borough of Merton.
 - The appeal was against the refusal of planning permission for erection of two storey side extension to north of dwelling.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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. Paragraph 49 of the PPG sets out examples of unreasonable behaviour by local planning authorities. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material consideration, failure by the planning authority to substantiate a stated reason for refusal of planning permission and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. The appellant argues that the Council has acted unreasonably as it did not properly consider the application to which this appeal relates. The reasons for refusal are identical to those given in relation to the single storey extension at the appeal site which was allowed at appeal. Furthermore, it is stated that this appeal proposal is not substantially different to the scheme which was allowed. However, the appellant argues that the Council has given no consideration to the previous Inspector's reasoning or decision in determining this proposal, particularly in relation to its siting and the openness of the area around the nearby junction.
5. The Council states that it previously refused a scheme on the appeal site which related to a two storey side extension of the appeal property. The refusal of that scheme was on the same grounds as the proposal which is the subject of this appeal. Notwithstanding this, the Council considers that the erection of a two storey side extension in this location would be harmful to the openness and

spaciousness of the area around the junction of Wool Road and Dunstall Road which forms part of the Merton (Wool Road) Conservation Area. As a result, the Council argues that it has been consistent in its decisions in respect of the two storey proposals at the appeal property and therefore has not acted unreasonably in determining this proposal.

6. From what I have seen and read, the allowed scheme to which the appellant refers relates to a single storey extension to the appeal property. Whilst I note the remarks of the Inspector in that case, it is evident that the scheme before me now and the scheme which was before my colleague Inspector are two very different proposals. As such, whilst the comments of the previous Inspector have some limited relevance to this case, they were made in relation to a different proposal. It is accepted practice that each proposal must be assessed on its own individual circumstances and merits. Therefore, I must give limited weight to the previous Inspector's comments as they do not directly relate to the scheme which is the subject of this appeal.
7. Having had regard to the above, I am satisfied that the Council has properly and appropriately considered and determined this appeal proposal with due regard to the development plan, national policy and other material considerations. Whilst the Council's reasons for refusal may be identical to a previous proposal for the site, I find this to be entirely possible and reasonable where the relevant policies are considered in relation to similar but different schemes in a similar location. Furthermore, although the Council has not set out its reasoning for refusal in great detail, the relevant policies have been referenced and a clear justification for its decision is set out in the Officer Report and Decision Notice.
8. With regard to the appellant's argument that the Council has persisted in objections to a scheme which an Inspector has indicated to be acceptable, for the above reasons I give these matters limited weight. The proposal allowed on appeal was for a single storey extension. In my view, it is reasonable for the Council to consider that this appeal scheme would have an equal, if not greater, impact on openness and spaciousness due to its two storey height and scale. Furthermore, I find the Council's assessment of the appeal scheme to be consistent with the determination of other similar schemes which have been considered at the site and against relevant policies and guidance.
9. As a result, having considered the appellant's points, I find that the Council has acted reasonably and consistently in determining the appeal proposal and provided a clear justification for its reasons for refusal. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for costs is refused.

Andrew McCormack

INSPECTOR