



Costs Decision

Site visit made on 21 November 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 22nd December 2017

Costs application in relation to Appeal Ref: APP/N5090/W/17/3181467 46 Dunstan Road, Golders Green, London NW11 8AD

- 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 A Levy for a full award of costs against the London Borough of Barnet.
 - The appeal was against the refusal of planning permission for demolition of existing single storey rear extensions, erection of single storey rear extension, front porch and subdivision of single dwellinghouse to provide three-bedroom ground floor flat and two-bedroom first floor flat.
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Decision

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

Reasons

2. Planning Policy Guidance advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Whilst I have concluded differently to the Council on the merits of the appeal proposal and have favoured the appellant's case on this matter, I do not consider that the Council's objection on such grounds amounts to unreasonable behaviour.
4. The main issues central to the appeal are matters where judgement is required to assess the impact of the proposal, primarily upon the character of the area. I am satisfied that the Council has taken into account the existing character of the area including those developments that are not single dwelling houses. In its appeal statement it states that the street is "predominantly" made up of single family dwellinghouses. The effect of such developments on the existing character is a matter of planning judgement.
5. From my reading of the Council's officer report, decision notice and appeal statement, it is reasonably clear that the Council's concern is primarily related to the effect of the proposed conversion on the character of the road rather than housing choice. The policies referred to by the Council support this view. Policy DM01 of the Development Management Policies DPD generally seeks to protect single dwellinghouses from conversion due to potential impacts upon the character of the area, although it acknowledges that there could be exceptions.

6. As set out in my decision, this is a case which I am satisfied can be treated as an exception to the Council's normal presumption against conversions of single dwellinghouse, as set out in DM01. Whilst the Council could perhaps have been more specific in terms of identifying the harm it considers to result in this case, I am satisfied that its overall approach has not been unreasonable, backed up as it is by the policy and supporting text of policy DM01 of the development plan, along with the evidence provided.
7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs is therefore not justified.

David Cliff

INSPECTOR