



Costs Decision

Site visit made on 22 August 2018

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 17 September 2018

Costs application in relation to Appeal Ref: APP/N5090/D/17/3180943 25 Prayle Grove, Cricklewood, London, NW2 1BA

- 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 on behalf of Mrs Mona Sadat Larinjani for a full award of costs against the Barnet London Borough Council.
 - The appeal was against a refusal to grant planning permission for development described as the erection of 'part single storey, part 2-storey, side and rear extensions following demolition of existing garage. Front porch'. .
-

Reasons

1. The Planning Practice Guidance reaffirms that, irrespective of the outcome of the appeal, 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.
 2. I need not recite everything in the written submissions. However, in essence this claim alleges that the Council have behaved unreasonably in being inconsistent, having approved similar schemes in the vicinity, and in refusing a scheme that largely complies with an adopted SPD ('Residential Design Guidance 2016'). There is no rebuttal from the Council.
 3. I saw that similar side extensions were evident in the vicinity and, although they may comply with the guidance in every respect, I explain in my decision letter that the marginally more limited set down from the main ridge of the appeal proposal would not prevent the extension from being perceived as an evidently subordinate and complimentary addition to the existing dwelling. Similarly, although the first reason for refusal asserts that the 2-storey rear extension would be unacceptably prominent and bulky, I explain that the structure would actually comply with the parameters set out in the guidance and that the assertion appears to be erroneously derived from a test that cannot be found in the SPD and from facts that are evidently false. As for the second reason for refusal, I fear that it can only be the result of an unreasonable muddle. It is something of an aberration to assert that a structure complying with the relevant guidance would also be over-bearing enough to damage the residential amenities of adjoining residents. But, it is beyond the bounds of reasonable credulity to claim that the side extension above the original garage (and thus positioned well away from No.27) would damage the amenities of residents at the adjoining semi-detached property (which is No.27). Indeed, that structure would be on the other side of the host dwelling and, by not projecting beyond the existing rear wall, be barely evident from much of No.27.
-

Decision

4. In those circumstances, I find that unreasonable behaviour resulting in unnecessary expense, as described in the Guidance, has been demonstrated.

Costs Order

5. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Barnet London Borough Council shall pay to Mrs Mona Sadat Larinjani, the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
6. The applicant is now invited to submit to the Barnet London Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Cullingford
INSPECTOR