



Costs Decision

Site visit made on 24 June 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Costs application in relation to Appeal Ref: APP/J0350/D/19/3226392 55 Wyeth Close, Slough SL6 0XW

- 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 and Mrs Reynolds for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of planning permission for ground and first floor side extension with roof terrace.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal for example by making vague or generalised assertions about a proposals impact or by failing to provide evidence to substantiate the reason for refusal.
4. The applicant opines that the reasons for refusing the application are inaccurate and unsubstantiated, and hence the costs incurred for preparing the appeal statement and documents were unnecessary.
5. With regards to points 1 and 2 in the application, relating to the effect of the development on the character and appearance of the area and the street scene, the applicant considers the Council has unreasonably assessed the proposal. Notwithstanding the fact I disagree with the Council on the merits of the development, the officer's report and the subsequent appeal statement, was sufficiently precise in identifying their concerns in respect of the relationship of the development with the exiting house. Also, given that the proposal would be partially visible from a part of the public highway, the Council were not unreasonable in assessing the impact of the development on the street scene and the appearance of the existing terrace.
6. Similarly, the applicant states that the Council's assessment of the privacy of the occupiers of 55 Wyeth Close using the roof terrace is inaccurate because

the roof terrace is not opposite public space. Although the proposed roof terrace would be opposite a landscaped area adjacent to the parking bays and would only be partially visible, it is still correct to state that it would be adjacent to communal public space and therefore it was not unreasonable for the Council to assess the privacy of its users.

7. Furthermore, although the vacant land to the south and west is within South Bucks District Council, the development under consideration is within Slough and as such it was not unreasonable for the Council to consider the merits of the proposal in relation to policy H9 of the Slough Local Plan.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application is refused.

Andrew Owen

INSPECTOR