
Costs Decision

Site visit made on 5 August 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Costs application in relation to Appeal Ref: APP/N5090/D/19/3227475 23 Princes Avenue, Finchley, London N3 2DA

- 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 Ms Folwell for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against the refusal of planning permission the erection of a loft extension under householder application.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. Assessing matters such as the effects of the proposal on the character of the local area is partly subjective. It is inevitable that opinion will vary. Given the scale and prominence of the new dormer extension, the Council had reasonable planning grounds for its decision. While the applicant disagrees with this stance, it was an approach that I consider the Council was entitled to take.
4. The reason for refusal, which refers to the siting, height, design, scale and massing of the new dormer and its effect on the character and appearance of the host property, street scene and local area is precise, specific and complete. Relevant development plan policies are referred to as well as the Council's Supplementary Planning Document, *Residential Design Guidance*. The Officer's report provides further detail. It adequately conveys the Council's concerns. The Council has clearly shown why in its view the development should not be permitted. It has not acted unreasonably in relation to the substance of the case. While the applicant considers that the Council refused to negotiate, the evidence indicates otherwise because the Case Officer stated in writing that a full width dormer on the main building was considered to be acceptable.
5. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR