



Costs Decision

Site visit made on 6 August 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019.

Costs application in relation to Appeal Ref: APP/Z3635/D/19/3229316 23 Talbot Road, Ashford TW15 3PN

- 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 Arshid Bashir for a full award of costs against Spelthorne Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for a first floor side extension and two storey rear extension.
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Decision

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

Reasons

2. Planning Practice Guidance advises 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 expense in the appeal process.
3. The appellant submits that the Council has incurred unnecessary cost upon him, as its conclusions on the adverse impact on No 25 in terms of loss of light, were reached without reference to the Appellant's Daylight and Sunlight Assessment (ADSA). Also, its refusal reason was vague and generalised and reached without proper analysis. Finally, it is stated that the Council has prevented or delayed development without providing robust justification.
4. I acknowledge the Council does not refer to or provide analysis of the ADSA in the officer's report, however this does not necessarily mean that it was not read, or that the issue was ignored. The report concludes that there will be some overshadowing upon No 25, however the extent of its harm is categorised as negligible. The fact that the Council have reached a different conclusion using their own judgement and guidance does not in my view amount to unreasonable behaviour.
5. I note from the Officer's report and refusal reason that the loss of light was looked at carefully in terms of how it would be incurred and upon where, who would be harmed and the development plan policy that would be in conflict as a result. In addition, the Council had regard to its own published guidance, the Supplementary Planning Document entitled 'Design of Residential Extensions and New Residential Development 2011'. I also acknowledge that the planning officer carried out a site visit to inform the findings in the report. I therefore

consider that the issue of loss of light has been covered in detail by the Council and is not vague or generalised.

6. On the matter of whether the Council has prevented or delayed development, the appellant would have had to contest the appeal on the grounds of the effect on neighbouring outlook, as well as loss of light, therefore I do not consider that any delay to development has occurred.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R. E. Jones

INSPECTOR