



Costs Decision

Site visit made on 28 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Costs application in relation to Appeal Ref: APP/F5540/W/19/3230881 11 Kingsley Road, Hounslow TW3 1PA

- 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 R Sethi for a partial award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for the change of use of dwelling to a letting agent's office (Use Class A2), with associated shop front and a studio flat; erection of a part first-floor, part two-storey rear extension.
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Decision

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

Reasons

2. I have considered this application for costs in the light of the Government's Planning Practice Guidance¹ (PPG). This advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this particular case the applicant considers that the Local Planning Authority (LPA) acted unreasonably, in determination of the planning application on two counts. I will consider each in turn.

The LPA considered the proposal would result in the loss of a satisfactory dwelling unit and failed to take into account the decisions of similar appeals in the immediate area.

4. The LPA's argument was that this development would result in the loss of a two-bedroom family dwelling house. The proposal would replace this with a one-bedroom house, which the LPA considered would lead to a loss of housing stock, which conflicts with the London Borough of Hounslow Local Plan (2015).
5. The LPA did refer to a recent appeal (APP/F5540/W/19/314813) concerning 11 Kingsley Road, which addressed the issue of the local housing need. This particular appeal decision is clearly reflected in their reason for refusal. It was not therefore unreasonable for the Council to refuse the application for this reason, which it was able to justify at appeal.

¹ PPG "Appeals", paragraph: 028, Reference ID: 16-028-20140306; Revision date: 06 03 2014.

6. I have found in the appellant's favour over this ground of appeal, but only because of the Council's subsequent grant of approval for the conversion in August 2019, which occurred subsequent to the appeal and costs application. Consequently, the Council has not behaved unreasonably in relation to this ground of appeal.

The LPA consider that the proposed first-floor flat does not meet the minimum internal space standards.

7. The applicant refers to the proposed dwelling as a one-storey, one-bedroom, one-person flat, which would have an internal floor space of approximately 37m². Conversely, the LPA considered that the property would be a one-bed, two-person flat. As such it would require a minimum internal space of 50m² to comply with the Nationally Described Space Standard².
8. However, the type of flat proposed was not clarified by the applicant at the planning application stage. Consequently, I consider that the LPA acted reasonably over this issue and did have reason for concern over the minimum internal space for future occupants of this flat.

Conclusion

I therefore find that no unreasonable behaviour by the Council has been demonstrated. The application is therefore refused.

D Hilton-Brown

INSPECTOR

² Department for Communities and Local Government's Technical Housing Standards - Nationally Described Space Standards, 2015