



Costs Decision

Site visit made on 6 August 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Costs application in relation to Appeal Ref: APP/H5390/W/19/3228502 118 Dawes Road, London SW6 7EG

- 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 Shill Raval for an award of costs against the Council of the London Borough of Hammersmith & Fulham.
 - The appeal was against the refusal of an application for the change of use of upper floors from a hostel into 3x1 bedroom flats; installation of a new door, 2no windows to replace the existing door and window, and erection of railings around the existing roof terrace at second floor level to the rear elevation; installation of 2no windows to replace the existing window at mezzanine floor level, 1no window and 1no French doors with a Juliet balcony to replace the existing window at first floor level to the rear elevation.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) advises that costs may be awarded where a party has behaved unreasonably, and where that behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG also gives examples of behaviour which may give rise to a procedural or substantive award of costs against a local authority.
4. The applicant states that the Council has acted unreasonably in using their own description of development, which had the effect of including within the application something that was not in fact applied for. They also claim that refusing the application due to the effects of the pre-existing roof terrace was unreasonable.
5. On the basis of the evidence before me, I consider that the Council's description was consistent with the submitted drawings and other documents. Drawing 209.01 (Existing floor plans, rear and side elevations) shows an unenclosed "Roof terrace" accessible from the communal stairwell. Drawing 209.02 Revision E (Proposed floor plans, rear and side elevation) shows the same space labelled as "Roof", enclosed with railings and now accessed from a new door into the uppermost proposed flat. It also shows the other changes described in the Council's description.

6. In my view the Council simply elaborated on the description of development provided by the applicant. Nothing in their description materially changed what was applied for in the application subject to the appeal. The amended description was clearer in terms of highlighting the operational development proposed in the application. I do not agree with the applicant that including this in the description had the effect of including within the application something which was not applied for.
7. I have addressed the issue of the use of the terrace and its role in the Council's decision in my separate Decision on the appeal so do not repeat it here.
8. In my opinion the Council has exercised its duty to determine this planning application in a reasonable manner, ensuring that the description of development was sufficiently clear to enable anyone who wished to participate in the process to better understand the nature of the proposals.

Conclusion

9. I therefore find that the Council has not demonstrated any behaviour which could be considered unreasonable in procedural or substantive terms, and which then resulted in unnecessary or wasted expense.

S Dean

INSPECTOR