



Costs Decision

Site visit made on 8 October 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Costs application in relation to Appeal Ref: APP/T5150/D/19/3232357 69 Hardinge Road, London NW10 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 Laurus Ltd for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for a single storey rear extension and associated internal alterations to a semi-detached house.
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by refusing a single storey rear extension as they did not follow procedures and practices during the course of the application and did not give due regard to the benefits of the scheme, and as a result they have endured unnecessary expense.
4. The Council refused the planning application on the grounds of impact on the character and appearance of the area and the impact on the living conditions of the occupants of one neighbour. The reason for the refusal sets out in the decision notice is complete, precise, specific and relevant to the application. The reason has been adequately substantiated by the Council in its Officer Report. It is a matter of difference in position between the two parties in respect of whether or not the development would impact upon the wider area and the living conditions of the neighbouring occupants.
5. In the planning judgement, the Council have determined the development having regard to local and national policy and design guidance which they have explained and defended within their Officer Report. Whilst I have come to a different decision to the Local Planning Authority, it is my view that they were not unreasonable in following policy guidance and coming to that decision.
6. I acknowledge there are areas where the Applicant considers the Council has not followed correct practices and procedures to determine the proposal, including being unavailable and uncommunicative with the Applicant. These

issues with regards to timeliness and delays to determine the planning application are matters that should be directed to the Council in the first instance. They are outside of the appeal process and, on the evidence before me, have not led to the Council exhibiting unreasonable behaviour in defending its reason for refusal at the appeal stage.

7. It is acknowledged that it is good practice for early engagement with parties to resolve issues in the planning process and in addition, the National Planning Policy Framework advocates the use of pre-application advice services. However, the Applicant did not undertake any pre-application advice for this scheme, and the Council was entitled to determine the application as made to it.
8. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude therefore that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alison Scott

INSPECTOR