



Costs Decision

Site visit made on 19 November 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Costs application in relation to Appeal Ref: APP/A3655/D/19/3236822 Hilltop, The Ridge, Woking GU22 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 Khan for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a two-storey side extension, a single storey rear extension following the demolition of a conservatory and an attached garage, the conversion of a loft space, alterations to the roof, alteration to fenestration and a porch canopy at Hilltop, The Ridge, Woking GU22 7EG in accordance with the application Ref PLAN/2019/0154 dated 15 February 2019, without compliance with condition number 2 imposed on planning permission Ref PLAN/2015/1150 dated 29 January 2016.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. The Council has carried out a policy and character appraisal of the area based on a character study and made reference to a relevant development plan policy. It has identified that the proposal would be incongruous given the predominant Arts and Crafts style of dwellings and would be detrimental to its overall Arcadian Character. It has further elaborated on its objections in commenting on the various examples of other developments brought forward by the applicant.
4. In my decision, my conclusions agreed with that of the applicant but this does not demonstrate unreasonable behaviour. Design and terms used to describe design qualities are ultimately subjective and the Council is entitled to form an informed judgement on what it considers to be the aesthetic merits of the area and scheme. Based on the Officer's report summarised in the above paragraph, the Council has put forward evidence based on an objective analysis of the character and appearance of the area. In respect of privacy, the Council has identified harm but it has acknowledged that this can be overcome by a planning condition. The issue of enforcement action is a

separate matter outside of this appeal and grounds for cost claim would be dealt with under any enforcement appeal.

5. For all the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR