
Costs Decision

Site visit made on 5 November 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Costs application in relation to Appeal Ref: APP/R5510/D/19/3235061 18 Francis Road, Eastcote HA5 2ST

- 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 & Mrs R Patel for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for two and single storey front and rear extensions.
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Decision

1. The application for an award of costs is allowed, in the terms set out below.

Reasons

2. The Planning Practice 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. Paragraph 049 of the Planning Practice Guidance sets out the examples of unreasonable behaviour by local planning authorities which includes not determining similar cases in a consistent manner and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. There were two reasons indicated by the Council as to why it refused planning permission for the proposed development. These related to the front and the rear extensions.
5. The appellant states that the appeal was unnecessary as the proposal is similar to a scheme approved by the Council at the property next door (No 20 Francis Road), which they have failed to take into account when reaching its decision. The appellant also states that the Council have subsequently granted planning permission for extensions to the property which are similar to those subject of this appeal.
6. Taking each matter in turn, I find that the Council has not failed to properly evaluate the rear extension or set out a specific reason for refusal. The proposed rear extension is materially different to that at No 20 and as such I do not consider that the Council has been inconsistent in its decision-making process in this regard. However, based on the information before me, I find that the Council has failed to satisfactorily demonstrate why the front extension is unacceptable when taking into consideration a similar extension has been

approved by the Council next door and has now deemed it acceptable by virtue of granting planning permission.

7. Whilst the appeal would have still been necessary in respect of the rear extension, I consider that the appellant would not have expended resources in countering the Council's position in respect of the front extension.
8. The appellant also has expressed concerns regarding a lack of communication with the Council during the application process. Whilst this must have caused the appellant some concern, I find nothing to suggest that a decision was not reached based on the merits of the proposal, as submitted by the applicant.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in respect of the first reason for refusal, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hillingdon shall pay to Mr & Mrs Patel, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the Council's first reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to the Council of the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

B Thandi

INSPECTOR