



Costs Decision

Site visit made on 4 February 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Costs application in relation to Appeal Ref: APP/R5510/D/19/3237650 7 Hillside Crescent, Northwood, HA6 1RP

- 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 Hitesh Nagrani 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 'Flat roof to sloping tiled roof extension over the existing ground floor rear extension, raising of the ridge by 400mm to reduce the crown roof area, revisions to the existing and proposed velux windows, new rear dormer, garage conversion and internal alterations'.
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Decision

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

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. The appellant submits that the Council has acted unreasonably and therefore caused the appellant to incur unnecessary expense because:
 - Reasons for refusal were unsubstantiated;
 - Positive advice was provided by the Council during pre-application discussions and then then reneged on;
 - Not all factors were taken into account when making the decision;
 - Advice from the Council was inconsistent;
 - There was an unnecessary delay to the process.
4. The application for costs does not explicitly state why the appellant believes the Council has unreasonably refused the application. I have therefore assumed reasons are incorporated in the examples given in the application, which I will deal with in turn below.
5. Advice given before a formal application is made without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all information. Emails have been provided by the appellant in Appendix E of their appeal statement and the Council are clear that their

comments are made without prejudice. The Council has not acted unreasonably in this regard.

6. The appellant implies the appeal was unnecessary because the Council failed to take account of all factors when reaching its decision. Attention is drawn to lack of awareness of the Council in not considering nearby extensions in their decision. Mention is made in the officer's report that nearby bungalows have been extended, which demonstrates that they were aware of this as a potential factor. Ultimately the weight given to this is a matter of planning judgement and their decision not to attribute this aspect significant weight is not unreasonable. Furthermore, the Council gave clear reasons for refusing the development, which were further explained and substantiated in its officer's report.
7. At a previous planning application at the same site, the proposal for an identical change to the garage roof was not cited by the Council as a reason for refusal, in addition to not being raised as a problem during recent pre-application discussions. The appellant claims lack of justification for this change in stance has caused unnecessary expense. Emails have been provided by the appellant and although I do not have the whole email chain, based on what I have before me, this reason for refusal was first known to the appellant in the decision notice. It is also clear from correspondence that the earlier application formed the basis of negotiations to find a workable design and I conclude that the appellant had a reasonable expectation that this change in stance would have been raised. However, from the application for costs it is not explained how the appellant has incurred unnecessary expense from this. No amendments to plans were instigated. I do not consider that the appeal would have been rendered unnecessary had the Council's concerns over the garage been raised earlier because the Council's report makes it clear there were other factors underpinning their refusal. I therefore agree that the Council would ideally have raised their apparent change in stance with the appellant prior to application, but that no unnecessary expense in the appeal or delay has been incurred from this.
8. The Council appears to have worked within their timescales, so the process itself was not delayed. No details of the alleged further delay have been provided. However, given that I have found the Council was not unreasonable in substantiating its reasons for refusal, I also find that there was no delay arising from an avoidable appeal. I therefore do not find that there was any unnecessary delay to the process from the Council's behaviour.

Conclusion

9. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense in the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

B Davies

INSPECTOR