The Planning Inspectorate

Costs Decision

Site visit made on 16 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Costs application in relation to Appeal Ref: APP/T5720/D/20/3251919
3 Sandringham Avenue, Wimbledon Chase, London SW20 8JY

- 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 Claude Rapose for a full award of costs against the Council of the London Borough of Merton.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a "6m rear extension".

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The PPG sets out examples of behaviour which may give rise to an award of costs against the Council.

3. The applicant suggests that the Council has behaved unreasonably, by determining similar applications differently, with specific reference to another residential development nearby at 53 Sandringham Avenue, and by refusing to grant prior approval for something which should have been allowed.

4. As I have set out in my Decision, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received.

5. The planning authority received representations concerning the impact of the appeal proposal on the amenity of adjoining premises and as a result assessed the appeal proposal on the basis of its impact on the amenity of those adjoining premises. Whilst I acknowledge the similarities between the appeal proposal and that at No 53, I have not been provided with any information as to the process followed or assessment made of the proposal at No 53. In any event, the requirements of the Class are to assess the proposed development solely on the basis of its impact on the amenity of all adjoining premises, taking into account any representations received.

Conclusion

6. As the Council has followed the process laid out in the Order, I therefore find that it has not demonstrated any behaviour which could be considered unreasonable in the terms of the PPG, and which has then resulted in unnecessary or wasted expense on the part of the applicant.

7. The application for an award of costs is therefore refused.

S Dean

INSPECTOR