
Costs Decision

Site visit made on 23 September 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Costs application in relation to Appeal Ref: APP/N5090/W/19/3241204 15 Woolmead Avenue, London NW9

- 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 Murtaza Poptani for a full award of costs against the Council of the London Borough of Barnet.
 - The appeal was against the refusal of planning permission for a single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.
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Decision

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

Reasons

2. Planning Practice Guidance advises that irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application for costs is based upon belief that the prior approval application should have been approved, that the Council has approved applications for prior approval to comparable proposals at similar dwellings nearby and that its inconsistency in approach has resulted unreasonable expense.
4. It will be evident from my decision on the main appeal that I consider that the Council determined the application correctly and that the proposal is not permitted development under the General Permitted Development Order (GPDO). The previous approvals of applications were taken prior to the Council's current understanding on the restrictions set by the GPDO which has been informed by two more recent appeal decisions referred to in the Council's costs rebuttal¹.
5. I therefore conclude that there has not been unreasonable behaviour resulting in unreasonable expense for the applicant arising from the Council's actions on the current appeal. An award of costs is therefore not justified.

Rory MacLeod

INSPECTOR

¹ Ref: APP/N5090/D/18/3208435 at 45 Garrick Avenue, London NW11 9AR and Ref: APP/N5090/X/18/3203408 at 7 Foscoate Road, Hendon, London NW4 3SE.