
Costs Decision

Site visit made on 23 September 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 October 2020

Costs application in relation to Appeal Ref: APP/T5150/W/20/3254233 First Floor Flat, 132 Olive Road Road, London NW2 6UU

- 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 Ms Otudeko for a partial award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for a loft conversion with juliette balcony, sunken roof terrace to the rear including 1.7 metre high fencing and three front rooflights to first floor flat.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying on reasons of refusal which stand up to scrutiny through the planning merits of the case.
3. The planning application was refused for one reason. This related to the effect of the development upon the character and appearance of the surrounding area.
4. Whilst I acknowledge that planning permission has previously been granted for a rear dormer window at the property, the scheme before me is different. In particular, the appeal proposal comprised a conjoined dormer window and roof terrace. Owing to this form of development, the two elements would be readily severable. In consequence, the two elements of the proposal can be reasonably described as a single development.
5. Furthermore, the evidence before me, such as in the form of the Council's Delegated Report, clearly describes the areas of development that are considered to be a cause for concern. This has been supported by references to relevant, adopted, planning policies pertaining to the effects of a development upon the character and appearance of a surrounding area. In consequence, I do not find that the reason for refusal is either vague or generalised.
6. I acknowledge concerns raised by the appellant regarding potential inconsistencies in the decision-making process followed by the Council.

However, it has been clearly explained to me how the appeal proposal and the surrounding area differ from other each other. In consequence, the divergent approach has been appropriately justified. In consequence, I find that this approach has been reasonable and that the reason for the refusal of planning permission has been adequately justified.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, a partial award of costs is not justified.

Conclusion

8. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Benjamin Clarke

INSPECTOR