



Costs Decision

Site visit made on 6 October 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Costs application in relation to Appeal Ref: APP/E5900/W/20/3254909 7 Barnett Street, London E1 2FE

- 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 MSKSBS Randhawa for a full award of costs against the London Borough of Tower Hamlets Council.
 - The appeal was against the refusal for the creation of a Self contained (3b, 4p) dwelling and relocation of existing balconies with associated changes to existing elevation of Flintlock Close.
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by refusing the proposal. They consider the development to create a new dwelling unit by extending No 7 Barnett Street to the back of the pavement would meet the traditional pattern of developments in the area, and they have gone to lengths to explain this within their submission. In their opinion, this has not been properly assessed by the Council.
4. As I could see from my visit, this is indeed a characteristic of the area and is evidenced within the Myrdle Conservation Area. However, I have also found in agreement with the Council. This is because the proposal as an independent extension to the rear elevation of one property along the row only, would have the consequential effect of creating a harmful addition to the street scene.
5. The Applicant has demonstrated issues of fly-tipping within the area which they consider the proposal would prevent these incidents from occurring. However, that is not to say that this proposal would negate this. The Applicant lists other anti-social activities that occurs within the area, however, no evidence of reported incidents has been brought to my attention to substantiate this claim. Furthermore, there is no evidence presented to reasonably demonstrate that the proposal would prevent this from occurring.

6. There is history of previous refusals at the site although the precise details are not before me. Nor is any evidence of the Council misunderstanding application plans. Although it is in the interest co-operation and collaboration between parties, the Council is not obliged to engage with the Applicant through the planning process. I do not find this to be a reason to award costs. Furthermore, it is the Applicant's choice whether or not to pursue a planning application and the documents required to support these proposals are a national validation requirement.
7. With regards to the proposed new access door to the flats, I do not consider the Council was unreasonable in reaching their decision on this matter which has been explained in detail within their assessment. A conclusion I also concur with.
8. Therefore, none of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alison Scott

INSPECTOR