



Costs Decision

Site visit made on 28 July 2020

by L Gilbert BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2020

Costs application in relation to Appeal Ref: APP/A2280/D/20/3249597 22 Crescent Way, Chatham, Kent ME5 9SY

- 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 Jonathan Zerafa for a full award of costs against The Medway Council.
 - The appeal was against the refusal of planning permission for two storey side and rear extension and single storey front extension and loft conversion.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 claims that their application was unreasonably refused and that the Council failed to substantiate and adequately justify its reasons for refusal. In terms of the effect on the character and appearance of the area, I have found, contrary to the Council's view, that the proposal would be acceptable. However, such assessments necessarily involve matters of planning judgement that are not always clear cut. I am satisfied that the Council's stance on this issue was not inherently unreasonable and that the Officer's report adequately explains why the Council's conclusion was reached.
4. In terms of the effect on living conditions at neighbouring properties, I share the Council's concerns regarding loss of outlook, daylight and sunlight at No 20 Crescent Way, although I consider the effect at No 18 would be less significant. Again, these matters involve a degree of planning judgement, but I do not find the Council's approach to be inherently unreasonable or unjustified.
5. The appellant also criticises the Council for failing to assess the scheme against the approved planning permission at No 22¹. This scheme has not been implemented and it is not certain that it will be. Therefore, I do not find that the Council behaved unreasonably in this regard.

¹ MC/18/0131

6. Overall, I do not consider that the Council has made vague assertions about the impact of the proposal, nor has it behaved unreasonably. Accordingly, I conclude that the costs application cannot succeed.

L Gilbert

INSPECTOR