



Costs Decision

Site visit made on 20 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Costs application in relation to Appeal Ref: APP/F5540/D/20/3251041 5 Kingsley Road, Hounslow, TW3 1PA

- 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 G Khan for a full award of costs against the Council of London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for the erection of single-storey rear extension and a first-floor rear extension.
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Decision

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

Reasons

2. The appeal followed the refusal on 17 February 2020 of an application made on 19 December 2019 for the erection of a single-storey rear extension and a first-floor rear extension. My decision, which accompanies this costs decision, agreed with the Council's decision and dismissed the appeal.
3. 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. The appellant's application for costs is based upon a claim that the Council has applied an incorrect assessment of the application, more specifically in relation to the third refusal reason which reads:

"The proposed enlarged single-storey rear extension would, by virtue of its excessive scale and depth on the boundary, the excessive site coverage and the site's orientation to the south of the neighbouring house, and the potential cumulative effect when combined with the five-metre deep 2.5-metre high 'gymnasium' outbuilding approved under reference 00667/5/LAW5 dated 3 December 2019, cause unacceptable enclosure and loss of daylight, sunlight and outlook to that property contrary to Local Plan Policies CC1, CC2, SC7 and the Council's Residential Extension Guidelines."

4. It is claimed that the reference to "potential cumulative effect" of the appeal proposal in addition to the previously approved (Certificate of Lawfulness¹) outbuilding was not relevant to the planning application under consideration. It is further stated that such "potential cumulative effect" could have been mitigated by imposing a condition removing permitted development rights

¹ 00667/5/LAW5

under Schedule 2, Part 1, Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5. I find that whilst the Council refers to the potential cumulative effect of the two schemes in the reason for refusal it is evident in the officer's report, and the structure of the wording within the third refusal reason, that the scheme was still considered to have an unacceptable effect upon the neighbouring property on its own without the potential implementation of the scheme under 00667/5/LAW5.
6. The appellant states that they have incurred unnecessary expense in pursuing this appeal, however, even with the suggested condition to remove permitted development rights (as suggested to try and overcome the third reason for refusal), the proposal would still have been refused for the other reasons stated. The appellant would have had to address those concerns in any event via an appeal.
7. For the reasons set out in my appeal decision I too have concerns regarding the proposal, on its own without the impact of the scheme under 00667/5/LAW5. I came to that decision on the basis of my consideration of the merits of the scheme.
8. Accordingly, I do not consider that the Council failed to properly evaluate the application nor that the appeal could have been avoided. I have found that the Council had reasonable concerns about the proposed development which justified its decision.

Conclusion

9. I do not therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and a full award of costs is unjustified.

Eleni Randle

INSPECTOR