

Costs Decision

Site visit made on 22 October 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date:

**Costs application in relation to Appeal Ref: APP/T5150/W/20/3251868
36 Riffel Road, London, NW2 4PH**

- 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 Nimesh Patel for a full award of costs against the decision of the Council of the London Borough of Brent.
 - The appeal was made against the Council's decision to refuse planning permission for a single storey rear and side extension
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Decision

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

Reasons

2. The *Planning Practice Guidance* (the Guidance) 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.
3. The basis of the appellant's costs application is that the Council failed to consider the application properly. Whilst the appellant acknowledges that the proposals did not fully comply with the Council's design guidance¹, the resultant non-compliance would not cause harm having regard to site conditions. In effect, the appellant says that the Council failed to have regard to other developments which had already taken place on neighbouring properties, and which should have heavily influenced its decision.
4. I share the appellant's view that there appears to be little evidence in the officer report that the Council took account of the neighbouring development referred to by the appellant. Nevertheless, it is common ground that the proposal did not fully comply with the Council's specific guidance on rear and side extensions. Whilst the guidance is simply that, and is not meant to be set in stone, subjective judgments as to the acceptability of proposals are in my view necessary when departures from the guidance are proposed.
5. In exercising their planning judgment, the officers took a different view from the appellant and indeed myself as to the impact of the proposal on neighbouring residents. But whilst the officer report could have been more

¹ Supplementary Planning Document (SPD) on Residential Extensions and Alterations.

thorough in its analysis, I am not persuaded that officers acted unreasonably in exercising their subjective judgments, irrespective of the fact that I disagreed with them for the reasons set out in the substantive appeal decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for costs is refused.

G Powys Jones

INSPECTOR