



Costs Decision

Site visit made on 20 October 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020.

Costs application in relation to Appeal Ref: APP/H5960/W/20/3256313 250 Wimbledon Park Road, London SW19 6NL

- 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 250 WPR Ltd for a partial award of costs against the Council of the London Borough of Wandsworth.
 - The appeal was against the refusal of the Council to grant planning permission for construction of a two storey plus mansard extension above the existing single storey flat-roofed extension to provide 3 no. new flats. Change of use to the existing first floor staff room from the A2 commercial unit, to form new first floor flat. Existing access from staff room to ground floor commercial unit to be removed.
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Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant's application for costs relies to a substantial extent on the failure of the Council's Conservation and Design Officer to conduct a site visit to inform his/her views on the proposal in the Council's pre-application advice. Moreover, it is considered that the Council incorrectly refers to the appeal building as a non-designated heritage asset without any detailed background or analysis to inform that view.
4. It would be reasonable to assume that in formulating their views on a scheme at pre-application stage, the Council would rely on a number of sources of information. These may include historical photographs, local character appraisals, street view mapping tools and the local knowledge of officers. A site visit would be another source of information, but not to rely on this, in the Council's case would not in my view result in unreasonable behaviour given the likely access to other sources of information and knowledge the Council could use to inform their pre-application assessment.
5. Even if the Council officers involved in the case had been in post for a short period of time, that does not suggest that they would have limited knowledge of the area or be unable to access other sources of information about the site and locality, for the purposes of their pre-application assessment.

6. Furthermore, the appellant has not presented me with any details of formal pre-application advice procedures the Council may have, and whether the Council failed to adhere to those procedures in respect of assessing a scheme on site.
7. My appeal decision has referred to the main parties taking a different position on whether or not the appeal building is a non-designated heritage asset (NDHA). Regardless of this, it did not alter my view that the proposal would incur harm to the host building and area. Whilst I note that the appellant has carried out an assessment of the appeal proposal as if it were a NDHA, this does not fundamentally differ to their wider evidence on the proposal's impact on the character and appearance of the host building and area. Therefore, I do not consider that unnecessary expense was incurred on the Appellant in that regard.
8. The appellant's costs application has included a request that the Council provide dated photographs relating to previous visits to the appeal site. However, that is a matter to be pursued separately with the Council and not through the appeal process.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R. E. Jones

INSPECTOR