



Costs Decision

Site visit made on 5 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Costs application in relation to Appeal Ref: APP/M5450/D/20/3255560 16 Thistlecroft Gardens, Stanmore HA7 1PN

- 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 Chetan Patel for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for single storey rear extension: extending 6.00 metres beyond the original rear wall; 3.09 metres maximum height, 2.90 metres high to the eaves.
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Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. The application was refused for two reasons. In response to the first, the appellant asserts that the Council has failed to determine similar proposals in a consistent manner, and that they failed to provide any substantive evidence to support their conclusion in relation to the effect on neighbouring living conditions. In relation to the second issue, the appellant again contends that no substantive evidence has been provided to support their conclusions.
4. When refusing the application, the Council produced an officer report which identifies the harm caused by the proposal. Although it is not an entirely detailed report, I am satisfied that it articulates the harm to a sufficient level which is proportionate to the nature of the proposal. I note the appellant's criticisms in this regard, but it is apparent that the Council has undertaken some analysis and consequently, their decision is not based on unsubstantiated or vague assertions.
5. In relation to the second refusal reason, the Council's evidence is less compelling and upon determining the application, no specific details were provided to support their conclusion in relation to the requirements of the 2015 GPDO. Subsequent reference has been made to three appeal decisions in the Council's response to this costs application, but this in itself is limited in detail and as a consequence, I do not have the full details of the cases before me.

6. However, based on the evidence that I do have, the separation distances in question were materially smaller than with this proposal. Accordingly, I am satisfied that the limited reference to these decisions does not sufficiently articulate the case presented by the Council. As a consequence, I find that the Council have not suitably substantiated their conclusions and therefore in relation to this matter, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that therefore, a partial award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Harrow shall pay to Mr Chetan Patel, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the second refusal reason; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to the Council of the London Borough of Harrow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Martin Chandler

INSPECTOR