



Costs Decision

Site visit made on 19 October 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Costs application in relation to Appeal Ref: APP/A3655/W/20/3255376 Spindleberry, 6 Friars Rise, Woking GU22 7JL

- 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 Williams for a full award of costs against Woking Borough Council.
 - The appeal was against the refusal of planning permission for demolition of 2 storey side extension, two storey front extension, single storey rear extension, loft conversion, subdivision of plot for new 5 bedroom dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, 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 applicant submits that the Council acted unreasonably by refusing the application contrary to the advice of its officers without properly considering the weight of support for the proposal or referring to development plan policies, failing to take into account similar cases and that it promoted vague concerns about privacy and overlooking.
4. I accept that the officer report presented to councillors provided a clear recommendation to approve the proposal. However, elected members are entitled to take a contrary view to officers, and I accept that elected members can often bring a greater understanding of an area or local knowledge to the decision making process. I have reviewed the committee minutes and transcript of the meeting provided by the applicant.
5. Discussions focused on the design of the proposal with comments relating to its size, mass, bulk and design, and how it would assimilate with neighbouring buildings. I note that details of the committee meeting show that discussion was had regarding comments received, and I accept that little mention is made of comments received in support of the proposal although these were clearly set out in the officer report. However, I am satisfied that the information before me shows that the merits of the scheme were adequately considered and the Council's decision substantiated, with specific references to height and the depth by which the buildings would extend back into the plot, and reference

made to development plan policy. In this respect I do not find that the Council behaved unreasonably.

6. With regard to similar cases, I am not satisfied that any cases referred to were so similar to the proposal or so closely related to the appeal site that to not take them into account would have constituted unreasonable behaviour.
7. Matters regarding privacy and overlooking were discussed during the committee meeting with input from the planning officer. The Council did not refuse the application for these reasons. I therefore do not find that the Council behaved unreasonably in respect of this matter.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Tucker

INSPECTOR