



Costs Decision

Site visit made on 10 November 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Costs application in relation to Appeal Ref: APP/F5540/W/20/3251826 54 Wellington Road North, Hounslow TW4 7AE

- 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 M Patel for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for erection of a single-storey rear extension, erection of a rear dormer roof extension and conversion of the roof space into habitable accommodation to facilitate conversion of a dwelling-house to two (2x) self-contained flats.
-

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party where it has behaved unreasonably and this has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.
3. The applicant's costs claim is on the basis that the second reason for refusal states that the applicant has failed to provide an energy statement, yet an energy statement had been submitted to the Council. Furthermore, it is claimed that the size of the front garden could accommodate the required cycle and refuse storage facilities and this matter could be suitably dealt with by way of a pre-commencement planning condition. Also, the applicant states that the case officer could have requested details during the planning application process.
4. The Council accepts that the applicant submitted an energy statement and asserts that the delegated report and decision notice were poorly drafted. Nevertheless, the documents state unequivocally that no energy statement was provided, which is incorrect. The documents contain no evidence to show that the Council had regard to the applicant's energy statement, which amounts to unreasonable behaviour.
5. As can be seen from my decision, I have found that the storage of additional bins and cycles in the front garden would be likely to cause clutter that would be detrimental to the appearance of the front of the building and the street scene. The proposal includes limited details of the siting, size and design of

refuse, recycling and cycle storage facilities. Due to the uncertainty that suitable storage facilities could be provided in a manner that would not harm the appearance of the area, it was not unreasonable that the Council considered that it would not be appropriate to attach a planning condition to require the submission of further details for approval. Furthermore, given the Council's fundamental concerns about the size of the building and the lack of a ground floor family-sized unit, it was not unreasonable that it did not seek further information from the applicant regarding storage facilities.

6. In order for a costs award to succeed, unreasonable behaviour must directly cause another party to incur "unnecessary or wasted expense" in the appeal process. Whilst I have found that the Council acted unreasonably by not having regard to the applicant's energy statement, the applicant's case on this matter did not involve any additional assessment over and above what they had carried out for the planning application submission, only a brief rebuttal of the Council's statement. Furthermore, I have found that the building is not suitable for subdivision and therefore there were sufficient grounds to refuse planning permission.
7. Taking the above into account, I conclude that whilst there were shortcomings in the Council's handling of the planning application, this has not directly caused unnecessary or wasted expense for the applicant in the appeal process.

Conclusion

8. For the reasons given above, I determine that the costs application should fail and no award is made.

C Osgathorp

INSPECTOR