

Costs Decision

Site visit made on 10 November 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2020

Costs application in relation to Appeal Ref: APP/W5780/D/20/3255241 57 Wensleydale Avenue, Clayhall, Ilford IG5 0NB

- 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 Dr Masroor Zaman for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeal was against the refusal of planning permission for a single storey rear glazed conservatory.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. The Planning Practice Guidance advises that 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.
4. The applicant has claimed that the Council have prevented development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations, including recently approved planning permissions for similar developments.
5. Whilst the appeal has been allowed and I have disagreed with the Council's overall findings, the Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal of the planning application within the decision notice and the officer's report. The officer's report demonstrates that similar schemes highlighted by the applicant have been taken into consideration when making the decision. However, these examples do not appear to be in the vicinity of the appeal site. As the Council's reason for refusal related to the effect on the character and appearance of the area, these other examples would carry little weight in their considerations.
6. Furthermore, although it is noted that there are some examples of similar development within the area, including at Nos. 63 and 22, and information of these have been provided by the appellant, the full circumstances of these cases are unknown. Notwithstanding that, although existing development does contribute to the character and appearance of an area, it has not been found

that these similar developments form the prevalent character within the area. Therefore, it is not concluded that the Council have been inconsistent with their decisions or have disregarded previous decisions. Overall, the Council did not unreasonably prevent development that should have been permitted.

7. Therefore whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion and Recommendation

8. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

Andrew Owen

INSPECTOR