
Costs Decision

Site visit made on 5 January 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Costs application in relation to Appeal Ref: APP/F5530/D/20/3259661 212 High Street, Feltham TW13 4HX

- 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 Paul Nowakowski for a full award of costs against the Council of the London Borough of Hounslow.
 - The appeal was against the refusal of the Council to grant planning permission for erection of a single storey rear extension.
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Decision

1. The application for an 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 applicant submits that the Council incurred unnecessary cost upon him, as it failed to take account of the proposal's modest proportions; have overestimated the depth of the proposal; overstate its visual effect given there are no public views; and have not taken into account similar schemes that have been approved.
4. In assessing the proposal, the Council's officers report has clearly analysed the dimensions of the proposal. Even though I have assessed their impact differently in the appeal, the Council have judged that their effect, combined with the proposal's location would harm the living conditions of neighbouring occupiers. They have also correctly applied the policies and guidance that relate to household extensions, particularly the parameters outlined in the Supplementary Planning Document for extensions to terrace dwellings. The fact that the Council have reached a different conclusion using their own judgement, policies and guidance does not in my view amount to unreasonable behaviour.
5. Although the proposal would be located at the rear of the dwelling and would not be viewed from any public vantage points, this does not mean that an assessment of its effect on the character and appearance of the area cannot be carried out. In this case the Council were entitled to assess the proposal's

visual impact on the rear of the terrace, and I do not consider they acted unreasonably in that regard.

6. In respect of the similar schemes and precedents referred to by the applicant, the full details of these cases were limited mainly to address points rather than the detailed particulars of each case. In any event the Council considered the application on its own merits, and I do not consider they were unreasonable in doing this.
7. 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