The Planning Inspectorate

Costs Decision

Site visit made on 30 November 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2021.

Costs application in relation to Appeal Ref: APP/C5690/W/20/3252773
206 Farmfield Road, Bromley BR1 4NP

- 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 Bharadia for a full award of costs against the Council of the London Borough of Lewisham.
- The appeal was against the refusal of planning permission for a 'new 3 bed dwelling on land adjacent to 206 Farmfield Road, with alterations to the existing property including repositioning the front door and erecting a single storey rear extension'.

Decision

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

Reasons

2. 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.

3. This application centres around two matters. Firstly, the Applicant asserts that the Council incorrectly assessed the compatibility of the relevant development plan policies with the National Planning Policy Framework (NPPF) and failed to attach sufficient weight to the emerging New London Plan (NLP).

4. In my Decision Letter, I explain that in the context of this particular appeal, the NLP, which highlights the pressing need for more homes in London and encourages much greater use of small sites across the Capital, does not render policy DM33 of the Council's adopted Development Management Local Plan out of date. This is because policy DM33 does not automatically preclude the development of infill sites, backland sites, back gardens and amenity areas. Rather, it seeks to ensure that such development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. In my Decision Letter, I also explain that although the NLP and the NPPF encourage the efficient and effective use of urban land, neither suggests that the construction of new homes should be at the cost of good design. To this end, I am satisfied the Council did duly consider its relevant development plan policies against the NPPF and NLP and that the position taken was sound in this case.

5. Secondly, the Applicant asserts that the Council made generalised statements about the impact of the development proposed and suggests that an inconsistent approach was taken; namely in granting planning permission for a

dwelling at 137 Moorside Road and the issuing of a Certificate of Lawful Development for a hip to gable roof alteration at No. 180 Farmfield Road. However, the determination of the Certificate of Lawful Development was based on whether the proposal met the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as a matter of fact, whilst the development at No 137 Moorside Road relates to an entirely different street scene. Furthermore, I found the Council's reasoning in relation to the effect of the appeal proposal on the character and appearance of this part of the Farmfield Road street scene to be clear, well founded and persuasive.

6. I did not agree with the Council's assessment that the proposed single storey rear extension would harm the character and appearance of the host dwelling. Nevertheless, I am satisfied that the Council explained its concerns relating to this extension sufficiently clearly and in reaching what is a subjective judgement, was reasonably entitled to take the position it did. My finding that the rear extension was acceptable in its own right did not alter the concerns relating to the more substantive element of the scheme, which was the introduction of an independent dwelling to the side of No. 206 Farmfield Road.

7. In light of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. On this basis, the application does not succeed.

David Fitzsimon

INSPECTOR