



Costs Decision

Site visit made on 19th January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2021

Costs application in relation to Appeal Ref: APP/B5480/W/20/3261924 115 Victoria Road, ROMFORD, RM1 2LX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Kara Capital Ltd for a full award of costs against the Council of the London Borough of Havering
 - The appeal was against the refusal of planning permission for demolition of storage building and dwelling unit and erection of detached two storey building to accommodate a one-bed flat and a 7 room HMO.
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Decision

1. The application for 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. The Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. In this instance a previous appeal decision was dismissed on the site, the Inspector recognised that the development would result in harm to the living conditions of the nearby occupiers, with particular regard to overlooking, loss of privacy and noise and disturbance and that the living conditions of future occupiers, with particular regard to safety and security and outdoor amenity space, would be adversely affected and that this was not outweighed by the benefits of the scheme.
5. The appellant considers that these issues had been adequately addressed within the appeal submission. However, it will be seen from my decision that whilst I have not found harm to the occupiers of the proposed one-bed flat on the basis of noise and disturbance and that I am satisfied that the security measures are appropriate, I have found harm to the living conditions of the future occupiers of the one-bed flat, with reference to access to amenity space and privacy and outlook.

6. Having regard to the previous appeal, the current appeal scheme is different as the existing dwelling is now proposed to be demolished in order to facilitate the development and therefore the consideration of the impact on existing occupiers and future occupiers will not be the same in both cases and therefore the Council was entitled to reconsider these issues afresh, whilst having regard to the previous appeal decision.
7. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Havering Core Strategy and Development Control Policies DPD 2008 that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its Officer Report and appeal statement. The Officer Report demonstrates how the proposal would result in an unacceptable form of development as the report has made clear reference to the proposal's impact on both future and existing occupiers.
8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme or give sufficient weight to the previous appeal decision. Therefore, the appeal could not have been avoided. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR