



Costs Decision

Site visit made on 11 May 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Costs application in relation to Appeal Ref: APP/A5270/D/20/3262912 58 Lavington Road, West Ealing, London W13 9LS

- 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 Edd Stockwell for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for a loft conversion and associated internal alterations to the first floor, adding a full width dormer to the original rear of the dwellinghouse, in addition to three rooflights to the front elevation and two rooflights to the flat roof of the proposed loft at 58 Lavington Road, London W13 9LS.
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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. From the submitted evidence, I am in little doubt that the Council has not, in this instance, prevented development that should clearly have been permitted. The Council's objections are adequately summarised on the decision notice. The reason for refusal, which refers to the proposed rear roof and the hip to gable alteration and the consequences for the character and appearance of the local area and the amenity of others, is precise, specific and relevant. It refers to relevant development plan policies and planning guidance. The Officer's report explains those reasons in greater depth. The Council's emails to the applicant, dated 9 July and 14 August 2020, also clearly set out its position. While the applicant strongly disagrees with those objections, the reasons given provide a reasonable basis for the Council's stance.
4. Had the Council carried out a site inspection, the applicant appears to feel that the outcome would have been advantageous to him. However, that event coincided with a decision by the Council to postpone site visits given the restrictions on movement that were imposed due to the pandemic. While a site visit did not take place, photographs of the appeal property and examples of similar developments in the local area were provided to the Council in support of the applicant's case. The Officer's report would have been prepared in the light of that further evidence.

5. The Officer's report acknowledges the large number of roof extensions in the local area "...including the neighbouring property - no 60 which was undertaken under Permitted Development...". Since No 60 does not feature a rear roof extension, that comment appears to be mistaken. Even so, the Council's decision did not turn on this particular point since its central concern was what it considered to primarily be the awkward relationship between the proposal and the host dwelling.
6. The Officer's report does not explicitly refer to the rear roof extension at No 56 although that example and others were highlighted in the exchange of emails between the applicant and the Council. It was also included along with other cases in Annex RO1 to the Design and Access Statement, which was submitted in July 2020. Given that evidence, I am unable to conclude that the example at No 56 or other extensions were ignored, as the applicant suggests. Rather, the Council did not accept that the examples of existing rear roof extensions on nearby properties set a desirable precedent. That decision reflects a difference of opinion on the evidence provided rather than one party adopting an unreasonable stance.
7. If the Council had carried out a site visit, I am not convinced that a different outcome for the application would have resulted given the fundamental concerns raised with regard to the scale, mass and position of the proposed extension. Having carefully viewed the site and its surroundings, I am unable to share the applicant's concern that the absence of a site visit caused the Council to misunderstand the situation 'on the ground' to the extent that it behaved unreasonably.
8. The proposed extension was refined during the application process, which would have entailed further work to produce revised drawings that ultimately were not progressed. However, that exercise does not appear to have caused the applicant to incur needless or wasted expense in the appeal process.

Conclusion

9. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR