



Costs Decision

Site Visit made on 21 June 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/M5450/D/21/3268213

25 Nelson Road, Stanmore HA7 4ES

- 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 B Harte for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for a "Single Storey Rear Extension (Retrospective Application)".
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 Council's comments relating to flood risk relates to surface water flooding, rather than river flooding as per the appellant's evidence. Therefore, although the Council have not provided any maps, I have been provided with no reason to doubt the Council's comments. Whilst the appellant has stated that the Council's Drainage Engineer's comments were not made known to them, it is incumbent on an applicant to ensure that their application meets all the relevant requirements of planning policy.
4. The informative referred to by the Council relates to a Critical Drainage Area, which would not be appropriate with respect to flood risk identified with respect to surface water. Additionally, the submitted evidence does not demonstrate that the proposal would meet the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), meaning that it would not be reasonable to use an informative based on the alleged fall-back position.
5. In relation to the plans and the merits of the proposal, the suggested cut back of the roof overhang is not readily apparent from Drawing Ref 01 (Rev F), dated October 2017, and there is no form of annotation, either words or measurements, to explain any form of cut back. As such, it is understandable that the Council did not raise any queries regarding this aspect of the proposal. Furthermore, the submitted evidence does not demonstrate that the proposal would meet the requirements of the GPDO, and the Lawful Development Certificate relates to a materially different scheme than the proposal. Finally, in my appeal decision I found the proposal to be harmful in character and appearance terms when considered on its own merits.

6. Accordingly, I consider that the Council did not make vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis. Thus, the Council's behaviour was reasonable on all the grounds raised.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR