



Costs Decision

Site visit made on 26 May 2021

Decision by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Costs application in relation to Appeal Ref: APP/H5390/W/20/3265001 Ground Floor Flat, 13 Tyrawley Road, London SW6 4QG

- 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 Angela Lockyer of L+L Architects Ltd for a partial award of costs against the Council of the London Borough of Hammersmith and Fulham.
 - The appeal was against the refusal of planning permission for the erection of a single storey side and rear extension to the rear of an existing terraced house.
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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. The applicant has applied for a partial award of costs on the basis that the Council has not applied their policy correctly in this case. In particular, it did not take into account the Planning Inspector's comments in relation to case 2017/00085/FUL regarding 69 Harwood Road, particularly in relation to visual amenity and impact on the host building. The applicant considers that the Council have applied an inappropriately higher standard than the Planning Inspector did in that case when deciding the application relating to the current appeal.
4. Full details of the proposal at 69 Harwood Road have not been provided to me, including a copy of the approved drawings. As such, I am unable to consider how that development may compare to the appeal proposal before me. Moreover, I note from the appellant's Statement of Case that the extension that was allowed at 69 Harwood Road is not identical to the proposal at 13 Tyrawley Road. I am also mindful that each case must be considered on its own merits and is subject to its own specific context and set of circumstances.
5. Further, I consider that the Council have substantiated their reason for refusing the application within the Officer's Report. This includes an assessment of the effect of the proposal on the character and appearance of the host building, as well as the wider terrace and the Parsons Green Conservation Area. That assessment was made with reference to the relevant policies of the Local Plan. As such, I consider that the Council considered the proposal on its merits and

substantiated its reasons for refusing the application. Consequently, I do not find that the Council have acted unreasonably in this regard.

Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs should therefore be refused.

Scott Britnell

INSPECTOR