



Costs Decision

Site visit made on 13 July 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Costs application in relation to Appeal Ref: APP/M5450/D/21/3272085 18 Blenheim Road, Harrow HA2 7AH

- 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 Ms H Vyas against the decision of London Borough of Harrow.
 - The appeal was against the refusal of planning permission for 'single storey front extension incorporating porch; two storey side to rear extension; single storey rear extension; external alterations (demolition of attached garage).'
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The Appellant alleges that the Local Planning Authority (LPA) behaved unreasonably in that:
 - It prevented or delayed development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations; and
 - It made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The LPA has made no response to the Appellant's costs claim.
4. The LPA accurately described the nature of the development within its decision notice and Officer's report. The LPA carried out some analysis of the potential effects of the proposal on the living conditions of neighbouring occupiers by comparing the proposed depth of the rear extension to suggested depth-limits for rear extensions contained within Harrow Residential Design Guide Supplementary Planning Document 2020 (the SPD).
5. The LPA strictly imposed the suggested limits of the SPD and made little to no assessment of the existing site circumstances, such as the relationship between the neighbouring properties, and other factors, such as an extant planning permission. Whilst the advice contained within SPD provides helpful guidance, should not be applied inflexibly and does not replace a proper assessment of the individual merits of a proposal. Moreover, this generalised approach is a

departure from the clear expectation of the SPD itself that site circumstances and other factors should be considered.

6. Moreover, the LPA's reasons for refusal concern the impact of the proposal on the adjacent property, which itself benefits from an extant permission for a similar development. Although all proposals must be considered on their own merits, the LPA provides no reasons why a different approach should be taken in relation to the appeal proposal. Further, the development resulting from the extant permission would negate the impacts of the appeal proposal alleged by the LPA.
7. As such, the LPA's assessment is generalised and is not supported by objective analysis and this has resulted in the prevention of development which should clearly have been permitted in accordance with the development plan, national policy and other material considerations.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that London Borough of Harrow shall pay to Ms H Vyas, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to London Borough of Harrow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Kim Langford Tejrar

INSPECTOR