



Costs Decision

Site visit made on 22 June 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/H5960/W/21/3271934 19 Melrose Road, London SW18 1ND

- 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 K Barker (Whitecrest Development Ltd) for a full award of costs against the Council of the London Borough of Wandsworth.
 - The appeal was against the refusal of planning permission for the construction of a single storey extension to the rear of the property and two storey side extension to the side of the building. The proposal will result in the addition of two residential units, increasing the number of flats from four to six.
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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 claims that the Council, in refusing the proposal, acted unreasonably which resulted in costs being incurred by the applicant in taking the proposal to appeal. Specifically, the appellant considers that the Planning Committee's considerations were not objective and as a result the decision has unduly delayed the development from proceeding. The appellant therefore considers there to be both procedural and substantive grounds for the claim.
4. I recognise that there was a prolonged period of discussion and amendment to the scheme prior to the decision being made. The eventual decision was taken by the Planning Committee and was not in line with the Officer recommendation to approve the planning application. Whilst I understand the appellant's frustration, it is the right of the Planning Committee to make this decision and refuse the planning application.
5. The Committee did not visit the site before making its decision. However, it would be impractical to expect every site to be visited by a Planning Committee prior to making a decision. Indeed, Councillors' local knowledge will often negate the need for a visit but if one is considered necessary by either Officers or Councillors, one will usually be arranged. However, each Council has its own procedures for determining when a visit should take place. It has not been suggested that any local procedures were not followed in this instance. I therefore consider it reasonable, particularly given all the information available in the form of the amended schemes and details, together with the Covid-19

situation that existed at the time of the meeting, for the Committee not to have visited the site prior to making its decision.

6. The officer report clearly noted that the proposal would increase the sense of enclosure and have some negative impact on the outlook for the occupants of 17 Melrose Road. The report concluded that the impact would not be significant enough to warrant a recommendation of refusal. However, the report, together with the neighbour representations raising this as a concern, would potentially have highlighted this in the minds of some Committee members as an issue worthy of further discussion. That some Councillors were indeed sufficiently concerned to raise it at the meeting does not therefore appear to me to be unusual or unreasonable.
7. I have been provided with a copy of the Committee Minutes by the Council, and it appears that a number of Councillors raised a number of areas of concern, ostensibly regarding heritage and design matters and the impact on neighbours. They appear to be legitimate planning considerations. Having regard to the reason for refusal, it appears that the discussions were sufficient for the heritage and design concerns to be allayed. I also note that one Councillor abstained from the initial vote on the officer recommendation, but all Councillors voted on whether to refuse the application. Whilst I cannot be sure the Councillor who abstained subsequently voted to refuse the application, it suggests that the discussions were also of sufficient value to assist one Councillor in making up their mind.
8. Given the substantive evidence before me, there is nothing to suggest that the manner in which the decision was reached was unreasonable. Similarly, and notwithstanding my own conclusions on the main issue of the appeal, given the material available, the scale of the proposal and its proximity to the neighbour, together with the discussions that took place, I see nothing unreasonable in the Committee placing greater weight than their officers on the effects of the development on the neighbour.
9. Taking the above into account, I am satisfied that the Committee members appear to have sufficiently thought through the key issues and justified in planning terms the reason for refusal of planning permission. Accordingly, their decision stands up to scrutiny. It is the appellant's right, and indeed personal choice, to appeal that decision and the costs that such involves. Therefore, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified in this case.

Stewart Glassar

INSPECTOR