



Costs Decision

Site visit made on 13 September 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021.

Costs application in relation to Appeal Ref: APP/D5120/D/21/3276030 118 Steynton Avenue, Bexley DA5 3HG

- 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 M Brash for a full award of costs against the London Borough of Bexley Council.
 - The appeal was against the refusal of planning permission for a first floor side extension and single storey rear extension.
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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 basis of the appellant's application for costs is that that the London Borough of Bexley Council (the Council) have behaved unreasonably by failing to grant a further permission for a proposal that is the subject of an expired permission¹ where there has been no material change in circumstances.
4. Although the application included a proposal for a ground floor extension as well as the first floor and roof extension previously approved by the council in 2005, the Council's reasons for refusal related solely to the latter.
5. The same policies and guidance of the Bexley Unitary Development Plan were referenced in the Council's decision notice for the approval in 2005 and in their decision notice of refusal of the appeal proposal in 2021. Although these policies are now of some age, they are consistent with the London Plan and National Planning Policy Framework. However, the existence of these London wide and national planning policies is a material change since the 2005 decision by the Council and relevant policies were set out in the Council's Decision Notice.
6. The previous approval of this application by the council was not referenced by the council in the officer's report and, from the material submitted by the Council for the purposes of the appeal, does not appear to have been part of the Council's consideration as part of their decision making. The reasons for a

¹ Planning Ref: 05/00180/FUL

departure from this previous approval have therefore not been set out by the Council.

7. However, aspects of what will be considered quality, good or appropriate design do shift with the passing of time and, although the council have not set out their reasons for a different decision to that made in 2005, the Council have clearly set out their reasons for refusal of the 2021 application on design grounds. Although I came to a different conclusion on the proposal to the Council in my decision on the appeal, I am satisfied that in making their decision the Council did consider the proposal on its own merits, with due regard to Local Planning, London Plan and Framework policies.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Victor Callister

INSPECTOR