



Costs Decision

Site visit made on 20 September 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Costs application in relation to Appeal Ref: APP/R5510/W/21/3278249 29 Parkfield Road, Ickenham UB10 8LN

- 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 & Mrs S Miah for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of planning permission for a replacement dwelling and associated parking/landscaping.
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Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellants' case is made on substantive grounds; namely that having sought pre-application advice the Council's determination of the subsequent planning application was inconsistent with the advice provided with material considerations and factors not having changed in the interim period.
4. Having carefully considered the content and tone of the Council's pre-application response I note that, whilst supportive of the proposal in principle, concern was clearly expressed regarding the height of the proposed replacement dwelling relative to those around it. I am also satisfied that the response provided a clear suggestion, without being prescriptive, as to what needed to be addressed for a more favourable outcome.
5. Whilst the appellants made design changes to the proposal following the Council's pre-application response, I do not consider it to be inherently unreasonable of the Council to maintain their position of concern regarding the scale of the proposal. Their officer report and Appeal Statement clearly set out the reasoning, justification and exercise of judgement for the Council's continued concerns in this respect. Whilst I do not share those concerns, I am satisfied that the officer report and Appeal Statement provide a logical conclusion to the Council's concern initially expressed at the pre-application stage.
6. Thus, the area of the Council's concern has been demonstrated to have been consistent throughout, from pre-application to formal application stages. That the parties disagree as to the extent of reduction in height necessary to

satisfactorily address does not amount to unreasonable behaviour, nor does it indicate an inconsistent approach to this matter by the Council.

7. I have considered the various examples provided by the appellants, and the collective assessment of the area's character within those examples. It is clear that the architectural style and scale of buildings is considered by both parties, and also those involved in the cited examples, to be mixed and as such, requires the exercise of a degree of judgement. I am not persuaded that the Council have ignored these matters in exercising their judgement and, whilst I do not agree with the Council, this does not amount to unreasonable behaviour.
8. While it is clear from the accompanying appeal decision that I do not agree with the Council's decision, I am satisfied that the Council did not exercise its judgement in an unreasonable manner, it provided clear and consistent advice which was reflected in the reason for refusal and that those reasons were clearly justified at the appeal stage. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the application for costs is refused.

G Robbie

INSPECTOR