
Costs Decision

Site visit made on 8 November 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Costs application in relation to Appeal Ref: APP/T5150/W/21/3276499 Garages next to 2 Prout Grove, London NW10 1PT

- 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 P Wagstaff for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for the demolition of dual garage and creation of 1 x 1-bedroom dwellinghouse with hard and soft landscaping.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Whether the proposed development would harm the living conditions of neighbouring occupants is a matter of judgement. The Council has been able to point to conflict with guidance in the Brent Design Guide in coming to its view. The development on the opposite side of the road is similar but not identical to the appeal proposal, including the storage/seating structures to the rear of each site. The weight to be given to the approved scheme as a material consideration in the appeal is therefore also a matter of judgement. Although I have come to a different view to the Council because of the particular circumstances of the case, it was not unreasonable for the Council to advance the argument that they did.
4. The Council's concern over pressure for additional on-street parking is based on the assumption that the garages are ancillary to the Neasden Lane flats, and that their loss would displace parking on to the local road network. There is no dispute between the parties that the garages were originally built as ancillary garaging for the residents of the flats. Although they are being used for storage now, by the appellant's own admission that use is unauthorised, and it was therefore not unreasonable for the Council to discount it when forming a view on parking. The question of ownership does not seem to be one that was advanced by the appellant at the application stage and therefore it is unsurprising that it did not play a part in the Council's decision.

5. While the appellant is particularly critical of the Council's suggested amendment to remove on-site parking from the site, this approach is supported by the London Plan 2021 which encourages car-free development as the starting point in places that are well-connected by public transport. Such an amendment would also have enabled reinstatement of the footway to create an additional on-street parking space that the Council felt would have helped address what it saw as the displacement of parking for the Neasden Lane flats. Given the assumptions on which the Council had based its argument, it was not acting illogically or in the realms of fantasy as suggested by the appellant.

Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR