



Costs Decision

Site visit made on 7 September 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021.

Costs application in relation to Appeal Ref: APP/Q5300/D/21/3275239 507 South Ordnance Road, Enfield, EN3 6JD.

- 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 Mrs Emel Mestanoglu for a full award of costs against of the Council of the London Borough of Enfield. .
 - The appeal was against the refusal of planning permission for a crossover for drive way.
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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 appellant contends that the Council has behaved unreasonably on substantive and procedural grounds thereby necessitating an avoidable appeal process causing the appellant wasted and unnecessary expense. In particular:
 - i) It failed to take account of its recent similar decisions, in particular at 503 and 505 South Ordnance Road;
 - ii) It referred to an immaterial appeal decision in respect of 58 South Ordnance Road;
 - iii) It failed to set out its reasoning as to why a number of vehicles would overhang the highway and why there would be a detrimental loss of a number of on-street parking spaces, and;
 - iv) It failed to consider the sites Public Transport Accessibility Level (PTAL) in its determination of the application
4. Based on my observations, I saw little difference in highway safety terms and loss of on-street parking provision etc. between numbers 503 and 505 and the appeal site. Further, I agree that the repositing of a lamp post, need not ordinarily be a major consideration.
5. However, notwithstanding the earlier decisions in respect of neighbouring properties I consider that it was perfectly reasonable for the Council, as I have

- subsequently done, to consider the application afresh having regard, to amongst other things, the impact of the previous approved cross overs.
6. Accordingly, the very fact that I found that the proposal failed, as the Council had done, to meet the objectives of criteria a), c), d), e) and f) of LP Policy DMD46 I do not consider the crossovers at these two properties to set a precedent for a further crossover here.
 7. The Council's position is that the formation of crossovers on classified roads is generally resisted to maintain their importance as traffic routes through the Borough. Accordingly, I consider that the appeal in respect of 58 South Ordnance Road is wholly relevant to this appeal and it was appropriate for the local planning authority to have regard to it in its decision-making process.
 8. I found that due to the overall depth of the hardstanding ordinary private cars and small trade vehicles would not ordinarily overhang the adopted highway, which includes the public pavement. However, I do not consider that it was unreasonable for the planning officer to take a contrary view. It is perfectly reasonable, for instance, to consider that the very fact that a crossover has been formed drives drivers of vehicles wanting to park when there are already vehicles park on the hardstanding may well, even for a short time, park inconsiderately such that their vehicle might overhangs the highway.
 9. As I saw, on the occasion of my site visit, the road is well used for on-street parking. In terms of private parking the formation of the crossover may well, as suggested, have a neutral effect on on-street private parking. However, the formation of a cross over here as elsewhere would always result in the loss of at least one space for public parking, as people do not generally tend to park to block a private crossover. I conclude therefore that it was perfectly reasonable for the planning officer to reach the conclusion that he/she did in respect of the loss of public on-street parking.
 10. LP Policy DMD45 states that car parking proposals will be considered against, along with other things, the standards set out in The London Plan, the scale and nature of the development, the PTAL of the site, existing parking pressures in the locality. In addition, the criteria set out in LP Policy DMD 46 also need to be met before a crossover onto a classified road can be approved. The Council concluded, as it was entitled to do, that given that it found that the proposal did not accord with LP Policy DMD 46 the overall weight of the planning balance, was against the development.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Philip Willmer

INSPECTOR