
Costs Decision

Site visit made on 30 September 2021

by Mr M Brooker DipTP MRTPI

appointed by the Secretary of State

Decision date: 29 November 2021

Costs application in relation to Appeal Ref: APP/R5510/D/21/3280568 14 Nicholls Avenue, Uxbridge UB8 3JL

- 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 Mohammed Haji 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 single rear/side extension and all associated works.
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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. It is the applicant's case that the Council have not determined the application taking account of the planning permission granted at 12 Nicholls Avenue, the roof lights of the kitchen/diner and delayed a scheme that clearly should have been permitted.
4. In response, the Council has noted that the planning permission at No.12 predates the adoption of Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (adopted 2020) which sets out detailed requirements for new extensions of which the appeal scheme is contrary to.
5. I note that the officer's report does state that the appeal scheme would result in a room, the kitchen/diner "with no natural light or outlook to this habitable room". No specific reference is made to the rooflights shown on the submitted plans. In determining the appeal, I found that the appeal scheme would provide limited daylight and very limited outlook in the kitchen/diner. I am therefore satisfied that the Council did not act unreasonably in this respect, even though additional commentary in setting out the reasoning in the Officer's Report would perhaps have been helpful.
6. In determining the appeal scheme I found that the appeal scheme would cause harm and would be contrary to the development plan. As such the appeal was not one that should clearly have been approved without delay.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Brooker

INSPECTOR