The Planning Inspectorate

Costs Decision

Site visit made on 23 November 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Costs application in relation to Appeal Ref: APP/L5810/D/21/3278843
55 Amyand Park Road, Twickenham, TW1 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 Maddy Darrall against the decision of the Council of the London Borough of Richmond upon Thames.
- The appeal was against the refusal of planning permission for a loft conversion with new rear dormer and internal alterations to first floor.

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 considers that the Council has behaved unreasonably in four ways: that the decision and reasons for refusal were unreasonable; that a reason for refusal (fire safety) was not required at validation stage and was unreasonable on the basis of the scale of the proposal; that the Council did not engage with the applicants or deal with the choice of materials by condition; and that the Council's reasoning for the refusal was vague, inaccurate and afforded unreasonable weight to the rear of the property.

4. In respect of the first and fourth of these points, I found the Council's planning case to be concise, clear and cogent. The officer's report provided detailed reasoning following an appropriate assessment of relevant matters and it came to a conclusion in a manner that was in accordance with the National Planning Policy Framework.

5. The Council's decision and reasons for refusal were not unclear and they reflected the findings of the officer's report. The Council did not act unreasonably in reaching the decision that it did; and the decision made by the Council and the reasons for refusal were not unreasonable.

6. The Council has set out how it deals with the requirements of London Plan Policy D12 in respect of the submission of a Fire Safety Statement. Whilst the London Plan was adopted after submission of the application, the officer's report establishes that, were the proposed development to have

been found to be acceptable, a Fire Safety Statement would have been required prior to determination.

7. However, the proposed development was not found to be acceptable and the Council did not act unreasonably in acting in the way that it did - by referring to how it applies the requirements of London Plan Policy D12 in the decision notice.

8. The Council has provided evidence to demonstrate that, as a decision-making body, it acts proactively via a validation letter to set out how and when a planning application will be determined. The Council made it clear that "Decisions are usually made between 6-8 weeks therefore the planning officer will not need to contact you until this time…"

9. The appellants were advised up front of the Council's procedure and the Council did not act unreasonably in determining the application as submitted. The Council offers a formal pre-application service and has stated that officers are unable to provide advice on the specifics of a revised scheme outside this process. There is no evidence before me to demonstrate that the appellants have subscribed to the pre-application service.

10. In the above regard, I note that there is nothing to lead me to the conclusion that the application submitted would necessarily have been approved by the Council further to a discussion around design and the imposition of a condition in respect of materials.

11. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR