



Costs Decision

Site visit made on 2 February 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Costs application in relation to Appeal Ref: APP/F5540/W/21/3282122 Flat 1, 678 Great West Road, Isleworth TW7 4PU

- 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 Sanjay Agarwal against the decision of the London Borough of Hounslow.
 - The appeal was against the refusal of planning permission for a single storey part rear infill extension.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 applicant has put forward a number of grounds which relate to the same overall issue where they believe the Council has acted unreasonably, where in their opinion the Council has made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. In support of the application the applicant has stated that the Council were mistaken in their assessment such as believing that the window was situated on the boundary rather than a metre from the boundary; that there is no outlook from occupiers of the neighbouring property; that the habitable room has a number of windows for light and that there is a gap between properties.
5. Having reviewed the Council's Planning Officer Report, it is clear to me that the planning officer did not believe the window was situated on the boundary and comments in the Officer Report are made regarding the reduced setback of the proposal and photos taken by the Council during the site visit confirm this. It is also clear to me as shown in the appeal decision that there is currently a level of outlook and access to light from the neighbouring window. Whilst I have a differing opinion to the Council on the acceptability of this loss towards living conditions, I have found that the reason for refusal was sufficiently justified by the Council and that the Council has not acted unreasonably in this regard in their assessment of the scheme.

6. Accordingly, I find that the Council did not fail to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. The Council had reasonable concerns about the impact of the proposed development which justified their decision. Taking the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

J Somers

INSPECTOR