
Costs Decision

Site visit made on 22 February 2022

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Costs application in relation to Appeal Ref: APP/G5750/W/21/3284680 15 Margery Park Road, Forest Gate, London E7 9LA

- 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 Kishore Kansal for a full award of costs against the Council of the London Borough of Newham.
 - The appeal was against the refusal of planning permission for proposed erection of a 3 bedroom dwelling on a derelict unkempt plot at the side of no 15 Margery Park Road.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. It adds that examples of unreasonable behaviour by local planning authorities include:
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Newham Local Plan 2018 (LP) that the proposal would be in conflict within the view of the Council. In addition, the Council's report evaluates the scheme and provides an analysis of its effect on the existing property. I consider it is not unreasonable to conclude that any adverse effects on the character of the existing building would result in harm to the character of the area.
5. With respect to the construction of a 3-bed house, I consider that supporting the provision of additional housing does not preclude the Council from having concerns regarding the design of the building.
6. Accordingly, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could

not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.

7. I note the evidence regarding LP Policy S6. However, even if the Council has behaved unreasonably in this respect, given the Council's conclusions regarding conflict with other development plan policies, the application would have been refused in any event and an appeal could not have been avoided.

Conclusion

8. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR