



Costs Decision

Site visit made on 28 February 2022

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Costs application in relation to Appeal Ref: APP/R5510/W/21/3288520 47 The Broadway, Joel Street, Northwood HA6 1NZ

- 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 Ramesh Parmar The Beer Barrel Ltd for a full award of costs against the London Borough of Hillingdon.
 - The appeal was against the refusal of Erection of a three storey building to create a business unit and 1 x 2-bed residential unit involving demolition of existing store/garage to rear and remodelling of existing basement to increase business use.
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Decision

1. The award for costs is dismissed.

Reasons

2. Paragraph 30 of the national Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by not communicating with them in advance of refusing the proposal and making an erroneous assessment that was based on not viewing the context of the site, and its relationship with its residential neighbours in respect of living conditions. They also comment that the Council failed to properly consider the implications of installing a lift as presented within the Design and Access Statement (DAS).
4. The Council have relied on material including photographic evidence submitted by the Applicant when assessing the proposal. The Council may not have visited the site to experience its context. However, based on the information before them, they have explained convincingly within their delegated report how they reached their conclusion as to why they consider the proposal would harm the character and appearance of the local area. Indeed, I have also reached the same conclusion on the matter. I do not find the Council to be unreasonable given their explanation of the issue.
5. With regards to the effect of the proposal on the living conditions of local neighbours, they have formed a view, based on the evidence before them as it was Council policy not to attend site visits at that time due to the Covid-19

pandemic. Although they may not have visited the site or asked for additional information from the Applicant, they have relied on material presented to them by the Applicant, and come to their decision on the matter.

6. Although I have reached an alternative decision, and as it is my role to determine the appeal independently, that is not to say a different conclusion on the matter results in unreasonable behaviour. The Council determined the proposal under the restrictions of the Coronavirus and have explained their reasoning adequately within the delegated report of how their judgement was founded. I can find no reason to suggest the Council have acted unreasonably in forming their view that was well explained and considered.
7. The Council have identified the importance of level access into new build residential dwellings. In terms of what the Applicant provided within the DAS for locations for a lift within the building was based on only two internal options. The Applicant discounted both options. It is clear within the delegated report that the Council noted the Applicant's suggestion that a stairlift could be installed. However, they consider that no '*clear, well evidenced and compelling case*' has been put to the Council as to why lift access could not be provided. Thus, they have reached an overall conclusion that the design of the proposal would not lead to inclusivity for all.
8. I do not find the Council to be appropriately unreasonable in this respect to justify a full award of costs as sought by the Applicant.
9. All things considered, I have reached the conclusion that the Council have created no unnecessary delay to the Applicant.
10. To this end, none of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that no unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

Alison Scott

INSPECTOR