
Costs Decision

Site visit made on 7 March 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2022

Costs application in relation to Appeal Ref: APP/R5510/D/21/3287789 10 Frays Avenue, West Drayton UB7 7AF

- 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 Nestor Fon for a full/partial award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal of the Council to grant planning permission for single storey rear extension, single storey side extension and raising of roof to allow conversion of roofspace to habitable use to include 1 x side/rear/front dormer and 1x side rooflight.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ 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. The costs application is made on the basis that the Council has failed to consider the wider context of the site and ASLC (Garden City, West Drayton, Area of Special Local Character) in their assessment of the impact of the proposals and failed to identify and substantiate specific harm caused by the proposed development to heritage assets.
4. It is also stated that the Council have failed to substantiate the second reason for refusal and refer only to an aspect of the proposed development which could be constructed under permitted development.
5. The concerns of the Council were adequately justified and reasoned within the decision notice and delegated report. The report assesses the wider context of the area, application site and ASLC in section 1.1. There was nothing unreasonable in considering the appearance of the bungalow within the context of its two neighbouring dwellings given their grouping together.
6. Whilst I have ultimately come to a different conclusion to the Council on this particular matter, the harm, as identified by the Council including to the ASLC is clearly identified within the evidence.

¹ Paragraph: 030 Reference ID: 16-030-20140306

7. The Council has also substantiated its second reason for refusal, and the harm identified is conveyed most clearly within the delegated report under the 'residential amenity' heading within section 5. I have addressed the permitted development matter within the appeal decision.
8. The Council has therefore neither failed to substantiate its reasons for refusal nor made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

Conclusion

9. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR