
Costs Decision

Site visit made on 8 June 2022

by H Miles BA(hons), MA, MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Costs application in relation to Appeal Ref: APP/P5870/W/22/3291998 6 Park Hill Road, Wallington SM6 0SB

- 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 Akash Luthra of AKA Investments (UK) Ltd for a full award of costs against the Council of the London Borough of Sutton.
 - The appeal was against the refusal of planning permission for change of use from 6-bed house of multiple occupancy (Class C4) to 7-bed house of multiple occupancy (Sui Generis).
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Decision

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

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case is that in objecting to the loss of family accommodation and finding harm to character where no external alterations are proposed the Council has made inaccurate assertions about the proposal's impact which are unsupported by an objective analysis. Also, that it has determined similar applications in an inconsistent manner.
4. It is evident from the description of development and the officers report that the Council was aware that the property is used as a small HMO. The Council further explains that planning permission would not be required to convert the property to a single family dwelling. Therefore, the assessment of the proposal's impact on family accommodation is supported by a reasonable objective analysis.
5. The Council's reasoning that a large HMO would be harmful to the character and appearance of the area including the Park Hill Road Area of Special Local Character (ASLC) is clear. There can be an effect on character even where no external alterations are proposed and therefore it was not unreasonable to come to such a conclusion.
6. I am referred to decisions at 13 Milton Road (DM2020/01731) and 6 Camden Gardens (DM2021/00224) where planning permission was granted for change of use to a larger HMO (along with external alterations in the case of the former). However, these sites are not within the immediate setting of the appeal site and, unlike the appeal site, neither are within the ASLC. As such,

taking into account the main issue in this case, these applications are not similar to the appeal scheme. Therefore, unreasonable behaviour in this regard has not been established.

7. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
8. For these reasons, neither a full or partial award of costs is justified.

H Miles

INSPECTOR