



Costs Decision

Site visit made on 31 May 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Costs application in relation to Appeal Ref: APP/M5450/D/22/3295877 26 Kenton Lane, HARROW, HA3 8TX

- 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 Harish Jeshani for a partial award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for the construction of a part single-storey rear extension, part first-floor rear and side extension, with insertion of 2 roof lights and associated internal alterations.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may 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 planning appeal relates to the refusal of the Council to grant permission for a proposal to construct a single- and two-storey side/rear extension at the appeal property. There were two reasons for refusal. One reason related to the character and appearance of the proposed extension, regarding which the Council came to a reasoned and fully explained conclusion. The appellant, whilst disagreeing with the conclusion, does not apparently question the behaviour of the Council on this issue.
4. The second reason, however, indicated that the proposed elevations and floorplans by reason of inconsistencies in drawing scale with the proposed site plan showing the enlarged footprint of the dwelling, prevented the Council from being able to make an accurate assessment of the proposal in terms of its impact to the neighbouring residential amenities of No 24 Kenton Lane.
5. The appellant contends that the drawings submitted with the planning application included scale bars which would have allowed the Council to check dimensions, measure the scale of the proposed extensions, and assess its potential impact. I have some sympathy with this viewpoint. However, I note also that the proposed site plan was apparently drawn to a scale of 1:500, whilst the scale bar related to a scale of 1:100. This is potentially confusing, especially when used in conjunction with the drawing containing plans and elevations at different scales.

6. Nevertheless, it would appear that the issue of confusing scales could have been quickly and simply resolved by appropriate communication and discussion with the appellants in a co-operative and more helpful manner. The appellant has provided evidence that he contacted the Council before the decision target deadline to offer any further information or clarification required. Had this offer been accepted, there might have been no need for the appellant to address the issue as part of the planning appeal. The Council has not responded to the claim for costs and so I have no reason to question the appellant's account of the way this issued played out.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that The London Borough of Harrow shall pay to Harish Jeshani, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in responding to claims of inconsistencies between and within plans; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to The London Borough of Harrow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J D Westbrook

INSPECTOR