



Costs Decision

Site visit made on 1 June 2022

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2022

Costs application in relation to Appeal Ref: APP/N5090/W/21/3287229 73 King Edward Road, Barnet EN5 5AU

- 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 Moore for a full award of costs against The London Borough of Barnet Council.
 - The appeal was against the refusal of planning permission for The demolition of the Existing Property and Provision of Two Residential Dwellings with Associated Amenity Space, Car Parking, Cycle and Waste Storage.
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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 failing to take into account the results of the Daylight Assessment submitted with the appeal, and therefore there is no sound justification to refuse the development on that ground.
4. They point to the proposal meeting BRE guidance and therefore adequate natural light levels would be received to the habitable rooms on the second floors of both proposed dwellings. Therefore, it would not be contrary to local policy as it would not lead to an unacceptable impact on the living conditions of the potential occupants.
5. It is worth noting that the Council made their assessment on the proposal based on the information before them that did not include a daylight report.
6. Despite the outcome of this report, the Council continue to argue that the minimum standard of glazing has not been met to specific rooms in accordance with advice contained in the Sustainable Design and Construction Supplementary Planning Document 2016 (SPD).
7. They may not have offered any substantial comment relating to outlook within their Delegated Report other than referring to the SPD whereby 'the glazing to

- all habitable rooms should not be less than 20% of the internal floor area of the room' and 'they should have a reasonable outlook with clear glass'.
8. Even so, they are nevertheless aware that their Residential Design Guidance Supplementary Planning Document 2016 specifically explains that 'All habitable rooms should contain at least one main window with an adequate outlook'.
 9. Despite the findings of the daylight report, and irrespective of whether or not all bedrooms meet or do not meet the required minimum threshold of 20% glazing, in the fullness of safeguarding the living conditions of potential occupants to satisfy Council policy and guidance, I am not of the view that this proposal reflects acceptable outlook from habitable rooms on the second floor.
 10. Having been referred to both SPD's as part of the appeal evidence to which I apply significant weight, and having exercised my own planning judgement, my own conclusion corresponds with the Council's decision on this matter.
 11. Therefore, the Council were not unreasonable in reaching their conclusion that the proposal would have an unacceptable impact on the living conditions of the future occupants
 12. 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