



Costs Decision

Site visit made on 31 August 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Costs application in relation to Appeal Ref: APP/Z5630/D/22/3298726 20 Reynolds Road, Kingston Upon Thames KT3 5NG

- 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 Mrs Rubina Chughtai for an award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against the refusal of planning permission for erection of first floor side extension above existing ground floor side extension, 2no rear dormer roof extensions with installation of 2no front, 1no rear rooflights and 1no chimney stack removal to facilitate loft conversion.
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Decision

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

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 Appellant seeks costs against the Council on the basis that she considers that she followed the pre-application advice provided by a Council officer, and that permission should not therefore have been refused. The Appellant also contends that the Case Officer did not engage at the application stage in discussing any further minor amendments to make the proposal acceptable and that it should have been possible to avoid the need to appeal.
4. There appears to have been some confusion at the pre-application stage in respect of the form of the advice sought, as acknowledged by the Council. Written advice by the Council was provided to an earlier and different scheme by letter dated 29 July 2020 and this was then followed up by a virtual meeting in August 2020. There is no note of that meeting, although the Appellant submitted a revised scheme by email in October 2020 with the view expressed that she believed that the revised proposals accorded with the advice provided by the Officer. Whilst I have no doubt that the Appellant considered that the submission had addressed the matters discussed during the pre-application process, I have not been provided with any further correspondence in respect of the pre-application process. The Council advises that no further comments were provided.
5. There is therefore no evidence before me to indicate that the proposal submitted had the earlier support of the Council officers; the Appellant may

have understood that she had addressed all of the points but it would appear that the scheme was drawn up and submitted after the discussion and no further correspondence was entered into at the pre-application stage. I have assessed the proposals on their planning merits and against the development plan and other material considerations. I agree with the Council's decision that the proposals would result in harm both to the character and appearance of the existing dwelling and the local area as well as to the living conditions of the neighbours at No 22.

6. There is therefore no evidence before me to indicate that, in respect of the scheme submitted, an appeal could have been avoided. It is also not clear to me what minor amendments would have secured a positive outcome. The one minor amendment proposed by the Appellant was in respect of the set down from the main ridge height. I have taken that proposal into account but found that on its own, it would not change the decision I have reached.
7. I also understand why the Council seeks to advise applicants that pre-application advice is time limited in order to enable any change in policy and other material considerations to be taken into account.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and I therefore conclude that an award of costs is not justified.

L J Evans

INSPECTOR