



Costs Decisions

Site visit made on 5 September 2022

by Nichola Robinson BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2022

Costs application in relation to Appeal Ref: APP/A5270/W/22/3294236 182A Northfield Avenue, West Ealing W13 9SB

- 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 Raj Gupta for a full award of costs against the Council of the London Borough of Ealing.
 - The appeal was against the refusal of planning permission for a rear dormer and extension over rear outrigger and front rooflights to create a new studio flat at roof level.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's alleged unreasonable approach during the determination of the planning application.
3. The appellant states that in reaching such a view the Council's decision failed to consider the consented 3-bedroom first/ second floor flat which also shows bin and bike storage to the front of the property. It is also alleged that the Council failed to assess the proposal as a 1 bedroom 1 person flat. The appellant states that this behaviour caused the application to be refused, thereby necessitating the preparation of the appeal.
4. I am satisfied that the Council have presented a suitably substantiated case in support of their decision, and I too have found that the proposal would harm the character and appearance of the area. Furthermore, the Council showed consideration of the existing permissions, that are clearly referenced in their officer's report.
5. Whilst I have found the proposal to be for a 1 bedroom 1 person flat with no conflict with the relevant policies in terms of living conditions, the Council presented a case setting out reasons that it might be considered as a 2 person flat, including reference to other appeal cases. The Council's case

was, therefore, supported by substantive evidence and no unreasonable behaviour has occurred.

6. Moreover, both the PPG and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. While there is evident disagreement between the parties and their approaches, I have little substantive evidence to indicate that the Council was reluctant to engage proactively with the appellant nor that this in itself has resulted in the appeal and its associated expenses.
7. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Nichola Robinson

INSPECTOR