



Costs Decision

Site visit made on 4 October 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Costs application in relation to Appeal Ref: APP/J0350/W/22/3296540 2A Bower Way, Slough SL1 5HX

- 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 Raghbir Singh for a full award of costs against Slough Borough Council.
 - The appeal was against refusal of permission for demolition of existing building and erection of 11 no. flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 11 car parking spaces, 15 cycle storage spaces and amenity space at the rear.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. In this instance, the applicant alleges that the Council's determination of the appeal application was flawed, as it was not backed up by thorough evidence.
3. The appeal application was refused for four separate reasons. As set out in the appeal decision, my conclusions regarding the effect of the development on the character and appearance of the area and on the living conditions of the neighbouring occupiers of Holly Court, reflected those of the Council. In terms of character and appearance, it is not the density of the scheme that would be problematic – but instead the incongruity between the development and its closest neighbouring properties, owing to the proposal's greater height and scale. This factor was highlighted in the officer report. Moreover, the development would lead to clear and identifiable harm to the living conditions of occupiers of some of the flats within Holly Court. This would be due to the additional height and bulk of the proposed block of flats when compared to the existing garage. In turn, the development would feel significantly more overbearing to those occupiers, which would be to the detriment of their living conditions. This reason for refusal was therefore justified.
4. The third reason for refusal related to a lack of information with regard to surface water drainage. Whilst ultimately, I concluded that this detail could be dealt with by condition, given that this application was for major development, I do not consider it unreasonable for the Council to have concluded that further information was necessary. Indeed, the Lead Local Flood Authority highlighted a number of shortcomings with the submitted drainage evidence, which the

Council was entitled to rely on during its determination of the application. In terms of other applications where the Council had taken a different approach, without the full suite of application documents for each of these applications before me, I cannot properly assess the extent nor quality of the drainage provision for these sites. In turn, I cannot reasonably draw any direct comparisons between the two.

5. The Council's final reason for refusal concerned shortcomings with the applicant's highway evidence. Nonetheless, the applicant submitted an updated site plan after determination of the appeal application, which amended the parking configuration for the proposed scheme. The updated parking configuration also improved the access provision to the property. It is only on the basis of this updated plan that I was able to conclude the development's impact with regard to highway safety would be acceptable. Given that the Council did not have this plan during determination of the application, it was reasonable for them to conclude otherwise.
6. I have acknowledged that the Council cannot demonstrate a five-year supply of deliverable housing land. However, as per the provisions of paragraph 11(d) of the National Planning Policy Framework (2021), the adverse impacts of the development in terms of harm to the character and appearance of the area and to the living conditions of neighbouring occupiers, would significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework taken as a whole. As highlighted in my decision, the presumption in favour of sustainable development would therefore not apply in this instance.
7. On this basis, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR