



Costs Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Costs application in relation to Appeal Ref: APP/Z0560/D/22/3304633 9 Cecil Road, Chadwell Heath, RM6 6LA

- 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 Eamonn Dunlea against the decision of the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of a two storey side extension and partly two storey rear extension, loft conversion and new porch.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the Council has behaved unreasonably because the Council's decision contradicted previous permissions and a Certificate of Lawful Use; that the Council failed to communicate with and work with the applicant in a positive and proactive manner to provide the opportunity for the submission of an application likely to be considered favourably; that the Council failed to consider "the combination" of planning applications and a lapsed permission; that the Council failed to compare the proposal to and the Council's decision was inconsistent with, other permissions relating to nearby development; and that the Council's Officer's Report included errors.
4. In considering all of the information before me, I found the Council's Officer's Report to be clear and concise and for the findings within it to clearly relate to the Council's decision. Whilst I note that the appellant identified a number of errors within the Report, all of these appear to me to be minor and none appear to be so substantive as to be significant in respect of how the Council determined the application the subject of the appeal.
5. There is no substantive evidence to demonstrate that the Council's decision contradicted other permissions or the Certificate of Lawful Use relating to the appeal property. As I noted in my decision letter, these other permissions and the Certificate related to different forms of development to that the subject of the appeal.

6. In determining the appeal, I found that the proposed development would harm local character. Having considered the substantive evidence before me, I am satisfied that, in reaching the same conclusion, the Council did not contradict previous permissions or the Certificate of Lawful Use.
7. There is evidence to demonstrate that the Council considered the proposal against the policies of the development plan and that it reached a conclusion based upon these considerations. The Council's approach complied with planning law in this regard. There is no substantive evidence to lead me to conclude that the Council could have suggested minor changes to the proposal acceptable to the appellant that would have resulted in the application being considered favourably and there is nothing to lead me to conclude that the Council failed to act in an appropriate and lawful manner during the course of the consideration of the planning application.
8. There is evidence to demonstrate that, in reaching its decision, the Council considered other developments in the surrounding area.
9. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR