



Costs Decision

Site visit made on 2 August 2023

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 1 September 2023

**Costs application in relation to Appeal Ref: APP/K3605/D/23/3317905
22 Bowes Road, Walton on Thames, KT12 3HS**

- 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 Miss Yui Huang for a full award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of planning permission for a new entrance, side pergola attached to the main house and alterations to fenestration.
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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. Such costs are restricted to the appeal process only and do not include those associated with delays to the construction of the proposed development.
3. The impact of a development on the character and appearance of an area is a matter which requires judgment and is subjective. In this instance the Councils reason for refusal is clear and their delegated report is specific and objective. It clearly sets out all planning policies considered relevant to the proposal and the council's concerns and their reason for refusing the application. Accordingly, whilst I came to a different conclusion to the Council regarding the merits of the proposal, their concerns were clearly set out in the officer's report.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Elizabeth Lawrence

INSPECTOR