



Costs Decision

Site visit made on 1 August 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Costs application in relation to Appeal Ref: APP/P1940/W/22/3308225 12 Emperor House, Church Street, Rickmansworth, Hertfordshire WD3 1BS

- 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 M Mehta for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of planning permission for the resubmission of refusal of planning application 21/2654/FUL second floor rear extension and increase in parapet wall at second floor roof level to provide office premises.
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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's claim for costs relies on the terminology of the words used by members of the planning committee, that no assessment as to how the proposal would have a negative impact on amenity for neighbouring occupiers was undertaken and the planning knowledge of members of the planning committee.
4. The Council originally recommended approval and the Officer's Report makes it clear that the amenity of neighbouring occupiers was considered and found to be acceptable.
5. The committee saw sight of this report and assessment during their consideration of the application and came to a different view. I note the terminology used by members, however it is clear that their assessment was in relation to how the proposal would affect the living conditions of neighbouring occupiers. In their view this was harmful enough to overturn officers' recommendation and refuse the application. Whilst I have found differently, the committee were not unreasonable to reach a different view when weighing up the overall planning balance.
6. It is also noted that while the details of their assessment are limited, their view was that the proposal would be obtrusive and unneighbourly and is the reason why neighbouring occupier's amenity would be negatively affected. In this regard, members have undertaken a planning judgment on the proposal, based

on the evidence before them and therefore does not appear to be based on their own personal or popular opinions.

7. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

D Wilson

INSPECTOR