



Costs Decision

Site visit made on 17 October 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Costs application in relation to Appeal Ref: APP/M5450/D/23/3317088 16 Thistlecroft Gardens, Stanmore, Middlesex HA7 1PN

- 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 Chetan Patel for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, 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.
4. The appellant alleges unreasonable behaviour of the Council on a number of grounds. They can be summarised as follows and I shall address each in turn. It is suggested that the Council failed to produce evidence to substantiate each reason for refusal as well as not providing reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal. It is alleged that if the Council grants an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn and, within the Design and Access Statement, special circumstances have been identified. Namely that the proposed extension ground level is 800mm lower the existing ground levels.
5. The delegated report sets out the Council's reasons for refusal in sufficient detail so as to explain their case and whilst I cannot be certain of the outcome of the planning enforcement teams investigation into the fence, as can be seen from the accompanying appeal decision, it does not in any event provide adequate mitigation for the proposed extension.

6. The appellant has provided an email sent to the Council on 8 September 2022 at 20:43. The decision notice was issued the same day, during business hours. The email appears to be a response to receiving the refusal notice. The reasons for receiving a refusal notice are set out in the delegated report as I have explained. It is not unreasonable for the Council to conclude communication with an appellant at the point of issuing a decision. In the event of an unsatisfactory outcome the appropriate channel for further discussion is an appeal.
7. The appellant appears to believe that the multiple appeals submitted as evidence are identical to the appeal proposal. That is not the case, as set out in the accompanying appeal decision, and in each case, there is a reason to distinguish those appeals from the subject appeal. The appeal decision also explains what differentiates a submission for prior approval and one seeking express planning permission.
8. The drawing 16TH.ELEV.03 clearly shows the maximum height of the proposal above the window head height of No 14 and also clearly shows that a 800mm drop has been applied to benefit the outlook of No 14. These details are sufficiently clear for the Council to have reached a reasonable conclusion. As can be seen from the accompanying appeal decision, it has been found that the proposed development would be harmful to the outlook of No 14.

Conclusion and Recommendation

9. With the above in mind, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not justified. I therefore recommend it is refused.

S Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the application is refused.

John Morrison

INSPECTOR