
Costs Decision

Site visit made on 25 July 2024

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Costs application in relation to Appeal Ref: APP/D5120/W/24/3336835 Land between 80-82 Hurst Road, Erith DA8 3EN

- 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 Singh Rattan for a full award of costs against the Council of the London Borough of Bexley.
 - The appeal was against the refusal of planning permission for the construction of an end-of-terrace building comprising 1 no. 1 bedroom and 1 no. 2 bedroom flats, off-street parking and landscaping.
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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 submits that the Council has failed to produce evidence to substantiate each reason for refusal on appeal; and prevented the development when it should have been permitted.
4. Whilst I can understand the applicant's frustration with regard to the design of the roof and overlooking from the balcony, the delegated report sets out an appropriate analysis of the indicated harm in both these respects, and how the scheme would conflict with relevant adopted planning policies. Moreover, the reasons for the refusal in the decision notice are complete, specific and relevant to the application. They clearly state the policies of the Development Plan with which the proposal would be in conflict, and I am of the view that the Council has interpreted them correctly. As such, have seen no sufficiently compelling evidence of unreasonable behaviour on these grounds.
5. Therefore I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme at that time. There were reasonable concerns about the impact of the proposed development which warranted the decision. Given the appellant's position that no alternative roof design could be produced, the appeal could not have been avoided irrespective of the overlooking matter. The Council's stance has been further clarified in its appeal statement, giving sufficient explanation of the salient issues raised by the appellant.

6. Consequently I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR