



Costs Decision

Site visit made on 13 November 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Costs application in relation to Appeal Ref: APP/Z5630/W/24/3346213 286-288 Ewell Road, Surbiton KT6 7AQ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr B Jaman for a full award of costs against the Council of the Royal Borough of Kingston Upon Thames.
 - The appeal was against the refusal of planning permission for the erection of a single storey rear extension to form a 2 bed flat, retaining 42m² Class E floorspace to the frontage, and including the provision of rear amenity space, bin store and cycle store.
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Decision

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

Reasons

2. The Government's online 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. In this case the appellant argues that the appeal application was refused solely because of the absence a legal agreement or undertaking to prevent future occupiers and visitors from obtaining a parking permit. However this is not correct because the refusal also refers to the appellant's failure to carry out a parking beat survey to establish existing local capacity.
4. This is to ensure that unless and until a Controlled Parking Zone ('a CPZ') is introduced the additional demand from the proposed flat does not cause problems of highway congestion and safety. The agreement or undertaking on offer from the applicants / appellants is only relevant if and when a CPZ is applied to the locality.
5. In my Decision on the application, I referred to the fact that both the Officer's Report and the Decision Notice use the conjunction 'or' to link the two parking scenarios, where 'and' would be more appropriate. However I also commented that when read as a whole the Council's position is clear and on the evidence available it has my support.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
7. For these reasons the application for an award of costs fails.

Martin Andrews

INSPECTOR