



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/24/3345736 140 Tolworth Rise South, Surbiton KT5 9NJ

- 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 Avraham Friedman 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 2 No. hip to gable roof extensions and a rear dormer roof extension to facilitate a loft conversion.
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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 an award of costs is justified for two main reasons. Firstly that the Council's decision to refuse permission was on the basis that the proposed roof height would exceed that of neighbouring properties, which is factually inaccurate, and secondly that the refusal failed to consider the architectural consistency of the street scene, with many buildings on Tolworth Rise South having undergone similar modifications.
4. On the first point, there is a conflict of evidence between the appeal parties as regards 'before and after roof heights' of the appeal property and its neighbours, which from the plans and other information before me is for the most part difficult to resolve with precision. Nonetheless, in my appraisal of the appeal scheme I have made it clear that the Council is correct in respect of the main issues of the effect of the proposal on the character and appearance of the host property and the street scene.
5. In particular the relationship between No. 140 and the flat roof of the two storey side extension at No. 142 would be made much worse in visual terms as a result of the increased height and bulk from the change to the proposed gable. And this in itself justifies the refusal, which in any event is consistent with the Council's design guidance. On the opposite side adjacent to No. 138 the build up from the eaves to the apex to form the gable would inevitably reduce the existing space between the buildings even if the ridge height does not exceed that of No. 138.

6. On the second point of the street scene impact, I also consider the Council's approach to be reasonable, because at my visit I did not find gabled roofs to be a '*prevalent*' roof style or '*a common architectural feature in the vicinity*' as alleged for the appellant. And in the limited number of examples that can be seen on both sides of the A3, I consider their impact to be negative rather than positive, and thereby supportive of the Officers' approach.
7. The appellant also complains of the absence of a site visit by the planning officer. However, although I agree it is important that such visits do take place, in this case I found the view from Tolworth Rise South to be more helpful than from the outside space to the rear of the building. Paradoxically, the latter is too close to the building to see clearly.
8. Taking all these matters together I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
9. Accordingly, the application for an award of costs fails.

Martin Andrews

INSPECTOR