



Costs Decision

Site visit made on 12 February 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

105 Langley Road, Slough, Berkshire SL37DY

Costs application in relation to Appeal Ref: APP/J0350/W/24/3350532

- 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 Sukhpal Sran for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of planning permission for replacement of the existing dwelling with the newly constructed house.
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Decision

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

Reasons

2. 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.
3. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to substantive matters, such as making inaccurate assertions about a proposals impact, preventing development that should clearly be permitted, not determining similar cases in a consistent manner, or refusing planning permission on a ground capable of being dealt with by conditions. Local planning authorities are also required to behave reasonably in relation to procedural matters at the appeal, for example by complying with the requirements or deadlines of the process, or by not introducing fresh evidence at a late stage.
4. The applicant refers to several measurements quoted in the officer report which are inaccurate. These include the depth of the first floor part of the proposed dwelling being 4.2 metres deeper than the existing house, whereas the applicant states it would be only 4.1 meters deeper; and the depth of the ground floor part of the dwelling being 8.3 metres deeper than the existing house, whereas the applicant states it would be 8 metres deeper. When it comes to the measurements of the new house on its own, the Council state the ground floor would measure 15.5 metres deep and the first floor 12.2 metres deep, whereas the applicant states the corresponding figures are 16 metres and 12.1 metres respectively. Given the plans submitted with the application did not include annotations showing these exact measurements, and as the figures provided in the officer report showed only proportionately minor errors, I do not consider this led to a misunderstanding of the proposal or its impacts.
5. There is a more substantial error in the officer report in its reference to a previous proposal when it states that the previous scheme proposed a dwelling that was only

- 4.5 metres deeper than the existing house. Instead, the officer report for that previous scheme stated there would be an increase from 7.7 metres to 10.5 metres plus a further ground floor element of 4.5 metres. Indeed, the plans show that, at ground floor level, the current and previous schemes would have comparable depths. Nonetheless, the Council went on to correctly identify that the ground floor would be closer to the Mina Avenue boundary and be deeper at first floor level than the existing dwelling. As such, even though the current scheme would be similar in depth at ground floor level to the previous scheme, in terms of its first floor depth and its proximity to Mina Avenue the proposal would be materially different to the previous scheme.
6. Overall, though there may have been a misunderstanding of what had been granted before, I consider the Council did make an accurate assessment of the appeal proposal and came to a reasoned judgement that the development would be overdominant, in part, due to its depth and bulk. This is a judgement with which I agree. Consequently the Council did not prevent development that should clearly be permitted.
 7. Moreover, the differences between the two proposals means that the Council were not considering a scheme that is already the subject of an extant planning permission. Also, although there are many other examples of large houses in the vicinity of the site, none are directly comparable to the appeal scheme, and so it is not considered that the Council displayed inconsistency in their determination of the application.
 8. It may be that some small details, such as finishing materials, or design features on the side wall, could be secured by conditions. However these details would not affect the scale of the proposal, which was a main concern of the Council.
 9. With regard to the parking area, the officer report identifies that the existing property has a short vehicle crossover on Langley Road but that the pedestrian crossing appears to be used for vehicular access which is unacceptable. From my site visit, this seems to be the case. Furthermore the Council state that any layout must improve this arrangement to better protect the pedestrian crossing, which is a reasonable conclusion. Further details of this could have been secured by a condition, were the development acceptable in other regards.
 10. However the Council also had concerns regarding the space at the site being insufficient to accommodate the required number of parking spaces given there would be an increase in the number of bedrooms at the property and the small size of this area. Even though, based on my judgement, I have come to a different view, the Council's position was not unreasonable particularly as there were no detailed plans of this area. Furthermore, given their concerns, it would not have been appropriate to secure, by condition, the submission of drawings to show how this space could be arranged to accommodate the required parking.
 11. On procedural matters, the Council are not obliged to provide an appeal statement when it was sufficiently clear from their officer report and the decision notice what their concerns were. Furthermore, their rebuttal to the applicant's costs application does not introduce a new reason for refusal in referring to the roof of the dwelling and the proximity of the dwellings to the boundary, as the officer report had already said that the proposal would extend to the boundary and would be an overbearing and bulky replacement property.

12. Overall, for these reasons, it has not been demonstrated that the Council behaved unreasonably resulting in unnecessary or wasted expense on behalf of the applicant, as described in the PPG. Therefore, the application for an award of costs is refused.

A Owen

INSPECTOR