



Costs Decision

Site visit made on 2 April 2025

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 April 2025

Costs application in relation to Appeal Ref: APP/T0355/D/25/3360635 2 Dedworth Drive, Windsor, SL4 5NQ

- 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 Ms Narinder Kaur for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of the Council to grant planning permission for new two storey rear extension and rear dormer loft conversion.
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Decision

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

Reasons

2. The application is made for an award of costs in accordance with the planning guidance. The appellant argues that the Council has behaved unreasonably by providing short notice of dates for access to the site, failing to respond to requests for updates and to meet deadlines and being inconsistent in determining the application in line with similar cases.
3. The Council contends that it advised the appellant of delays arising from difficulties in arranging access to the site and that the unexpected circumstance of the initial case officer leaving the Council during the period for determination would cause further delays. It states that the other cases of extensions at Nos. 6 and 8 Dedworth Drive differ from the appeal proposal and were determined before the updated local plan and Design Guide were adopted. The proposal would not be in accordance with current policies in respect of both design and impact on the residential amenities of neighbours.
4. 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.
5. I have found part of the development unacceptable and contrary to planning policy, and have made a split decision, dismissing the appeal in respect of the two storey rear extension and allowing it in respect of the rear dormer. The development involves matters of judgement regarding the impact of the proposal on the character and appearance of the locality and the residential amenities of neighbouring occupants. These are legitimate concerns of the Council.

6. The appellant and the Council disagree as to what advice was offered at the site visit regarding the acceptability of amendments. The Council considered the application against relevant up-to-date policies in the local plan and the Design Guide SPD. Its assessment of the proposal concluded that the design, bulk and scale of the rear extension would harm the character and appearance of the host dwelling and the residential amenities of neighbouring occupants. It took account of the examples at Nos. 6 and 8 Dedworth Drive and, in my view, offered a satisfactory explanation as to why they differ from the proposal, both in terms of their design and siting and impact on residential amenities.
7. I differ from the Council in its assessment of the proposed dormer and have allowed that part of the appeal, but I have found the proposed two storey rear extension unacceptable and dismissed that part of the appeal. I find that the Council has put forward sufficient evidence in its report and in its decision to substantiate its case with regard to both the dormer and the rear extension to enable me to make my decision. Its objections are supported by planning policy.
8. Notwithstanding the delay in determining the application arising from the Council's staffing issues, costs may only be awarded in relation to unnecessary or wasted expense at the appeal. In this case, the costs incurred in submitting the appeal would have been the same whenever the application was determined.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

PAG Metcalfe

INSPECTOR