



Costs Decision

Site visit made on 27 March 2025

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Costs application in relation to Appeal Ref: APP/M5450/D/24/3354429

147 Eastcote Lane, South Harrow, Harrow HA2 8RR

- 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 Qasim Gulamhusein for a full award of costs against Harrow Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension and a two storey front extension.
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Decision

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

Reasons

2. The Planning Practice Guidance ('the PPG') states that the aim of the costs regime is, amongst other things, to encourage all those involved to behave in a reasonable way and to follow good practice, and to encourage local planning authorities to properly exercise their development management responsibilities. Parties in planning appeals normally meet their own expenses, but costs may be awarded against a party who has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It continues that where a party has made a written application for costs, clearly setting out the basis for the claim in advance, their case will be strengthened if the opposing party is unable to, or does not offer evidence to counter the case.
4. At ID: 16-049-20140306 the PPG provides a non-exhaustive list of examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; failure to produce evidence to substantiate each reason for refusal; providing vague, generalised or inaccurate assertions about a proposal's impact; acting contrary to, or not following, well-established case law; not determining similar cases in a consistent manner; and failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
5. In summary, the applicant maintains that, having granted planning permission for a two storey front extension¹ ('the permitted front extension'), and having determined that prior approval was not required for a single storey rear extension² ('the PA

¹ Ref: Ref: P/3694/22

² Ref: P/4253/22/PRIOR

scheme'), it was unreasonable of the Council to refuse the appeal proposal which, in effect, amalgamated these two schemes into a single planning application; and which would proceed irrespective of the outcome of the appeal, albeit in two, more costly and disruptive, construction phases. This behaviour, he maintains, has resulted in delay, unnecessary complication, and the wasted expense of the appeal.

6. The Council's delegated application report ('DAR') was not entirely clear or persuasive. However, together with the decision notice, it did adequately explain the harm that it considered the scheme would cause to the dwellinghouse and the streetscene, having regard to its design, its scale and its form, and to the cumulative impact of both extensions; and on the living conditions at 149 Eastcote Lane, given the depth and height of the rear extension relative to the rear face of that property.
7. Matters such as design, and the impact on neighbouring occupiers' outlook as a result of alleged overbearance, involve a degree of judgement, but the Council's approach was reasonably objective, and it explained its decision by reference to the development plan, the National Planning Policy Framework, and the Harrow Residential Design Guide Supplementary Planning Document 2010.
8. In my appeal decision I have found that the proposed single storey rear extension would cause a modest degree of harm to the character and appearance of the host property and the area, and that, cumulatively with the proposed two storey front extension, the original building's proportions would be difficult to read. As a result, I too found a conflict, albeit only a limited one, with those policies and that guidance.
9. Having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in the PA scheme the Council could only consider one issue - the impact on the amenity of adjoining premises, and it could only do that if an objection was raised. As no objection was raised, it did not find that the PA scheme was acceptable as claimed by the applicant, but it simply determined, as it was required to do, that its prior approval was not required.
10. In determining the planning application the subject of the appeal, it was entitled to consider all the impacts of the proposed development to the front and rear of the property, when considered as a whole, and against relevant development plan policies and other material considerations.
11. Although the Council did not explicitly mention a 'fallback' as an other material consideration in its DAR, as it referred to the permitted front extension and the PA scheme, I do not consider that it disregarded that planning history. Indeed, it stated that *'whilst the property may have benefitted from the prior approval for a rear extension and a two storey front extension, in separate applications, in combination these are considered excessive and out of character within the streetscene and wider surrounding area'*.
12. Thus, in my view, where I differed from the Council was in the weight that I attributed to that fallback in my planning balance and conclusion. However, the weight attributed is a matter of planning judgement for the decision-maker, and I do not consider that the Council was irrational, or that its stance amounted to inconsistent decision-making.

13. Finally, I do not have all the details of a previously refused application on the site³, so I am unable to assess exactly what the Council said then in relation to how it would consider a future planning application if a fallback position was established.
14. For all these reasons, I am satisfied that the Council properly exercised its duties in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.
15. Whilst I have taken into account the Council's failure to respond to the application for costs, having regard to the examples cited at ID: 16-049-20140306, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

Chris Couper

INSPECTOR

³ Ref: P/0642/23