



Costs Decision

Site visit made on 22 April 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Costs application in relation to Appeal Ref: APP/M5450/D/24/3356556

29 Fallowfield, Stanmore, Harrow, HA7 3DF

- 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 and Mrs Roshandel for a full award of costs against the Council of the London Borough of Harrow.
 - The appeal was against the refusal of planning permission for the erection of single-storey side and rear extensions; conversion of garage into habitable room; creation of first-floor; external alterations.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. 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.
3. The Council were invited to respond to the applicants' costs claim as a routine part of the costs application procedures. No response was made and so the application is undefended.
4. The planning application the subject of the appeal was made retrospectively. It sought to regularise development which had been undertaken as an amalgamation of two earlier planning permissions (Refs P/4233/21 and P/1259/22) with some differences including changes to some of the fenestration patterns previously approved and an uplift to the height of a first-floor extension. The Council's sole reason for the refusal of planning permission concentrated upon the impact of the first-floor extension upon the living conditions at 30 Fallowfield.
5. The difference in height between the previously approved scheme for the first-floor extension (Ref P/1259/22) and the development as built, and as considered by the appeal, measures 375mm according to undisputed figures shown on one of the planning application drawings. I have been provided with copies of the Council's officer's reports for all the relevant planning applications.
6. The officer's reports for the two applications that relate to the first-floor extension each have a paragraph where the impact upon the amenity at No 30 is considered. The first report states *'As the first floor upward extension, would be contained within the existing footprint of the building, the proposal would not breach the 45 degree line when taken from the rearmost corner of no. 30. Furthermore, given the*

orientation and scale, it is not considered to have significant impact on sunlight, daylight outlook and privacy towards no. 30'. The second report states 'Although the first-floor extension would be contained within the existing footprint of the building, the proposal have [sic] a significant massing close to the boundary. Given the orientation and scale, it would be overbearing and incongruous when viewed from the neighbouring property'.

7. The wording and approach taken when considering how the development would impact upon the living conditions at No 30 is similar in both cases. The conclusions are markedly different.
8. The officer's report for the appeal scheme provides no objective analysis of the development in comparison to the approved scheme. Neither does it offer any considered analysis of the relationship between the appeal property and No 30. It is difficult to conceive how the increased height so dramatically shifted a scheme from one which received planning permission and was considered acceptable in scale with no harmful impact upon the neighbours' living conditions to one which was then considered to have such significant mass as to be overbearing and incongruous. The Council's assertions which led to the decision to refuse planning permission are vague and unsubstantiated. They offer no insight as to how the decision was reached. This amounts to unreasonable behaviour with regard to the substance of the matter under appeal.
9. Therefore, and having regard also to my formal appeal decision, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Harrow shall pay to Mr and Mrs Roshandel, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicants are now invited to submit to the Council of the London Borough of Harrow, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

John D Allan

INSPECTOR