



Costs Decision

Site visit made on 6 May 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Costs application in relation to Appeal Ref: APP/Z5060/D/24/3355677 26 Valentines Way, Rush Green, Romford RM7 0YH

- 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 Mrs Sultanara Khanom for a full award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for "Construction of a front porch, a first floor side extension, a part two storey part single storey rear extension and conversion of existing garage into a habitable space".
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Decision

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

Reasons

2. 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. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications. Examples of this include where a local planning authority prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Decision Notice makes reference to conflict with Policy DMD6 (Advertisements and signage) of the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024). Whilst Policy DMD6 is not relevant to the assessment of the proposal, it is evident from the Council's officer report that this was a typographic error and the Council's assessment of the proposal was against the relevant policies of the development plan, including Policy DMD5 (Householder extensions and alterations). As such, I consider that the Council has properly evaluated the application and considered the merits of the scheme.
5. As evident from the Council's officer report and its response to the applicant's evidence, the Council had regard to the impact of the proposal upon the character and appearance of the area. I am satisfied that the Council has clearly sought to substantiate the reasons for refusal and the omission of a specific mention of terrace properties within the street does unacceptably diminish this. I also

recognise that the determinative factors in this case relating to character and appearance are largely subjective. Therefore, it was reasonable for the Council to have exercised planning judgement in reaching its own views on these matters. I have also found conflict with the development plan in these matters.

6. I do not have the full details of the circumstances that led to the examples of similar development put to me being accepted. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the appeal proposal. The fact that there are other properties in the street with similar extensions does not in itself justify that consent should be granted at the appeal property. Appropriate regard must be had to the individual merits of a proposal. The Council has clearly set out substantive, evidence-based reasons and reached a judgement accordingly. As such, I consider that the Council has properly evaluated the application and considered the merits of the scheme.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

SJ Desai

INSPECTOR