



Costs Decision

Site visit made on 16 May 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/Z5060/D/25/3362959 27 David Road, Dagenham RM8 1RH

- 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 Mohammed Bharadia 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 two-storey side extension and construction of a single storey front extension including relocation of the entrance to the front'.
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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 states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both procedural and substantive grounds.
4. The applicant contends that the Council have acted unreasonably by determining the planning application in an inconsistent manner and failed to have due regard to what the applicant believes are similar cases. My attention has been drawn to numerous developments within the area. However, it has not been demonstrated that these are a direct parallel to the appeal proposal. Material differences exist with regard to the relevant development plan, dwelling typology, the planning history and relationships with neighbouring dwellings and site boundaries.
5. The Council, in its response to the applicant's costs claim, clearly sets out the distinguishing features between the appeal proposal and other cited schemes. It has explained how its approach has remained consistent in light of site-specific circumstances. In any case, circumstances vary from one site to another, and an application must be considered on its own merits. I find that the Council has not acted unreasonably in this regard.

6. The applicant further alleges that the Council disproportionately relied on a previous appeal decision at the site¹ and failed to consider a potential fallback position. However, the Council's officer report provides a reasoned assessment of that appeal decision within the '*Site, Situation and Relevant Background Information*' section. It appropriately distinguishes the current proposal and reasonably relies on the Inspector's findings insofar as they relate to the impact on character and appearance. The report also expressly addresses the fallback position within the context of assessment of design. Accordingly, I find no procedural or substantive error in this regard.
7. As evident from the Council's officer report and its response to the applicant's cost claim, the Council had regard to the impact of the proposal upon the character and appearance of the appeal dwelling and the surrounding context. The Council has substantiated its reasons for refusal with reference to relevant development plan policies and site-specific assessments. While the assessment of visual impact and character is, by its nature, largely subjective and a matter of planning judgment, I am satisfied that the judgment exercised here was reasonable.
8. The applicant argues that the Council acted unreasonably by relying on guidance contained within the Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD) which the applicant contends is outdated, having been prepared under a previous Local Plan. However, I am satisfied that the SPD's underlying design principles remain relevant and supported by the policies within the current Barking and Dagenham Local Plan (2024) (BDLP). As such, it was reasonable and correct for the Council to afford weight to this guidance in assessing the proposal's design quality.
9. The applicant also claims that the Council acted unreasonably by not taking account of Policies GG1, GG2, D1, D3 and H10 of the London Plan (2021) and Policies SPDG1, SP3 and DMH2 of the BDLP (2024) as part of their consideration of the planning application or 'planning balance'. While these policies form part of the development plan, the Council was entitled to exercise judgment as to which policies were determinative in the context of a householder application. In particular, the policies cited are either strategic in nature or of limited relevance to the detailed design issues raised by the application. I therefore find no unreasonable behaviour in the Council's determination of the application.
10. 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.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

SJ Desai

INSPECTOR

¹ APP/Z5060/W/24/3338837