



Costs Decision

Site visit made on 17 September 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Costs application in relation to Appeal Ref: APP/K3605/D/25/3369901
23 Feltham Avenue, East Molesey, KT8 9BJ

- 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 Malcolm Peebles for a full award of costs against Elmbridge Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for a loft extension with rear dormer extension with natural tile cladding. Double glazed timber sash windows painted white and conservation style skylights.
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Decision

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

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 applicant is seeking a full award of costs. They assert that the Council acted unreasonably in its consideration of the planning application, including its assessment of the proposal, consideration of the evidence provided, the application of policy, including the heritage balancing exercise, and that the harm was not substantiated.
4. Concern is also raised with regard to the advice and engagement provided. The cost regime is related to the appeal process; the services offered by the Council, including the arrangements for pre-application advice, site visit attendance, meeting notes and sign-off procedures, are separate procedural matters beyond this application for costs. Notwithstanding this, the Council provided pre-application advice, which outlined various aspects and advised that a flat roof dormer was unlikely to be supported. This current proposal also follows a previous scheme, which included a similar dormer and was refused, accompanied by detailed reasons for refusal and a supporting officer's report with reference to the relevant policies.
5. The National Planning Policy Framework (the Framework) does require local planning authorities to approach decisions in a positive and creative way, although this does not necessarily mean that planning permission will always be obtainable for a specific development. As the Council indicate in their response, their role is

- not to prescribe or redesign schemes, and the pre-application stage identifies key concerns and provides advice.
6. Planning applications are to be decided in accordance with the development plan unless material considerations indicate otherwise. The Council's assessment of the proposal is detailed in the officer's report. It includes the policy and legislative requirements related to the heritage asset, in this case, the Conservation Area, and explains the impact of the proposed development on the host property, not just in general terms. Having found harm, great weight is applied, in accordance with the Framework. There is no mention of the level of harm or any benefits of the scheme, although the relevant paragraphs of the Framework are referenced, and the balance of harm weighs against public benefits. Therefore, I do not find any specific misapplication of policy in this regard, and my main decision aligns with the conclusions reached by the Council.
 7. The applicant also makes reference to other specific paragraphs of the Framework (paragraphs 47, 133 and 134); however, these do not directly correlate with the point being made or the wording of the current Framework, December 2024, and was in place at the time the planning application was determined.
 8. As the applicant indicates, there are a variety of properties and architectural detailing in the area. However, the presence of a feature on one property does not necessarily imply suitability for or set a precedent for a different property or street. The Council do not, in the officer's report, specifically identify the other examples of dormers in the surrounding area, but they did indicate they are not comparable. I similarly found differences, and there is no compelling evidence to suggest that the Council did not consider that information or that their approach to this proposal is inconsistent with other applications.
 9. While I appreciate that the outcome of the application will have been a disappointment to the appellant, the Local Planning Authority were not unreasonable in coming to that decision, and indeed, following consideration of the application on its merits alone, I have concurred with the Council.
 10. Overall, I am satisfied that the Council has properly evaluated the application and considered the merits of the scheme, and therefore, the appeal could not have been avoided. I have also found that they had reasonable concerns regarding the development, which justified their decision.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

G Ellis

INSPECTOR