



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

HEARINGS APPEAL

REBUTTAL OF APPLICATION FOR COSTS

APPEAL SITE

49 Hartland Road, London, NW1 8DB

PINs ref: 3157095

APPELLANT

Mr and Mrs Cakir
49 Hartland Road,
LONDON
NW1 8DB
Date: 20/10/16

1.0 Introduction

1.1 The following is a response to the appellant's application for full award of costs dated 22/8/16 forwarded by PINs to the council on 18/10/16

2.0 Response to Costs Application

2.1 The Council has had regard to the current Planning Practice Guidance: Appeals and award of costs.

Summary of the appellant's claim for costs

2.2 The appellant contends the following:

1. The case officer did not take into consideration the application that was submitted in whole.

2. The case officer displayed bias view as the proposal had been refused before and dismissed at appeal, although the application was amended to address the council's reasons for refusal.
3. The case officer refused to review the amended design and failed to seek solutions as noted under section 186 and 187 of the National Planning Policies Framework.
4. The application was only registered following formal complaint; and the case officers' tone indicated the application would be refused.

3.0 The Council's response to the above points chronologically.

1. New Amended application

- 3.1 The appellant contends that the case officer did not take into consideration the application that was submitted in whole.
- 3.2 The council refutes this. The application was assessed thoroughly following public consultation. This is clearly set out in the delegated report sent with the Questionnaire.

2. The case officer had a biased view

- 3.3 The appellant submitted a contemporary designed roof extension to address the Council's reasons for refusal of the previous scheme for a traditional mansard roof. However the principle of a roof extension was found to be unacceptable by both the council and the planning inspector. The Council's position was that the new extension was not only unacceptable in principle, the contemporary design was also unacceptable. The roof extension, as with the previous traditional mansard would also interrupt the uniform roofscape of the terraced group Nos. 37-55. In paragraph 4.2 of the Council's refusal delegated report, it discussed in detail the inappropriate bespoke roof extension that ignored the Council's roof extension guidance. The Council confirms that officers' prompt response to the appellants' submission was based on experience and knowledge of the policies against which the roof extension was to be assessed, the site circumstances and history. Bias played no part in the quick dialogue that ensued with the appellant.

3. The NPPF

- 3.4 Turning to NPPF paragraphs 186 and 187.

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

3.5 The assessment of the appeal scheme is not contrary to the NPPF. The Council generally offer solutions to resolve planning issues when it considers that such intervention would result in a roof extension that would comply with the Council's policies and the roof extension guidelines of CPG1. However, for all the reasons discussed in the Council's refusal delegated report, (paragraphs 4.2 - 4.7) a solution resulting in a positive outcome for the appellant was not considered to be feasible in this instance. The Council would suggest that its previous dismissal for a mansard roof extension, which was supported by the Planning Inspector, was more than sufficient guidance to demonstrate to the appellant that in this instance a roof extension was unacceptable in principle: that neither a traditional type designed mansard or a bespoke designed roof extension would be acceptable.

4. The application was only validated following complaint and the officer's tone indicated refusal

3.6 The application was processed promptly. The officer cannot account for perception of his tone. However the appellant was aware that their application was more than likely to be unacceptable based on the conversations with the Council's planning officer.

Unnecessary expense.

3.7 The council has demonstrated that it has not behaved unreasonably incurring unnecessary expense for the appellant.

Conclusion

3.8

The appellant's grounds for costs appear to be motivated on the perception of officer bias rather than on unsound policy decision. The application was determined with 7 weeks following public consultations, with no undue loss of time. Moreover, it is more than likely that an appeal would have been made even if the planning officer did not raise the issue of unacceptability immediately after the application was submission. The Council did not act unreasonably either procedurally or substantively and the Inspector is respectfully asked to dismiss the costs application.