



---

## Costs Decision

Site visit made on 27 February 2018

**by JP Roberts BSc(Hons) LLB(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22<sup>nd</sup> March 2018**

---

### **Costs application in relation to Appeal Ref: APP/G1250/D/17/3184070 118 Wick Lane, Bournemouth BH6 4LT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs Giles for a full award of costs against Bournemouth Borough Council.
  - The appeal was against the refusal of planning permission to raise roof and new room in roof with balcony.
- 

### **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 appellants claim that the proposal was unjustifiably refused. In respect of character and appearance, I have found that the proposal would not result in material harm. However, I recognise that the Council's arguments had some force; the officer's report did not make vague, generalised or inaccurate assertions about a proposal's impact, unsupported by any objective analysis. The impact was thoroughly assessed against other buildings in the vicinity, and although I have found that it would not result in significant harm, there was nothing in the Council's report that could be considered to be unreasonable.
4. In respect of the effect on living conditions, the officer's report spells out that only the effect of the proposal on the outlook from the frontage/garage area serving 120 Wicks Lane that would be un-neighbourly. In my view, such an impact would not give rise to material harm. I acknowledge that the enlarged dwelling would appear bulky from such viewpoints, but took the view that such viewpoints were not of sufficient importance as to detract significantly from the occupiers' ability to enjoy their property. Such a judgement involves a degree of subjectivity, and I find that the Council did not exercise its judgement in an unreasonable manner in this case.
5. The appellants argue that the Council failed to take a positive and proactive approach to the proposal. However, there is nothing to suggest that greater proactivity would have resulted in a different outcome, avoiding the need for an appeal.

6. In its decision notice, the Council misquoted the name of its publication *Residential Extensions: A Design Guide for Householders*, referring to it as “the Councils (sic) Householder Design Guide (2008)”. Whilst this is clearly an inaccurate citation, the error falls well short of being unreasonable. The proper title of the document would have been easy to ascertain as it was correctly referred to in the officer report, and certainly would not have resulted in unnecessary cost being expended in bringing the matter to appeal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application therefore fails.

*JP Roberts*

INSPECTOR