



Costs Decision

Site visit made on 16 October 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Costs application in relation to Appeal Ref: APP/Q1445/D/19/3236858 171 Braeside Avenue, Brighton BN1 8SP

- 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 S Bothra for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for 'alterations to roof - hip to gable extension with rear dormer and infill extension at ground floor; demolition of existing rear conservatory and erection of rear single storey extension'.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the Council has not worked proactively in determining the planning application and refused the proposal despite a near identical scheme being allowed on appeal. It is suggested that the proposal accords with the relevant policies, the Council has acted contrary to, or not followed, well established case law and has not determined the application in a consistent manner.
5. The Council refutes this and has identified the fundamental concerns it had with the scheme and considers that it applied the policies and other examples consistently.
6. The Council's case officer's report clearly identifies the harm it considers from the scheme, including the full width rear addition and height of its eaves. It goes on to contrast this with the detail of the quoted appeal decision. It also notes that the neighbouring attached semi-detached property has had similar works but these appear to be without the benefit of planning permission. The Council identifies that these have not been considered under current planning

policy or guidance and continues that it is also considered an inappropriate addition. This appears a consistent and considered approach.

7. Whilst I have made a different decision, I do not consider the Council to have acted unreasonably in the consideration of the proposal or the application of the policies or material considerations.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L Crouch

INSPECTOR