

## Costs Decision

Site visit made on 4 February 2020

**by Tobias Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 February 2020**

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### **Costs application in relation to Appeal Ref: APP/V1260/D/19/3235721 5 Southbourne Coast Road, Bournemouth BH6 4BE**

- 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 Edwards for a full award of costs against Bournemouth, Christchurch and Poole (BCP) Council.
  - The appeal was against the refusal of planning permission for extensions to raise roof height and create first and second floor accommodation.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The applicant considers that the Council acted unreasonably in refusing planning permission.
3. The Council's Officer Report refers to the approved redevelopment of the adjoining site. It is clear that the Council, in relation to the proposed development, considered both the existing situation on the adjoining site and the approved scheme, giving sufficient weight to both.
4. Although setting out that the surrounding area comprises predominantly low rise detached dwellings, the Council's Officer Report also refers to the nearby larger three-storey flatted development and the approved two-storey scheme on the adjoining site. The findings of an Inspector in an appeal decision for a proposed development on the adjoining plot are not directly applicable to the acceptability of the appeal proposal because they are not on the same site and consequently do not have exactly the same context.
5. The appellant's appeal statement sets out various measurements regarding separation distances between 4 Warren Edge Close and the appeal proposal. Although those measurements are larger than the figure referred to by the Council, they relate to different aspects and it is not alleged that the Council's figure was incorrect. The relationship between the approved scheme on the adjoining plot and No 4 would not be identical to that of the appeal proposal. The available evidence indicates that the side dormer window at 19 Warren Edge Road should be obscure glazed, and on that basis the separation distance between the appeal proposal and No 19 would have complied with the Council's guidance. However, with little substantive evidence that enforcement action was being taken on the matter at the time of the Council's decision, it seems

reasonable to me for the Council to have considered the relationship on the basis of the situation as it existed at the time of determining the planning application. Accordingly, none of these matters indicate, of themselves, that the appeal proposal should have been granted planning permission.

6. The applicant may disagree with the Council's assessment and I have come to a different conclusion to the Council and have allowed the appeal. However, this does not mean that the appeal proposal should clearly have been permitted and that the Council acted unreasonably in refusing planning permission.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Tobias Gethin*

INSPECTOR