The Planning Inspectorate

Costs Decision

Site visit made on 4 February 2021

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Costs application in relation to Appeal Ref: APP/N4720/D/20/3262132
19 East Ridge View, Garforth, Leeds, LS25 2PN

- 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 Mrs Joanne Johnson for a full award of costs against Leeds City Council.
- The appeal was against the refusal of planning permission for a first-floor extension to the side, conversion of garage to habitable room, and porch to front.

Decision

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

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. Whilst the Guidance sets out a series of examples of behaviour whereby either a procedural or substantive award of costs may be justified, neither list is stated to be exhaustive. The application for costs is timely.

3. The applicant contends that the Council has acted unreasonably in its decision-making in utilising an assessment of the width of the resultant dwelling within its plot in the context of development within the immediate vicinity which it is contended has no basis in planning principle. Furthermore, it is held that the Council has mis-applied the guidance set out within the Leeds Householder Design Guide 2012 (HDG).

4. I have found the Council's reasoning and arguments to be adequately set out in the report with reference to the policies of the Development Plan and material considerations in the form of the HDG. In this respect, and with particular reference to Policy P10 of the Leeds Core Strategy (as amended, 2019), I neither find it unreasonable nor unexpected that the Council has undertaken a contextual analysis of the location in order to ascertain whether the development overall is appropriate in its location, and respects the character and quality of the streets that make up the wider locality. I therefore disagree with the appellant's contention that such an exercise has no basis in planning principle.

5. Nevertheless, whilst I am satisfied that the Council has clearly sought to substantiate the reason for refusal, I am mindful that ultimately, I have allowed the planning appeal. However, although I have disagreed with the Council's conclusions for the reasons set out in my decision, this does not

dictate that an award of costs should automatically be made, and I do not find in this instance that such a disagreement is an indication of unreasonable behaviour.

6. Turning to the reference to the HDG, the document is clearly a valid and relevant material consideration. I accept that it cannot reasonably be the case that the existing ground floor element of the development should form part of the assessed grounds for refusal on the basis of the width of the plot. Nevertheless, it would be non-sensical to ignore or discount the impact of the first-floor extension from any assessment because of the silence of the HDG for this specific type of extension. With the resultant effects of development clearly more akin to that of a two-storey side extension rather than a single storey side extension as contended when considering the resultant massing of development, I am satisfied in this regard that the general design principles of Policy HDG1 of the HDG appropriately encompass the Council's assessment in this regard.

7. Irrespective of the above, it is important not to lose sight of the HDG as providing guidance only on how a development may be designed. Furthermore, I am not persuaded that the Council's analysis of the proposed development in the context of the character and appearance of the area would warrant the conclusion that it would have reached an alternative decision in the absence of an assessment against the HDG.

8. Therefore, having due regard to all the submissions, I do not conclude that unreasonable behaviour in accordance with the scope of that described by the Planning Practice Guidance, and resulting in unnecessary or wasted expense, has been demonstrated.

M Seaton

INSPECTOR