



Costs Decision

Site visit made on 26 July 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2021

Costs application in relation to Appeal Ref: APP/P4605/D/21/3275258 26 Coleshill Road, Birmingham B36 8AA

- 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 Zahid Younis for a full award of costs against Birmingham City Council.
 - The appeal was against a refusal of planning permission for the erection of two storey side and rear extensions and single storey rear extensions, forward porch and erection of boundary wall and railings to the front and side.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 applicant's application for costs turns on a number of points, ultimately that the Council has made vague and generalised assertions which were unsupported by objective analysis and, in refusing planning permission, they have prevented development which should clearly have been permitted having regard to the development plan, the National Planning Policy Framework 2021 (Framework) and any other material considerations.
4. Whilst the Council's commentary on the proposed development is succinct, its analysis has focused on how the proposal would integrate with the immediate street scene, which is the crux of the appeal. They refer to relevant guidance in the Home Extensions Design Guide SPG (2007)¹ as well as the relevant policies of the development plan with which the scheme would conflict. The Council has also highlighted the differences in surrounding context which distinguish the appeal site from other examples of larger home alterations which have been permitted by the Council elsewhere along the road. On this basis, I do not consider that the Council's commentary on the proposal is vague or unsupported.
5. Given that I have agreed with the Council that the proposed development would harm the character and appearance of the area and would therefore conflict with the development plan, it follows that I cannot consider that the

¹ Extending Your Home, Home Extensions Design Guide, Supplementary Planning document, March 2007

Council has prevented or delayed development which should clearly should have been permitted.

6. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR