
Costs Decision

Site visit made on 15 July 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021

Costs application in relation to Appeal Ref: APP/D5120/D/21/3273200 231 Wickham Street, Welling DA16 3LR

- 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 Varkey for a full award of costs against the Council of the London Borough of Bexley.
 - The appeal was against the refusal of planning permission for the 'demolition of existing rear and side extension and proposed new rear, side and dormer extension with alteration to front porch'.
-

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 Claimant asserts that the Council acted unreasonably on several fronts. Firstly, that the Council's reason for refusal suggests the 'cumulative overdevelopment of the property', but the Officer's Delegated Report makes no reference to such concerns. Secondly, that the Council's assessment is based on the fact that the side extension would be more than half the width of the host dwelling, but this is not explicitly referred to within any adopted Design Guidance. Thirdly, that the Council failed to make reference to the character and appearance of the area and take into account the wide variety of two storey side and rear extensions found locally; many of which will have been assessed and permitted under the same planning policies and guidance used to resist this scheme. Finally, that the Council failed to give weight to the fact that a similar single storey rear extension could have been built under the provisions of permitted development and that the Council's Design Guidance which was relied upon pre-dates the '*Prior Approval: Larger Home Extension*' provision.
4. The Council's reason for refusing the appeal proposal stated that the width, scale, mass and roof design of the two storey side extension and the depth of the single storey rear extension would constitute an '*inappropriate and discordant overdevelopment which would be harmful to the appearance of the host dwelling and out of character with the surrounding neighbourhood*'. Whilst an alternative form of words to '*inappropriate and discordant overdevelopment*' could have been used, it was clear to me from the reason for refusal that the Council considered these two elements of the scheme to be too large.

Furthermore, the Council's Delegated Report explains why the extensions were considered to be too large. It explains that the two storey side extension would be more than half of the width of the host dwelling, but to my mind, this is a point made about proportioning. The Council also refers to the clipped hipped roof being a point of concern. The Claimant has expressed frustration that this element of the scheme could have been amended, but my reading of the Delegated Report is that such an amendment, in isolation, would not have completely overcome the Council's concerns.

5. The Delegated Report does not examine the character and appearance of the local area in any detail or, for that matter, explain how the character and appearance of the street scene would be harmed. Whilst the Claimant asserts that there are a wide variety of two storey side extensions and rear extensions found locally, as I explained within my Decision Letter, only the extension at No. 233 Wickham Street, on the opposite side of the junction with Monkton Road was reasonably comparable and I found that this was not an example to follow. Although a shortcoming, I do not find the Council's failure to articulate its concerns about the street scene within the Delegated Report to amount to unreasonable behaviour.
6. The Council explained within the Delegated Report as to why the single storey rear extension was considered to be unacceptably large. The Report did not refer to the fact that a single storey extension could be built under the provisions of permitted development, but as the Claimant concedes, the proposed extension was not designed to fall within the provisions of permitted development. I also appreciate that the Council's Design Guidance pre-dates the '*Prior Approval: Larger Home Extension*' provision. However, it does not automatically follow that 6 metre deep rear additions to semi-detached properties are acceptable. The Design Guide has been formally adopted by the Council and therefore it remains a material consideration. I did not agree with the Council's position with regards to the single storey rear extension, but it was one which the Council was reasonably entitled to take.
7. In summary, the Council considered the proposed two storey side extension and single storey rear extension to be too large. Such an assessment involves a degree of subjective judgement and I am satisfied that the Delegated Report gave sufficient reasoning behind the approach taken.
8. In light of the above factors, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Fitzsimon

INSPECTOR