



Costs Decision

Site visit made on 13 September 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Costs application in relation to Appeal Ref: APP/A1720/D/21/3273245 54 Mays Lane, Fareham PO14 2EL

- 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 & Mrs Harris for an award of costs against Fareham Borough Council.
 - The appeal was against a refusal of planning permission for a first floor extension over garage with cladding and black windows to existing and new for the whole house and black aluminium bifolds to the rear.
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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 two points. The first alleges that the Council failed to attribute explicit weight to no. 48 Mays Lane, which comprises a 2-storey "L" shaped house, thereby sharing some similarities with the proposal in this instance. The applicant further argues that the Council failed to have due regard to the Fareham Borough Design SPD¹ (SPD), and the relevant guidance in relation to corner buildings.
4. In terms of no. 48, whilst I note that the property does comprise an "L" shape, the gable which protrudes out of the front elevation of the dwelling is modest, and has significantly less depth than the single storey front gable at the appeal property. This means it does not appear dominant in the street scene. Moreover, the front gable at no. 48 is set back much further from the road, which again reduces its prominence. The surrounding context is also different to the appeal site, as the neighbouring property to the gable side of no. 48 is also two-storey, which means the 2-storey gable does not dwarf its neighbouring dwellings. As such, no. 48 is not properly comparable to the development proposed in this instance, and would therefore not have been material to the determination of the application.
5. The guidance in the SPD requires development on corner plots to address all aspects facing the street. Whilst I agree that the proposed development would

¹ Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) (adopted 2015)

not harm the street scene along Windermere Avenue, it would however be detrimental to the frontage facing on to Mays Lane. This is due to the dominance that would arise over the neighbouring properties directly north of the appeal dwelling, being nos. 56 – 60. Irrespective of whether the Council mentioned the SPD guidance in its officer report, the development would therefore fail to meet the design objectives of the SPD.

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