
Costs Decision

Site visit made on 15 October 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Costs application in relation to Appeal Ref: APP/K0235/D/21/3276314 203 Cardington Road, Bedford MK42 0BZ

- 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 M Ali for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of an application for planning permission for two storey side and single storey rear extension.
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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. The PPG gives examples of what might be considered 'unreasonable behaviour', including a failure to substantiate each reason for refusal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. In this case, the appellant contends that the Council, in making its decision, relied entirely on the *Residential Extensions, New Dwelling and Small Infill Developments Supplementary Design Guidance (2000)* (SDG) considered out-of-date.
4. However, the Council's Reason for Refusal refers to three policies (28, 29 and 30) of the Bedford Local Plan 2030 (January 2020) (LP) and specific parts of those policies. These are general design policies that require, amongst other things, high quality design that respects local context and character. My assessment of the main issue concluded that the two-storey extension would not cause harm to the character and appearance of the streetscene. Whilst the Council reached a different conclusion, the associated Officer Report clearly outlines the requirements of LP policies 28, 29 and 30 and provides a robust assessment, explaining the specific context of the appeal property and the proposals. It does not solely rely on the SDG.
5. Further, the fact that the SDG dates from 2000 does not mean that it is out of date. The National Planning Policy Framework (July 2021) (the Framework) at paragraphs 126 to 129 emphasises the role and importance of design guides and codes in providing detailed design guidance. The SDG is therefore

consistent with this guidance, despite its age. I also consider SDG Design Code E3 accords with the provisions of paragraph 130 of the Framework which requires development to be visually attractive and sympathetic to local character.

6. On the evidence before me, I am not therefore persuaded that the Council relied solely on the SDG, whether applied flexibly or not, or that vague or generalised assertions were made about the harm alleged.
7. I acknowledge that there is a reasonable expectation for consistency of decision making and the appellant has drawn my attention to examples of similar extensions to dwellings where, they consider, the Council has made an opposite conclusion without explanation. From the information before me, the examples are not directly comparable to the appeal proposals. No.123 Cardington Road is on the same road, but it is a reasonable distance away and its semi-detached pair is located on a corner with a hipped (rather than pitched) roof. 41 Voyce Way is different in character comprising a more modern dwelling set on a cul-de-sac rather than fronting a main road. The Council have explained their position on these examples and I do not find it at all unreasonable for the Council to form a different view on their acceptability.
8. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

R. Jones

INSPECTOR