
Costs Decision

Site visit made on 8 February 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Costs application in relation to Appeal Ref: APP/B4215/D/21/3284895 11 Lingcrest Close, Manchester M19 2WJ

- 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 Jahan Zaib for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for first floor side extension with front canopy.
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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 appellant's case is that the Council has behaved unreasonably on both procedural and substantive grounds, namely: the misguidance of the scheme architect and inconsistencies between the Planning Officer and Team Leader; and that the material planning considerations were incorrect.
4. I have been provided in evidence copies of email communication between the agent for the planning application and the Council's Planning Officer. I note that in an email from the Planning Officer of 28 April 2021 advice was provided in respect of design amendments to the proposal, including the omission/relocation of windows and a setback from the front elevation of the host dwelling. These amendments were duly made in good faith by the appellant. Further concerns in respect of the proposal were subsequently set out by the Planning Officer, following discussion with the Team Leader, in an email on 9 June 2021.
5. Whilst I have sympathy with the appellant that the concerns regarding the perceived harm to sense of enclosure (in respect of No.13 Lingcrest Close) were not raised at an earlier stage, it is nonetheless open to Planning Officers to further assess a proposal on submission of revised drawings, and re-consultation. I also note that there was an ongoing dialogue between the Planning Officer and the appellant's agent during the course of determination of the application and an opportunity given to withdraw the application before the decision was made. For these reasons, I am not persuaded that the Council

acted unreasonably in relation to the planning application process and therein on procedural grounds.

6. The appellant's case on substantive grounds is that the material considerations against which the application were considered were incorrect. I have no evidence before me, in this application for costs, as to why the appellant considers this to be the case. However, the appellants Grounds of Appeal Statement argues that the assessment of neighbouring amenity should be based on the impact of the proposed extension alone on No.13, and should not include the cumulative effect of existing extensions. I disagree with this. The existing two storey extension to the rear of No.11 is highly relevant to the context of the appeal site, the relationship of the host dwelling with its neighbour (at No.13) and the effect that the proposal would have to outlook, sense of enclosure.
7. Accordingly, I do not consider that the Council failed to properly evaluate the planning application or the relevant planning considerations, and the appeal could not therefore have been avoided. Although I have disagreed with the Council, they had reasonable concerns about the impacts of the proposed extension that were fully explained in the Reason for Refusal and the Officer Report.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

R Jones

INSPECTOR