

Costs Decision

Site visit made on 30 November 2022

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2022

**Costs application in relation to Appeal Ref: APP/J0405/D/22/3307361
29 Lewis Close, Aylesbury, Buckinghamshire, HP19 9AW**

- 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 and Mrs Zhilling for a full award of costs against Buckinghamshire Council.
 - The appeal was made against the refusal of planning permission for loft conversion including front pitched dormer and roof light windows.
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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 application is made by the appellants for an award of costs in accordance with the planning guidance. They argue that the Council has behaved unreasonably by failing to review the property and the local context and to apply local and national policy correctly. It has been inconsistent in its decision making. The process has been unnecessarily drawn out due to officer workload, thus incurring increased costs.
 4. The Council contends that the case officer visited the site, took photographs and properly reviewed the property and local context before making an informed decision. It acknowledges the delay in determining the application and states that the appellants could have lodged an appeal against non-determination. The case officer took account of examples of other developments put forward by the appellants and provided sufficient commentary on their relevance. The Council applied local and national policies correctly and appropriately. Neither of the parties has behaved unreasonably and this is a case where there has been disagreement on the acceptability of the proposed development.
 5. I have found the proposal unacceptable by reason of its size and contrary to local and national planning policy and have dismissed the appeal. It involves
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matters of judgement regarding the visual impact of the proposal on the character of the area which are a legitimate concern of the Council.

6. I find that the case officer's report was based on observations at a site visit. It refers to the examples of other alterations to roofs elsewhere on the estate and sets out why these are not directly comparable to the appeal proposal. It contains sufficient evidence to substantiate the Council's case and to enable me to make my decision.
7. The Council determined the application having regard to the local plan policy BE2 and its Residential Design Guide and guidance in the Framework regarding good design, local distinctiveness and respect for the scale and characteristics of the site and the surroundings.
8. I find that the Council has not prevented development which could reasonably be permitted in the light of the development plan and other material considerations. Its objections are supported by up-to-date local plan policy which is in accordance with current Government guidance. Although there was a delay in processing the application due to staffing problems, the appellants had the option of appealing against non-determination and the Council's actions have not led to an unnecessary appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning guidance, has not been demonstrated.

PAG Metcalfe

INSPECTOR