



Costs Decision

Site visit made on 27 July 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Costs application in relation to Appeal Ref: APP/J4423/D/23/3318676 70 Riverdale Road, Sheffield S10 3FD

- 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 Jonathan Coulthard for a full award of costs against Sheffield City Council.
 - The appeal was against the refusal of planning permission for the partial demolition (<115 cubic metres), additions, alterations and extensions with associated landscaping.
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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 applicant's claim for an award of costs is principally based upon the Council's assertion that the development would result in overdevelopment, unsupported by any policy or guidance; the unsubstantiated effect of the development on the property and the Ranmoor Conservation Area (RCA); the miss-application of policies and guidance; inaccuracies within the officer's delegated report and misrepresentation of neighbour comments; and the failure to actively engage.
4. In response, the Council have confirmed that the reference to overdevelopment is not in regards to the extent of development within the garden but the scale of the proposals in relation to the existing dwelling, as confirmed in the officer's report. In the Council's view the effect on the RCA arises from the developments scale and prominence and that this is covered in the relevant sections of the Officer's Report (OR). It is also the Council's view that the benefits of the scheme are entirely private.
5. The Council have suggested that the Designing House Extensions SPG (the SPG) is a relevant tool for assessing the proposals, and acknowledge that reference to the adjacent Neighbourhood Plan area had no bearing on their decision. The Council have identified that their reason why comments raised by a neighbour were noted as an objection, and in any event the scheme was not refused on amenity grounds. Finally, with regard to engagement the Council confirm that pre-application discussions were not entered into and that any suggested amendments to the scheme would have been significant. The

Council also state that the applicant was advised of their recommendation prior to determination.

6. I agree that the Council's use of the word overdevelopment development may have caused confusion at face value, and in the conventional planning use of the word. However, the OR states that the development "*would constitute overdevelopment and this is noted to be in relation to the main dwellinghouse rather than the plot of land as a whole*". How a development relates to the existing dwelling is intrinsic to design and Council have confirmed which design policies the development would be contrary to.
7. As part of the appeal application, the Council's Principal Design and Conservation Officer provided comments about the design of the proposed extensions, and their view on the effect that the development would have on the existing building and the RCA. The concerns raised were clear and related to the scale and design of the proposals, and such concerns have been articulated through into in the OR. In any event, such issues are a matter of planning judgement. The Council undertook a planning balance in relation to heritage matters, and although brief, took the view that any benefits would be wholly private rather than public. While I have taken the view that there would be some public benefits of the scheme, this does not alter my view that the Council undertook the necessary assessment.
8. I have found that the SPG not to be relevant for the determination of the appeal. However, the Council have explained that the document is a useful tool in assessing the development. Nonetheless, the SPG is merely guidance and does not form policy and I have found that the development would be contrary to the policies of the Development Plan referred to in the reason for refusal. I am also satisfied that any reference to the BBEST Neighbourhood Plan (the NP) has not had a bearing on the decision made by the Council. Policies of the NP is not referred to in the Reason for Refusal or the Council's detailed analysis.
9. The neighbour comment from No 72 Riverdale Road was noted within the OR as an objection. The representation confirms that occupants of that property were supportive of the scheme, although they raised some concern with regard to overlooking. I agree that this should not have been noted as an objection although it was necessary for the Council to report the concerns as they had done. I do not consider that this error is tantamount to unreasonable behaviour on the part of the Council, or would have led to a different conclusion.
10. With regard to lack of engagement during the application process. The Council advised the applicant of their concerns regarding the scheme, and the applicant was given the opportunity to respond, which they did¹. It was the Council's view that any amendments to the scheme would have been substantial and this opinion was confirmed to the applicant. In any event, the Council does have a responsibility to determine applications in a timely manner, and applications should not be kept open in perpetuity. I also note that the applicant did not engage in pre-application discussions. Both the PPG and the Framework are clear in the benefits in early engagement with the Council.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

¹ Crowley Associates Appeal Statement Appendix J – correspondence with Local Authority

D Cleary

INSPECTOR