



Costs Decision

Site visit made on 4 April 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Costs application in relation to Appeal Ref: APP/V0728/D/24/3337452 32 Eden Street, Saltburn By The Sea, Redcar and Cleveland TS12 1JZ

- 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 Pyramid Architectural Design for a full award of costs against Redcar and Cleveland Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for a proposed loft conversion, including flat roof rear dormer and roof light to front.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 contends that the proposed rear dormer was agreed and confirmed as not being harmful, subject to conditions, with the Council's Conservation Advisor and, accordingly the Council should have found the proposal acceptable. It is further argued that the Council did not determine the application in a consistent manner as it had approved similar applications for rear dormers in the area. The applicant considers the Council's treatment of the appellant and the application to be unacceptable and necessitated the appeal. To this end, the applicant advises that a considerable amount of time was required to produce the appeal statement and application.
4. In response to the first point raised, the Council confirms that it advised the appellant on a number of occasions of its concerns regarding the proposal. This included notification on 25 September 2023, which was after the direct consultation with the Council's Conservation Advisor and the submission of amended plans. At this time the effect of the amended scheme on character and appearance and neighbouring residents living conditions were raised. However, the appellant advised the Council on 28 September 2023 that they wished the amended scheme to be determined. Following further statutory consultation, the application was refused.
5. Statutory consultees, such as the Council's Conservation Advisor, play an important role in the planning system in providing technical advice. However, these parties have an advisory role only and it is up to the decision maker, in this case the Council's Planning Officer, to consider and weigh up the details of the application. The assessment of whether a scheme would harm the character and appearance of an area involves this judgment. Furthermore, the

Council advised the appellant of its concerns regarding character and appearance before determination.

6. The Council's Officer Report detailed a reasoned judgement on character and appearance which included consideration of the Conservation Advisor's comments. It is also evident that the appellant was aware that the Council's Planning Officer was not in agreement with its Conservation Advisor's comments, and there was an opportunity for further consultation with the Council to be undertaken before determination. However, this was not undertaken. The appellant does not dispute the Council's stated sequence of events or the concerns it raised with the amended scheme. As such, I see little evidence to suggest the Council's actions amounted to unreasonable behaviour.
7. With respect to the second point concerning the consistency of the Council in determining rear dormer applications in the area, as covered in my decision, the applicant's submitted examples were not sufficient to demonstrate they were comparable to the proposal. As such they did not show an inconsistency in the decision-making process by the Council or that it acted unreasonably in determining the application on its own merits against the development plan.
8. Having carefully considered the points raised, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

J Symmons

INSPECTOR