



Costs Decision

Site visit made on 14 May 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Costs application in relation to Appeal Ref: APP/D1265/D/24/3341722 3 Forest Edge Close, St Leonards and St Ives, Dorset, BH24 2DZ.

- 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 Mrs Charlotte Menzies for a full award of costs against Dorset Council.
 - The appeal was against the grant subject to conditions of planning permission for extension and alterations for a bungalow to a house. Conversion and alterations to garage without complying with a condition attached to planning permission Ref P/HOU/2023/04787.
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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 application for costs relates to both substantive and procedural matters.

Substantive:

4. The appellant contends that the Council did not provide a respectable basis for their stance in respect of the need for the first floor window to the proposed bedroom 4 to be partially obscure glazed.
5. In my substantive decision on the appeal, I did not support the Council's concerns in respect of overlooking and loss of privacy to the two habitable rooms served by windows in the side elevation of number 4 Forest Edge Close (No4) facing the appeal site. However, I concluded that if the new first floor bedroom window was not obscure glazed, it would result in overlooking of the side garden area, leading to a loss of privacy to the area. The planning officer made a judgement about overlooking and loss of privacy in respect of No4.
6. On balance, I do not consider that the contentions made in the reason for refusal or matters set out in the Council's evidence before me were so vague, generalised, or inaccurate that the Council's assessment of the effect of non-compliance with the disputed condition was unreasonable.

Procedural:

7. The appellant contends that the requirement for the window to bedroom 4 to be obscure glazed, as set out in condition 4, was as a direct result of objections from local residents.
8. In the normal course of events a planning officer will consult with others, including local residents, parish council's and statutory consultees in order to complete their assessment and reach a conclusion on an application. Further, it is not unreasonable for a planning officer to alter his or her view on an application as they take account of the evidence and advice received during the consultation phase of a planning application.
9. The appellant's cost claim also refers to the conduct of the Parish Council. Whatever the background to this and based on the limited evidence on this matter, I am not persuaded that the Parish Council's response alone resulted in the imposition of condition 4 by the Council.
10. I do of course appreciate that the planning process can on occasion be stressful for applicants. However, I do not consider that the local planning authority has acted unreasonably in this case.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Philip Willmer

INSPECTOR