



Costs Decision

Site visit made on 28 December 2024

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Costs application in relation to APP/G3110/D/24/3352425 18 Bradmore Road Oxford OX2 6QP

- 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 Otmar Szafnauer for an award of costs against Oxford City Council.
- The appeal was against the refusal of Oxford City Council to grant planning permission for Erection of a single storey annex with basement. Formation of boundary wall to west elevation. Insertion of 1no. door to north boundary wall.

Decision

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

Reasons

2. The Planning Practice Guidance advise 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. Costs applications do not depend on the outcome of the related appeal but upon the behaviour of the parties involved. The applicant¹ alleges that the Council have been unreasonable in suggesting the information provided is inadequate or ambiguous and explains that information has been provided. The Council have responded in full to the points made.
4. As the appeal decision letter explains, the proposal required careful consideration on a number of matters in order to ensure the intentions of the applicant as to the detailing of the development, principally the height of the replacement boundary wall and whether the building behind it would be (as was stated in submissions) '*completely hidden from the public realm*' was, in fact, deliverable. The submitted drawings were provided at a scale of 1:100 without further details which would not, in such circumstances, provide confidence that what was drawn could be constructed within those parameters. For example, the proposed east elevation (1479_SHO_P23) appears to indicate a roof construction thickness of no more than 200mm above the sliding timber doors (when scaled) which is likely unfeasible for what is proposed particularly as the appellant proposed a sedum roof within the overall height.

¹ Meaning the applicant for an award of costs

5. The applicant also objects to the reference to 'unsightly plant' whereas no details are provided as to how the basement would be ventilated. Plainly it is a legitimate concern for the decision taker that what is built should accord with the basis of a decision to grant permission and although my decision letter has addressed such ambiguities through the use of conditions, the Council's comments would be better understood as reasonable concerns that, in a heritage environment, are best addressed at the application stage by the provision of clear information.
6. The applicant lists four sets of fees as wasted expense, however, it is not shown that such fee costs have arisen expressly from the need to appeal. In any event I do not consider that a case for unreasonable behaviour has been made.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Boughton

INSPECTOR