



Costs Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 2 November 2017

Costs application in relation to Appeal Ref: APP/Q1445/D/17/3183633 66 Saltdean Drive, Saltdean, Brighton BN2 8SD

- 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 Ms Vicky Scott for an award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for dormer to the front elevation.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 contends that the Council has not addressed the points raised in the planning statement that supported the planning application. This highlighted planning permission precedents for street facing dormers along Saltdean Drive. It is also asserted that the Council has not substantiated its reason for refusal and that its decision taking has been inconsistent. It is claimed that Policy QD14 of the Brighton and Hove Local Plan 2005 and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) 2013 have been incorrectly quoted by the Council.
4. The appellant asserts that this is unreasonable behaviour and has caused the appellant unnecessary and wasted expense.
5. The Council's statement evaluates, although briefly, the proposed development in the context of the character and appearance of the immediate development. Whilst I note there are street facing dormers along Saltdean Drive it is clear to me that the Council is specifically concerned with the visual impact of the proposed development within the immediate context of the appeal site. This is a matter of judgement for the Council within the context of the above policy background and guidance.
6. I am satisfied that the application was considered on its own merit in light of Policy QD14 and SPD12 consideration of which require, amongst other matters, roof extensions to be well designed in relation to the property to be extended and adjoining properties. I am also satisfied that the Council has substantiated

its reason for refusal in these respects. The fact that I have arrived at a contrary view in relation to the proposal does not, of itself, show that the Council has behaved unreasonably.

7. I note the appellant's comment that the planning application was taken out of the hands of the case officer. Whilst the appellant may be aggrieved by the Council's handling of the planning application, I have no substantive evidence before me that would indicate that this has prejudiced the Council's consideration of the proposed development.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR