

Town and Country Planning Act 1990

Costs Appeal by
Mr Joe Martin

25 Southern Road, West End, Southampton, SO30 3ES

Planning Inspectorate Ref:
APP/W1715/W/23/3330474

Local Planning Authority Ref: X/23/95259

COST REBUTTAL
On behalf of Eastleigh Borough Council

January 2024

1.0 Introduction

- 1.1 This statement by the Local Planning Authority (LPA) is in response to the Appellant's application for the award of costs against Eastleigh Borough Council, which has been produced by Wessex Planning (dated 29th September 2023).
- 1.2 It is the LPA's understanding that a cost claim can only be awarded if it is demonstrated that the LPA has acted unreasonably (either procedurally or substantively) during the course of the application, and this has resulted in the Appellant incurring unnecessary costs. As set out within Paragraph: 030 Reference ID: 16-030-20140306 of the Planning Practice Guidance.

2.0 The Appellant's Grounds for Costs

- 2.1 The appeal application was refused on the following ground:
- 2.2 The colour and amount of cladding in such a colour is considered to have an adverse impact on the street scene. The resultant visual appearance is harmful and out of keeping with the prevailing residential character of the area contrary to local plan policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
- 2.3 The Appellant alleges that the LPA has acted unreasonably on substantive grounds in that:
- The Planning Officer placed an over-reliance on the Urban Design Officer's consultation response (which included inaccuracies) and did not independently review its contents.
 - The Planning Officer only assessed the scheme from one stationary viewpoint rather than the full street scene.
 - The Planning Officer did not consider the relevant character area appraisal or quality places supplementary planning documents.
 - The delegated report contained inaccuracies, including the presence of the mature hedge and incorrect interpretation of the GDPO.
 - The LPA took an overly negative view to the suggested landscaping scheme.
 - Inconsistencies in the LPA decision making as there are similar examples of cladding.
- 2.4 The LPA refutes all of these claims.

Assessment

- 2.5 While weight was given to the Design Officer's consultation response, the Planning Officer undertook their own independent assessment of the character of the site and locality. This included a site visit during which the Planning Officer studied the impact of the development from different aspects within the street scene and this assessment informed the outcome of the planning application.

- 2.6 It should also be noted that the assessment of the character and appearance of the dwelling and locality is a subjective matter. While the Appellant disagrees with Urban Design and Planning Officer's assessment, this does not make the assessment unreasonable. The Inspectors attention is drawn to the officer's delegated report, which provides a detailed and reasoned argument for refusing the development.

Supplementary Planning Documents

- 2.7 The Planning Officer reviewed the relevant supplementary planning documents as part of the assessment. However, only limited weight was given to the character area appraisal and quality places supplementary planning documents due to their relevance to the appeal proposal. It should be noted that supplementary planning documents are for guidance only and do not form part of the development plan.

Boundary Hedge and Landscaping

- 2.8 It is acknowledged that the front boundary hedge has not been physically removed, but instead a close boarded fence has been erected in front so only the top of the hedge is visible from the street scene. The Planning Officer comments relates to the visual, rather than physical, loss of the hedge and subsequent change to the dwellings setting.
- 2.9 The Appellant offered to landscape the property frontage (including planting trees) has considered during the planning application. However, while landscaping could soften the appearance of the property it would not be to such an extent as to make the development acceptable and any approved landscaping could not be guaranteed to be in situ for the lifetime of the development. The LPA has explained its reasoning and disputes it took an overly negative view to a suggested landscaping scheme. Indeed additional planting would be encouraged to soften the development regardless of the colour of the materials.

General Permitted Development Order

- 2.10 It is acknowledged that the interpretation of the GDPO differs between the LPA and Appellant, who is arguing that homeowners within reason can paint their dwellings any colour they like. Even if the Inspector accepts the Appellants premise, it should be noted that properties within the locality currently share a similar pallet of light surfacing materials, which forms part of the character of the area and there is no reason to suggest that this character will materially change. Furthermore, the LPA would like it noted that the addition of cladding to any dwelling requires planning permission.

2.11 Examples of Cladding

There are no properties with different cladding in the immediate vicinity of the site, although it is acknowledged that there are a few examples within

other parts of Southern Road and the wider vicinity. However, in these cases colour of the cladding varies from the appeal proposal and are limited to small areas of the dwellings.

It is also acknowledged that the LPA has approved the use of large expanses of dark first floor cladding on dwellings within other parts of the borough, such as Chandler's Ford. However, in making these decisions consideration was given to the impact of the external materials on the individual characteristics of these dwellings and their locality, which would differ from that of the appeal site. As such the examples provided are not directly applicable to the appeal proposal and the Inspector is respectfully reminder that planning application must be determined on their own merits.

3.0 Conclusion

- 3.1 For the reasons set out above, the LPA considers that they have not acted unreasonably and respectfully requests that the Planning Inspector refuse the cost appeal.