
Costs Decision

Site visit made on 16 May 2019

by Simon Hand MA

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

Decision date: 9 August 2019

Costs application in relation to Appeal Ref: APP/B1930/C/18/3204290 149 Hatfield Road, St Albans, Hertfordshire, AL1 4LB

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr M Khan for a full award of costs against St Albans City & District Council.
 - The appeal was against an enforcement notice alleging without planning permission the carrying out of development consisting of a first floor side extension, rear roof extension with three side dormer windows to create second floor and alterations to openings and internal alterations to existing first floor two bedroom flat to create four one bedroomed self-contained flats and construction and installation of a ventilation and extraction system and external ducting.
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Decision

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

Reasons

2. The appellants application for costs is that the notice is flawed due to the issues discussed in the enforcement appeal; the previous planning permission no longer exists, the conditions are not enforceable, the site plan is different and the roof too low to provide habitable accommodation. As I have found against all these arguments and consider the notice is not flawed, there has been no unreasonable behaviour on the part of the Council.
3. The appellant also argues that there is no evidence the extraction and ventilation has caused any problems. However, a third party has written in to complain of noise and smell and I was able to see extensive soot marks on the wall above the open end of the flue, suggesting all was not well. Given the appellant was supposed to agree details of the system before implementation and failed to do so, it is not unreasonable to include the system as part of the notice. Again, there is no unreasonable behaviour on the part of the Council.

Simon Hand

Inspector