
Costs Decision

Site visit made on 28 January 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

**Costs application in relation to Appeal Ref: APP/C1950/D/19/3239398
61 Wellfield Road, Hatfield, Herts, AL10 0BY**

- 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 H Bowey for a full award of costs against Welwyn Hatfield Borough Council.
 - The appeal was against the refusal of prior approval for a single-storey rear extension.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. The application for a full award of costs has been made following the refusal of the Council to grant prior approval for a single-storey rear extension at the appeal property. The Planning Practice Guidance sets out the circumstances in which costs may be awarded in the appeal process.
3. The applicant's case for the award of costs is set out in four paragraphs in the applicant's appeal statement. In summary, the applicant's case is that had the Council accepted that the proposed extension would not extend beyond the side wall of the original dwelling/house the appeal would have been avoided and, by implication, the Council behaved unreasonably in not doing so.
4. However, whilst I understand the applicant's argument, I have agreed with the Council's interpretation that the stepping back of the rear elevation of the appeal property constitutes a wall that forms a side elevation of the dwelling for the purposes of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) as set out in my appeal decision. The proposal thus falls to be considered against paragraph A.1(j) of the GPDO and it fails to comply with the limitations set out in that paragraph. I therefore find that the Council did not act unreasonably in the approach it took and in refusing the application on this basis.

Conclusion

5. I therefore conclude, for the reasons given above, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in this appeal. The application for a full award of costs is therefore refused.

Martin Small INSPECTOR