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## Costs Decision

Site visit made on 29 June 2020

**by Hilary Orr MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 July 2020**

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### **Costs application in relation to Appeal Ref: APP/B1930/D/20/3246672 60 Sandpit Lane, St Albans, Herts AL1 4BN**

- 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 Jon Meredith for a full award of costs against St Albans City & District Council.
  - The appeal was against the refusal of the Council to planning permission for a first floor rear and single storey rear extension with rooflights, front porch without complying with conditions attached to planning permission Ref 5/2019/0159, dated 10 July 2019.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In summary, it is the appellant's case that the reasons for refusing the application were inaccurate, untrue and were not substantiated by any technical analysis or assessment. The application should therefore have been approved without delay.
4. I have acknowledged that the replacement of the false pitched roof by a higher flat roof, would effectively bring the upper part of the extension closer to the boundary and this would have some effect on the occupiers of No 60. However, it will be seen from my decision that I do not agree with the Council, as I have concluded that the changes would not cause unacceptable harm to the living conditions of the occupiers of No 60, with regard to loss of light or outlook.
5. Nevertheless, the decision is one of planning judgement. I note that part of the officer's report appears to be incomplete in its assessment of residential amenity. Nonetheless, they have substantiated their case on the basis of the evidence that was submitted to them, which did not include the Daylight and Sunlight Assessment, and clearly made an assessment of the differences between the approved and proposed schemes.

6. Their approach was not an unreasonable one to take. Thus, I consider that the Council were entitled to come to the view they did, notwithstanding that I have come to another. As a result, it follows that I cannot agree that the decision was flawed or that the Council has acted unreasonably in this case. No award of costs is therefore made.

*Hilary Orr*

INSPECTOR