

Costs Decision

Site visit made on 17 December 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

**Costs application in relation to Appeal Ref: APP/J0540/D/21/3285283
91B Glinton Road, Helpston, Peterborough PE6 7DG**

- 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 and Mrs James Wilde for a full award of costs against Peterborough City Council.
 - The appeal was made against the refusal of planning permission for the erection of a first storey bedroom extension (retrospective).
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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 Council's reason for refusal, which refers to the design, size and scale of the first floor extension and its effect on the character and appearance of the site and the surrounding area, is precise, specific and relevant. It also refers to a relevant development plan policy. Given the prominence of the extension and the host building to the road, the Council had reasonable planning grounds for its decision, which are clearly explained in the Officer's report. While the surface area of the entire façade is increased by a modest amount, the visual impact of the extension is proportionately greater due to it being highly visible.
4. My assessment of the development differs to that of the Council. This arose because of different judgements made on the evidence, rather than a result of any inadequacies in the content of the Council's case. That I came to a different conclusion, and supported the appellants' case, does not mean that the Council failed to show clearly why in its view the development should not be permitted or that it failed to substantiate its case.
5. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR
