



Costs Decision

Site visit made on 24 January 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2023

Costs application in relation to Appeal Ref: APP/Z4310/D/22/3310600 31 South Mossley Hill Road, Liverpool L19 3PY

- 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 MC Architecture + Design Ltd for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for erection of a two storey side extension, single storey rear and side extension, rear bay window alteration, solar photovoltaic panels and raised patio to rear garden.
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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 appellant has raised concerns about the process and procedure adopted by the Council in the determination of the appeal application, including the lack of positive engagement after the submission of additional information. Further, the appellant claims there is no specific policy requirement that a traditional design style approach has to be adopted for a house extension which therefore makes the reason for refusal both unreasonable and unlawful.
4. The Council has not specifically responded to the appellant's costs claim but the report of the Planning Officer does deal with the substantive planning circumstances of the proposed development.
5. Although there is a judgment made by the Planning Officer concerning the contemporary rather than traditional design approach, the report does adequately explain why it is considered that the proposed extension would conflict with the relevant development plan policies concerning house extensions and proposals reflecting local character and distinctiveness.
6. The delay in the determination of the appeal application was unfortunate but, unless the design was changed to reflect the views of the Council it is unlikely that an appeal would have been avoided altogether. There is no clear indication that the appellant would have adopted the traditional design style approach sought by the Council because of the claimed absence of a specific development plan policy to this effect.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

D J Barnes

INSPECTOR