



Costs Decision

Site visit made on 15 March 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023.

Costs application in relation to Appeal Ref: APP/C4235/D/23/3314803 12 Ryde Avenue, Heaton Norris, Stockport SK4 4ES

- 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 Lee Dehkordi for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for two storey side extension.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. The PPG advises awards against a local planning authority may be substantive, for example by failing to substantiate a reason for refusal.
3. In the applicant's view, the Case Officer in refusing the application under delegated powers has misunderstood the impact of the extension on the streetscene and therein has exhibited unreasonable behaviour. The Case Officer's Delegated Report is, I find, well-reasoned and it does not imply that because the proposal was the first in Ryde Avenue it should be given 'special and more stringent consideration,' as alleged by the applicant. Rather, it describes the existing pattern of development and comments that the location at the head of the cul-de-sac means there are clear views of the dwelling from Fullerton Road and Devonshire Road.
4. It further clearly states that side extensions should be a minimum of 1m from the front main wall of the house, or 1m from the side boundary. I therefore find no evidence of a contrived or misinterpretation of the Council's policy. Whilst I have formed a different view as to the acceptability of the extension to the Case Officer, the Delegated Report gives me no reason at all to question the professional ability of the decision taker. Nor has the applicant given any evidence to substantiate this claim.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

6. For the reasons given above, I conclude that the application for an award of costs should be refused.

R. Jones

INSPECTOR