



Costs Decision

Site visit made on 13 February 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Application A

**Costs application in relation to Appeal Ref: APP/B1930/D/23/3325151
86 Oaklands Lane, Smallford, St. Albans AL4 0HS**

- 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 Stewart King for a full award of costs against St Albans City Council.
 - The appeal was against the refusal of planning permission for the demolition of existing rear dormer and rebuild of dormer in improved location.
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Application B

**Costs application in relation to Appeal Ref: APP/B1930/D/23/3325151
86 Oaklands Lane, Smallford, St. Albans AL4 0HS**

- 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 St Albans City Council for a full award of costs against Mr Stewart King.
 - The appeal was against the refusal of planning permission for the demolition of existing rear dormer and rebuild of dormer in improved location.
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Decisions

1. Application A is refused.
2. Application B is refused.

Reasons

3. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.

Application A

4. Application A is made on substantive grounds. The applicant's cost claim states that the Council acted unreasonably by making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations.
5. Whilst the development plan and associated supplementary planning guidance (SPG) are open to a certain level of interpretation, paragraph 7.1 (i) b) of the

SPG makes it clear that other extensions should generally be considerably smaller than side and rear extensions. As such, regardless of whether the extension is considered to be a roof or rear extension a quantitative analysis is required to establish a baseline and assess the effects of the proposal. Therefore, it is not unreasonable to have regard to Table 1 and 2 of the SPG which facilitate this analysis.

6. Further, the Council considered the arguments put forward, including paragraph 154 e) of the National Planning Policy Framework, based on the information available to it and provided clear reasoning, highlighting the relevant development plan policies.
7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

Application B

8. Application B is made on procedural grounds. It solely concerns the appellant's cost application, which is alleged to have been made unreasonably. The recompense sought is for the expense of responding to it.
9. Although I have reached the same decision as the Council, I acknowledge that without clear definitions of the terms involved in this case that the SPG and the Framework are open to interpretation. As such there are arguable points and judgements and the allegation of unreasonable behaviour was not therefore hopeless, even though I did not agree with it.
10. Consequently, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated and the application for an award of costs is refused.

K Allen

INSPECTOR