
Costs Decision

Site visit made on 13 September 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MSc

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Costs application in relation to Appeal Ref: APP/J1860/D/24/3347285

1 Piers Close, Malvern, Worcestershire WR14 3JH

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Gregory for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of planning permission for a two-storey extension to side, single storey extension to rear and dormer window to existing roof to rear.
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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 appellants state that the Council has prevented or delayed development which should have been permitted as they consider the proposal to be in accordance with adopted planning policies and supplementary planning guidance. The appellants also consider that the Council made inaccurate and unsupported assertions about the impact of the current proposals.
4. The reason for refusal set out on the decision notice is complete, precise and specific to the application. It clearly states local planning policies and guidance which the proposal conflicts with. This reason has been substantiated by the Council in the Officer Report. The Officer Report demonstrates how the proposed side extension would not appear subservient to the host dwelling and how the proposal overall would unacceptably harm the character and appearance of the site. The Council has reasonable concerns about the impact of the proposal which justified its decision.
5. The appellants advise that the Council misinterpreted the reason for refusal for a previous application at the site when considering the current proposals (previous Ref M/23/00720/HP). It considers that the principle of a side extension similar to the appeal scheme was established as part of that decision. However, the Council's Officer Report for that application clearly refers to the harm caused by the 'overall size and scale of the proposed development' and the reason for refusal includes reference to the 'proposed

extensions'. Taking into account all of the above, I do not consider that the Council failed to properly evaluate the application.

6. The appellants also believe that the Council has not been consistent in its decision making as they have refused consent for their scheme, but approved a side extension to a neighbouring property, No 7 Piers Close. However, in considering the appeal, I have found that the site varies in circumstances from the appeal proposal. In view of this and considering that each proposal must be considered on its own merit, the Council has not been inconsistent in its decision making.
7. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellants, the Local Planning Authority were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I have concurred with the Council.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Rebecca McAndrew

INSPECTOR