



Costs Decision

Site visit made on 12 February 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Costs application in relation to Appeal Ref: APP/B1930/D/24/3353891

16 West View Road, St Albans, Hertfordshire, AL3 5JX

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Rory Harcourt for a full award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for demolition of existing rear projection and erection of single storey side and rear extension with internal alterations .
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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.
3. The appellant's case is, firstly, that the Council scaled from the submitted plan and as a result measured the proposed eaves height incorrectly, despite the plan being annotated to show the proposed eaves height. Secondly, the Council was inconsistent in its determination of the application despite a very similar scheme that was approved nearby being brought to its attention. Finally, it is suggested that the Council should have contacted the appellant to discuss its concerns before refusing the application.
4. Taking these matters in turn, it is clear that the majority of the extension would have an eaves height of 2.2m as annotated on the submitted plan. However, it is also clear that a small section at the garden end would be higher to accommodate a parapet. The Council assessed that the parapet would make a material difference to the effect on living conditions at No 14, and was therefore entitled to reach the conclusion that it did. Whilst I have reached a different conclusion, the Council's behaviour was not unreasonable.
5. Secondly, having concluded that the higher eaves at the parapet would make a material difference, the fact that the proposed extension was otherwise of a similar depth and design to one that had been permitted and that this was drawn to its attention did not compel the Council to find the appeal proposal acceptable. In particular, the Council correctly cited Policy 72 of the City and District of St Albans District Local Plan Review, 1994, which normally restricts single storey rear

extensions to a depth of 3m when abutting a shared boundary. It concluded that the policy conflict was unacceptable in this case. That was not unreasonable.

6. Finally, as set out in the PPG, a Council has discretion as to whether it seeks or accepts amendments to a proposal. Moreover, the Council offers a pre-application advice service, but this does not appear to have been taken up by the appellant. The Council was not therefore compelled to discuss its concerns with the appellant or his agent before determining the application.
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 an award of costs is not justified.

KE Down
INSPECTOR