



Costs Decision

Site visit made on 8 April 2025

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Costs application in relation to Appeal Ref: APP/V2635/D/24/3353716 Bernina, 22 Church Road, Wimbotsham, Norfolk, PE34 3QG

- 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 and Mrs R Hurst for a full award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of planning permission for two storey rear and single storey extensions to side and rear of existing dwelling, following removal of existing extensions & alterations to existing vehicular access.
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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. I have noted that the applicants maintain that there was no record of updated Conservation advice for a previous application at the site but an award of costs can only be made in regard to the appeal proposal and not to previous applications.
4. The applicants have said that as the Council's decision refers to a 'large detached garage' that did not form part of the proposal, it was incorrect, flawed and unreasonable. However, it is clear from the Assistant Conservation Officer's (ACO) comments in the Planning Officer's report *'This application is similar to the previous application but reduces the extension by 60cm and removes the detached garage from the application'* that the Council understood that was the case. The Council's decision refers to the *'cumulative impact'* and as the garage has already been constructed, it was correct in doing so. My appeal decision shows that I also understood this to be the case and determined the appeal on that basis whilst also taking into consideration the presence of the garage.
5. The applicants also argue that the ACO's objection comprised incorrect assertions, included varying opinions regarding the value of the appeal dwelling in the Conservation Area during consideration of the various planning applications at the site, was overly vague in regard to the visibility of the proposal and exaggerated the resulting harm. I made my own observations at my site visit which I had regard to in addition to the ACO's comments during my consideration of the appeal. Even if there was some inconsistency in those comments, the ACO remained of the

opinion that the proposal should be refused and the need for the appeal could not have been avoided. I also made my own observations regarding the visibility of the proposal in the street scene and whilst I disagreed with the ACO regarding that, I had the benefit of the appellant's artist's impression in the appeal documents that the ACO did not during the application process. The level of resulting harm in matters of character and appearance is always subjective and although I disagreed with the ACO, she was entitled to reach a different view. The Council's decision was clear in referring to the impact of the proportions, mass and design of the scheme.

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

Sarah Colebourne

INSPECTOR