



Costs Decision

Site visit made on 9 September 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

APPLICATION A

Costs application in relation to Appeal Ref: APP/B1930/D/25/3368569

342 London Road, St Albans AL1 1EA

- 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 Arain for a full award of costs against St Albans City and District Council.
- The appeal was against the refusal to grant planning permission for a mansard roof to form loft conversion.

APPLICATION B

Costs application in relation to Appeal Ref: APP/B1930/D/25/3368569

342 London Road, St Albans AL1 1EA

- 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 St Albans City and District Council for a partial award of costs against Mr and Mrs Arain.
- The appeal was against the refusal to grant planning permission for a mansard roof to form loft conversion.

Decision

1. Application A is allowed in part.
2. Application B is refused.

Reasons

3. 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. Unreasonable behaviour may be either procedural or substantive.

Application A

4. In summary, the appellant contends that the Council failed to carry out a proper consideration of the proposal in that policy and related guidance was incorrectly interpreted and applied and that had it not done so, it would have approved the proposal so avoiding the need for an appeal. In particular, it is alleged that the Council rigidly applied the guidance figures in the Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance (2004) (SPG) without considering other impacts and did not set out the reasons why there was conflict with Policies 69 and 72 of the St Albans Local Plan (1994) (SALP) as cited in the decision notice.

5. As set out in the appeal decision, the SPG sets out a number of criteria against which proposals are to be assessed, including the size of extensions as well as others such as type of extension, visibility and relevant policy. In the officer report (OR) the Council referred to SPG Tables 1 and 2 in assessing whether the size of the proposal would be permissible. Whilst reference to these tables which relate to 'side and rear extensions' is surprising given that the proposal relates to a roof extension, I do not agree that this was the 'sole metric to assert disproportionateness' as alleged by the appellant.
6. When assessing the proposal against criteria (iii), type of extension, the Council did consider the proposal against the 'roof extension' type concluding that the proposal performed moderately well. Other relevant criteria were also fully assessed within the OR.
7. However, notwithstanding the above, a quantitative assessment of the proposal was necessary in order to assess the proposal under criteria (i) b (other extensions) and (ii) which relates to the cumulative size of the additions to the original dwelling. Thus, whilst the Council found the proposed mansard roof of itself to not be significantly detrimental, it was nevertheless appropriate to consider the cumulative impact of it and the existing extensions. As pointed out by the Council, this necessarily involves a consideration of the size of the proposal. Also, as I noted in the appeal decision, whilst it is not entirely clear how the 'cumulative impact' of previous and proposed extensions are to be assessed, the size limits set within Table 2 would appear to be of at least some relevance in this regard. Thus, whilst the Council placed undue reliance on Tables 1 and 2 in assessing the allowable size of the proposal, they were not entirely irrelevant to the overall assessment.
8. It is also clear that the Council did not solely consider 'arithmetics' but assessed the proposal against the other criteria of the SPG. The interpretation and application of these criteria necessarily involve matters of judgement. Whilst I did not agree with all of the conclusions of the Council, it is entitled to reach its own and these were reasoned and justified within the Officer Report (OR). In applying those findings, it is understandable that the Council concluded that the proposal would exceed the limits of what it assessed as being 'allowable' in the circumstances.
9. Thus, whilst I did not agree with the Council conclusions in this regard, I do not find that it acted unreasonably in reaching the conclusions that it did.
10. In regard to SALP Policies 72 and 69, it is the case that nowhere in the Council's OR does it identify any conflict with Policy 72, indeed it finds that the proposal performs well against criterion (vi) of the SPG which deals with the Policy 72 constraints and concludes accordance with it in relation to impact on neighbouring amenity. In respect of Policy 69 there is no assessment at all. The Council has not explained these omissions nor provided any other evidence to support any conflict with these policies. Therefore, in this regard I find that the Council has acted unreasonably in citing conflict with those policies in the decision notice.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified in relation to Application A.

Application B

12. The Council's application solely concerns the appellant's costs application which is alleged to have been made unreasonably. In order to succeed in demonstrating unreasonableness in this regard, it seems to me that it would need to be shown that the case put forward by the appellant was hopeless with no chance of success.
13. However, I do not consider that to be the case. Whilst the appellant's claim that the Council 'rigidly' interpreted the size guidelines in the SPG is not justified given that the application of the size guidelines of the SPG involves the consideration of a number of matters of judgement, it is the case that there was questionable use of Tables 1 and 2 of criteria (i) given that they were not directly relevant to the type of extension proposed. It is not unreasonable for the appellant to challenge those interpretations and conclusions in those circumstances.
14. As the Council itself notes, it is not uncommon for there to be differences of opinion between the parties, but such opinions require justification having regard to the relevant policy and guidance and the conclusions reached. It was thus open to the appellant to challenge the reasonableness of those conclusions.
15. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in relation to Application B.

Costs Order

16. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that St Albans City and District Council shall pay to Mr and Mrs Arain, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to the point regarding alleged conflict with SALP Policies 69 and 72; such costs to be assessed in the Senior Courts Costs Office if not agreed.
17. The Applicant is now invited to submit to St Albans City and District Council, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P B Jarvis

INSPECTOR