
Costs Decision

Site visit made on 5 November 2025

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Costs application in relation to Appeal Ref: APP/M2840/W/25/3371072

37 Ise Road, Kettering, NN15 7DT

- 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 A Kumar for a full award of costs against North Northamptonshire Council.
 - The appeal was against the grant subject to conditions of planning permission for a single storey rear extension.
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Decision

1. The application for costs is allowed in part, in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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 applicant states that the condition the subject of the appeal is ambiguously worded, lacks clarity and precision and may be unenforceable. They contend that the wording of the condition is unclear about which roof planes are affected. They consider that the removal of permitted development rights is unjustified, and in the case of Class A those rights do not allow roof alterations. They note that the PPG advises that the removal of permitted development rights for small scale domestic alterations is unlikely to meet the tests of reasonableness and necessity.
4. The council responds that the condition relates to the extension as that is the development approved. The height of the extension is such that any openings in the roof planes of the extension could result in overlooking and loss of privacy to neighbouring occupiers. Class A permitted development rights do extend to the creation of upper-floor windows and the condition only restricts those rights and no other works under Class A. It does not consider that unreasonable behaviour has occurred.
5. The applicant responds that as the condition refers to 'the building' it is not clear and unambiguous, and likewise the reference to the roof plane as a singular. They further note the presence of a mix of one and two-storey dwellings in the surrounding area that result in overlooking of the properties neighbouring the appeal site. In addition, the applicant states that Class A does not allow the creation of openings in a roof slope forming a side elevation of an existing dwellinghouse.

6. I have found that the condition as written was unclear and ambiguous, that windows in the rear roof slope of the extension would not cause harm to the living conditions of neighbours and that the reference to Class A permitted development rights was not necessary. However, I found that windows of the sort that could be introduced under the property's permitted development rights could give rise to the perception of overlooking and a loss of privacy for the occupiers of 35 and 39 Ise Road. For these reasons I have replaced the condition as imposed with one that prevents windows being added to the side roof slopes of the extension.
7. I do not therefore consider that a full award of costs can be justified in this instance. However, the condition as written unduly restricted development of the applicant's property, and therefore a partial award is justified.

Costs Order

8. 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 North Northamptonshire Council shall pay to Mr A Kumar, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the restrictions on windows in the rear roof slope of the extension, the restrictions on Class A permitted development rights and the ambiguous wording in referring to the building, such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to North Northamptonshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Chalk

INSPECTOR