



Costs Decision

Site visit made on 2 April 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Costs application in relation to Appeal Ref: APP/H0738/D/25/3360879

8 Priorwood Gardens, Ingleby Barwick, Stockton-on-Tees TS17 0XH

- 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 M Ford for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for proposed attic conversion to include raising of the roof. Front and rear single storey extensions and conversion of garage.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant contends that the Council did not substantiate each reason for refusal, and did not objectively analyse the application, which should have been approved. Consequently, an appeal, which has required employing a planning consultant, has been necessary. Moreover, they contest the two reasons for refusal, concluding that the Council has been inconsistent as there are varying heights and scales of properties in the area, and they have already granted planning permission to raise the roof of No 4 Priorwood Gardens, close to the site.
4. With regards to the second reason for refusal, the applicant claims that the distance between the gable wall of the appeal site and the nearest window of No 10 Priorwood Gardens would achieve the Council's gable to window separation distance of 11 metres¹, and it would not have a demonstrable overbearing impact on the occupiers.
5. The Council's officer report clearly sets out the differences between increasing the height of this proposal and other properties in the area, which they did not consider to be directly comparable. Additionally, whilst the proposal would be 11 metres from the rear of No 10 Priorwood Gardens, the SPD sets out that this is a minimum separation distance which is increased if there is a variation in ground levels

¹ Householder Extensions and Alterations Supplementary Planning Document, 2021 (SPD)

between properties and a difference in the numbers of storeys. It states that the separation distance should be increased by 3 metres for every 1 metre rise in ground level. In this instance, No 8 is much higher than No 10. Moreover, I have found that the height of the proposal would harm the living conditions of the occupiers of No 10, as well as harming the character and appearance of the host dwelling and the area. On this basis, I dismissed the appeal.

6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

M J Francis

INSPECTOR