



Appeal Reference: APP/Y2003/W/25/3370758

Planning permission to construct a single-storey rear (infill) extension, convert the garage into a study room, and change fenestration in front elevation of an existing HMO

Site Address: 4 Holme Hall Avenue, Bottesford, DN16 3PY

The appellant considers that the Council's comments have already been addressed in his claim for Costs, and the following comments are for clarification only.

I would then highlight the quotes from their response in *italics*:

1)The Members considered that the loss of the garage and intensification of use would increase parking demand and traffic movements near a busy junction, contrary to policies T2 and T19 of the North Lincolnshire Local Plan. They also concluded that the scale and intensity of use would overdevelop the site and fail to respect the established character of the surrounding area.

The proposed development currently features five on-site parking spaces, which adequately serve a 6-person House in Multiple Occupation (HMO) operating under Class C4. This provision significantly exceeds the minimum requirement of three parking spaces for an HMO of this occupancy size. Therefore, the conversion of the garage into a study room does not, in any way, lead to a parking shortage nor affect the parking requirement for the property. The primary purpose of this alteration is to enhance the functionality of the dwelling without affecting its occupancy capacity.

Furthermore, the infill rear extension is specifically designed to expand the kitchen area. This extension is strategically located between two existing structures and does not result in an increase in the overall footprint of the building. Its integration is intended to improve the internal living space without altering the external dimensions of the property.

Given that there is no increase in the number of occupants, the parking demand remains unaffected, and consequently, there is no anticipated impact on traffic movement in the vicinity. The development's design and proposed changes maintain the existing balance regarding parking availability and traffic considerations.

2) Consequently, no actions by the LPA caused unnecessary or wasted expense to the appellant. The council respectfully requests that this application for a full award of costs against the council is dismissed

The PPG advises that costs may be awarded against a party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The general principle embodied within the PPG is that the parties involved should normally meet their own expenses. Examples of unreasonable behaviour by planning authorities include:

- A failure to produce evidence to substantiate a reason for refusal on appeal;
- The use of vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis;
- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

The unfortunate refusal of the planning application PA/2025/742 has resulted in financial repercussions for the appellant/applicant. A substantial portion of these costs stems directly from the expenditure incurred for consultant services. These services were essential for both the meticulous preparation and submission of the initial applications and subsequently, for the comprehensive management of the ensuing appeal process. The engagement of expert consultants, while crucial for navigating complex planning regulations and presenting a robust case, represents a considerable expense that would have been avoided had the application been approved initially. This financial burden highlights the direct and tangible consequences of a planning refusal, extending beyond the immediate setback of the denied development to include the professional fees associated with attempting to overturn the decision.