



Costs Decision

Site visit made on 18 January 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Costs application in relation to Appeal Ref: APP/T5150/W/22/3304181 38A, First Floor Flat, Palermo Road, Brent, London NW10 5YP

- 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 appeal is made by Mr & Mrs Ben Hoy & Jo Hoy-Slot for a full award of costs against London Borough of Brent.
 - The application Ref 22/1303, dated 7 April 2022, was refused by notice dated 23 June 2022.
 - The appeal was against the refusal of planning permission for the erection of loft conversion includes an L shaped dormer, 2x skylights on the front slope roof and 3x skylights on the flat roofs.
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Decision

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

Relevant Guidance

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and this unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Such behaviour may be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal. This application relates to substantive grounds in that the Council failed to determine similar cases in a consistent manner.

Reasons

4. The LPA's statement and the Officer's Report clearly indicates that the Council took appropriate steps to review any potential material considerations that could have a bearing on the application, by considering the planning history of the area and prevailing characteristics of similar dormers in the surrounding area. As set out in the appeal decision, the other examples of roof extensions on Palermo Road were approved when a previous development plan was in place or under permitted development rights. Therefore, by refusing planning permission for the proposal, the Council has not acted inconsistently.
5. The Officer's Report demonstrates how the proposal would result in harm to the character and appearance of the building and the surrounding area and as set out in my appeal decision, I agree.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not

been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

J Wellstead

INSPECTOR