
Costs Decision

Site visit made on 3 December 2024

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Costs application in relation to Appeal Ref: APP/T5150/W/23/3328751 25 Lechmere Road, Brent, London NW2 5DA

- 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 Joseph Adler of TDSL Investments Limited for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for the demolition of ground floor rear/side extension and the erection of ground floor rear and side extension, a rear roof dormer and roof terrace, and front roof lights, in association with the conversion of the property to two self-contained flats.
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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.
3. The applicant's application for costs relates to substantive matters and was made on the basis that the Council in their delegated report, failed to make any comparison between the proposed roof terrace and those for which planning permission was granted at 16 and 18 Lechmere Road and did not determine similar cases in a consistent manner.
4. The Council did not provide an assessment or comparison between those approved and the proposed roof terrace, despite the applicant having referred to them, and this was unreasonable. However, notwithstanding the alleged discrepancies in the plans now brought to my attention, the plans considered by the Council show the proposed terrace to project above the ridge and parapet of the outrigger by a greater amount than those at numbers 16 and 18. Accordingly, even if they had had regard to those approvals, I cannot be certain that the Council would have reached a different conclusion.
5. Although I found there would be no harm to the character and appearance of the area, this does not mean that the Council were unreasonable in reaching their conclusion on this matter, as the judgement about the character and appearance of an area is necessarily a matter of planning judgement.
6. Moreover, the proposed terrace formed part of a proposal which included the conversion of the property to two flats. The Council found, and I concluded, that the

proposed development was not acceptable in terms of the standard of accommodation, specifically ceiling heights.

7. Consequently, it is evident that they would have refused the application for reasons relating to the standard of the accommodation alone with which I agree, and the appeal could not have been avoided.
8. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Felicity Thompson

INSPECTOR