



Costs Decision

Site visit made on 3 July 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Costs application in relation to Appeal Ref: APP/T5150/W/24/3356539 165 Dudden Hill Lane, Brent, London NW10 1AU

- 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 Moishe Lipshits 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 a development originally described as "Erection of a ground floor extension, first-floor extension and dormer extension, and conversion from small HMO to large HMO."
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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. The PPG sets out that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant asserts that the Council's officer report incorrectly claimed that 4m² of communal space fell below the required head height of 2.14m. Although the Council's objections to the proposed development in part relate to a ceiling height issue, the officer report does not set out those objections in the terms which the applicant has claimed.
4. The Council's officer report clearly refers to the access to a pathway via the proposed steps leading from the ground floor kitchen/living area. Therefore, the Council's officer report also acknowledged the proposed access to the rear garden via the path beside the host property's side elevation.
5. Although I have concluded within my appeal decision that the kitchen and communal space to be provided in the proposed development would be acceptable in terms of both room size and facility provision, the plans do show that the table within the kitchen+communal space would only have 6 rather than 8 seats around it. The guidance within the Council's Houses in Multiple Occupation Supplementary Planning Document sets out that the number of chairs to be provided around a table should match the proposed number of occupants. Therefore, it was not unreasonable of the Council to be critical of the dining table arrangement presented to them. Furthermore, I set out within my appeal decision the reasons why the

appeal decision in Enfield¹ is of limited weight and is not a decisive factor in my determination.

6. A previous iteration of the proposed development which incorporated a two-storey rear extension with a flat roof was also refused by the Council². However, it was not incumbent upon the Council to accept a revised scheme which adopted a pitched roof to the two-storey rear extension. Whilst I have concluded that the effects of the proposed development upon the character and appearance of the area and the host property would be acceptable, this is a matter of judgement. As I have set out within my appeal decision, the proposal would result in the host property having a quite complex roofscape and, although I haven't agreed with them, it was not unreasonable of the Council to conclude that this would be harmful.
7. The rear dormer at neighbouring 167 Dudden Hill Lane (No 167) is not of a size and scale which is equivalent to that proposed at the host property. In turn, the relationship between No 167's dormer and its rear extension is also different to that which would arise as a result of the appeal scheme. Because of these differences, the Council's approach towards the two developments at these neighbouring properties has not been inconsistent.
8. The evidence before me indicates to me that the submitted HMO Management Plan³ did not accompany the planning application originally. The Council has set out that it exercised its discretion and did not take the document into account when it came in later in the planning application process. Had the Council considered the HMO Management Plan, then potentially the matters in dispute at the appeal may have been narrowed. That said, I also feel that there is a responsibility upon applicants to ensure that their planning applications are submitted with the information needed to support the proposal and that it is also not for me to dictate to the Council the procedures it should adopt in respect of additional and amended information. Overall, I find that the Council's decision to not take the document into account when it made its decision was not especially obstructive or unhelpful or thereby unreasonable. The applicant also submits to me that the Council ignored the content of a submitted planning statement and landscaping plan, however, I have no firm basis on which to conclude this was the case.
9. The evidence before me that the Council bypassed the applicant's agent and generally conducted themselves in an unresponsive and uncommunicative manner is not substantive. I cannot therefore conclude that the Council exhibited unreasonable behaviours in these respects.
10. For these reasons, the application for costs has not clearly demonstrated to me how the Council has behaved unreasonably and that this has resulted in unnecessary or wasted expense in the appeal. Therefore, an award of costs is not warranted.

H Jones

INSPECTOR

¹ Appeal Decision Ref APP/Q5300/W/22/3306709

² Planning Application Ref 24/1848

³ Redwoods HMO Management Plan dated 15/10/2024