



Costs Decision

Site visit made on 21 July 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Costs application in relation to Appeal Ref: APP/C5690/W/25/3364475 143 Hazelbank Road, Lewisham, London SE6 1LT

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Schlesinger for a full award of costs against the Council of the London Borough of Lewisham.
 - The appeal was against the refusal of planning permission for the erection of a ground-floor extension and the conversion from an existing dwellinghouse into 2 self-contained flats.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. An award of costs against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The appeal application followed an earlier proposal to convert the appeal property into 2 self-contained flats that was also refused planning permission. Since these schemes were substantively different in terms of layout, number of bedrooms and the occupancy level within each flat, and the earlier application did not include a rear extension, it is not surprising that the Council's objections in each case were not the same. While the applicant considers that the Council has been inconsistent in its approach to each proposal and has introduced new reasons to refuse the appeal application, it assessed the application on its own planning merits. This is an entirely reasonable approach to take.
4. Planning decisions often involve matters of judgement concerning the living conditions of future occupiers. It is inevitable that opinion will vary. While the applicant considered that the Council's previous concerns had been addressed and resolved, the Council clearly did not share that opinion. Its stance is clearly explained in some detail in the Officers Report and the Statement of Case.
5. The reasons for refusal, which refer to the internal layout of the accommodation, parking for cars and cycles, and air quality are precise, specific and relevant. Reference is made to relevant development plan policies in force at that time and planning guidance. Given the issues raised by the proposal, the Council had reasonable planning grounds for its decision. For the reasons given in the appeal decision, I largely agree with them.

6. An revised Air Quality Neutral Assessment Statement (AQNS) could have been requested by the Council that would have provided the opportunity to correct the errors in the submitted version. It is also incumbent on the applicant to ensure that the supporting material is complete and factually correct at the time of the original submission. Had an updated AQNS been submitted, it is possible that the third reason for refusal would have been resolved. However, the Council's concerns in relation to the standard of accommodation and parking would have remained. Given the fundamental difference of opinion between the main parties on the acceptability of the proposal in relation to these matters, I am not convinced that the appeal and its associated costs could have been avoided.
7. Reference is made to a decision to grant planning permission to convert and enlarge the property at 37 Callander Road, London to form 3 self-contained flats. In my experience, it is rare that 2 schemes are the same or very similar because often the details of the proposal or local circumstances often vary between sites. There are, it seems to me, significant differences in the size and occupancy of the new flats, their layout and the arrangements to store cycles such that preclude a direct comparison between these cases. Therefore, I am unable to share the applicant's concern that the Council has been inconsistent in deciding to approve the scheme at No 37 and to withhold its approval in this case.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

Gary Deane

INSPECTOR