



Costs Decision

Site visit made on 23 April 2026

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

Costs application in relation to Appeal Ref: APP/E5330/X/25/3362802 245 Court Road, Greenwich, Eltham SE9 4TQ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Royal Borough of Greenwich for a full award of costs against Mr Bobby Manoo.
 - The appeal was against the refusal of a certificate of lawful use or development for proposed loft conversion designed to meet permitted development requirements.
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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 PPG sets out that certain types of behaviour may give rise to a substantive award against an appellant. These include where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period¹.
4. The Council's case is that the proposed development amounts to an extremely similar / virtually identical development to that which was previously refused a lawful development certificate by the Council, that case being subsequently dismissed following an appeal². The only difference is the proposal to substitute the hipped roof over the side extension with a flat roof. However, this change, the Council says, does not address the key reason for the certificate being refused. The Council says that the appellant should have been aware the same outcome would result, and has therefore behaved unreasonably, causing the Council to incur unnecessary and wasted expense.
5. The appellant says that changes were made in response to the first refusal, with a view to ensuring the development would not extend beyond the front plane of the roof. They say the introduction of the flat roof ensured the relevant front plane was removed, and that the appeal was made in good faith.

¹ Paragraph: 053 Reference ID: 16-053-20140306.

² Appeal reference APP/E5330/X/24/3343108.

6. I am in no doubt that the proposed roof extension would be forward of an **existing** front roof slope [my emphasis]. That it is proposed to remove the relevant roof slope, through the introduction of a flat roof, such that the slope in relation to which the assessment is made would no longer exist when the development is completed, does not alter this assessment.
7. However, I have taken into account that the appellant says this was a genuine attempt to address the reason for refusal, and that they acted in good faith. I do not agree that the appellant's case is correct. However, it seems to me that to interpret the new proposal as a pragmatic means of addressing the limitations of the permitted development right, would serve to materially distinguish the circumstances from the previous proposal, and would not amount to unreasonable behaviour.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R. Merrett

INSPECTOR