



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference: CAM/26UG/LSC/2024/0031.

Property: 35 Allen Close, Wheathampstead, St Albans, AL4 8TH

Applicant: Preethika Peiris

Represented by: In person

Respondent: St Albans City and District Council

Representative: In House Legal Department, Ms Miller

Type of Application: Service Charges

Tribunal members: Judge Granby, Mr Thomas MRICS

Date of Decision: 29 August 2025

DECISION PERMISSION TO APPEAL

Introduction

1. This is an application for permission to appeal following the Tribunal's substantive determination in this matter.

Decision

2. The Application is dismissed and the Tribunal will not review its decision. Any renewed application is to be made to the Upper Tribunal (Lands Chamber) within 28 days of receipt of this decision.

Reasons

3. The Application for permission to appeal does not raise a ground with a realistic (as opposed to fanciful) prospect of success and there is no other reason why it should be heard.
4. The original application raised two short points, the first was one of construction – the Applicant argued that the lease did not permit the recovery of service charges for works to the roof because the roof was not within the demise of the leaseholder (the estate of her late husband of which she is executor).
5. That argument was clearly wrong as clauses 1 and 5 expressly required the leaseholder to pay the costs of repairing and renewing the building including (expressly) the roof.
6. The second was an unevidenced claim that the quotations were “bogus”. Taken literally that was an entirely unsubstantiated claim of fraud which the Tribunal was bound to reject. Taken as a claim that the costs were unreasonable in amount the applicant’s case faced two difficulties (1) the Applicant had not adduced any comparators and (2) Even if the Tribunal had been entitled to undertake an evaluative exercise using its own experience (an issue the Tribunal was not called upon to resolve) then the costs did not appear obviously excessive.
7. The application for permission to appeal is based on a new argument, that the works were “Building Safety Works” and so cannot be recovered from leaseholders.
8. Firstly, that argument was not run at trial – it cannot be raised now. The Tribunal resolves the dispute brought to it by the parties as defined in their statements of case (*Sovereign Network Homes v Hakobyan & Ors* [2025] UKUT 115 (LC) (per the President))
9. Secondly, that argument is clearly wrong – the unchallenged evidence was that the roof required replacement as it was at the end of its

lifespan – these were not remedial works to remediate fire risk or risk of building collapse.

10. Permission to appeal is accordingly refused

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application.

The application must arrive at the Upper Tribunal (Lands Chamber) within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Upper Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.