

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Mohammad
62 Birch Hall Lane
Manchester
M13 0XL

Agent (if used)

Mr Amjad Tahir
Aeys Associates Ltd
173 Dickenson Road
Manchester
M13 0YN

Part 1 – Particulars of the application/development

Proposal: Extension of single storey outbuilding to create additional living/accommodation

Location: 62 Birch Hall Lane, Manchester, M13 0XL

Date of application: 7 November 2021

Application number: 131533/FH/2021

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application. An objection was received on public notification which raised several concerns with the proposal which were taken into consideration in the assessment of the application. The agent was advised of the Council's concerns by email and was given the opportunity to withdraw the application, but did not respond to the Council's communication.

Reason(s) for decision

1) The proposed development, its relationship to surrounding properties in the area and its extent, height and location, it would constitute an isolated and inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. The proposal is therefore contrary to the provisions of

policies SP1, EN1 and DM1 of the Manchester Core Strategy and saved policy DC1 of the Unitary Development Plan for the City of Manchester and the NPPF.

2) The proposed development, by reason of its siting in the rear garden area with limited and poor access opportunities including across poorly overlooked and unlit third party land at the side and rear of No. 60 Birch Hall Lane, represents a poor standard of accommodation that fails to create a safe and sustainable form of development. As such, the proposal is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

3) The proposed development by reason of its location to the rear of existing dwellinghouses and without its own road frontage constitutes 'backland' development. Due to the siting of the proposed building and its relationship with adjoining properties there would be a loss of amenity to neighbouring occupiers as consequence of increased levels of activity, associated noise and disturbance, intrusiveness and loss of privacy. The proposal would therefore be harmful to surrounding residential amenity. As such, the proposed development is contrary to saved policies DC6 and DC1 of the Unitary Development Plan for the City of Manchester and policies DM1, EN1 and SP1 of the Manchester Core Strategy.

Date: 24 December 2021

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within 12 weeks of the date of the notice of this decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.