

Application for an award of appeal costs

Claimants Full name: Mrs Noreen Aslam

Address: 449 Wilbraham Road, Manchester, M21 0UZ

Application reference: 131042/FH/2021

Daytime telephone No: 07957667667

Email address: noreenaslam2018@gmail.com

Status: Appellant

Agent's Name: Ms Sadaf Malik

Agent's Address: 61 Bridge Street, Kington, HR5 3DJ

Application reference: 131042/FH/2021

Daytime telephone No: 07900444498

Email address: plan.designs@outlook.com

B. Information about the party being claimed against

Full name: Manchester City Council

Address: Manchester City Council, Planning, PO Box 532, Town Hall, Manchester, M60 2LA

Status: Planning Authority

C. Information about the appeal

Name of Local Planning Authority: Manchester City Council

Application number: 131042/FH/2021

Application status: Refused

Description of the development: Raising of roof ridge height and loft extension with rear dormer window

Address of the site: 449 Wilbraham Road, Manchester, M21 0UZ

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

E. Costs application

The planning application was determined based on reasons for refusal which do not offend Policies SP1, DM1, DC 1.1 and 1.2. I am within my rights to appeal to the First Secretary of State for an award of costs to the Planning Inspectorate. I am exercising my right to appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) on the grounds that the Local Authority has behaved unreasonably both substantively and procedurally and as such I am applying for full awards costs. The full awards costs include the fee of the planning application and the Planning Consultants fee to produce a Grounds of Appeal and Costs award letter. The reasons the Local Authorities behaviour is considered unreasonable are below. (Please see the emails attached to this form for reference.)

On the 06.09.2021 The Planning Officer emailed the agent on the application determination date deadline, requesting for an extension of time to determine the application. The Officer emailed the agent on the 16.09.2021 advising that reduction in 50 cm would make the scheme less harmful. However, 50cm of a roof ridge is not so harmful when viewed within the street scene. The agent then requested to reduce the scheme by 25 cm. The officer requested amended plans before she considered the scheme with a Senior Officer to advise if this would be okay. Usually, a Planning Officer can tell the agent that a small reduction in height is going to be acceptable or not, without having requested amended drawings from the agent. This also added an extra cost to the applicant to have the plans amended. The applicant took this extra cost and had the agent submit the amended plans to the Council on the 20.09.2021. Feedback was received on the 21.09.2021, the Officer said that a 75cm increase in ridge height would be incongruous without any justification or explanation. A one-meter increase to the ridge height is not a big increase when viewed from the street scene and the officer has not justified how a reduction in 50cm would overcome massing to the ridge given it's a pitched roof and the roof is at its narrowest form, at the roof ridge therefore reduced mass and bulk to the roof.

The misguidance on advising the architect to amend the scheme and drawings and requesting for an extension of time. Has cost the client extra costs to have the plan revised. The Planning Officer then advised the Architect after the extension of time that the amended scheme would be refused. There is inconsistency in the Planning decision making process because there have been issues with communication between the Planning Officer and the Team Manager about the schemes approval. The Officer requested amendments to the scheme as they considered the amendments would make the scheme acceptable, once the changes were made the team manager has decided that even with amendments the scheme should be refused. The inconsistency of decision making between the Planning Officer and Team manager has not been communicated to the Architect and the client. The updates from the Planning Officer to the architect were not provided on the same or next day. The architect consistently sent emails for updates to the Officer, and this has wasted the Architects professional time.

I am disappointed by the way the planning application has been dealt with and treated as a low priority, the lack of communication has caused Mrs Aslam and family unnecessary stress, time wasted and expense of the costs of the costs award and grounds of appeal and the planning application. My client is very unsatisfied by the way the Planning Authority has dealt with the planning application and this has impacted on the Architects service delivery to Mrs Aslam.

The substantive process of considering the planning tests and the material considerations against the proposal were incorrect and did not represent a fair planning judgement which has resulted in a maladministration of the planning assessment. This is because no significant overbearing visual appearance to the amenity of the area would occur. The proposal does not offend the aims and objectives of Policies SP1, DM1, DC 1.1 and 1.2. As explained in the grounds of appeal statement. I have attached a chain of emails between the Architect and the Planning Officer and a letter from Mrs Aslam to Manchester City Council. Please can you consider the information provided and understand how much inconvenience this has caused the appellant.

On behalf of Mrs Aslam

Name: Ms Sadaf Malik

Date : 02.12.2021

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<https://www.gov.uk/government/organisations/planning-inspectorate/about/personal-information-charter>

From: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Sent: 06 September 2021 14:39

To: Ahmed <Ahmed@nadaarchitects.com>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>

Subject: 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Dear Ahmed,

Further to our telephone conversation earlier today, to confirm, as the target date is today, please can you agree an extension of time until **22nd September 2021** to allow further discussions with my principal planning officer.

I look forward to hearing from you at your earliest convenience and would like to take this opportunity to thank you for your assistance with this matter.

Kind regards
Tracie Simpson

Please Note: my working days are Monday, Tuesday and Wednesday

POSTAL ADDRESS

Tracie Simpson
Planning Technician
Development Management South Area Team
Planning, Building Control and Licensing
Growth and Development
Manchester City Council
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E-mail: tracie.simpson@manchester.gov.uk
<http://www.manchester.gov.uk>

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From: Ahmed <Ahmed@nadaarchitects.com>

Sent: Tuesday, September 7, 2021 10:58 AM

To: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam <noreenaslam2018@gmail.com>

Subject: RE: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Morning Tracie,

Thanks for your call yesterday and email as below. Yes, we are happy to agree an extension of time till 22nd September as suggested.

I look forward to hearing from you soon.

Kind Regards

Ahmed Choudhry

Ba(Hons), Dip Arch, ARB

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From: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Sent: 15 September 2021 14:08

To: Ahmed <Ahmed@nadaarchitects.com>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam <noreenaslam2018@gmail.com>

Subject: Re: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Dear Ahmed

Further to my email to you on the 7th September 2021, I have now had the opportunity to discuss this proposal in depth with my principal planning officer.

Given the flat roof form together with the height of the proposal, this is considered would provide an overtly large expanse of roof not in keeping with the host dwelling. However, the City Council would consider an increase in height of 500mm rather than 1000mm to help alleviate the impact.

I look forward to receiving your amended plans so that I may continue with the application accordingly.

May I take this opportunity to thank you for your assistance with this matter.

Kind regards
Tracie Simpson

Please Note: my working days are Monday, Tuesday and Wednesday

POSTAL ADDRESS

Tracie Simpson
Planning Technician
Development Management South Area Team
Planning, Building Control and Licensing
Growth and Development
Manchester City Council
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Textphone: 0161 234 4505

E-mail: tracie.simpson@manchester.gov.uk
<http://www.manchester.gov.uk>

From: Ahmed <Ahmed@nadaarchitects.com>

Sent: Thursday, September 16, 2021 9:07 AM

To: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam
<noreenaslam2018@gmail.com>

Subject: RE: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Morning Tracie,

Thanks for your email. Much appreciated and respect your comments.

I just wanted to reiterate that the existing floor to ceiling in the loft space at the ridge height is only just 2.15m which is just taller than a standard door height so you can imagine how congested it may feel in the existing loft. And of course the roof slopes very quickly down to the eaves. An increase of 500mm is still very limited in terms of the cost to reroof the entire property against the useable space created as a result. Naturally, the benefit needs to be financially viable against the cost involved of the construction. With this in mind, can we agree on a 750mm increase of ridge height please which is still in line or below the neighbours ridge height either side? This will mean the slope of the eaves will have less impact on the useable space in the loft overall.

Please could you email to confirm if this is acceptable and I will forward amended plans to you within 24 hours as always.

I eagerly await your reply.

Kind Regards

Ahmed Choudhry
Ba(Hons), Dip Arch, ARB

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From: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Sent: 20 September 2021 13:01

To: Ahmed <Ahmed@nadaarchitects.com>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam
<noreenaslam2018@gmail.com>

Subject: Re: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof
ridge height and loft extension with rear dormer window

Dear Mr Ahmed,

Thank you for your email in relation to the above.

So that we have a clear understanding of the view of a 750mm increased height, please can
you send amended plans so that I may discuss your option with my principal planning
officer.

I look forward to hearing from you so that I may continue with the application accordingly.

Kind regards
Tracie Simpson

Please Note: my working days are Monday, Tuesday and Wednesday

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E-mail: tracie.simpson@manchester.gov.uk
<http://www.manchester.gov.uk>

From: Ahmed <Ahmed@nadaarchitects.com>

Sent: Monday, September 20, 2021 2:21 PM

To: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam

<noreenaslam2018@gmail.com>

Subject: RE: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Dear Tracie,

Thanks for your email.

No problem at all. I have attached amended plans now to show the ridge height reduced by a further 250mm which means a ridge height increase of only 750mm proposed. The dimension is shown on the proposed front elevation for you as confirmation.

I look forward to hearing from you.

Kind Regards

Ahmed Choudhry
Ba(Hons), Dip Arch, ARB

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From: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Sent: 21 September 2021 09:28

To: Ahmed <Ahmed@nadaarchitects.com>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam
<noreenaslam2018@gmail.com>

Subject: Re: 20-869 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Dear Mr Ahmed

Thank you for your attached plans demonstrating the height at 750mm. However, the City Council is of the view that to increase the height by more than 500mm would provide an

incongruous roof form which would be detrimental to the street scene and surrounding properties.

Please can you let me know which plans you wish the City Council to consider in the decision making process.

In the event of a refusal, the applicants have the right to appeal independently to the Secretary of State.

May I take this opportunity to thank you for your assistance with this matter and look forward to your response so that I may continue with the application accordingly.

Kind regards
Tracie Simpson

Please Note: my working days are Monday, Tuesday and Wednesday

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<http://www.manchester.gov.uk>

From: Ahmed <Ahmed@nadaarchitects.com>

Sent: Tuesday, September 21, 2021 10:07 AM

To: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam
<noreenaslam2018@gmail.com>

Subject: RE: 20-868 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Good Morning Tracie,

That is disappointing we couldn't come to an agreement on this.

Yes, please could you base your decision on the 1000mm ridge height increase as per the attached plans as the applicant would like to appeal the decision following receipt of the decision.

Thanks for your assistance on this.

Kind Regards

Ahmed Choudhry
Ba(Hons), Dip Arch, ARB

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From: Tracie Simpson <tracie.simpson@manchester.gov.uk>

Sent: 21 September 2021 10:40

To: Ahmed <Ahmed@nadaarchitects.com>

Cc: Jennifer Connor <jennifer.connor@manchester.gov.uk>; Noreen Aslam
<noreenaslam2018@gmail.com>

Subject: Re: 20-868 131042/FH/2021 - 449 Wilbraham Road, Manchester, M21 0UZ - Raising of roof ridge height and loft extension with rear dormer window

Dear Ahmed,

Thank you for your confirmation regarding which plans to use. I will continue with the application accordingly.

Kind regards
Tracie Simpson

Please Note: my working days are Monday, Tuesday and Wednesday

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