

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Noel Dyer
892 Rochdale Road
Manchester
M9 8AH

Agent (if used)

Mr Abdel Koussa
Koussa Architects
66 Norman Road
Altrincham
WA14 4EB

Part 1 – Particulars of the application/development

Proposal: Erection of a three storey building to create 2 flats (Class C3) with associated car parking, landscaping and boundary treatment

Location: 892 Rochdale Road, Manchester, M9 8AH

Date of application: 25 January 2022

Application number: 132262/FO/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 was assessed against the policies within the Manchester Core Strategy Development Plan Document, the Manchester Residential Quality Guidance and the guidance contained within the National Planning Policy Framework and National Design Guide. The applicant was advised that the provision of residential accommodation in this location would not be appropriate due to it being out of character with the pattern of development and its detrimental impact upon residential amenity of existing and proposed occupants. As the nature of the proposal was considered to be unacceptable and following the assessment of revised plans unfortunately a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reason(s) for decision

1) The proposed development, by reason of its siting, scale and appearance, would be out of character with the pattern of development in the area and result in an incongruous feature in the street scene. Car parking and waste bins would dominate the street scene together with unacceptable standards of accommodation due to lack of private amenity space. The proposal would result in an unduly harmful impact on the

visual amenity of the local area which is contrary to Policies SP1, EN1 and DM1 in the Manchester Core Strategy (2012), saved policy DC5 and E3.3 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and National Design Guide.

2) The proposal would result in development in the garden space of no. 892 Rochdale Road. Due to the size of the plot, the layout of the site and the scale and massing of the proposed building, the proposal would result in the overdevelopment of the site and form a cramped form of development which would be out of character with the pattern of development in the area. The proposal would also result in an overbearing, overshadowing and perceived overlooking impacts due to the relationship and proximity to 892 Rochdale Road together with increased noise and activity from comings and goings due to the increased levels of domestic activity taking place at the property together additional refuse arrangements. The proposal would have an unduly harmful impact on the residential amenity. This is contrary to the provisions of policy SP1, H3, EN1, and DM1 of the Manchester Core Strategy (July 2012), saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework.

Date: 22 March 2022

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 six months of the date of the notice of the 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 6 months).

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.