MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Imran Butt
29-31 Old Church Street
Manchester
M40 2JN

Agent (if used)

Mr V Alyas
Architek
916 Stockport Road
Manchester
M19 3AB

Part 1 – Particulars of the application/development

Proposal: Part retrospective installation of rear dormer to form one self contained apartment (Use Class C3a) together with the installation of an external staircase, the erection of a single storey rear extension and the installation of extraction flue (following removal of existing flue) and elevational alterations.

Location: 29-31 Old Church Street, Manchester, M40 2JN

Date of application: 18 October 2021

Application number: 131844/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

In this instance it was not considered possible to negotiate an appropriate solution that was acceptable to the Local Planning Authority, as the nature of the proposal was considered to be fundamentally unacceptable due to the inadequate level of dedicated car parking and amenity space provided, the standard of accommodation proposed, the means of access proposed and the waste management arrangements, and resulting impacts that this would have.

Reason(s) for decision

1) The erection of a single storey rear extension to form additional commercial floor space together with the installation of a rear dormer to form one additional apartment would result in an over intensive use of the site resulting in excessive noise and activity from "comings and goings" due to the increased level of domestic activity taking place at the property along with the commercial use, together with excessive refuse arrangements (which cannot be suitable accommodated within the application site) and

demand for private amenity space and car parking. These issues would cause unnecessary harm to the residential amenity of the existing and proposed residents. The proposal would be contrary to policies SP1, H1, H11 and DM1 of the 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.

2) The standard of accommodation available to proposed occupants is considered to be unsatisfactory, particularly in respect of provision of private external amenity space, arrangements of windows and entrances, lack of views out of the property and ventilation, and insufficient parking provision for future occupants. This will cause unnecessary harm to the residential amenity of the proposed occupants of the building. The proposals would not help diversify the mix of house types in the area, thereby contributing towards an unsustainable community to the detriment of residential amenity within the area. This is contrary to the provisions of policies SP1, H1, H11 and DM1 of the Manchester Core Strategy, and saved policies DC1 and DC5 of the Unitary Development Plan for the City of Manchester (1995), and the National Planning Policy Framework.

3) The creation of rear entrances for the flats would not be subject to natural surveillance from the public domain, leaving the properties and its occupants vulnerable to criminal behaviour to the detriment of residential amenity and public safety. The proposed development is therefore contrary to the provisions of the NPPF, policies DM1 and SP1 of the Manchester Core Strategy.

4) The erection of a single storey rear extension and rear dormer would, as a result of its siting, scale and appearance would result in an over dominant and incongruous feature that would fail to be subservient to the existing building, and would be detrimental to the character of area and amenity of adjacent properties. This would have an unduly harmful impact on surrounding residential and visual amenity. This is contrary to policies SP1, EN1, H1, H11 and DM1 of the Manchester Core Strategy, saved policies DC1 and DC5 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Date: 14 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 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.