MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr & Mrs Stanton
1 Chasetown Close
Manchester
M23 9NS

Agent (if used)

Ms Sarah Bolsover
Smashbox Architecture
97 Alderley Road
SK9 1PT

Part 1 – Particulars of the application/development

Proposal: Erection of two storey side extension following demolition of existing garage to provide additional living accommodation together with the erection of single storey front porch

Location: 1 Chasetown Close, Manchester, M23 9NS

Date of application: 11 August 2021

Application number: 131309/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

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan.

Reason(s) for decision

1) The proposed development by reason of its proximity to the shared boundary, together with the, size, scale, bulk and massing of the proposal, it is considered that the proposed side extension would have an overbearing impact and would create an intrusive feature in the form of expanse of brickwork along this boundary in close proximity to nearby residential properties, to the detriment of the residential amenity to the occupiers of 35 and 37 Amberwood Drive.

The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policies DC1.1 and DC1.4 and the guidance within the National Planning Policy Framework.

2) The proposed development would be detrimental to the visual amenity and character of the area. In particular it would create a visually intrusive feature in the street scene by reason of its siting and scale and would be detrimental to the visual amenities of adjacent properties and would in consequence be out of character with the area generally. As such the proposal is contrary to the City Council's Core Strategy Policies SP1, DM1, and saved Unitary Development Plan policies DC1.1 and DC1.4.

Date: 11 January 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 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.