

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Noreen Aslam
449 Wilbraham Road
Manchester
M21 0UZ

Agent (if used)

Mr Ahmed Choudhry
Nada Architects
169 Kingsway
Manchester
M19 2ND

Part 1 – Particulars of the application/development

Proposal: Raising of roof ridge height and loft extension with rear dormer window

Location: 449 Wilbraham Road, Manchester, M21 0UZ

Date of application: 12 July 2021

Application number: 131042/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 outlined to the applicant's agent that the height, scale and massing of the proposal is a concern, but no agreement could be reached on satisfactory changes to the scheme. The application has been determined to be in conflict with the Development Plan.

Reason(s) for decision

1) The proposed roof extension by reason of its design, mass and size relative to the roof of the application property, would appear as a bulky and excessively large feature, and would result in an unduly overbearing visual appearance to the detriment of the general character of the property and the visual amenity of the area within which it is situated. The proposal would constitute an over-dominant, un-subservient, unbalanced, and incongruous feature that is therefore contrary to policies SP1 and DM1 of the Core Strategy of the Local Development Framework for the City of Manchester and saved policies DC1.1 and DC1.2 of the Unitary Development Plan for the City of Manchester

Date: 21 September 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.