

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Reza Hussain
Prime Properties MISC LLP
5 Stanton Avenue
Manchester
M20 2PG

Agent (if used)

Mr Barry Tang
Tang and Associates Ltd - Chartered
Architects
Entrance W1 First Floor
Westwood House
Greenwood Business Centre
Manchester
M5 4QH

Part 1 – Particulars of the application/development

Proposal: Erection of a 3 storey side extension together with a rear flat roof dormer to form 4 no. residential apartments (2no. x 1-bedroom apartments and 2no. 2-bedroom apartments) with associated elevations alterations and car parking

Location: 535 Barlow Moor Road, Manchester, M21 8AQ

Date of application: 23 July 2021

Application number: 130642/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 would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Reason(s) for decision

1) The proposed change of use to a house in multiple occupation would lead to the loss of a family dwellinghouse and negatively impact on the supply of family accommodation in the area, which would in turn undermine the aim of achieving an appropriate balance of housing provision in the locality. The proposal is therefore contrary to the provisions of policies H1, H6, DM1 and SP1 of the Core Strategy.

2) There is insufficient space for vehicles to access the proposed parking in the rear garden. The proposed development therefore fails to make adequate provision for off street parking, contrary to the provisions of Core Strategy policy DM1 and saved Unitary Development Plan policy DC5.

3) The relocation of the entrance to the side of the property will leave the entrance and people using it vulnerable to anti social and criminal behaviours due to a lack of natural surveillance from the public domain. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1.

4) The proposed extension by reason of its scale and design would have an overbearing impact to the detriment of the amenity of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.

5) The proposed windows in the side elevation of the property are of a scale and proportion that is out of character with the architecture of the original building. The proposed windows would therefore adversely impact on the buildings appearance contrary to the provisions of Core Strategy policy DM1.

6) The proposed development will result in a poor standard of accommodation in the top floor flat fails to meet minimum space standards and the windows to the proposed open plan living areas overlook the narrow passage between the application site and the adjacent property. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1 and Saved Unitary Development Plan policy DC5.

Date: 17 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 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.