MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Michael Cohen
261 Barlow Moor Road
Manchester

Agent (if used)

S.W. Foulkes
31, Norfolk House
Clarendon Road
Sale
Manchester
M33 2DU

Part 1 – Particulars of the application/development

Proposal: Erection of two storey rear extension with basement and loft conversion to form 2 additional flats to 7 already in the existing building (9 total)

Location: 106 College Road, Manchester, M16 8BN

Date of application: 12 April 2021

Application number: 130010/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. The concerns of the local planning authority with the proposals have been communicated to the applicants agent. In this instance 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 creation of two additional flats by reason of the additional comings and goings and more intensive use would result in the over development of the site to the detriment of the amenity of the occupiers of the surrounding residential properties. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.

2) The proposed two storey extension by reason of its excessive scale would form an over dominant and visually intrusive feature to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1 and saved Unitary Development plan Policy DC1.

3) Having regard to the pattern of development, in particular the spaces between buildings, found it the Whalley Range Conservation Area, the proposed two storey extension would as a consequence of infilling the space between 106 College Road and 59 Wood Road have a detrimental impact on the character of the Whalley Range Conservation Area contrary to the provisions of Core Strategy policies SP1, DM1 and EN3 and saved Unitary Development Plan policy DC18.

4) The windows in the east elevation of the proposed extension would result in the overlooking of the adjacent rear garden to the detriment of the amenity of the occupiers of that property. The proposed development would therefore be contrary to the provisions of Core Strategy policy DM1 and saved Unitary Development Plan policy DC1

Date: 28 May 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.