



Planning

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P O Box 532 Town Hall
Manchester M60 2LA

Mr Nick Howard
29 Riverside Avenue
Salford
M44 6DR

Date: 30 May 2022

Dear Sir/Madam,

Decline to Determine Application

Application No: 133449/FH/2022

Proposal: Erection of a two storey side and single storey rear extension to provide additional living accommodation

Address: 63 Elsdon Road, Manchester, M13 0TN,

I refer to the above planning application, which was registered valid on 6 April 2022.

On 3 November 2021 the Council issued an enforcement notice, reference ENF/15287/21, in relation to the following specified breach of planning control:

Without planning permission, the erection of a two storey side extension and a single storey rear extension.

The notice came into effect on 15 April 2022, and required the following steps to be taken.

1. Demolish the two-storey side extension and the single-storey rear extension and return the front, side, rear elevations and roof of the property to their condition before the breach took place as shown in the attached images ENF/01, using materials that are similar in appearance to the original building.

OR

Make alterations to the extensions so that they fully accord with planning permission 123133/FH/2019, as set out in the attached decision letter of 21 May 2019 and as shown in the attached drawing nos. 1906/04, 1906/05 and 1906/06.

2. Remove from the land all building materials, rubble and waste resulting from carrying out the above steps.

Under Section 70C of the Town and Country Planning Act 1990, a Local Planning Authority may decline to determine an application for planning permission, if granting that permission would involve granting, wholly or partly a permission for any matters specified in a pre-existing enforcement notice. A notice is "pre-existing" if it had been issued before the receipt of the planning application being determined as specified by Section 70C(2).

In the opinion of the Local Planning Authority, the proposal of this planning application (ref: 133449/FH/2022) as set out in the documents and associated plans, relates to matters pertaining to a "pre-existing" enforcement notice, i.e. one issued prior to the receipt of the application on 6 April 2022 and are matters for which planning permission is deemed to be required.

As the Council have already deemed the development to be unacceptable and have taken formal action, any approval of the matters presently before me will be in direct contradiction to those decisions previously made. Therefore, pursuant to Section 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, hereby declines to determine the application and the appropriate entry will be made in the planning register to reflect this decision.

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non determination under Section 78, as that right is lost under the provision of Section 78(2)(aa).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

Julie Roscoe
Director of Planning, Building Control & Licensing