MANCHESTER CITY COUNCIL

Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)

Refusal of Listed Building Consent

Applicant

Dr Elina Kuitunen
Flat 14
Brazil House
2 Brazil Street
Manchester
M1 3PW

Agent (if used)

Mrs Jennifer Sewart
167 Gatley Road
SK8 4BB

Part 1 – Particulars of the application/development

Proposal: LISTED BUILDING CONSENT for external alterations at top floor apartment to include replacement of 2 no. sets of existing angled windows with 1 no. set of angled windows and 1 no. set of vertical bifolding doors, together with formation of small external terrace area due to amended angle of new doors

Location: Flat 14, Brazil House, 2 Brazil Street, Manchester, M1 3PW

Date of application: 25 September 2020

Application number: 127940/LO/2020

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 worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. An acceptable solution to satisfy both parties could not be reached on this occasion.

Reason(s) for decision

1) The proposed works are unacceptable as they would cause harm to the character and appearance of the listed building and views of the application site from within the Whitworth Street Conservation Area. The proposed replacement of a set of angled windows with a vertical set of bifolding doors would harmfully diminish the angled appearance of the elevation which is typical of runs of rooflights found historically on warehouses such as the application building and introduce an uncoordinated appearance on the Sackville Street elevation. This harm would be compounded by the

fact that the proposal would be highly visible from both ground level and/or taller buildings surrounding the site in various directions. For these reasons, the proposal would be unacceptable and inconsistent with guidance within the National Planning Policy Framework and policies SP1, CC9, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Date: 5 March 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 refers only to that required under the Planning (Listed Buildings & Conservation Areas) 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 consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with sections 20 and 21 of the Act within six months of the date of the notice of the decision.

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. If consent is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 27 of the Act.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where consent 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 27 of the Act..