



**Planning**

Robert Griffin  
Telephone: 0161 234 4527  
robert.griffin@manchester.gov.uk

P O Box 532 Town Hall  
Manchester M60 2LA

Philip Lambert  
Philip Lambert Architecture  
3 Eastbourne Grove  
Bolton  
BL1 5TR

Date: 8 December 2020

Dear Sir/Madam,

**Decline to Determine Application**

**Application No:** 128236/FH/2020

**Proposal:** Erection of two dormers to the front elevation

**Address:** 10 Birch Polygon, Manchester, M14 5HX

I refer to the above planning application, which was registered valid on 14 October 2020.

On 4 December 2019 the Council refused planning permission given reference 125065/FO/2019 in relation to the: Installation of two dormers to front following removal of existing dormer and change of use from single family dwellinghouse to 4no. two-bed self-contained flat the following planning application for the following reasons:

- i) The creation of the 4 no. self-contained residential flats would result in the loss of larger family accommodation, thereby reducing the availability of family housing and undermine the formation of sustainable communities. The proposal would therefore be contrary to the provision of policies SP1, H1, H5, and DM1 of the Manchester Core Strategy (2012), the Guide to Development in Manchester Supplementary Planning Document (2007) and the National Planning Policy Framework (2019).
- ii) The proposals would also result in an overly intensive use of the property resulting in the creation of low quality/substandard living accommodation for the occupants of the development, particularly in regard to flat sizes on the ground, first and second floor which would create unduly harmful impacts on the residential amenity of the occupants of the property; and the lack of natural light to the main habitable space to the basement flat. The proposal would therefore be contrary to the provision of policies SP1, H1, and DM1 of the Manchester Core Strategy (2012), saved policy DC5 of the Unitary Development Plan for the City of Manchester (1995), the Manchester Residential Quality Guidance (2017), the Guide to Development in Manchester (2007) and the National Planning Policy Framework (2019).
- iii) The provision of the rear entrance to the basement flat is unsatisfactory and would not provide safe entry and exit to the living accommodation due to lack of natural surveillance. This will compromise the safety, security and quality of living/standard of accommodation for the users of that accommodation. The development is therefore contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework (2019).

- iv) The creation of car parking and associated surfacing to the rear of the property would erode the landscape setting of the building which would unduly harm the character of the area in which the building is located to the detriment of visual amenity contrary to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC5.1.
- v) The proposal, by reason of the size and introduction of two front dormers would produce an incongruous design feature, out of keeping with the existing dwelling and alien to the visual amenity and character of the street scene. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1

On the 18 March 2020 an Inspector appointed by the Secretary of State dismissed appeal reference APP/B4215/W/19/3242928 against the Council's refusal of planning permission upholding reason 5 of that decision.

Under Section 70A of the Town and Country Planning Act 1990, a Local Planning Authority may decline to determine an application for planning permission, if the Secretary of State has dismissed an appeal against the refusal of a similar application.

In the opinion of the Local Planning Authority, the proposal of this planning application (ref: 128236/FH/2020) as set out in the documents and associated plans, is for a similar application that has been previously dismissed at appeal by the Secretary of State.

As the Council have already deemed the development to be unacceptable, any approval of the matters presently before me will be in direct contradiction to those decisions previously made. Therefore, pursuant to Section 70A 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,



Julie Roscoe  
Director of Planning, Building Control & Licensing