MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Cunnane
Hunter Investment Properties
5th Floor St Anns Square
Manchester
M2 7LP

Agent (if used)

Mr Jason Dugdale
Wiplow Limited
The Old Post Room
34 Chew Valley Road
Greenfield
Saddleworth
OL3 7DA

Part 1 – Particulars of the application/development

Proposal: Conversion of existing dwelling house into two self contained flats including single storey rear extension, elevational alterations and new boundary treatment

Location: 144 St Marys Road, Manchester, M40 0AQ

Date of application: 15 November 2019

Application number: 125236/FO/2019

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

In this case, it has been necessary to provide the Applicant with a reasoned justification as to why the development fails to meet the requirements of planning policy, as regards the National Planning Policy Framework (NPPF), and the Core Strategy for the City of Manchester, including saved Unitary Development Plan policies.

Reason(s) for decision

1) The conversion of this terraced property into two flats will result in the loss of a family dwelling house, which will have a detrimental impact upon the character of the local area, and the maintenance and supply of accommodation suitable for families and therefore the result of this proposal will not contribute to a sustainable community, which is contrary to the National Planning Policy Framework, policies H3, SP1 and DM1 of the Manchester's Core Strategy.

2) The conversion of the family dwelling house into 2 self-contained flats will result in the over intensive use of the property resulting in unduly harmful levels of noise and activity from "comings and goings" due to increased levels of domestic activity taking place at the property. In addition, there will be increased demand for car parking which cannot be suitably accommodated within the curtilage of the property. These will cause harm to existing and proposed residential amenity, which is contrary to the National Planning Policy Framework, policy DC5 and DC26 of the unitary development of Manchester, and policies T2,H3, SP1 and DM1 of the Manchester's Core Strategy.

3) The conversion of 144 St Mary's Road into 2 flats fails to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the lack of provision of private external amenity space, car parking, and refuse storage proposed, which would cause unnecessary harm to the residential amenity of the proposed occupants of the building and would be detrimental to the character of the local area and would fail to maintain a sustainable community. For these reasons, the development is unacceptable and contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies SP1, H1, H3, T2 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester Supplementary Planning Guide and Planning Document and the Manchester Residential Quality Guidance.

Date: 10 January 2020

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.