MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr & Mrs Crane
69 Dalston Drive
Manchester
M20 5LQ

Agent (if used)

Mr Mike Carr
MAT Design Limited
17 Brookside Avenue
St Helens
WA10 4RN

Part 1 – Particulars of the application/development

Proposal: Erection of a first floor side extension to form additional living accommodation

Location: 69 Dalston Drive, Manchester, M20 5LQ

Date of application: 1 October 2018

Application number: 121414/FH/2018

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. 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) If the proposed first-floor side extension is built, the development gap between No. 69 Dalston Drive and no. 71 Dalston Drive would not be capable of being shared equally and would have the potential to result in a terracing effect. As such, the proposal is contrary to saved Policy DC1.4 of the Unitary Development Plan for the City of Manchester , the National Planning Policy Framework and policies DM1 and SP1 of the Manchester Core Strategy Development Plan Document.

2) The proposed first-floor side extension due to its poor design, prominant location and relationship to the original house and the existing extensions would form an unduly visually obtrusive feature to the detriment of visual amenity and character of the area

and as such is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document.

3) The cumulative impact of the proposed first-floor side extension together with the existing extensions at the property would result in the extensions no longer being subservient to the original dwellinghouse. The proposal therefore represents an over development of the site to the detriment of the character and visual amenity of the area, and would have an overbearing impact upon neighbouring occupiers. The proposed development is therefore contrary to the provisions of saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

Date: 20 November 2018

Signed: 

Julie Roscoe
Head 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 12 weeks of the date of the notice of this 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 12 weeks).

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/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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.