MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Peter Lim
SAM Properties
433 Wilmslow Road
Withington
Manchester
M20 4AF

Agent (if used)

Peter Alan Rowlinson
1953
123 Green Lane
Leigh
WN7 2TW

Part 1 – Particulars of the application/development

Proposal: Erecton of a four-storey building to form eight self-contained apartments

Location: Land To The Rear Of 5 Derby Road And To The Side Of 9 Mitford Road , Manchester, M14 6NT

Date of application: 5 February 2018

Application number: 118636/FO/2017

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 does 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) Due to the size of the plot, the proposed footprint, the number of flats and the layout of the site, the proposed scheme is considered to have an unsatisfactory relationship with surrounding properties, is out of character with the pattern of development in the area and would result in the cramped overdevelopment of the site, contrary to Policies SP1,H1, H6, EN1 and DM1 of the Core Strategy, The Guide to Development in Manchester, Manchester Residential Quality Guidance and the National Planning Policy Framework (NPPF).

2) Due to its position, height and relationship with adjoining residential properties at 9 Mitford Road and 5 Derby Road, the proposed building would form an incongruous feature overbearing to adjoining occupiers and out of keeping with the immediate context. The proposed development is therefore contrary to policies SP1, H1, H6, EN1and DM1of the Manchester Core Strategy, The Guide to Development in Manchester, Manchester Residential Quality Guidance and the National Planning Policy Framework (NPPF).

3) The proposal fails to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the size of the proposed accommodation and the lack of provision of private external amenity space, and this would cause unnecessary harm to the residential amenity of the proposed occupants of the building, 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 Policies SP1, H1, H6, and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester and Manchester Residential Quality Guidance.

Date: 19 June 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 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/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.