MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Dr Binto Simon
2 Fairwood Road
Manchester
M23 9JR

Agent (if used)

Mr Niamat Ali
NA Design & Construction Ltd
47 Egerton Road South
Manchester
M21 0YW

Part 1 – Particulars of the application/development

Proposal: Erection of 2 storey front and rear extensions and first floor side extension and garage conversion to form additional living accommodation.

Location: 2 Fairwood Road, Manchester, M23 9JR

Date of application: 23 April 2018

Application number: 119794/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 local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons set out in this delegated report. The proposal is considered to have detrimental impacts for residential amenity and is out of character with the original dwelling. The agent was advised of the Council's concerns prior to recommending refusal of the application.

Reason(s) for decision

1) The proposed 2-storey side extension would, by reason of its design and scale in relation to the front elevation and the roof ridge line which extends above the ridge of the existing, create a visually incongruent development that adds significant bulk to the original dwelling and that is not subservient to it. The resulting extension would be out of character with the pattern of extensions within the street scene. The resultant extension would have significant visual prominence by reason of its corner location which, together with the above reasons, would be to the detriment of the character of the street

scene, contrary to saved policies DC1.2a and DC1.2c of the Unitary Development Plan for the City of Manchester and to policy DM1 of the adopted Core Strategy for Manchester.

2) The proposed development, by reason of its siting, height, scale and relationship to the shared boundary with no.2 Goodwood Avenue, would create a unduly overbearing structure in relation to this property to the detriment of the occupiers' residential amenity, 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.

Date: 14 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 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.