MANCHESTER CITY COUNCIL

# Town & Country Planning Act 1990 (as amended)

# Refusal of Planning Permission

**Applicant**

Mr Sarfraz Ahmed
Brook Lannd Estate Ltd
13 Victoria Avenue
Levenshulme
Manchester
M19 2PB

**Agent (if used)**

Mr Rashid Mehmood
IPS. Imam Planning Services
2 York Street
Bury
BL9 7AR

## Part 1 – Particulars of the application/development

**Proposal**: Retrospective application for retention of existing garage

**Location**: 13 Victoria Avenue, Levenshulme, Manchester, M19 2PB

**Date of application**: 24 March 2017

**Application number**: 115738/FH/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

In this case, officers advised that applicant that the amendments to the design and appearance of the garage had not addressed the concerns of the local planning authority and the identified adverse impact on residential amenity. It was considered that the planning application was supported with sufficient information to allow the planning application to be assessed.

## Reason(s) for decision

1) The development has an incongruous relationship to the original dwellinghouse, in terms of its height in proximity to the northern boundary wall, scale and massing, which has resulted in a consequentially oppressive and overbearing impact on rear ground floor windows and garden area to 11 Victoria Avenue and is thereby harmful to residential amenity and contrary to policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester and saved Unitary Development Plan policy DC1.

Date: 19 May 2017

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.