Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Mrs D Chapman Stables End Dean End Road Wilmslow Cheshire SK9 2BU	Howard And Seddon 64 Washway Road Sale Cheshire M33 7RE

Part I – Particulars of Application

Date of Application	Application ref. no.
3 June 2008	086218/FO/2008/N2

Particulars and location of development:

Two storey extension at rear of property and internal alterations to existing building to convert 6 existing apartments into 6 family dwellings

1 Rushford Avenue
Longsight
Manchester
M19 2FE

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision **Refused**
Date of Decision **24 July 2008**

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The replacement of an area of open garden land with the proposed building would harm the character and appearance of the Rushford Park Conservation Area, be out of character with the locality and the conservation area and fails to respect the site's setting. The development is therefore contrary to policies E2.7 and E3.8 and DC18.1(a) of the Unitary Development Plan for the City of

Manchester, policies DP3 and ER3 of the Regional Spatial Strategy and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, guidance contained in Planning Policy Guidance Note 15, (Planning and the Historic Environment) and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, adopted April 2007, Planning Policy Statement No. 3 (Housing) and companion guide "Better places to live" by design and Planning Policy Statement No1 (PPS1) Creating Sustainable Communities and companion guide "By Design" - Urban Design in the Planning System : towards better practice.

2) The creation of two access gates/pedestrian access points into the existing hedgerow, onto Central Avenue, and creation of a 'double-fronted' building, which would face onto both Rushford Avenue, and Central Avenue, would harm the character and appearance of the Rushford Park Conservation Area, be out of character with the locality and the conservation area and fails to respect the site's setting. The development is therefore contrary to policies E2.7 and E3.8 and DC18.1(a) of the Unitary Development Plan for the City of Manchester , policies DP3 and ER3 of the Regional Spatial Strategy and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, guidance contained in Planning Policy Guidance Note 15, (Planning and the Historic Environment) and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, adopted April 2007, Planning Policy Statement No. 3 (Housing) and companion guide "Better places to live" by design and Planning Policy Statement No1 (PPS1) Creating Sustainable Communities and companion guide "By Design" - Urban Design in the Planning System : towards better practice.

3) The creation of a large area of car parking area in the front garden area of the property would harm the character and appearance of the Rushford Park Conservation Area, be out of character with the locality and the conservation area and fails to respect the site's setting. The development is therefore contrary to policies E2.7 and E3.8 and DC18.1(a) of the Unitary Development Plan for the City of Manchester , policies DP3 and ER3 of the Regional Spatial Strategy and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, guidance contained in Planning Policy Guidance Note 15, (Planning and the Historic Environment) and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, adopted April 2007, Planning Policy Statement No. 3 (Housing) and companion guide "Better places to live" by design and Planning Policy Statement No1 (PPS1) Creating Sustainable Communities and companion guide "By Design" - Urban Design in the Planning System : towards better practice.

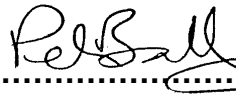
4) Having regard to the character and density of the development and the number and type of residential units, it is considered that the development fails to make adequate provision for private outdoor amenity space, to meet the needs of the future occupiers of the residential units, and the proposal would constitute overdevelopment of the site. The proposal would therefore be detrimental to the context, character, urban form and visual amenity of the area, the residential amenities of the future occupiers of the site and the existing occupiers of the surrounding residential accommodation, contrary to policy H2.2

of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Guidance.

5) The proposed development by reason of its siting, scale, massing and relationship to surrounding existing residential properties would form an overdominant and intrusive feature within the street scene and would result in an unacceptable detrimental impact on the residential amenity of the surrounding occupiers with respect to overlooking and an overbearing feature, which would be further exacerbated by the loss of a copse of trees, at the rear of the site. The proposed development would therefore be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Guidance.

6) The proposed development would create significant problems in relation to the risk of crime and disorder and would fail to pay appropriate regard to the security of its occupiers and users by virtue of its layout and detailed design, fostering the risk of crime to the detriment of the quality of the built environment and the sustainability of the community, contrary to Policies E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester; contrary to the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; contrary to promoting the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and contrary to the guidance contained in PPS1 "Delivering Sustainable Development".

7) The proposed development does not make adequate arrangements for vehicles accessing and egressing the site, as it is considered that the existing vehicular access point, close to the junction of Rushford Avenue and Central Avenue, has poor visibility and is located at a dangerous place in the bend in the road, and the proposed development is likely to lead to an increase in the levels of vehicular activity at the site, and this would be detrimental to highway and pedestrian safety in the vicinity of the site. The proposed development would therefore be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester, and the Guide to Development in Manchester Supplementary Planning Guidance.

Signed**.....**

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. This permission refers 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**.**

3. 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, he may appeal to the First 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.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

4. 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.

5. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

6. 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.