Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant

Mr Paul Lavelle
130 Wythenshawe Road
Northern Moor
Manchester
Lancs
M23 0PD

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
14 April 2010	092822/FH/2010/S2

Particulars and location of development:

Erection of two storey side extension to form additional living accommodation

130 Wythenshawe Road
Northern Moor
Manchester
M23 0PD

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 **1 June 2010**

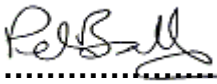
for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The proposed two storey side extension at 130 Wythenshawe Road would fail to respect the adjacent Listed Building `The Mount¿ as a consequence of its siting, design, size, massing and architectural expression. The resulting affect is an addition to the building will is unduly dominant and undermines the setting/context of the Listed Building. This will have an unacceptable impact on

the visual amenity and character of the street scene. The proposal is therefore contrary to policies H2.2, H2.7, E2.7 and DC19 and the Guide to Development in Manchester SPD (2007).

2) The proposed two storey side extension at 130 Wythenshawe Road would result in an addition to the building which is overly dominant and fails to be subservient to the original property as a consequence of its siting, design, scale and massing. In addition, an inappropriate amount of the amenity space associated with the property will be lost. This will result in an unacceptable impact on the appearance and visual amenity of the original property in the street scene. This is contrary to polices H2.2 and DC1 of the Unitary Development Plan for the City of Manchester (1995) and the Guide to Development in Manchester SPD (2007).

Signed**……**

Peter Babb, Head of Planning

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

NOTES

1. 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**.**

2. **Appeals to the Secretary of State**
If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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 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

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 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.