**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

MANCHESTER CITY COUNCIL

| Name and Address of Applicant | Name and Address of Agent |
|---|---|
| Mr Brendan McKenna<br>33 Heywood Court<br>Middleton<br>Manchester<br>M24 4RQ | Falvia Services Ltd<br>Falvia House<br>5 Carrwood Road<br>Bramhall<br>Stockport<br>Cheshire<br>SK7 3EL |

## Part I – Particulars of Application

| Date of Application | Application ref. no. |
|---|---|
| 16 June 2008 | 086821/OO/2008/N1 |

**Particulars and location of development:**

OUTLINE APPLICATION for the erection of 4 No two storey semi-detached houses with private access road from Whernside Avenue, and associated car parking, landscaping and boundary treatment

Land To The Side And Rear Of 43 Whernside Avenue
Moston
Manchester
M40 9PN

## 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** **14 August 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 proposed development is unacceptable because it represents a form of backland development, that is out of character with the grain of the area and would involve loss of the open aspect to the rear of house on Whernside Avenue and would have an adverse impact on the landscape character of the

area, and has a poor relationship with adjoining properties and is therefore contrary to policies , H2.2, H2.7, DC6 b and c , of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance adopted in April 2007, and national guidance contained in PPS1 and PPS3.

2) The proposal would be detrimental to the residential amenities of the nearby residential properties, because it would lead to an increase in activity, noise, and general disturbance particularly to the rear of the existing premises on Whernside Avenue due to vehicular traffic within the site contrary to policy H2.2 and DC6.2 b of the Unitary Development Plan for the City of Manchester.

3) The proposal would be detrimental to the residential amenities of adjoining occupiers by virtue of the architectural massing which would create a visually dominant form of development in close proximity to the shared boundary contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) A significant part of the site falls within the area where it is intended to enhance the character and ecology, namely Boggart Hole Clough, under policy BM5c of the Unitary Development Plan for the City of Manchester, which is identified as an important open space that could be used more effectively to meet the needs of local residents without damage to the local environment; this proposal is contrary to this policy and would restrict possible future enhacement of Boggart Hole Clough in a comprehnesive manner for the benefit of the wider community.

**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.