091357

Mr Kher Landa
25 Salisbury Road
Chorlton
Manchester
M21 0SJ

**Contact:** Steve McCoombe
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**Your reference**: 091357/FH/2009/S1
**Tel:** 0161 234 4607
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**Date:** 09 November 2009

Dear Mr Landa

**Erection of elevated conservatory to the rear of property at 25 Salisbury Road, Chorlton – Ref: 091357/FH/2009/S1**

I write in relation to the above planning application registered on 5th October 2009.

Having assessed the application, it is considered that the proposed elevated, rear conservatory constitutes substantially the same development on the same land as was refused retrospective planning permission on 27th June 2007 (Ref: 082471/FH/2007/S1).

Furthermore, an enforcement notice was issued on 19th February 2009 in respect of the conservatory and elevated decking, which proceeded to an appeal. On 23rd July 2009 the Secretary of State (acting through Planning Inspector P N Jarrat) dismissed your appeal and upheld the enforcement notice, refusing to grant planning permission on the application deemed to have been made under Section 177(5) of the Town and Country Planning Act 1990 (as amended).

It is considered that the differences in the current planning application are only cosmetic and fail to address the original reasons for refusal or the concerns of the Planning Inspector at appeal, namely:

- The perception of overlooking and loss of privacy to adjoining residents
- The impact on the character and appearance of the area due to over-dominant scale of the conservatory, exacerbated by the raised decking.

A Local Planning Authority may decline to determine a planning application for similar development if certain criteria are met, specifically, if within a period of two years ending on the date the application is submitted, a similar application deemed to have been made under Section 177(5), has been refused. This is in relation to the application made as part of your appeal against the enforcement notice, which was refused on 23rd July 2009.

Therefore, In light of the above and in consideration of the Unitary Development Plan for the City of Manchester, together with the guidance in Circular 08/05, are of the opinion

that there are no other material considerations to justify issuing a decision on this application and Manchester City Council, acting as Local Planning Authority, hereby gives you notice that it has decided to exercise its power under Section 70a of the Town and Country Planning Act 1990 and declines to determine the application.

There is no right of appeal to the Secretary of State against the City Council's decision to exercise its power in this regard, but you can make an application to the High Court for judicial review. The Court will interfere only if you can show that the City Council took account of irrelevant considerations or failed to have regard to a material consideration, or that the decision was manifestly unreasonable.

In the meantime, if you wish to discuss any of the matters raised, please contact Steve McCoombe on 0161 234 4607.

Yours sincerely

**Roger Hall**
**Group Manager**
**Development Control South**
**Planning Division**