MANCHESTER CITY COUNCIL

# Town & Country Planning Act 1990 (as amended)

# Refusal of Planning Permission

**Applicant**

Mr Marcus Barker
52 Schuster Road
Rusholme
Manchester
M14 5PE

**Agent (if used)**

Holborow And Ormesher
Station House
Adams Hill
Knutsford
Cheshire
WA16 6DN

## Part 1 – Particulars of the application/development

**Proposal**: Erection of a detached two storey building in rear garden to form garage with workshop above

**Location**: 52 Schuster Road, Rusholme, Manchester, M14 5PE

**Date of application**: 4 July 2013

**Application number**: 102421/FO/2013/S1

## 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 31 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application

## Reason(s) for decision

1) The proposed development by reason of its position in the rear garden would be out of character with the historic pattern of development found in the area resulting in an incongruous feature to the detriment of the visual amenity of the surrounding residential property and the character of the Victoria Park Conservation Area. The proposed development is therefore contrary to the provisions of policies SP1, DM1 and EN3 of the Core Strategy and saved policy DC18 of the Unitary Development Plan.

2) The proposed development by reason of its excessive scale, massing and promuinent location within the rear garden would form an over dominant and visually intrusive feature to the detriment of the visual amenity of the area the the Victoria Park Conservation Area. The proposed development is therefore contrary to the provisions of

policies SP1, DM1 and EN3 of the Core Strategy and saved policy DC18 of the Unitary Development Plan.

3) The proposed development would result in the potential for additional bed spaces within the property with a consequential increase in the levels of activity, including comings and goings, noise levels, waste generation and demand for parking. The proposed development would therefore be contrary to the provisions of policies SP1, H11 and DM1 of the Core Strategy of the Local Development Framework. The guidance contain in paras 11, 12 13 and 14 of the National Planning policy Framework supports refusal of the application.

Date: 14 August 2013

Signed: 

Julie Roscoe
Head of Planning
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, 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. 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 6 months).

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.

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.