MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Western UK Property Group
10th Floor
3 Hardman Street
Manchester
M3 3HF

Agent (if used)

Mr Matthew Wyatt
JWPC Limited
1B Waterview
White Cross
Lancaster
LA1 4XS

Part 1 – Particulars of the application/development

Proposal: Subdivision of Existing Houses into 4 No. Apartments, with associated external elevational alterations including rendering of the buildings.

Location: 11 Middleton Road, Crumpsall, Manchester, M8 5DT

Date of application: 17 April 2014

Application number: 105473/FO/2014/N1

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 with the applicant in a proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached due to the fact that the works had been started prior to the submission of the application, and completed whilst the application was still being considered, and the works that have been undertaken, as well as the conversion of the properties into 4 flats, is deemed to be unacceptable.

Reason(s) for decision

1) The introduction of two further residential units within the application buildings (changing it from 2 family dwellings to 4 flats) would result in the over-intensive use of the site that would lead to cars parking on nearby residential roads in the area due to the lack of off-street car parking associated with the development and lead to an unacceptable increase in comings and goings in and around the site. It is considered that the proposal would have an unduly harmful impact on the residential amenity of neighbouring occupiers due to increased noise and disturbance and would be

detrimental to the character of the area in general. For these reasons, the development is considered to be overdevelopment and detrimental to residential amenity within the area, and therefore contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies H3 and DM1 of the Core Strategy.

2) The conversion of the application buildings into 4 no. apartments would result in the loss of family housing and fail to provide an appropriate mix of housing types in this locality. It would result in the supply of small flats into an area that does not need such types of residential accommodation and would fail to maintain a sustainable community. For these reasons, the development is unacceptable and contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies H3 and DM1 of the Core Strategy.

3) The boundary wall, including the piers, that has been erected along the front boundary of the site at the back of pavement is considered to be unduly dominant and of an excessive height, thereby having a detrimental impact on the appearance of the site, visual amenity within the area and the character and appearance of the Crumpsall Lane conservation area. For these reasons, the development is unacceptable and contrary to saved policies DC5 and DC18 of the Unitary Development Plan for the City of Manchester and policies H3 and DM1 of the Core Strategy.

Date: 12 June 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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.