

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Asif Hussain
95A-E Manchester Road
Manchester
M21 9GA

Agent (if used)

Mr Rakesh Mistry
M83 Associates Ltd
187 Water Street
Manchester
M3 4JD

Part 1 – Particulars of the application/development

Proposal: Erection of single storey front extension and front bay window involving roof alteration together with the change of use of ground floor apartment into a commercial pizza kitchen (sui generis) and first floor rear extension to form living accommodation

Location: 95A-E Manchester Road, Manchester, M21 9GA

Date of application: 7 July 2025

Application number: 142598/FO/2025

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 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason(s) for decision

1) The proposed operation of a commercial kitchen, in conjunction with the existing ground floor retail use, would result in an overly intensive use of the site. This intensification would lead to increased pedestrian and vehicular activity in and around the premises, giving rise to undue noise and disturbance. The cumulative impact would cause unacceptable harm to the residential amenity of nearby occupiers. The proposal is therefore contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, C10 and SP1 of the Manchester Core Strategy, policies JP-P1 and JP-P6 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework (NPPF).

2) The proposed front extension, by reason of its design, scale, and siting forward of the established building line, including the partial infilling of the side return, would result in a visually intrusive and unsympathetic addition. It would fail to respect the character of the host property and the surrounding street scene, thereby causing harm to the visual amenity of the area. The proposal is therefore contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, C6 and SP1 of the Manchester Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan, the Guide to Development in Manchester (SPD), and the National Planning Policy Framework (NPPF).

3) The proposed first floor rear extension, by reason of its size, flat roof design, rearward projection, and siting, would form an unsympathetic and visually intrusive addition that fails to respect the character and appearance of the host property. Furthermore, its scale and positioning would result in an overbearing and over-dominant relationship with adjoining residential properties, leading to an unacceptable loss of residential and visual amenity. The proposal is therefore contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, and the National Planning Policy Framework (NPPF).

4) The proposed fume extraction flue, by virtue of its height, siting and proximity to openable windows, would result in an unacceptable impact on the amenity of existing and neighbouring occupiers. The method of fume dispersal is considered inadequate, and the development has the potential to generate adverse effects from fumes and odours. In addition, the application fails to provide sufficient evidence to demonstrate that the proposal would not result in undue noise disturbance arising from the operation of the flue. The development is therefore considered contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Date: 20 August 2025

Signed: 

Julie Roscoe
Director 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, they may appeal to the 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 gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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 or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 their 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.