

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Abdul Sattar
161 Smedley Road
Manchester
M8 0RU

Agent (if used)

Mr Talat Zeria
HSH Engineering Design Service Ltd
428 Cheetham Hill Road
Manchester
M8 9LE

Part 1 – Particulars of the application/development

Proposal: Erection of a part single, part two storey side, two storey rear, hip to gable conversion with insertion of rear dormer and outbuilding to rear of garden

Location: 161 Smedley Road, Manchester, M8 0RU

Date of application: 18 June 2025

Application number: 142154/FH/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

The proposal is considered to be contrary to policy and the applicant was advised of concerns, related to the proposed works, and invited to withdraw the application, but no response was received.

Reason(s) for decision

1) The proposed extensions, by reason of their position, scale, massing and relationship with neighbouring properties, would form unduly dominant structures that would lead to a loss of outlook from, and overshadowing of, neighbouring properties, particularly no. 163 Smedley Road, which would thereby be detrimental to the living conditions of the occupiers of those properties. The proposal would therefore be contrary to saved policies DC1.1, DC1.2 and DC1.3 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document and guidance contained in the National Planning Policy Framework.

2) The proposal would represent an overdevelopment of the site, leading to a significant loss of amenity space, which would be detrimental to the living conditions of the occupiers of the site. The proposal would thereby be contrary to saved policies DC1.1, DC1.2 and DC1.3 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy and guidance contained in the Guide to Development Supplementary Planning Document and the National Planning Policy Framework.

Date: 13 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 12 weeks of the date of the notice of this 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 12 weeks).

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-householder-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.

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.