

## **Town & Country Planning Act 1990 (as amended)**

### **Refusal of Planning Permission**

**Applicant**

Ms Parveen Anwar  
71 Guildford Road  
Manchester  
M19 3ER

**Agent (if used)**

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### **Part 1 – Particulars of the application/development**

**Proposal:** Erection of first floor side extension to form additional living accommodation

**Location:** 71 Guildford Road, Manchester, M19 3ER

**Date of application:** 15 October 2024

**Application number:** 141244/FH/2024

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### **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.

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### **Article 35 Declaration**

Officers have communicated their concerns about this proposal 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.

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### **Reason(s) for decision**

1) The proposed first floor side extension would, by reason of its position along the side garden close to the Norley Drive and Guildford Road highways would create a visually incongruent development that projects forward of the established building line of Norley Drive restricting views along the street scene into and out of Norley Drive to the detriment of the layout of the street and the character of the area; contrary to The National Planning Policy Framework (2021) chapter 12; policy DM1, SP1, EN1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

2) The proposed first floor side extension would, by reason of its size and scale, and with the proposal coming forward of the Norley Drive and Guilford Road highways would create a visually intrusive feature along the street scene and in terms of outlook from the neighbouring properties, driveways and gardens; and as such, is contrary to the provisions of policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); The National Planning Policy Framework (2021) chapter 12 and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

3) The resultant separation distance between the rear elevation of the proposed first floor extension and no. 1 Norley Drive (at approximately 8.0 metres); combined with the proposed habitable room window presents a significant adverse impact to the privacy of the current and future occupiers of the neighbouring property; and as such is contrary to policy DM1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

4) The proposed 4000mm wide first floor side extension would, by reason of its position along the side garden close to the Norley Drive and Guilford Road highways and projecting forward of the established building line of Norley Drive, coupled with the resultant overall mass of built form along the first floor, would unduly overshadow and result in a significant loss of light for those occupiers and future occupiers of neighbouring properties; specifically those occupiers of nos.1 - 5 Norley Drive, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Core Strategy Development Plan Document (2012).

Date: 9 December 2024

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](https://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.