MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Vikram Goyal
8 James Leach Vc Road
Manchester
M40 7PW

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Erection of part single, part two storey rear extension together with the Installation of rear roof dormer and insertion of front rooflights.

Location: 8 James Leach Vc Road, Manchester, M40 7PW

Date of application: 8 October 2024

Application number: 141077/FH/2024

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 cannot be overcome by the submission of a revised proposal. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason(s) for decision

1) The part retrospective development to the rear (rear dormer window connected to a part single, part two storey rear extension) by reason of its scale, bulk, massing, design and relationship to the original terrace; would form an overly dominant and visually obtrusive feature within the streetscene, which would be the first example of development of this nature in the new housing estate and therefore would be incongruous with the character of the area in general, to the detriment of visual amenity and as such is contrary to saved policies DC1.1, DC1.2 and DC1.3 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1 and EN1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

2) The proposed first floor window within the north eastern side elevation of the existing dwellinghouse would result in significant overlooking over a short distance to the rear habitable room windows and private garden areas of 14 and 16 Varley Street, to the detriment of the reasonable amenity and privacy of the occupiers. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and saved UDP policy DC1.

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. 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.