MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Dr Owoicho Okpe
2 Britnall Avenue
Manchester
M12 4PQ

Agent (if used)

Mr Adam Mokhtar
Diogel Architecture
3 Connaught House
Riverside Business Park
Benarth Road
Conwy
LL32 8UB

Part 1 – Particulars of the application/development

Proposal: Erection of a part two/part single storey rear extension

Location: 2 Britnall Avenue, Manchester, M12 4DH

Date of application: 17 September 2024

Application number: 140880/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 during the course of the planning application, but these concerns have not been overcome. The planning agent has subsequently confirmed that they wish for the application to be determined of the basis of the submitted information, (correspondence dated 04/11/24). 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 extension by reason of the proposed 4300mm rearward projection and the resultant contextual relationship along the common shared boundary with no.28 Cochrane Avenue, would present an overly large mass of built form, resulting in overdevelopment of the rear curtilage, coupled; with the visual intrusion along front garden and driveway of no.28 Cochrane Avenue, and as such, is contrary to The National Planning Policy Framework (2021) chapter 12; 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).

2) The resultant separation distance between the rear elevation of the proposed extension and no.28 Cochrane Avenue (at approximately 2.5 metres); combined with the proposed fenestration design along this elevation, involving the magnitude of glazing presents a significant adverse impact to the privacy of the current and future occupiers of the neighbouring property; and as such is contrary to The National Planning Policy Framework (2021) chapter 12; 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).

3) The proposed extension by reason of the proposed 4300mm rearward projection would result in overdevelopment of the rear garden, creating a lack of amenity space to the detriment of the current and future occupiers; and as such is contrary to The National Planning Policy Framework (2021) chapter 12; 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).

Date: 12 November 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.