MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Mohammed Syed
22 Eston Street
Manchester
M13 0FF

Agent (if used)

Mr John Albutt
PZvi Architects & Designers Ltd
62 Clifford Road
Stockport
SK12 1JA

Part 1 – Particulars of the application/development

Proposal: Conversion and alteration of existing residential space to create 1No. 2 bedroom apartments and 1No. 1 bedroom apartment including erection of single storey and two storey rear extension and construction of roof dormer to rear of the property

Location: 22 Eston Street, Manchester, M13 0FF

Date of application: 21 February 2024

Application number: 139197/FO/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

Reason(s) for decision

1) The proposed conversion of the host property into 3 separate flats would result in the loss of a family sized accommodation, which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H6, DM1 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

2) The proposed sub-division of the application property to form three self-contained flats, fails to provide adequate levels of gross internal amenity space afforded per apartment (as recommended in Manchester's Emerging Space Standards), which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1

of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.

3) The proposed flat conversion would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise, disturbance levels and demand for on-street parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policy DC5 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 two storey rear extension would by reason of its position, scale, massing, window orientation and relationship with neighbouring properties, form an unduly dominant structure that would be overbearing and intrusive to the adjoining occupiers, whilst leading to a loss of privacy to the occupants of the opposite facing property at No.21 Denham Street. In addition, the proposed first floor window inserted in the northern side elevation of the outrigger by reason of its position and orientation, would lead to a loss of privacy to the occupants of the adjoining property at No. 20 Eston Street. This in in turn would have a harmful impact to residential amenity, contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Date: 17 April 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 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.