

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mrs Okwubuasi
53 Aldermoor Close
Manchester
M11 1GF

Agent (if used)

Mr Craig Ronson
Ronson Building Design Ltd
18 Stapleton Avenue
Bolton
BL1 5ES

Part 1 – Particulars of the application/development

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

Location: 53 Aldermoor Close, Manchester, M11 1GF

Date of application: 16 April 2024

Application number: 139601/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

In assessing the merits of this planning application, officers have sought to work with the agent in a positive and proactive manner in seeking solutions to any problems arising during the course of the application, in the case of this particular application no pre-application advise was sought before the application was submitted. The proposal is clearly contrary to the provisions of the Development Plan, and a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached.

Reason(s) for decision

1) The first floor side extension, by reason of its siting , massing and footprint, would be positioned in a prominent location in close proximity to back of footpath, which would result in an overbearing and visually oppressive features in terms of outlook from the neighbouring properties contrary to the provisions of policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed extension, by reason of its design and scale would create built form that would not be seen as subservient to the main house and would as a consequence cause harmful visual impacts to the character of the area. The proposal is therefore contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies EN1, SP1 and DM1 of the Core Strategy for Manchester and National Planning Policy Framework.

3) The proposed extension by reason of the resultant overall mass of built form along the first floor side boundary, combined with the proposed 7213mm projection along the first floor side boundary, would unduly overshadow and result in a significant loss of light for those occupiers and future occupiers of neighbouring properties; specifically, no. 57 Aldermoor Close, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions and policy DM1 of Manchester's Core Strategy Development Plan Document (2012).

Date: 5 June 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.