

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Ishtieg Ahmed
Mamoon Haider Ltd
1A Hillbrook Road
Bramhall
Stockport
SK7 2BT

Agent (if used)

Mr Jan Bargiel
J Bargiel Architectural Consultants
2 Church Mews
Llanfair Dyffryn Clwyd
Ruthin
LL15 2RJ

Part 1 – Particulars of the application/development

Proposal: Erection of first floor rear extension over shop to create 2 no. self contained flats (1x 1bed and 1x 2 bed).

Location: 64 And 66 Mauldeth Road West, Manchester, M20 3FQ

Date of application: 6 February 2024

Application number: 139198/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

Officers have worked with the agent and have expressed their concerns over the scheme during the life of the application, however the concerns have not been addressed and as such the application has been refused in accordance with both national and local policies.

Reason(s) for decision

1) The proposed extension would constitute overdevelopment of the site and by reason of its scale, massing, height and siting would result in a visually intrusive feature that would be detrimental to the character of the area and residential and visual amenity, contrary to Policies DM1 and SP1 of the Core Strategy.

2) The development fails to make adequate provision of the parking of cars for the proposed additional living accommodation resulting in increased demand for the on street parking of cars to the detriment of the amenity of the area. The proposed

development therefore conflicts with provisions of Core Strategy Policy DM1 and saved Unitary Development Plan policy DC5.

3) The proposed extension to the building to create two self contained flats fails to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the lack of provision of private external amenity space, car parking, cycle and refuse storage and the size of the accommodation proposed, which would cause unnecessary harm to the residential amenity of the proposed occupants of the building and would be detrimental to the character of the local area and would fail to maintain a sustainable community. For these reasons, the development is unacceptable and contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies SP1, H1, H6, T2 and DM1 of the Manchester Core Strategy, the Guide to Development in Manchester Supplementary Planning Guide and Planning Document and the Manchester Residential Quality Guidance.

Date: 3 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.