

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr. Abid Nadeem
43 Milford Drive
Manchester
M19 2SA

Agent (if used)

Mr. Niamat Ali
NA Design
47 Egerton Road South
Manchester
M21 0YW

Part 1 – Particulars of the application/development

Proposal: Erection of first floor side extension, part single part double storey rear extension, front entrance porch and rear dormer extension following demolition of existing single storey rear conservatory

Location: 43 Milford Drive, Manchester, M19 2SA

Date of application: 8 June 2022

Application number: 134000/FH/2022

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 a 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 advice was sought before the application was submitted. The proposal was clearly still contrary to the provisions of the Development Plan following subsequently submitted revised plans, (dated, 27/07/2022).

Reason(s) for decision

1) The proposed extension by reason of its cumulative impact, coupled with its relationship along the common boundaries with nos. 41 and 45 Milford Drive, together with a proposed 4000mm rearward projection along these boundaries would create an overbearing, unsympathetic, visually intrusive feature in terms of outlook from the neighbouring gardens; contrary to the provisions of the 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 4000mm rearward projection along the first floor side boundaries, would create a long expanse of brickwork in close proximity to habitable room windows, which would unduly overshadow and result in a significant loss of light for those occupiers and future occupiers of nos. 41 and 45 Milford Drive, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Core Strategy Development Plan Document (2012).

Date: 8 December 2023

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.