MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant	Agent (if used)
Manchester Jame Masjid & Cltrl Ctr 50A Birch Lane Oldham Manchester M13 0WN	Mr Syed Uddin SHUAS 58 Southwood Drive Accrington BB5 2PZ

Part 1 – Particulars of the application/development

Proposal: Erection of first floor extension to creation additional floorspace (Class F.1)

Location: 50A Birch Lane, Manchester, M13 0WN

Date of application: 4 December 2023

Application number: 138517/FO/2023

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 applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Due to the proposal being contrary to planning policy, the Council has sought a solution to the problems, however the intervention has not resulted in a solution.

Reason(s) for decision

1) The proposed development would be unduly detrimental to the amenities that occupiers of adjacent residential properties might reasonably expect to enjoy, by virtue of increased comings and goings associated with the additional accommodation, vehicle movement, together with the insufficient arrangements for the parking of vehicles within the curtilage of the site and the resulting exacerbation of existing on-street parking, highway difficulties and traffic congestion in the area, to the detriment of pedestrian and highway safety. As such the proposal would be contrary to saved policy DC26, of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

2) The proposed development, by reason of its relationship along the common boundary with no. 2 Alwyn Drive would create an unsympathetic, overbearing cumulative feature by virtue of the size, scale and massing of works along this common boundary, which would be detrimental to amenity of the neighbouring occupiers by reason of having an overbearing appearance and would therefore be contrary to policies SP1 and DM1 of the Manchester Core Strategy.

Date: 29 January 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.