MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Arooj Arshad
38 Whitebrook Road
Manchester
M14 6FD

Agent (if used)

Miss Rebecca Parnell
Extension Plans UK
85 Uxbridge Road
Ealing Cross
London
W5 5BW

Part 1 – Particulars of the application/development

Proposal: Erection of a first floor side and rear extension together with a single storey front porch extension

Location: 38 Whitebrook Road, Manchester, M14 6FD

Date of application: 17 October 2023

Application number: 138305/FH/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 collaborated with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the applicant and consultees but were unable to reach a satisfactory conclusion.

Reason(s) for decision

1) Due to its design, scale and massing, the proposal would result in an overly dominant and visually obtrusive feature within the area, to the detriment of the general character of the property and the visual amenity of the area within which it is situated. The proposal is therefore contrary to Policies DM 1, SP 1, and EN 1 of the Core Strategy, Policy DC1 of the Extant UDP and guidance within the National Planning Policy Framework.

2) Due to its design, scale and massing, in particular the large rear extension, the proposal would have an overbearing impact on the adjacent properties in the area to the

detriment of the residential amenity of the neighbouring occupiers. The proposal is therefore contrary to Policies DM 1, SP 1, and EN 1 of the Core Strategy, Policy DC1 of the Extant UDP and guidance within the National Planning Policy Framework.

Date: 20 November 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.