MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Billy Singh
72 Bloomesbury Avenue
Manchester
M20 2BN

Agent (if used)

Mr Justin Keleghan
Plans To Build It Ltd
21 Campbell Road
Swinton
Manchester
M27 5QG

Part 1 – Particulars of the application/development

Proposal: Erection of first floor extensions to the side; erection of two dormer roof extensions to the front and installation of four rooflights to back, erection of single storey outbuilding and installation of sliding gates to vehicular entrance.

Location: 72 Bloomesbury Avenue, Manchester, M20 2BN

Date of application: 31 July 2023

Application number: 137729/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 worked with the agent and applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the agent during the course of the planning application, but these concerns have not been sufficiently addressed. The proposal is considered to be contrary to the development plan and therefore cannot be supported by the City Council.

Reason(s) for decision

1) The proposed first floor side extensions, the roof alterations and the outbuilding, by reason of their scale, massing and design, would form overly dominant and incongruous features within the street scene as well as harm the character of the Didsbury St James conservation Area. The proposed development is therefore contrary to policies SP1, EN3 and DM1 of the Manchester Core Strategy, extant policies DC1 and DC18 of the Unitary Development Plan for the City of Manchester and the guidance contained within the National Planning Policy Framework.

2) The proposed outbuilding, due to its siting, scale and appearance fails to preserve and enhance the settings of listed buildings and fails to respond positively to the character and appearance of the Didsbury St James Conservation Area. The outbuilding would be located in a prominent position that would detract from its historic setting. The proposal would cause less than substantial harm to the setting of the listed buildings, with the proposal also failing to provide the necessary public benefit to outweigh the identified harm. The proposal is therefore contrary to policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Date: 16 October 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.