MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Arfan Tahir
56 Mersey Bank Avenue
Manchester
M21 7NN

Agent (if used)

Mr Shariq Poonawala
SPA
Unsworth Moss Farm
Simon Lane
Middleton
M24 4SH

Part 1 – Particulars of the application/development

Proposal: Erection of a pair of semi-detached dwellinghouses with associated car parking

Location: 56 Mersey Bank Avenue, Manchester, M21 7NN

Date of application: 10 September 2021

Application number: 131359/FO/2021

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

Reason(s) for decision

0) The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012) and the guidance contained within the National Planning Policy Framework (2021). The applicant was advised that the proposal would have a detrimental impact upon the character of the area and the levels of residential and visual amenity enjoyed within the vicinity of the site. A solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

1) The proposed development, by virtue of its design and siting, would form an incongruous feature in the streetscene and have a detrimental impact upon the character of the street and the upon the current levels of visual amenity enjoyed within the vicinity of the site. The proposal would therefore be contrary to policy DM1 in the Core Strategy Development Plan Document for Manchester.

2) The rear windows at ground and first floor level would have a detrimental impact upon the levels of residential amenity enjoyed by the residents of the adjoining properties, namely nos. 52 and 54 Mersey Bank Avenue, due to the potential for overlooking and a sense of intrusion, contrary to Policy DM1 in the Core Strategy Development Plan Document for Manchester.

3) Having regard to the number of units proposed and the footprints of the proposed dwellings, the proposed development is considered to be overdevelopment and would therefore be detrimental to residential and visual amenity, contrary to Policy DM1 in the Core Strategy Development Plan Document for Manchester.

Date: 22 June 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 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.