

## **Town & Country Planning Act 1990 (as amended)**

### **Refusal of Planning Permission**

#### **Applicant**

Mrs Tahira Akram  
34 Egerton Road South  
Manchester  
M21 0YN

#### **Agent (if used)**

Mr Darren Pomfret  
Manchester Building Design Ltd  
8 Gas Street  
SK14 8JD

### **Part 1 – Particulars of the application/development**

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**Proposal:** Conversion of the basement to form 1 no. self contained apartment together with associated elevational alterations, formation of rear sunken terrace, installation of covered bicycle store and car parking

**Location:** 10 Ellesmere Road, Manchester, M21 0SR

**Date of application:** 10 November 2022

**Application number:** 135431/FO/2022

### **Part 2 – Particulars of decision**

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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**

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Officers have worked with the applicant in a proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached as the nature of the proposal was considered to be fundamentally unacceptable.

### **Reason(s) for decision**

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1) The conversion of the basement of no. 10 Ellesmere Road into a self contained flat making 4no. flats in total, would be unacceptable as it would represent an over development of the site by reason of the amount of accommodation on the site, and lead to the over-intensive use of the property, lead to an associated (and unacceptable) increase in comings and goings, lead to increased congestion, noise and disturbance, and would not help diversify the mix of house types in the area, therefore contributing towards an unsustainable community, to the detriment of residential amenity within the area. For these reasons, the proposal would be overdevelopment and unacceptable, and contrary to guidance within policies SP1, H6 and DM1 of the Core Strategy and the

National Planning Policy Framework and DC26, DC5.1, DC5.2 and DC5.3 of the Unitary Development Plan for Manchester.

2) The creation of an additional flat within the basement of no. 10 Ellesmere Road is likely to increase demand for the limited space available for parking on street, as there will be no increase in the provision of off street parking. The additional demand for on street parking would have a detrimental impact on the amenity of the area and is therefore contrary to the provisions of Core Strategy Policy DM1 and saved Unitary Development Plan policy DC5.

Date: 5 January 2023

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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](http://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](mailto:planning@manchester.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto: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.