



Planning

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Manchester M60 2LA

Mr Chowdhury
159 Great Norbury Street
SK14 1HU

Date: 15 February 2023

Dear Sir/Madam,

Decline to Determine Application

Application No: 135817/FH/2022

Proposal: Erection of a part single, part two storey rear extension and a part single part two storey side extension to provide additional living space

Address: 13 Olney Avenue, Manchester, M22 8AB,

I refer to the above planning application, which was registered valid on 21 December 2022.

Under Section 70A of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may decline to determine an application for planning permission, if the Secretary of State has dismissed an appeal against the refusal of a similar application in the two years prior to the submission of that application.

In the opinion of the Local Planning Authority, the proposal of this planning application as set out in the documents and associated plans, is similar to two previous planning applications (refs: 126873/FH/2020 and 128079/FH/2020) that the Local Planning Authority refused, and the Secretary of State subsequently dismissed at appeal (refs: APP/B4215/D/20/3258882 and APP/B4215/D/20/326471)

There has been no material change in circumstances in the intervening period and the Council considers that, similar to the previously refused applications that were subsequently dismissed on appeal, this proposal fails to comply with local and national policy.

Under Section 70B of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may decline to determine an application for planning permission, if a similar application, deemed to have been made by Section 177(5), is under consideration by the Secretary of State and a decision has not yet been issued.

On 16 November 2022, the Council issued an enforcement notice, which alleged: "Without planning permission, erection of a part single, part two-storey rear extension and a part single, part two-storey side extension". On 2 December 2022, an appeal against the notice was lodged with the Secretary of State; this appeal includes consideration of a deemed application under Section 177(5) and has not yet been determined. The Council considers that the current proposal is similar to the deemed planning application that is currently being considered by the Secretary of State at appeal.

Therefore, pursuant to Section 70A (subsections 1 and 3) and Section 70B (subsections (1)(b) and (4B)) of the Town and Country Planning Act 1990 (as amended), the Council as Local Planning Authority, hereby declines to determine the application.

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non-determination under Section 78 as that right is lost under the provision of Section 78(2)(aa).

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non-determination under Section 78, as that right is lost under the provision of Section 78(2)(aa).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Julie Roscoe', with a stylized flourish at the end.

Julie Roscoe
Director of Planning, Building Control & Licensing