

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Shakil Ahmed
32 Montcliffe Crescent
Manchester
M16 8GR

Agent (if used)

Mr Kenneth Okafor
Kenneth Okafor
284A London Road
Sheffield
S2 4NA

Part 1 – Particulars of the application/development

Proposal: Retention of 3 bedroom single storey dwelling house (Class C3)

Location: 32 Montcliffe Crescent, Manchester, M16 8GR

Date of application: 26 October 2022

Application number: 135281/FO/2022

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 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 applicant before and during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason(s) for decision

1) The dwellinghouse constitutes overdevelopment of the site which is out of keeping with the character of the area due to the size of the plot, the layout of the site and the scale and massing of the building resulting in an unacceptable intensification and cramped overdevelopment, inadequate car parking, lack of amenity space and internal space standards being detrimental to the living conditions of the existing and future occupiers as well as having an unacceptable impact on the visual amenity of the area in general and the residential amenity of neighbouring occupiers due to loss of privacy, noise and disturbance. As such it is contrary to Policies SP1, EN1 and DM1 of the Core

Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.

2) The dwellinghouse together with the sub-division of the site has resulted in loss of amenity and privacy to the current and future occupants of 32 Montcliffe Crescent. In particular 32 Montcliffe Crescent would have insufficient space within the curtilage of the site to provide adequate privacy amenity space. As such it is contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.

Date: 16 December 2022

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/planning-inspectorate. 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.