MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Tauqeer Sabir
7 Hesketh Avenue
Manchester
M20 2QN

Agent (if used)

Mr Jonathan Davidson
Jonathan Davidson Architects
47 Hilton Street
Manchester
M1 2EF

Part 1 – Particulars of the application/development

Proposal: Erection of two semi-detached dwellings with associated parking

Location: Land Adjacent To 50 Burton Road, Manchester, M20 3EB,

Date of application: 25 August 2021

Application number: 131117/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

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document, the Manchester Residential Quality Guidance and the guidance contained within the National Planning Policy Framework and National Design Guide.
The applicant was advised that the provision of residential accommodation in this location would not be appropriate as it was out of character with the historic pattern of development and have a detrimental impact on existing levels of residential amenity. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reason(s) for decision

1) The proposed development, by reason of its siting, would be out of character with the historic pattern of development in the area and result in an incongruous feature in the streetscene, to the detriment of the existing levels of visual amenity enjoyed in the area. The proposed development is therefore contrary to Policies SP1 and DM1 of the

Manchester Core Strategy and the guidance contained within the National Planning Policy Framework and National Design Guide.

2) The first floor windows in the proposed rear elevations, due to their close proximity to the boundaries with nos. 14 to 20 Thursby Avenue, would lead to the direct overlooking of the rear gardens, resulting in a sense of intrusion and loss of privacy that would have a detrimental impact upon the levels of residential amenity enjoyed by the residents of those properties, this would be contrary to Policy DM1 in the Manchester Core Strategy.

Date: 30 November 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.