

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Shane Liu
50 Kingsfield Drive
Manchester
M20 6HX

Agent (if used)

Mr Paul Cox
110 Old Lansdowne Road
Manchester
M20 2NY

Part 1 – Particulars of the application/development

Proposal: Erection of a part single/part two storey side extension, first floor front and single storey extensions to front and rear following demolition of existing garage together with widening of existing vehicular access

Location: 50 Kingsfield Drive, Manchester, M20 6HX

Date of application: 26 July 2022

Application number: 134315/FH/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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. The Council invited the agent to amend the application; however, no response was received, and it has therefore been determined as a refusal for the reason stated below.

Reason(s) for decision

1) The extension at the side of the dwelling, by reason of its excessive width and lack of any first floor set back, would result in a bulky and disproportionately wide development that is out of character and proportion with the original dwelling and the form and pattern of extended dwellings within the Kingsfield Drive street-scene. The development would therefore appear incongruous, having a detrimental impact upon the character of Kingsfield Drive, contrary to saved UDP policies DC1.1a, DC1.1d, DC1.2a and DC1.2c, together with Core Strategy policies DM1 and SP1 and the general guidance within the National Planning Policy Framework.

Date: 28 September 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 12 weeks of the date of the notice of this 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 12 weeks).

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.

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.