

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Kristian Sparrow
Nests Development Ltd
115a Lapwing Lane
Manchester
M20 6UR

Agent (if used)

Ms Susie Morris
Prospetti
The Studio Moss Lodge
Moss Lane
WA16 0TA

Part 1 – Particulars of the application/development

Proposal: Erection of single storey side and rear extension following demolition of garage to house in multiple occupation to create a new self contained apartment with associated landscaping and new car parking and installation of rear dormer to existing house in multiple occupation

Location: 14 Abberton Road, Manchester, M20 1HU

Date of application: 20 June 2022

Application number: 134098/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

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. Concerns were raised with regards to the intensification of the use with attendant comings and goings, noise and disturbance, together with the size and scale of the extension which represents an over-development of the site. The Council brought these concerns to the attention of the agent who responded by reducing the occupancy of the HMO by 1no. occupier. The Council contended that this would not adequately overcome its concerns given the extension increases the level of occupancy and is itself grounds for refusal owing to the amount of additional development in addition to the existing extensions on the site. The issues in this case could not be satisfactorily overcome and the application is recommended for refusal. The option to withdraw the application was not taken in this instance.

Reason(s) for decision

1) The proposed extension to the existing house in multiple occupancy would result in an over intensive use of the property leading to an increase in the levels of comings and goings to and from the site with attendant issues of noise and disturbance, parking demand and waste generation, to the detriment of the amenity of neighbouring residential occupiers. As such, the proposal is contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

2) The proposed extensions to the ground floor and roof, by reason of the amount of development in addition to the existing extensions at the site, represents an over-development of the site and development that is not subservient to the original dwelling house. The proposal is therefore contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

3) The proposed ground floor extension to create a separate apartment includes a living room and 2no. bedroom windows on the ground floor overlooking the shared garden that is available to all occupiers at the site. The position of the windows and door would give rise to unacceptable and intrusive breaches of privacy for the future occupiers of the apartment as well as the potential for noise and disturbance from use of the garden area by occupiers of the main dwelling house, contrary to saved policy DC26 and policies H11, DM1 and SP1 of the Manchester Core Strategy.

Date: 16 August 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.