

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Tahir Siddique
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Manchester
M12 4QA

Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Conversion of public house to form 13 residential apartments involving the erection of a two storey rear extension and roof top extension following demolition of existing outriggers, elevational alterations, laying out of car park, landscaping and cycle storage

Location: 576 Burnage Lane, Manchester, M19 1NA

Date of application: 4 January 2022

Application number: 131678/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 application has been dealt with in a positive and proactive manner. The City Council's concerns with the scheme were raised with the applicant, in this instance revised proposals were not received for consideration and the application has been refused permission within the agreed extension of time period for determining the application.

Reason(s) for decision

1) The proposed extension by reason of its design, scale, and siting would form an over dominant and incongruous feature in the street scene and would have a detrimental impact upon the levels of visual amenity within the vicinity of the site and the character of the area, contrary to Policies SP1 and DM1 of the Manchester Core Strategy, saved UDP policies DC1.1, DC1.2 and DC1.3 and the guidance contained within the NPPF.

2) Having regard to the character and density of development in the vicinity of the site together with its location outside of a district centre, the proposed development, due to its footprint and the number of units proposed, is considered to be an overdevelopment of the site and would therefore be detrimental to existing levels of visual and residential amenity, contrary to policy SP1, DM1, and, H6 of the Core Strategy.

3) By reason of the amount, and location of proposed windows within the proposed extension it is considered that the proposals would give rise to unacceptable residential amenity impacts in the form of real and perceived overlooking and loss of privacy to occupiers of nearby residential properties in close proximity to the site residing on Mobberley Close contrary to Core Strategy policy DM and saved UDP policy DC1.2.

Date: 17 June 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.