

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Faisal Mahmood
Bridgeman Court
Salop Street
Bolton
BD2 1DZ

Agent (if used)

Mr Michael Ainsworth
MADP
11 Woodvale Crescent
Bingley
Keighley
BD16 4AJ

Part 1 – Particulars of the application/development

Proposal: Erection of a dwellinghouse (Use Class C3a) to the rear of 40 Hilldale Avenue with associated car parking together and change in site levels together with modifications to access, boundary treatment and creation of hardstanding for car parking associated with 40 Hilldale Avenue following demolition of existing garage

Location: Land To The Rear Of 40 Hilldale Avenue, Manchester, M9 6PP

Date of application: 27 April 2022

Application number: 133334/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 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 due to it being out of character with the pattern of development and it's detrimental impact upon residential amenity of existing and proposed occupants. As the nature of the proposal was considered to be unacceptable and following the assessment of revised plans unfortunately 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 location to the rear of an existing dwellinghouses and without its own road frontage constitutes 'backland' development.

Due to the siting of the proposed building and its relationship with adjoining properties there would be a loss of amenity to neighbouring occupiers as consequence of increased levels of activity, associated noise and disturbance, intrusiveness and loss of privacy. The proposal would therefore be harmful to surrounding residential amenity. As such, the proposed development is contrary to saved policies DC6.1, DC6.2 and DC1.1 of the Unitary Development Plan for the City of Manchester and policies DM1, EN1 and SP1 of the Manchester Core Strategy.

2) Having regard to the relationship of the proposed development with the surrounding properties in the area, the proposed development, would constitute an inappropriate form of development, which would be out of keeping with the character and pattern of development in the local area and would be further accentuated by the off road parking and waste storage areas which would dominate the frontage, to the detriment of visual amenity. The proposed development is therefore contrary to the provisions of policies SP1, H1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

Date: 22 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.