

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Part 1 – Particulars of the application/development

Proposal:

Erection of single-storey rear extension and alterations to rear and flue.

Location:

479 Cheetham Hill Road Manchester M8 9LR

Application reference:

145065/FO/2026

Applicant:

Kris Abdulrahman

Date of application:

04 March 2026

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 reasons listed below.

Article 35 Declaration

Reason(s) for decision

- 1) The proposed rear extension by reason of its siting, design and use of poor-quality materials, fails to integrate with the host property and appears as an incongruous and visually intrusive addition. The extension occupies a prominent position visible from passersby along Waterloo Road and is at odds with the residential character of the area. As such, the proposal is contrary to Policies SP1 and DM1 of the Manchester Core Strategy and the design principles set out in Chapter 12 of the National Planning Policy Framework.
- 2) The proposed flue to the rear would be detrimental to the residential amenity of the occupiers of nearby residential accommodation, particularly to occupants of the upper floors of Cheetham Hill Road by reason of noise and odour. As such, the proposal would be contrary to policy DC26 of the Unitary Development Plan and policies DM1 and SP1 of the Core Strategy.
- 3) Errors have been identified within the submitted drawings. Such errors include, but are not limited to the following:

-Whilst the application form stated works had begun and been completed, the description of development indicates works have not yet begun.

- The height of the flue as seen on site is not reflected accurately within the plans.
- The flue on the plans extends beyond the site edged red and so extends onto land not contained within the applicant's ownership. Certificate A has been signed and in the case of the submitted plans, Certificate B should have been served and notice no.1 served on the property of no.475 Cheetham Hill Road.
- Windows within the host property are drawn inaccurately in respect of size and formation.
- The width of the host property appears inaccurate when considering the flue and window is contained within the applicant's ownership on site, but on the plans is shown as extending beyond such site.
- The roof pitch of the extension is drawn incorrectly and the overhang seen on site is not visible on the plans.
- The door within the rear elevation is missing on the plans.
- The proposed site plan only references the metal clad structure to be retained; however the red brick element of the rear extension is subject to enforcement action (erected sometime between June 2024- June 2025) and needs to be correctly referenced within the proposed site plan.
- The existing outrigger (prior to development) is drawn inaccurately in respect of proportions and the door is missing. On the existing floor plans, such element is not shown at all.

Given the quality and accuracy of the submitted information, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and policies SP1 and DM1 of the Manchester Core Strategy.

Date: 26 May 2026



Signed:

Julie Roscoe

Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) 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 (as amended) 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/appeal-planning-decision 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 (as amended), 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

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 (as amended).

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead, there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.