



## The Town Council of Royal Leamington Spa

### PLANNING DETERMINATIONS 25<sup>TH</sup> NOVEMBER 2021

Planning Permission has been **REFUSED** by the Planning Authority in respect of the following application:

W/21/0837                                      Mr J.Dhesi & Mr T.Dhesi                                      Proposed  
conversion of loft space into 1 bed flat                                      21 High Street CV31 1LN

**RESOLVED** that no objection was raised.

#### **WDC Reasons for Refusal:**

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the introduction of poorly designed flat roof box dormers, which would dominate the roof slope and consequently represent a design feature which is neither characteristic of the Conservation Area nor in accordance with the Residential Design Guide. No public benefits have been identified to outweigh this harm.

In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of the position of the proposed dormer windows on the rear elevation, located in close proximity to the existing discharge point of the ground floor hot food takeaway's kitchen extraction flue (at Papa John's). This could give rise to an unacceptable impact on residential amenity by reason of discharged cooking odours entering the proposed residential unit. Furthermore, the proposed bedroom, which forms a habitable room, would have inadequate levels of amenity, by virtue of a lack of outlook and a reliance on only one rooflight for light. This is considered to provide substandard living conditions for the future occupiers of the development.

The proposal fails to provide any car parking facilities and vehicles would therefore be likely to park on the public highway causing inconvenience to other road users. In addition, the potential for indiscriminate parking leading to increased parking stress would harm the amenity of nearby residents.

In the opinion of the Local Planning Authority the kitchen flue of the ground floor hot food takeaway would be a source of noise disturbance due to the operation of the extraction fan and the sound of turbulent air passing through the flue. Moreover, the rear of the property overlooks the smoking area of a licensed premises (TJ's Bar) which has been the cause of previous noise complaints. No information has been submitted with the application to demonstrate that future occupiers would not be disturbed by the ground floor licensed premises or the adjacent kitchen extraction flue and as such there is insufficient information to demonstrate that an adequate standard of amenity would be provided for future occupiers of the proposed apartment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case. Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species