



The Town Council of Royal Leamington Spa

PLANNING DETERMINATIONS 10TH MARCH 2022

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

W/21/1783 Mark Forrest Demolition of existing detached
garage and the erection of a two-bed single storey dwelling 39 Lonsdale
Road CV32 7EP

RESOLVED that no objection was raised.

WDC Reasons for Refusal:

Policy H1 of the Warwick District Local Plan 2011-2029 states that housing development on garden land will not be permitted unless the development reinforces and harmonises with the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. Policy BE1 requires development proposals to harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Neighbourhood Plan policy RLS1 states that infill development will be supported where it is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan).

In the opinion of the Local Planning Authority, the proposed development would fail to satisfy the requirements of Policy H1 by reason of its design and character as a single storey detached dwelling in an area characterised by two storey semi-detached dwellings. The proposed dwelling would appear as an uncharacteristically cramped form of development in contrast to the more spacious layout of the existing dwellings.

Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance. Neighbourhood Plan Policy RLS1 adds that housing development will not be supported where it would result in a significant adverse impact on the amenity of adjacent existing occupiers and uses.

In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of sub-standard distance separation to both the application property of No.39 Lonsdale Road and opposing two-storey properties of Kinross Road. The proposal is thereby considered to be contrary to the aforementioned policies.

RESOLVED that no objection was raised.

WDC Reasons for Refusal:

Neighbourhood Plan Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supported only in certain circumstances. Those relevant to the proposed development are: 1. Re-use of previously developed land and buildings. 2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses.

In the opinion of the Local Planning Authority, the proposed development would fail to satisfy the requirements of this policy by reason of the significant adverse impacts on the amenity of the adjacent neighbours which would result. The proposal results in overshadowing, loss of light and outlook to habitable rooms and overlooking to the neighbouring properties.

Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

In the opinion of the Local Planning Authority, the proposed dwelling would result in harm to the living conditions of the occupiers of 66 Montrose Avenue by reason of loss of light and outlook due to the breach of the 45-degree line. The proposed dwelling would also result in an unacceptable loss of privacy to No.35 St Andrews Road due to overlooking of the garden. The proposal would result in unacceptable overshadowing of the garden of 66 Montrose Avenue. The shadow created by the building would cover the majority of the garden. This impact would be most significant in the areas closest to the dwelling (the patio) which are likely used more intensively