

Addendum report for 7 Norham Gardens

Application Number: 10/03409/LBD & 10/03407/FUL & 10/03408/CAC

Decision Due by: 15 February 2011

- Proposal:**
- i) 10/03407/FUL –Change of use & erection of two-storey side extension
 - ii) 10/03409/LBD – Extension and alterations involving demolition associated with the subdivision of the existing building to form 2x dwellings.
 - iii) 10/03408/CAC – Demolition of existing art block and garage

Site Address: 7 Norham Gardens, Oxford

1. At the last North Area Committee meeting on the 4 March 2011 Members resolved to refuse the above applications, contrary to officers' recommendation for the following reasons: –

10/03409/LBD:-

- i) The demolition of the conservatory, which is considered to possess architectural and historic interest, will result in harm to the heritage significance of the listed building and is not justified. The proposal is therefore contrary to the policy and advice in PPS 5 *Planning for the Historic Environment*.
- ii) The proposed two-storey extensions, by reason of their appearance and height will have a harmful impact on the special interest of the listed building and its setting. The proposal is therefore contrary to the policy and advice in PPS 5 *Planning for the Historic Environment*.

10/03407/FUL:-

- i) The proposed two-storey extensions involve the loss of an existing conservatory, which is considered to possess architectural and historic interest. The harm this will cause to the heritage significance of the listed building and the character and appearance of the conservation area is not justified and is therefore contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Oxford Core Strategy 2026 and the policy and advice in PPS 5 *Planning for the Historic Environment*.
- ii) The proposed two-storey extension and garden studio building, by reason of their appearance, height, sitting and the reduction in the gap between neighbouring buildings will have a harmful impact on the heritage significance of the listed building, its setting and the character and appearance of the conservation area. The proposal is therefore contrary to policies HE3, HE7, CP1, CP8 of the Oxford Local Plan 2001-2026, policy CS18 of the Oxford Core Strategy 2026 and the policy and advice in PPS 5 *Planning for the Historic Environment*.

10/03408/CAC:-

Members resolved to approve Conservation Area Consent for the Demolition of the existing art block and existing garage.

2. North Area Committee's concern focused on the loss of the conservatory and the

impact of the new extension on the gap between the buildings, the conservation area, the special interest and setting of the listed building.

Following this meeting the applicant has commissioned a structural engineers report to provide more information on the condition of the conservatory.

3. The report describes the conservatory as late 19th century in date which has subsequently been remodelled in the 1940s or 1950s, including a new section at the southern end of the conservation using joinery which does not match the original, either in terms of the timber section or the pattern of the glazing bars. The report also states that the roof glazing has been removed and the rafters has been boarded and finished with bituminous mineral felt.
4. The report highlights a number of defects with the existing conservatory and that its general condition is poor. Defects are identified as follows:
 - significant movement in the base brick walls resulting in differential settlement and outward horizontal movement. This has created inclined brick courses, bowing and leaning in the vertical faces.
 - at the southern end significant cracking and separation is evident between the conservatory and house.
 - extensive spalling and cracking in the brickwork and numerous poor quality repairs have been carried out with inappropriate cement based mortar mix.
 - roof timbers are in a poor state of repair including areas of wet rot.
 - the floor screed is damp and lifting in places.
 - movement in the timber framework resulting in 30mm gaps over rear door frame.
5. The report concludes the conservatory is beyond economic repair.
6. Officer's recommendation remains as the original report.

Date: 16 March 2011

Application Number: 10/03409/LBD & 10/03407/FUL & 10/03408/CAC

Decision Due by: 15 February 2011

- Proposal:**
- i) 10/03407/FUL – Change of use and erection of two-storey side extension, from existing educational use, to form 2 dwellings, including garden studio building and bike store.
 - ii) 10/03408/CAC – Demolition of existing art block and existing garage
 - iii) 10/03409/LBD – Extension and alterations involving demolition associated with the subdivision of the existing building to form 2x dwellings. Works include:
 - a) Demolition of toilet block, conservatory and detached garage
 - b) Erection of 2 storey extension
 - c) Internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions
 - d) Form new opening with gate in front boundary wall

Site Address: 7 Norham Gardens, Oxford

Ward: North Ward

Agent: Riach Architects, 65 Banbury Road, Oxford **Applicant:** Merit Rich Ltd

Called in by Councillors – Cllr Brundin
Supported by Cllrs Campbell, Gotch and Fooks

For the following reasons –
For the effect on the conservation area and local concern.

Recommendation: - APPLICATIONS BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan and Government advice on the management of the historic environment. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
- 2 Comments received in response to public comments relate to particular elements of the scheme rather than the overall objectives sought, in particularly the loss the conservatory, impact on historic fabric, impact on architectural quality. The proposals have evolved through informed analysis of the architectural and historic interest of the building and through pre-application discussions with officers and English Heritage and in consultation with local groups. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been mitigated by design and are justified. Overall the benefits will secure the

optimum viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent/planning permission/conservation area consent.

subject to the following conditions, which have been imposed for the reasons stated:-

10/03409/LBD

- 1 Commencement of works LB/CAC consent
 - 2 LB/CAC consent - approved plans
 - 3 7 days notice to LPA
 - 4 LB notice of completion
 - 5 Further works - fabric of LB - fire regs
 - 6 Repair of damage after works
 - 7 Materials - samples
 - 8 Internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
 - 9 Further Details floors, windows, etc
 - 10 Archaeological building recording
 - 11 Extraction/fumes
 - 12 External lighting
 - 13 Boundary treatment
 - 14 Retain historic doors
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10/03407/FUL

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plns
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details before commencement
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
 - 13 Variation of Road Traffic Order – Norham Gardens
 - 14 Porous materials for new driveway areas
 - 15 Side window to be obscure glazed with restricted openers and so retained
 - 16 No felling, lopping, cutting
 - 17 Details of refurbished gates
 - 18 Detailed landscape plan including a planting plan and schedule
 - 19 Trees - Underground services and drainage soakaways
 - 20 Detailed Tree Protection Plan
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10/03408/CAC

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns

Main Local Plan Policies:

- Oxford Local Plan 2001-2016
- CP1 - Development Proposals
- CP8 - Design Developmt to Relate to its Context
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- CP13 – Accessibility
- HS11 – Subdivision of dwellings
- NE15 – Loss of Trees and Hedgerows
- NE16 – Protected Trees

NE17 - Biodiversity
HE2 – Archaeology

Core Strategy 2026

CS19 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 51/01782/A_H – Change is use to School – approved
- 51/01888/A_H – Alterations to form Lavatory accommodation – approved
- 72/25674/A_H – Erection of prefabricated classroom unit in garden – approved
- 77/00243/AH_H – Renewal of temporary consent for erection of prefabricated classroom – approved
- 10/01439/FUL – Change of use of education establishment to dwelling house – approved

Representations Received:

1. **The Victorian Group of the Oxfordshire Architectural and Historical Society** – have strong objections to the loss of the existing conservatory and the design of the proposed 'studio' building in the rear garden. They are also strongly opposed to the size and height of the new side extension, the use of tiles and amount of glazing proposed. They also consider the size, height, and design of the northern two-storey addition overbearing and inappropriate.
2. **Norham Manor Residents Association** – Consider this second application little changed from the previous application and question the financial motive for subdividing this property. They are opposed to the part demolition of this grade II listed house, the subdivision of the property into two separate residences and the erection of a separate building for ancillary residential accommodation which will dominate the rear garden. .
3. **Six letters have been received from the occupants of the following properties: No 9 Norham Gardens, No 9a Norham Gardens, No 13 Crick Road, No 7 Crick Road, No 17 Bradmore Road and No 19 Bradmore Road raising the following objections and comments: –**
 - impact on the residential amenity
 - impact on the listed building
 - Proposals for a permanent structure in the rear garden
 - the demolition of the existing conservatory
 - erection of a two-storey extension
 - impact on character and appearance of North Oxford Conservation Area
 - impact on trees
 - noise and nuisance
 - Loss of privacy

Statutory Consultees:

1. **Highways & Transport** – Have not objections to the development subject to conditions.
2. **Thames Water** – have no objections with regard to sewerage or water infrastructure.
3. **English Heritage** - The Statement of Significance fails to acknowledge the significance of the existing conservatory, dismissing it as a later addition which has been altered in the 20th century. However, the City Council has picked up on this and negotiated a revised design which aims to retain this aspect of the character of the building. English Heritage has no objections to the proposal and is happy for the local authority to resolve any outstanding details.

4. **The Victorian Society** – have raised objections to the subdivision of the building and the size, height, detail and style of the new side extension. They also consider that the new garden building is not a traditional garden building as the name 'pavilion' implies and the previous permission for a temporary structure is not justified for allowing a permanent building.

Issues:

The main issue is the impact of the proposal on the special architectural and historic interest of this grade II listed building and on the special character and appearance of the North Oxford Conservation Area. However it is also necessary to have regard to the following other issues:

- Principle of conversion to two dwellings
- Impact on neighbours
- Trees
- Highways and parking
- Private amenity space
- Bin and recycling stores

Sustainability protection of historic environment, continued use of historic building stock

Officers Assessment:

Brief history of site:

1. Much of the area on which North Oxford now stands was acquired by St John's College in the 16th century. It was developed between Walton Manor and Summertown as a residential suburb of large detached and semi-detached houses beginning in the 1850s with Park Town. After 1860 the College employed the Oxford architect William Wilkinson to lay out and superintend the development of Norham Manor. The houses built by Wilkinson, H W Moore, Frederick Codd and others employed the use of plain and multi-coloured bricks, stone window dressings and tall tiled roofs combined with the very up-to-date use of early French Gothic detailing, in what has become known as the High Victorian Gothic. Conservatories were a popular feature, reflecting the Victorian fashionable interest in the study and care of tropical plants and made more accessible with the lifting of a tax on glass in 1845.
2. Norham Gardens was the first road to be laid out as part of the Norham Manor Estate. Characterised by large red and yellow brick Gothic villas, set in large gardens amidst wide avenues. The southern side of Norham Gardens was built to take advantage of its proximity to University Parks and therefore, that main facades do not look over the road. Since the planting between the development and the park has matured, the houses are well screened and only enticing glimpses are now possible from the Park.
3. No 7 Norham Gardens is located on the southern side of Norham Gardens close to the junction of Bradmore Road and forms part the Norham Manor Estate. Along with Nos 1, 5, 11 & 13, No 7 is designed to turn its back on the road so that its principle elevation faces south overlooking the rear garden and beyond into University Parks. It is a listed building Grade II and is situated in the North Oxford Conservation Area.
4. Built in 1862, No 7 was the first house on the new Norham Manor Estate. It was designed by William Wilkinson and was important as a showpiece for the new estate. Originally built for Professor Goldwin Smith, the property was then bought by Professor Max Muller, who extended the property in 1867 to provide additional accommodation for his extended family. The conservatory was added to the eastern elevation of the 1867 extension between 1876 and 1900, but has been remodelled and extended, probably between 1939 and 1957.
5. In June 1951 permission was granted for a change of use from residential to education use. Further alterations and extensions followed including a toilet extension on the road elevation, remodelling the conservatory and the erection of a detached prefabricated classroom and detached garage in the garden.

Heritage Significance

6. The house was built in two principal phases with the main block constructed in 1862 and a large extension added in 1867. The original 1862 building comprises of 3 adjoining ranges including a two storey and a two-and-a-half storey range on the southern side and a one-and-a-half storey range on the northern side. Adjoining the eastern side of the earlier block is the two-and-a-half storey extension erected in 1867. This includes a contemporary single storey bay on its north elevation that also abuts the eastern elevation of the 1862 block.
7. In common with other properties along the south side of Norham Gardens, internally the rooms are arranged so that the domestic offices face north, while family rooms take advantage of the southern aspect and the light that this affords. Externally, the south elevation is also much more architecturally distinguished with large triple leaded stone mullioned windows and a large rectangular bay window with hipped stone coping.
8. The existing canted conservatory is plainly decorated and not of the same scale and quality as the rest of the building. It is much smaller and has been remodelled and extended to accommodate the 1950s toilet block at the front of the building. The existing felt roof is modern.
9. The building is a good example of the work of an architect with a key responsibility for the design and development of the garden suburb. It possesses characteristics and features that help understanding of Victorian values and ideals that have influenced the design and layout (gothic architecture, landscape setting, conservatory). It is not as originally designed and has been extended in subsequent years. The conservatory is not as originally designed and its individual architectural merits have been eroded by subsequent alteration and extension.
10. Much of the building 19th century interior plan form and features remain intact, including the original 1862 staircase with turned spindle balusters. Within the 1867 wing, the original matchstick balustrades have been retained on the first floor upwards. The original 19th century shutters have been retained in the principle rooms together with door cases with architrave shafts and chamfered panel doors. The original family rooms also retain their arched and carved stone fireplaces with either zigzag or foliage capitals. Inside the entrance hall to the left of the front door, there are the initials GS (presumably Professor Goldwin Smith) carved in spandrels. There have been some C20th internal alterations, but these have not undermined the quality or the integrity of the interior plan and features.
11. There is a large garden to the rear of the property and space either side contributing to the sense of spaciousness and green setting that prevails throughout the suburb. However, there are C20th buildings in the garden – a response to the change in use during this period, which have eroded the integrity of the garden and its setting.

Policy Framework

12. In PPS5 Planning for the Historic Environment, the government states its objective that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as:

“a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment”.

13. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises that harmful impacts need to be justified and the greater the

harm then the greater the justification needed. When making planning decisions Policy HE7.4 of PPS5 explains that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.

14. The Government recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term, but it does highlight in Policy HE7.5 that it is desirable for development to make a positive contribution. Policy HE9.1 of PPS5 explains that there should be a presumption in favour of the conservation of designated heritage assets (conservation area, listed building) and the more significant the asset the greater the presumption in favour of conservation should be.
15. The Government's objectives for the management of the historic environment are given effect locally in the Council's Adopted Local Plan and Core Strategy, in particular policies CP1, HE3 and HE7 of the Local Plan and Policy CS19 of the Core Strategy.
16. Other policies in the Oxford Local Plan are relevant to the proposals and relate to the sub-division of dwellings [policy HS11]; the provision of car and cycle parking [policies TR3 and TR4]; the provision of adequate gardens [policy HS21]; the provision of bin and recycling stores [policy CS10] and the impact of the development on neighbouring occupiers [policy HS19]. These issues are all considered in more detail later in this report.

Brief description of proposals:

- Subdivision of the existing building and other minor internal alterations to form two dwellings.
- Demolition of a single storey building at the front of the building and single storey conservatory on the East elevation.
- Erection of new single storey extension on the North elevation and East elevation with accommodation in the roof space.
- Erection of a new single storey pavilion building in the rear garden, replacing the existing prefabricated art block building.
- Replacement of existing dilapidated single garage building with a new garage building on approximately the same footprint.

Assessment of Impact

17. The application is supported by supplementary reports that indicate the proposals have been informed by analysis and understanding of the heritage assets. An earlier application for a similar proposal was withdrawn on officers' advice because of the harm that would result to the special interest of the listed building and its setting. Subsequent pre-application advice secured a number of changes to address the concerns raised by officers and consultees on the earlier application.

Impact on heritage assets:

18. The proposals involve the replacement of the toilet block with a new one and half storey extension with a pitched roof and small dormer window that will have a more positive relationship with the host building and will improve the appearance of the building. The additive nature of the proposed extension is a characteristic of the listed building and the provision of the new entrance will not detract from the original entrance which will be retained. The scale of this extension is appropriate and will not obscure or harm existing features.
19. The gabled eastern end wall of the proposed northern extension is also an improvement on the existing flat-roofed block. The roof of the new one and half storey side extension is to be natural slate to match the host building and a single high level conservation style rooflight rather than dormer windows will be used to light the new ensuite. The design of the new extension will also ensure a significant portion of the existing 1867 chimneystack is retained and visible at high level.

20. As stated earlier conservatories are a characteristic of the suburb. Many have been lost during the C20th and those that remain have greater significance through rarity and as a reminder of earlier fashions and life styles. However, the intrinsic architectural merits of this conservatory has been eroded by subsequent changes and decay. Retention of this structure is not justified, but retention of a conservatory as a feature of the house and the suburb is important in order to preserve its special interest. This is achieved in these revised proposals and is considered acceptable.
21. Given that the character and appearance of the garden has changed its subdivision as proposed need not harm the setting or affect the historic integrity of the house in its plot.. Given that the original layout of the gardens in the suburb is often compartmented, the subdivision of this garden can be achieved with landscaping features that will ensure that this aspect of the proposals will not cause harm and there is the potential that an appropriate scheme of landscaping will better reveal the sylvan characteristics of the suburb.
22. The new garden building in the eastern corner of the garden is a contemporary response to a building within the garden landscape. Smaller than the existing building and of more permanent materials this building will reduce the harm caused by the existing structure.
23. Internally, some alterations and internal finishes that have taken place reflect the institutional use that existed. Returning the building to residential use will reverse these changes allowing the use for which the building was originally designed to be reinstated. This proposed reuse also provides the opportunity to restore and reinstate missing domestic features such as fireplaces and a staircase. Its subdivision into two dwellings is a difference, but the changes that involves to the internal layout, weighed against the beneficial internal alterations and more appropriate use will not be harmful. The junction between the 1862 and 1867 ranges affords itself well to the division of the two properties and allows the removal of later modern partitions to reinstate room proportions and features.

Principle of conversion

24. Policy HS11 of the Oxford Local Plan states that planning permission will only be granted for the sub-division of a dwelling if each resultant unit will be self contained with its own lockable entrance, kitchen and bathroom; each resultant unit will be a minimum size of 25 square metres, measured internally and the proposal will not prejudice the aims of policy HS8.
25. The proposal is for the sub-division of a substantial property to form two, large, five bedroom dwellings each with 4 bathrooms. In terms of the Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] the only issue relating to new development of 1 – 3 units is that there should be no loss of a family dwelling. In this case, the proposal would result in an additional family dwelling and therefore the proposal complies with the requirements of BoDS.

Impact on neighbours

26. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
27. In this case, the only properties directly affected by the proposal are numbers 5 and 9 Norham Gardens which are located on either side of the application site. The proposals involve the erection of a two storey extension on the side of the dwelling closest to number 9 and a replacement garden pavilion that would also be close to the boundary with number 9. The proposal also includes the erection of a single garage with a height of 4.8 metres close to the boundary of the site with number 5 Norham gardens. However, the new garage is a modest, domestic structure and officers take the view that it would have a minimal impact on the amenities enjoyed by the occupiers of number 5 particularly having regard to the established trees that exist along this boundary.
28. As regards the two storey side extension, this would be sited some 6.5 metres from the joint

boundary with number 9 Norham Gardens and 10.4 metres from the side wall of the property itself. As a result of pre-application discussions, two previously proposed dormer windows on the side elevation of the new extension facing towards number 9 have been removed and the only windows now proposed are a high level conservation rooflight serving an en-suite bathroom [conditioned to be 1.6 metres above finished floor level] and an obscure glazed window with opening restrictors serving a further en-suite bathroom. Officers therefore take the view that the proposal would not result in any overlooking towards the side windows of number 9.

29. The objections raised by the occupiers of number 9 include the view that the proposed extension would be overbearing in the outlook from the side windows in their property which serve upper floor bedrooms, a study on the lower ground floor and a playroom on the ground floor. Officers have carefully considered this issue. However given the distance involved [10.4 metres] together with the restricted height of the proposed extension [8.2 metres] relative to the main house which has a maximum height of some 13 metres, it is considered that the proposed extension would not cause unacceptable harm or appear so overbearing to the occupiers of number 9 to warrant a refusal of planning permission on this basis. In addition, the existing trees and shrubbery along the joint boundary of the site with number 9 is conditioned to be both protected during the course of development and retained to maintain a privacy screen between the two properties.
30. The new garden building that would replace the existing, unsightly prefabricated classroom building, would measure 10 metres in depth by 5 metres in width with a height of 3.2 metres. This would be significantly smaller than the existing building on the site. As a result of pre-application discussions, its form and appearance has changed and what is now proposed is a lightweight, contemporary building erected using timber boarding, brickwork and glazing. Its use is conditioned to be ancillary to the main house and in this respect is likely to be far more low key than its previous use for educational purposes.

Trees

31. A number of significant amenity trees stand within and adjacent to the application site which could be affected by the proposals.
32. The application is supported by an Arboricultural report, which includes a tree survey and an assessment of the quality and value of existing trees which is consistent with good practice. The report accurately assesses the constraints that existing trees impose on the layout of development and includes an Arboricultural Implications Assessment which reasonably assess identifies the impact of the development of existing trees.
33. The layout of the development proposed requires the removal of two existing trees to allow access to the new garage and to remove two other trees from the rear garden. These are all low quality value trees. The impact of their removal on the appearance and character of this part of the conservation area will be minor and can be adequately mitigated by planting new trees and shrubs as part of the final landscaping. A detailed landscape plan including a planting plan and schedule should be required by condition if planning permission is granted.
34. The layout of the development requires demolition and construction work to be undertaken in close proximity to several existing high and moderate quality and value trees which are to be retained and protected. The application is supported by a detailed Arboricultural Method Statement, which describes the special precautions that will be put in place during the demolition and construction phases of development to ensure that these valuable retained trees are not damaged. These special precautions need to be controlled by condition. Underground services and drainage soakaways will need to be located away from rooting area of retained trees if the development takes place. If planning permission is granted it should be conditional upon a plan showing services being submitted for approval prior to the start of work on site.
35. During demolition and construction phases of development retained trees will need to be protected using a combination of barrier fencing and ground protection. A detailed Tree

Protection Plan should be required by condition if planning permission is granted.

Highways and parking

36. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application subject to a number of conditions relating to the provision of secure and sheltered cycle parking; the new refurbished timber gates at the two entrance points shall not open outwards onto the highway and the retention of pedestrian visibility splays. In addition, the site shall be excluded from the local Controlled Parking Zone and eligibility for parking permits.
37. The site is substantial and there is ample space for parking and manoeuvring for both of the proposed dwellings.

Private amenity space

38. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development involving residential uses where poor quality or inadequate private open space is proposed. It goes on to say that family dwellings of two or more bedrooms should have exclusive use of a private garden that should generally have a length of 10 metres.
39. The site is substantial and each of the dwellings proposed would have rear gardens extending to 22.5 metres together with planting and open areas to the side. Officers consider that the gardens are more than adequate to serve the two, five bedroom dwellings. In addition, the site backs onto University Parks with its extensive open area.

Bin and recycling stores

40. Bin and recycling stores were originally proposed at the front of the site but officers considered that such siting would be detrimental to the character and appearance of the conservation area and the setting of the listed building. The stores have therefore now been relocated to the side of the new single garage in the case of house A and to the side of the new garden pavilion in the case of house B. These are shown to be 2 metre high, timber enclosures.

Conclusion:

Many listed buildings can sustain some degree of sensitive alterations or extension to accommodate continuing or new uses. The present extensions proposed have been designed to minimise the impact on the special character and appearance of the listed building and, subject to the amendments identified, officers consider that the proposals will preserve the special architectural and historic interest of the historic building.

Human Rights Act 1998

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of these applications, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent and planning permission and conservation area consent, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of

property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Background Papers:

Contact Officer: Sarah Billam/Nick Worledge

Extensions: 2640/2147

Date: 13 February 2011