

## Oxford City Planning Committee

15<sup>th</sup> June 2021

<b>Application number:</b>	21/01092/FUL		
<b>Decision due by</b>	14th June 2021		
<b>Extension of time</b>	22nd June 2021		
<b>Proposal</b>	Formation of 1no. rear dormer in association with a loft extension and insertion of 1no. rooflight to rear elevation.		
<b>Site address</b>	69 Great Clarendon Street, Oxford, OX2 6AU, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	James Paterson		
<b>Agent:</b>	Peter Njuguna	<b>Applicant:</b>	Stephanie Solywoda
<b>Reason at Committee</b>	This application was called in by Councillors Hollingsworth, Rowley, Pressel, Fry, Munkonge and Turner due to concerns about the scale, size and type of development that is compatible with the Jericho conservation area. Since these issues are a matter of balance and judgement, rather than being hard and fast rules, members considered that this application is best decided by Planning Committee.		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **refuse the application** for the reason given in paragraph 1.1.2 of this the report and delegate authority to the Head of Planning Services to:

- finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.2. The recommended reason for refusal is as follows:

- 1 Due to its design, scale and massing, the proposed dormer would not be considered acceptable in terms of its impact on the special character or appearance of the Jericho Conservation Area as it would constitute a moderate level of less-than-substantial harm, with no public benefit. The dormer would therefore represent unacceptable development that would harm the special character or appearance and thereby the significance of

the heritage asset, the Jericho Conservation Area. The dormer would therefore be contrary to Policies DH1 and DH3 of the Oxford Local Plan 2036, paragraphs 192 and 196 of the NPPF and the Council's standing 'Pre-application Building Design Advice: Guidance Sheet 5'.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a planning application for the construction of a large, box dormer and the insertion of a rooflight to the rear part of the roof of 69 Great Clarendon Street. The box dormer would replace much of the upper portion of the rear roof slope with the proposed rooflight set alongside the dormer in the remaining part of the upper section of roof.
- 2.2. Officers consider that there would be a degree of harm to both the special character and appearance of the Jericho Conservation Area by the alteration of the presently unbroken roof that is characteristic of the conservation area. The application site contains a modest, terraced house to accommodate the proposals involving a large, box shaped dormer, extending from the ridge across much of the building's rear roof slope. It is considered that the level of harm to the architectural and historic significance of the Conservation Area would be a moderate level of less-than-substantial harm. There would be no public benefits arising from the alteration of the roof of the building in the proposed manner that would outweigh this level of harm. It must be remembered that in discharging the "special duty" set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "special attention shall be paid to the desirability of preserving or enhancing the special character or appearance of that area" this statutory duty must be "the first consideration for any decision maker" and should be "regarded as having considerable importance and weight", as set out by Glidewell L.J. in *Bath Society v Sec.of State for the Environment*, and that therefore in considering any benefit or advantage that a development might offer the duty to preserve or enhance must carry considerable weight. This requirement is also clearly set out in case law, notably the *Barnwell Manor* case.
- 2.3. The Council has previously refused a dormer of the same design as that now being proposed as part of a decision on a recent application on this site (19/01264/FUL) because of the harm that that dormer would have caused to the significance of the Jericho Conservation Area.
- 2.4. The Council has recognised the significance of the historic environment of Jericho through its designation as a conservation area in February 2011. The development as described in the application to be determined could not be carried out as permitted development because of the site's location within a conservation area, as per Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015, (as amended). Officers consider that the proposed development would not preserve, as harm would be caused, or enhance the special character or appearance of the Jericho Conservation Area that the Council has sought to protect through the designation of the area as a conservation area.

- 2.5. Officers consider that the proposal fails to accord with the policies of the development plan when considered as a whole and the range of material considerations support the refusal of planning permission.
- 2.6. The scheme also fails to accord with the aims and objectives of the National Planning Policy Framework. The proposal would not constitute sustainable development and, given the lack of conformity with the development plan as a whole, officers consider that the development proposal should be refused.
- 2.7. The visual harm caused by the proposed development would be detrimental to the Jericho Conservation Area as one of the important identified characteristics of the Jericho Conservation Area is the roofscape of the houses. It is considered that the proposed development would result in harm to the architectural and historic significance of the Jericho Conservation Area to which unbroken, simple roof forms and modest, two-storey terraced houses make an important contribution and that would be harmed by the design of the proposed alteration to the roof of 69 Great Clarendon Street. The preservation of the character and appearance of a conservation area must be given great weight when considering the balance of such harm against any public benefits that may arise from the proposed development.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

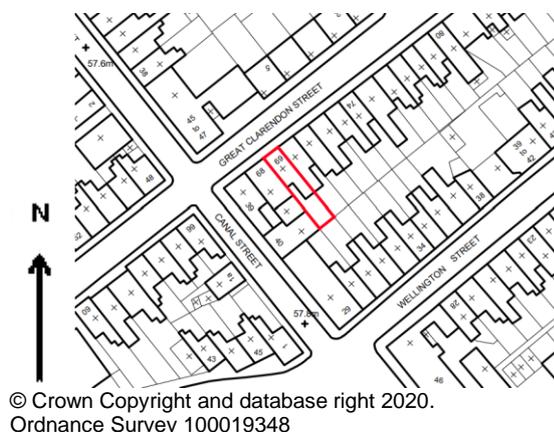
- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. 69 Great Clarendon Street is a modest, two-storey, Victorian terraced house, located on the south side of the street. The house dates from the mid-1800s but was certainly in place by 1876. The site falls within the Central Jericho character area of the Jericho Conservation Area, which is characterised by late Georgian and Victorian working class cottages and artisan housing. It is considered that No. 69 typifies that established building type. The Jericho Conservation Area designation and Jericho Article 4 Direction were adopted by the Council in the recognition of and in the interest of preserving the area's special architectural and historic interest. One of the key elements of the area's built character and appearance that the Article 4 seeks to preserve is its roofscape as this is considered to make an important contribution to the special character and appearance of the area and is specifically identified as being significant in the Jericho Conservation Area Designation Study (2010).
- 5.2. Many of the original architectural features traditional to the artisan and workers dwellings that characterise the Conservation Area and that have been lost in other similar houses prior to the conservation area designation and presence of the Article 4 direction survive in No. 69 Great Clarendon Street. For example, its timber sash windows, its simple, unbroken, traditional pitched roof and original brick facade, with painted detailing around the windows. The majority of

buildings in this part of the Conservation Area conform to this pattern with some variety to be found in larger buildings, not always dwellings to be found typically at corners, such as the pair immediately to the west of no.69 and institutional buildings such as the former St Barnabas School Building immediately opposite the application site, designed by George Street and built in 1856 (grade II listed) as well as some C20 housing interventions.

- 5.3. This part of the Jericho Conservation Area is characterised by its compact streets, set out on a 'grid' that enables permeability as well as the uniformity of the modest, two storey terraced cottages with their consistent use of materials and common architectural detailing which provides a strong, discernible character and appearance that defines the area. The singular consistency of an unbroken, low and linear roofscape is of particular importance to the character and appearance of this area and it contributes to the overriding sense of human scale which is so evident to the observer in the street. The application site with its surviving features makes an important contribution to the special character and appearance of the Conservation Area in that regard.
- 5.4. It is noted that there is an extant permission on the site which has been part implemented (19/01624/FUL). This included the removal of a large garden building, the erection of a single storey rear extension, replacement windows, insertion of a rooflight on the rear roofslope and repairs to the roof. Only the removal of the garden room has been implemented.
- 5.5. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the construction of a box dormer and the insertion of a rooflight on the rear roofslope of no.69 Great Clarendon Street. The box dormer has been designed to sit above the roof purlin on the upper part of the rear roofslope 1.5m above the eaves line. The dormer would extend up to 1.2m above the existing roof plane and would be 2.6m wide. The rear wall and cheeks of the proposed dormer would be clad in dark slate or cement tiles while the roof of the dormer would be covered in asphalt. Both the rear window and rooflight are proposed to have aluminium frames.

6.2. The Council has already previously refused planning permission for an identical dormer, (19/01624/FUL), however that application was approved in part and whilst the dormer was refused, the addition of a rooflight already benefits from planning permission that was granted as part of application 19/01624/FUL and would in any case be permitted development. This application does not propose any variation or amendment to the design of the previously submitted dormer which is identical to the one that has previously been refused planning permission by the Council. The recent refusal of the dormer is a material planning consideration.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p>64/14605/A_H - Alterations to form bathroom. PDV 25th February 1964.</p> <p>19/01624/FUL - Erection of a single storey rear extension. Formation of 1no rear dormer and insertion of 1no. rear rooflight in association with a loft conversion. Replacement of 2no. rear windows, 2no. front windows and front door. Re-tiling of roof. Demolition of rear garden room. (amended plans)(amended description). Split Decision 4th September 2019.</p> <p>21/00664/FUL - Removal of 1no. rear rooflight. Formation of 1no. rear dormer in association with a loft conversion. Insertion of 1no. rooflight to rear elevation.. Withdrawn 16th April 2021.</p>
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## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1		
Conservation/Heritage	184-202	DH3	<p>Jericho Conservation Area Designation Study, 2010</p> <p>Pre-application Building Design Advice: Guidance Sheet 5</p> <p>Historic Environment Good Practice</p>	

			Advice in Planning: 3	
<b>Housing</b>	59-76	H14		
<b>Miscellaneous</b>	7-12	S1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th May 2021 and an advertisement was published in The Oxford Times newspaper on 29th April 2021.

### **Statutory and non-statutory consultees**

9.2. None Received

### **Public representations**

9.3. Two local people commented on this application from addresses in Wellington Street and Walton Street.

9.4. In summary, the main points of support (two residents) were:

- General support for the proposal
- Local plan policies supportive of the development

### **Officer response**

9.5. Officers have considered carefully the comments made in relation to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the arguments made in support of the application do not amount, individually or cumulatively, to a justified reason for approval and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Design
- II. Conservation Area
- III. Listed Buildings
- IV. Neighbouring Amenity

## I. Design

- 10.2. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.3. The Council also has standing advice relating to the construction of rear dormers on dwellinghouses: 'Pre-application Building Design Advice: Guidance Sheet 5'. This advice makes it clear that dormers should be modest in size, leaving the roof plan as the dominant form and specifically advises against the use of box dormers.
- 10.4. The proposed rooflight in isolation would be an acceptable addition to the rear roof slope since it would represent a modest addition to the roof and would not excessively clutter the roof nor add any significant bulk to it. The rooflight would therefore be acceptable in design terms, although it is noted that this also benefits from an extant permission and would not need planning permission in any case.
- 10.5. The proposed rear box dormer, although it would be set back from the eaves, would extend for much of the width of the roof and would be set at the height of the ridge of the roof. The alteration of the profile of the roof by the addition of the dormer on its upper slope would be visible across the rear roofs of neighbouring properties to the east of the application site to an observer standing on Albert Street. The proposed dormer would appear visually incongruous with the more dominant unbroken roof forms and would by virtue of its size, form and siting on the top part of the roof slope become the dominant form on the rear roof slope, in contrast to the characteristic, unbroken traditional sloping roofs that presently exist at no.69 and many of the neighbouring properties as well as the majority of those modest terraces that characterise this part of the Jericho Conservation Area. The proposed dormer would give the appearance of an additional storey rather than a proportionate 'room in the roof', as is advised in the Council's adopted design advice for rear dormers. Furthermore the dormer's non-traditional, flat roof design would be out of keeping with the property's traditional Victorian character. While there are other examples of dormers in the vicinity, these were largely constructed without planning permission prior to the area's designation as a conservation area in 2011 (including the nearby dormer at No. 71 Great Clarendon Street). The dormer is not considered to be of a design quality appropriate to its context or such that it would enhance local distinctiveness rather it is considered that the design of the dormer, including its siting on the roof would result in an addition that would dominate the rear roof slope, unbalance the traditional appearance of the rear façade of the dwelling and harm the important sense of scale that contributes to the special character and appearance of the Jericho Conservation Area and in particular this part of the conservation area.
- 10.6. The proposal would therefore be unacceptable in terms of design and Policy DH1.

## II. Conservation Area

- 10.7. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a conservation area, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.8. The proposed rear rooflight would be a modest intervention and, while it may be glimpsed from public views, particularly at nighttime when light would be visible from what would have otherwise been a solid roof, it would not be overtly visible and would not alter the form of the historic roofscape. It is therefore considered that this element would not give rise harm to the architectural and historic significance (special character or appearance) of the Jericho Conservation Area.
- 10.9. The significance of the Jericho Conservation Area is partly derived from the traditional Victorian terraced housing which characterises the area. The housing is typically of two storeys, with a low eaves, flat fronted and set directly onto the pavement, as is the case here. It is also noted that the Jericho Conservation Area Designation Study, 2010, identifies unsympathetic alterations to the roofs of the traditional terraced houses in the conservation area as detrimental to the special character of the conservation area. The Central Jericho character area, in which the application site is located, is particularly sensitive to such changes as, despite the ad-hoc nature of their initial construction, the roofline of the terraces is relatively consistent and is an important element in the uniform character of the area. 69 Great Clarendon Street has been in continuous use as a family dwelling since its construction in the mid-Victorian period. Its modest size, traditional windows, surviving original materials and simple, unbroken, sloping roof form together with its domestic residential use are all typical characteristics that make an important contribution to the character and appearance of the Central Jericho character area and contribute to the overall architectural and historic significance of this part of the Conservation Area.
- 10.10. The proposed dormer would cover much of the upper part of the rear roofslope, and due to its design, in particular its size and form as well as its siting would dominate the roof slope. The dormer would appear as an obtrusive and incongruous addition to the traditional building, cluttering and detracting from the character and appearance of the simple historic roof. The impact of the proposed development would therefore be harmful to the overall appearance of the building and consequently to the contribution that the building makes to the significance of the Conservation Area, in particular the character and appearance of this part of the Conservation Area. Officers consider that this development would constitute a moderate level of less-than-substantial harm to the significance of the heritage asset, the Jericho Conservation Area.

- 10.11. Although the rear roofslope is not prominent in public views, it can still be seen from Albert Street and it would be clearly visible from private spaces associated with nearby houses and their gardens. The site is of particular aesthetic value or significance due to its distinction in marking the transition between the modest, small scale Victorian worker's housing to the larger houses immediately to the west and to the south west on Canal Street. Therefore the proposed dormer would have a distinct impact on both the character and the appearance of the Conservation Area by eroding the traditional roofscape of the area. Furthermore, the construction of box dormers on the rear roofslopes of the small workers and artisan houses that typically characterise the conservation area is generally discouraged due to their unsympathetic, dominating and bulky appearance in the context of the important unbroken historic roofscape of the area.
- 10.12. Historic England's Good Practice Advice Note 2 – managing significance in decision taking in the historic environment advises at paragraph 26 of that document that “if there is any apparent conflict between the proposed development and the conservation of a heritage asset (the Jericho Conservation Area) then the decision-maker might need to consider whether alternative means of delivering the development benefits could achieve a more sustainable (social, economic or environmental) result.”
- 10.13. In this case it has not been clearly or convincingly justified, as required by paragraph 194 of the NPPF and Policy DH3 of the Oxford Local Plan 2036, why a room and more particularly a room and an en-suite bathroom are required to be provided within the attic space of 69 Great Clarendon Street in order to enable the occupation of the house and thereby to provide any social or community benefits that may arise as a result. Furthermore, it has not been clearly or convincingly justified in support of the application why the occupation of the attic space requires a dormer window of the design and in the siting proposed by this planning application. No exploration or consideration of an alternative design or arrangement of additional accommodation within the house has been explored or indeed provided in support of the submitted proposal.
- 10.14. Historic England advises that such alternative means of providing the benefits should be explored before any balancing exercise of harm to significance versus public benefits, as set out in paragraph 196 of the NPPF, is carried out.
- 10.15. No public benefits have been identified by the applicant. The existing house is fit for habitation, or could be made so without the proposed dormer, and significant refurbishment and extensions have already been approved as part of a previous application (19/01624/FUL). The applicant states that the ‘proposed solution is the only way to achieve a family sized property, while simultaneously achieving a minimum impact on the Conservation Area’. This is patently not the case as the majority of such houses in the area are occupied as family dwellings without the need for such harmful roof dormers. Other options for sympathetically increasing the amount of living space, should this be justified, have also not been fully explored. Furthermore, the Council's ambition to provide more family housing in Oxford is not at the expense of its statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing

the character or appearance of its conservation areas. It is also considered that the public benefit, such as upgraded living accommodation and additional living space, identified by the applicant would actually be private benefits only the applicant would enjoy and this is therefore not relevant for the purposes of the test outlined in paragraph 196 of the NPPF.

- 10.16. Having considered the above, the proposal would cause harm to the Conservation Area with no redeeming public benefits and would therefore be contrary to Policy DH3.
- 10.17. In reaching a recommendation that planning permission should be refused officers have had regard to paragraph 192 of the NPPF. This paragraph states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 192 of the NPPF also states that the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality as well as the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.18. Officers have also had regard to paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.19. Paragraph 196 of the NPPF requires that where harm to a heritage asset would be less than substantial harm, then that harm should be weighed against the public benefits of the proposal, including where appropriate securing the heritage assets optimum viable use. This is not appropriate in this case and furthermore the proposed development would offer no public benefits and would therefore fail to meet the objectives of paragraph 196 of the NPPF.
- 10.20. Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area as set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would fail to preserve the character and appearance of the Conservation Area, and so the proposal does not accord with Section 72 of the Act.

### **III. Listed Buildings**

- 10.21. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a listed building, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated

heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

- 10.22. The terrace on the other side of the road to the application site, at 1-5 Great Clarendon Street, the former St Barnabas School, is Grade II listed. The building is constructed of coursed rubble, is two storeys in height and has three gables in its frontage, each housing tripartite windows, while also having an interesting central pointed archway. The significance of this heritage asset is principally derived from its communal significance in its being built to serve a community of which the housing itself is an important built manifestation, although its interesting appearance also means that it serves as something of a landmark.
- 10.23. It is considered that the proposed dormer and rooflight would not harm its setting. This is because these changes would take place to the rear of the house and would not be visible when viewing the listed building from the public realm and so would not detract from the appearance this heritage asset. Furthermore, the communal significance of the listed building would not be compromised by the proposed development.
- 10.24. The proposal therefore would not harm the significance of the listed building and accords with Policy DH3 in that respect.
- 10.25. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the listed buildings. Therefore, the proposed dormer and rooflight would not harm the architectural or historical significance of the listed building.
- 10.26. Special attention has been paid to the statutory test of preserving the listed building or its setting under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the listed building and so the proposal accords with Section 66 of the Act.

#### **IV. Neighbouring amenity**

- 10.27. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 10.28. The proposed development would accord with the 25/45 degree access to light test, outlined in Policy H14. Considering this, the orientation of the sun and the layout of the site it is considered that the proposal would not lead to a direct loss of daylight to neighbouring dwellings or result in unacceptable overshadowing.
- 10.29. While the proposal would result in additional glazing to the rear elevation of the dwelling, it is considered that views that could be attained of the proposed windows would not be materially more intrusive than could be attained under

the existing arrangement. The proposal would therefore not result in an unacceptable loss of privacy to neighbours.

10.30. The proposal would lead to the addition of a bulky dormer on the rear roofslope of the building. That being said, the proposed additions would be sufficiently modest in nature and set away from neighbouring properties so as to not give rise to unacceptable overbearing or sense of enclosure to neighbouring dwellings.

10.31. Considering the above, the proposal would not give rise to unacceptable loss of amenity to neighbouring occupiers and would accord with Policy H14.

## **11. CONCLUSION**

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. The application seeks planning permission for the erection of a rear dormer and rooflight on the residential dwellinghouse at 69 Great Clarendon Street. While the proposal does not give rise to an unacceptable loss of neighbouring amenity, as per Policy H14, or nearby listed buildings, as per Policy DH3, the proposal is unacceptable in terms of design and the consequent harm that would be caused to the significance of the Jericho Conservation Area, a designated heritage asset. The proposal therefore fails to accord with S72 of the Planning (Listed Building and Conservation Areas) Act 1990 which is a statutory duty and higher test when assessing development proposals which impact on conservation areas. The harm the proposal gives rise to through its poor design has not been clearly or convincingly justified and could not be outweighed by any identified public benefits and would therefore be contrary to policies set out in paragraphs 192 and 196 of the NPPF and Policies DH1 and DH3 of the Oxford Local Plan 2036.

11.4. It is therefore recommended that the Committee resolve to refuse planning permission for the reason given at paragraph 1.1.2 of this report with delegated authority being given to the Head of Planning services to finalise the wording of that reason.

## **12. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** - Council's standing 'Pre-application Building Design Advice: Guidance Sheet 5'

### **13. HUMAN RIGHTS ACT 1998**

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

14.1. 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 this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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