

## SCHEDULE A: Applications with Recommendation

13/0067

Item No: 07

Date of Committee: 19/04/2013

**Appn Ref No:**  
13/0067

**Applicant:**  
Mr & Mrs Routledge

**Parish:**  
Irthington

**Date of Receipt:**  
11/02/2013

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**

Land to the rear of Middlemarch House, Newtown,  
Irthington, Carlisle, CA6 4PF

**Proposal:** Erection Of 1no. Dwelling

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## REPORT

**Case Officer:** Suzanne Edgar

### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

### 2. Main Issues

- 2.1 The principle of development
- 2.2 Whether the scale, layout and design of the development is acceptable together with impact on the character and appearance of the area
- 2.3 Impact upon the living conditions of neighbouring residents
- 2.4 Highway and parking matters
- 2.5 Drainage
- 2.6 Impact upon Hadrian's Wall World Heritage Site
- 2.7 Trees
- 2.8 Biodiversity
- 2.9 Other matters

### 3. Application Details

#### The Site

- 3.1 This application seeks full planning permission for the erection of a dwelling

within the grounds of Middlemarch House, Newtown. Middlemarch House is a two storey property constructed from brick walls under a slate roof, located on the northern side of the road which leads from Irthington through Newtown village. The surroundings to Middlemarch House are wholly residential with a two storey detached property (Evite House) and Oak Drive (a cul-de-sac of 4no. two storey properties) located to the west together with a two storey property (Holly House) and associated outbuildings located to the east. A large pond and mature trees are located to the north with open countryside beyond.

- 3.2 The application site forms part of the large rear garden of Middlemarch House which has an existing access from Oak Drive. The boundaries of the application site consist of a mixture of fencing/walls and hedgerows. A line of mature trees and established landscaping are located prominently along the northern boundary.

### **The Proposal**

- 3.3 The proposal seeks to erect a two storey property in the rear garden of Middlemarch House which would utilise the existing rear entrance from Oak Drive. It would provide a dining room, hall, utility, WC, living room, kitchen/living room and an integral garage at ground floor with 5no. bedrooms (1 en-suite) and bathroom situated above. The dwelling is proposed to be constructed from brick walls (with red stone lintels, sills and feature walling), upvc windows under a welsh blue natural slate roof.
- 3.4 It is proposed to discharge foul drainage to the public sewer and surface water to an existing watercourse to the east of the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to seven neighbouring properties. At the time of preparing this report 6 representations have been received of which 4 are against and two make comments.
- 4.2 The letters/emails of objection cover a number of matters which are summarised as follows:
1. Accuracy of the plans;
  2. Increase in vehicle traffic on Oak Drive;
  3. Proposal would exacerbate potential parking problems restricting access to existing properties;
  4. Safety of children who use the drive to play;
  5. Highway safety from vehicles accessing the site from Oak Drive and those using the turning area;
  6. This is a proposal for a 4th Drive entering onto the turning area;
  7. Allegations that the entrance to the site has not been given planning permission for a dropped curve;
  8. Site borders a conservation area;

9. Impact on trees;
10. There is a restrictive legal covenant restricting use of the land to a garden;
11. The existing entrance from Oak Drive has been unused for years;
12. Allegations regarding whether permission has been obtained for the existing entrance to the rear of Middlemarch;
13. Design;
14. Access to the dwelling should be from the side of Middlemarch;
15. Currently delivery van/oil deliveries to Eive House have to park across the gates as there is no space in the existing drive;
16. There is no line of sight from the driveway;
17. There is no pavement on Oakdrive;
18. Impact upon character of the area;
19. Restrictive speed blocks should be placed at the entrance;
20. Applicant should be encouraged to widen and open up the drive;
21. Proposal is contrary to Local Plan Policies
22. Impact upon amenity
23. Can construction deliveries avoid school children times (i.e. 9 and 3)?;
24. Proposal is not in accordance with Cumbria Design Guide.

4.3 The letters/emails raising comments are summarised as follows:

1. Concerns regarding increase in traffic coming in and out of the small cul-de-sac;
2. Land registry plans show existing entrance off other road;
3. Highway safety;
4. Safety of young children playing on the drive;
3. Never seen any vehicles using the gates into Middlemarch's back garden;
4. An entrance from the main road rather than through Oak Drive would be much safer;
5. Oak Drive was built to accommodate 5 houses
6. Development at the end of Oak Drive would create a virtual crossroad with vehicles reversing out of their respective properties and no one with a right of way.

## 5. Summary of Consultation Responses

Clerk to Irthington PC, Unit 2: - object to the original plans submitted on the following grounds: the plans do not represent what is actually on the ground now; the proposal is back garden development which impinges on existing households; planning history of Oak Drive is requested explaining how it has gone from the original application as to what is there now (including road changes); before any further deliberation a site visit is requested with highways and the planning department before any further action is taken; the application should not go to the April meeting until all issues are resolved.

No further response has been received from Irthington Parish Council in relation to the amended plans.

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of two conditions;

English Heritage - North West Region: - application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice;

Carlisle Airport: - no objection;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no objection;

Hadrians Wall Heritage Limited: - no comments received during the consultation period;

Cumbria County Council - Drainage: - unaware of any flooding issues at the site;

Cllr Mr JR Bainbridge - Stanwix Rural: - aware that the layout of the plans and the proposed access arrangements are causing concerns in Stanwix Rural ward. Number of sources feel that information supplied to and considered by Highways is not accurate. A site visit should be made to view access arrangements. Request has therefore been made that the application is forwarded to the Development Control Committee for consideration.

United Utilities: - no objection subject to the imposition of relevant conditions ensuring that only foul drainage is connected to the foul sewer with surface water discharging to a soakaway/watercourse/surface water sewer.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP6, CP10, CP11, CP12, H1, H9, LE7 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) and the Council's Achieving Well Designed Housing Supplementary Planning Document (SPD) are also material planning considerations.

#### **1. The Principle Of Development**

- 6.2 Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application. Policy considerations in relation to this application state that whilst development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are small groups of smaller settlements, development in one village may support services in a village

nearby.

- 6.3 The site is located within Newtown village which has a village hall and a large village green which has recently been granted planning permission for a play area. Newtown is also located in close proximity to Irthington village which has a high range of services (school, public house and church). In such circumstances the application site is considered to be in a sustainable location for housing development in terms of the policies in the NPPF.

- 6.4 As the proposed dwelling is located within the rear garden of Middlemarch House, the application site is therefore considered as "backland development". Policy H9 of the Local Plan indicates that proposals for housing development within large back gardens or behind existing housing developments will be acceptable provided: that the scale, design and siting is appropriate for the site and is in keeping with the character/quality of the built environment; there is no loss of amenity to surrounding properties; existing landscape features are retained, additional planting is included as part of the scheme; and, there is appropriate access and car parking. The NPPF indicates that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. These issues are discussed in detail below:

2. Whether The Scale, Layout And Design Of The Development Is Acceptable Together With Impact On The Character And Appearance Of The Area

- 6.5 The proposed dwelling is positioned within a large rear garden, which results in a sufficient garden area remaining for the occupiers of Middlemarch House and for the potential occupiers of the proposed dwelling. Even though the property is to the rear of Middlemarch House the proposal will be served by its own vehicle access and will be separated from Middlemarch House by a 1.8 metre high timber fence.
- 6.6 The height and footprint of the proposed dwelling would be comparable to the existing dwellings in the surrounding locality. The external appearance utilises design features and materials of the adjacent properties. The size of the dwelling is considered to be commensurate with the size of the plot. The design of the dwelling is appropriate to the site and would not have a detrimental impact upon the existing street scene or the visual character of the area to warrant refusal of the application on this basis. On balance, the design and positioning of the dwelling would not have an adverse impact upon the character and appearance of Newtown village.

3. Impact Upon The Living Conditions Of Neighbouring Residents

- 6.7 The majority of the ground floor windows of the proposed development will be obscured by the existing/proposed boundary treatment. The primary first floor windows will be offset from the primary windows of neighbouring properties and are also compliant with the separation distances outlined in paragraph 5.44 of the Councils Achieving Well Designed Housing SPD.

- 6.8 Overall given the positioning of the proposed dwelling from residential properties surrounding the application site, the proposal will not have an adverse impact upon occupiers of neighbouring dwellings in terms of over dominance, loss of light or overlooking sufficient to warrant refusal of the application.

#### 4. Highway and Parking Matters

- 6.9 The proposed dwelling takes its access from Oak Drive utilising the existing entrance point to the rear of Middlemarch at the top of the turning head. The proposal provides 1 no. garage as well as curtilage parking and turning spaces. The relevant Highway Authority has raised no objections to the proposal subject to the imposition of two conditions to ensure that: 1) the access and parking/turning areas are constructed before any work commences on site so that construction traffic can park and turn clear of the highway; and, 2) the dwelling is not occupied until the access and parking requirements have been constructed in accordance with the approved plan and retained in perpetuity.
- 6.10 It is noted that objectors have questioned whether the existing vehicular access to the rear of Middlemarch has permission, whether the width of the existing access road on Oak Drive and turning head meets the geometric standards in the Cumbria Design Guide for 6 houses, the increase of traffic coming in and out of Oak Drive, proposal exacerbating existing parking problems on Oak Drive, highway safety and the safety of the children playing on Oak Drive. Objectors have also indicated that the entrance to the rear of Middlemarch has been unused for years.
- 6.11 In relation to the concerns raised by objectors, by way of background Members should be aware that Oak Drive was granted planning permission in 2008 for 4 no. dwellings and a shared access lane. The access lane was to serve the 4 dwellings on Oak Drive as well as Etive House. The relevant planning records indicate that in 2001 the then occupiers of Middlemarch constructed an entrance off Oak Drive to the rear of their property. A planning application was submitted for these works at that time but was later withdrawn as revised plans were submitted deeming the work to be permitted development.
- 6.12 In relation to the concerns raised by objectors Members will appreciate that the Highways Authority has raised no concerns with regard to highway Safety. Oak Drive is an adopted highway therefore any parking or obstruction of access on Oak Drive is a police matter which cannot be dealt with under planning legislation. Whilst Oak Drive does not strictly comply with the geometric standards outlined in the Cumbria Design Guide, it is noted that the proposal will utilise the existing rear access to Middlemarch House. The Highway Authority have confirmed that the proposed access and parking arrangements are acceptable. Members should be aware that the position of the house has been amended since the original submission to allow parking and turning spaces within the curtilage of the proposed dwelling. This allows vehicles entering the proposed dwelling from Oak Drive to enter and leave in a forward direction. In such circumstances and given no objection to the proposal from the relevant Highways Authority the proposal would not have a

significant impact upon highway safety.

## 5. Drainage

- 6.13 Foul drainage will be connected to existing mains drainage and surface water will be disposed of via an existing watercourse. The agent has confirmed that soakaways are not an option due to the presence of clay. United Utilities have confirmed no objections to the proposed development and have indicated that only foul drainage should connect to existing mains drainage system with surface water going to either soakaways, watercourse or surface water sewer. Cumbria County Council has also been consulted on the proposed development and have raised no objections with regard to surface water flooding. As the relevant statutory consultees have raised no objections it is not considered that there is any policy conflict.

## 6. Impact Upon Hadrian's Wall World Heritage Site

- 6.14 The application site is within the buffer zone of Hadrian's Wall World Heritage Site. English Heritage has been consulted on the proposed development and has raised no objections. As the proposed development is appropriate to the site in terms of its scale and design it is not considered that the proposed development would have an adverse impact upon the setting of Hadrian's Wall World Heritage Site.

## 7. Trees

- 6.15 There are a number of trees along the north and eastern boundaries of the site. The proposal seeks to retain all the existing trees except the apple and the elder. It is noted that the apple tree needs to be removed to encourage the growth of the existing oak tree and the elder is in a poor condition. The Councils Landscape Architect/Tree Officer has been consulted on the proposal and has raised no objections to the proposed development subject to the imposition of a relevant condition regarding tree protection. A condition has also been imposed within the Decision Notice requesting a landscaping scheme.

## 8. Biodiversity

- 6.16 The Councils GIS Layer has identified that the site has the potential for a range of species to be present. The proposal will retain the majority existing landscape features. In such circumstances the proposed development is unlikely to harm a protected species or their habitat. However an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## 9. Other Matters

- 6.17 Some of the objectors and consultees have suggested that the access to the proposed dwelling is repositioned. Members are reminded that the Council has to deal with what is proposed. As the relevant Highway Authority has raised no objections to the proposed development there is not considered to

be an policy conflict with regard to highway safety.

- 6.18 It is also noted that some of the objectors have raised issues with regard to legal covenants. This is a legal issue which cannot be dealt with under planning legislation.
- 6.19 Objectors have also raised concerns regarding accuracy of the plans together with the changes in boundaries and accesses to Middlemarch March and the properties along Oak Drive since the original planning consents were granted. The agent has confirmed that the Block Plan has been taken from the ordnance survey.
- 6.20 A third party has requested that a condition is imposed within the Decision Notice ensuring that construction vehicles/deliveries do not take place during school times. As stated above the Highway Authority have raised no objections to the proposal and relevant conditions would be imposed within the Decision Notice if Members approve the application to ensure that construction traffic can park and turn clear of the highway. In such circumstances it is considered unreasonable to specify times when construction vehicles can/cannot enter Oak Drive which is a public highway. As the application site is surrounded by residential properties a condition has however been imposed within the Decision Notice regarding construction times to safeguard the living conditions of neighbouring residents.
- 6.21 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.22 To conclude the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings, the setting of Hadrian's Wall World Heritage Site or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity. The application is recommended for approval as the proposal is considered to be is compliant with the relevant Development Plan Policies.

## **7. Planning History**

7.1 There is no relevant planning history on this site.

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 24th January 2013;
2. the site location plan, block plan, proposed floor plans and elevations received 27th March 2013 (Drawing No. 1/1/2013/1D);
3. the tree survey received 27th March 2013;
4. the design and access statement received 25th January 2013;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of buildings in the locality. In accordance with Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

5. Before the development hereby permitted is completed and occupied a 1.8 metre close boarded fence shall be erected along the southern boundary of the site (as shown on Drawing No. 1/1/2013/1D) to the satisfaction of the

local planning authority and shall be maintained at that height.

**Reason:** In order to protect the privacy and amenities of residents in close proximity of the site in accordance with Policy CP5 and Policy H11 of the Carlisle District Local Plan 2001-2016.

6. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site to the satisfaction of the Local Planning Authority.

**Reason:** In order to ensure that adequate protection is afforded to all trees and hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. The access and parking/turning requirements, shown on the Plan, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Policies: LD5, 7 and 8.

8. The dwelling shall not be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and LD8.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

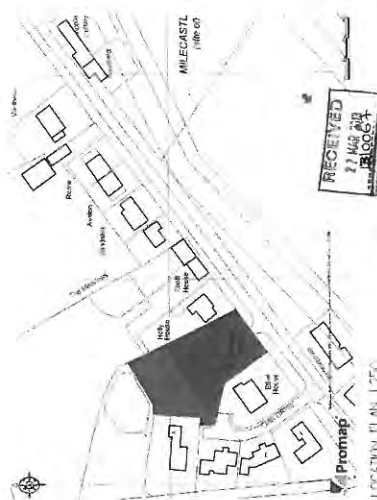
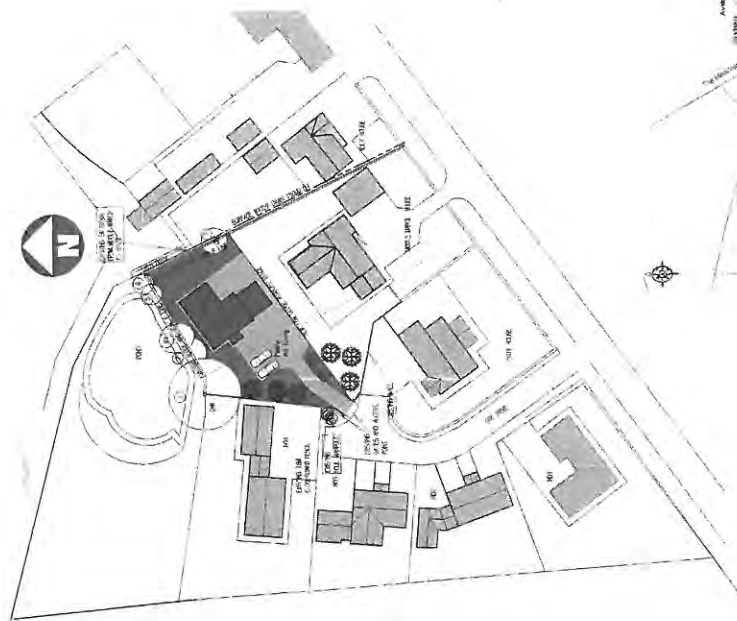
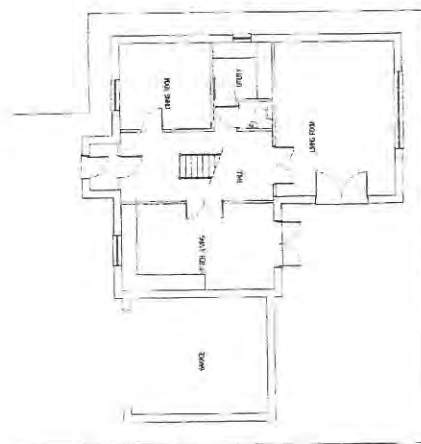
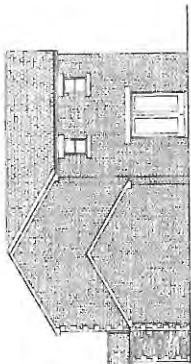
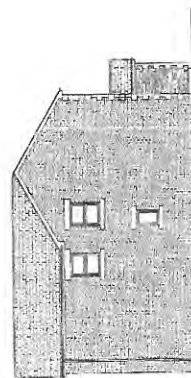
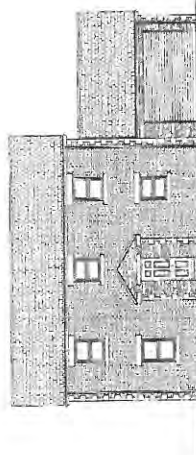
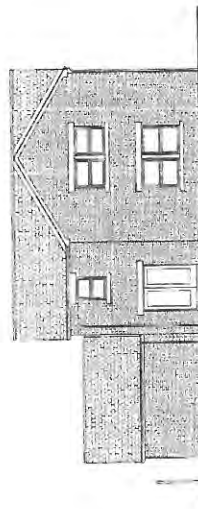
10. The development shall be landscaped in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the heights and profiles of any proposed earth modelling. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. No development approved by this permission shall be commenced until a full detailed scheme for the provision of foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of surface water disposal and in accord with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

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Drawing by

W. K. F. A. E. D. K.

Date \_\_\_\_\_

5102112

Amendments

[illegible]

Client

MR & MRS ROBERT  
MORRISON RD  
NEWTON  
CAMB

Drug No.

Differential Equations

Scale

AS 545 54