

5.2 NO. 166 (LOT: 1, S/P: 80901) CHELMSFORD ROAD, NORTH PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE

Ward: North

Attachments: 1. Consultation and Location Map
2. Development Plans
3. Summary of Submissions - Administration Response
4. Applicant Justification

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for Alterations and Additions to Single House at No. 166 (Lot: 1; S/P: 80901) Chelmsford Road, North Perth in accordance with the plans shown in Attachment 2 for the following reasons:

1. The development would not satisfy the Design Principles of Clause 5.1.2 Street Setbacks of State Planning Policy 7.3: Residential Design Codes – Volume 1 and the Local Housing Objectives of Clause 5.1 of the City’s Policy No. 7.1.1 – Built Form because:
 - 1.1 The proposed Chelmsford Road façade would not incorporate predominant features of the streetscape and would not contribute to or be consistent with the established streetscape;
 - 1.2 The development would not provide sufficient articulation of upper floors and does not incorporate design features to minimise visual bulk and scale of the building and distinguish parts of the dwelling, and would detract from the streetscape character; and
 - 1.3 The proposed development does not appropriately consider the prevailing and future development context of Chelmsford Road as outlined in Policy 7.1.1 – Built Form;
2. The development would not satisfy the Design Principles of Clause 5.1.6 Building Height of State Planning Policy 7.3: Residential Design Codes – Volume 1 and the Local Housing Objectives of Clause 5.3 of the City’s Policy No. 7.1.1 – Built Form because:
 - 2.1 The development would not respond to the surrounding development context and due to its bulk and scale would not preserve or enhance the neighbourhood context or character of the existing streetscape;
 - 2.2 The height of the proposal would not be complementary to existing developments in the streetscape as it predominantly consists of single storey dwellings; and
 - 2.3 The height of the proposal does not consider its building bulk and scale to the primary street elevation and would adversely impact the character of the existing streetscape; and
3. As a consequence of the proposed street setback, building height and building design (relating to massing, materials, detailing and roof form), the proposal:
 - 3.1 Would result in a bulk, scale and dominating appearance that would not be compatible with and complementary to the established residential area in which it is located (Clause 67(m)) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);
 - 3.2 Would detract from the amenity and character of the residential neighbourhood (Clause 67(n)) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and

3.3 Would not enhance the amenity and character of the existing neighbourhood and is not compatible with the established area (objective of the Residential zone under Clause 16 of the Local Planning Scheme No. 2).

PURPOSE OF REPORT:

To consider an application for development approval for Alterations and Additions to a Single House at No. 166 Chelmsford Road, North Perth (the subject site).

PROPOSAL:

The application proposes alterations and additions to an existing single house on the subject site.

The south-western portion of the existing dwelling would be demolished to accommodate a three-storey addition.

The application also proposes the replacement of an existing raised area within the primary street setback area for which development approval has not been previously obtained.

The proposed development plans have been included as Attachment 2. The applicant's supporting written justification is included as **Attachment 3**.

BACKGROUND:

Landowner:	Calogero Cafarelli
Applicant:	Calogero Cafarelli
Date of Application:	15 December 2021
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R40
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House
Lot Area:	338m ²
Right of Way (ROW):	N/A
Heritage List:	N/A

Site Context and Zoning

The subject site is bound by Chelmsford Road to the south, and single houses to the north, east and west. The subject site currently contains a single-storey single house. A copy of the location plan is included as **Attachment 1**.

The subject site and all adjoining properties are zoned Residential R40 under the City's Local Planning Scheme No. 2 (LPS2) and located within the Residential Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The subject site and all adjoining properties have a permitted building height standard of two storeys under the City's Built Form Policy.

The prevailing streetscape context consists of low-scale residential development with predominantly single storey character dwellings, on lots 15 to 16 metres in width.

The adjoining property to the east, No. 164 Chelmsford Road, is included in the City of Vincent Heritage List as Category B – Conservation Recommended.

The subject site slopes up approximately 0.8 metres from south to north. The existing dwelling is single storey in height, with a finished floor level approximately 0.7 metres to 0.9 metres above the footpath level.

Application Background

The City received the subject development application for alterations and additions to the existing single house on the subject site on 13 July 2021. Two letters were issued on 22 July 2021 and 8 November 2021 requesting additional information be submitted to allow the assessment of the proposal. The application was formally lodged on 15 December 2021.

Administration sent a request for additional information to the applicant on 4 March 2022. This request for further information required amended plans and additional information to address several planning elements, including landscaping. The letter also advised that Administration had concerns regarding the proposed design and it was recommended that amended plans be submitted to address the concerns. On 13 May 2022 a designer contacted the City on behalf of the landowner advising that a further eight weeks would be required to submit amended plans.

Given the delays experienced with the application, Administration recommended that the application be withdrawn, and re-lodged when plans were finalised. The applicant initially agreed to the withdrawal of the application but 10 June the applicant requested that the application be determined based on the information provided. The applicant advised they did not wish to submit amended plans addressing the City's request for additional information.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the State Government's Residential Design Codes Volume 1 (R Codes), the City's Built Form Policy, and the City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Deemed-to-Comply	Requires the Discretion of Council
Street Setback		✓
Lot Boundary Setbacks/Lot Boundary Walls		✓
Building Height/ Storeys		✓
Setbacks of Garages and Carports		✓
Street Surveillance	✓	
Sightlines	✓	
Outdoor Living Areas	✓	
Landscaping (R Codes)		✓
Parking & Access	✓	
Site Works and Retaining Walls		✓
Visual Privacy		✓
Solar Access	✓	
External Fixtures	✓	
Utilities and Facilities	✓	
Development Adjacent to Heritage Listed Buildings		✓

Detailed Assessment

The Built Form Policy and R Codes have two pathways for assessing and determining a development application. These are through design principles and local housing objectives, or through deemed-to-comply standards.

Design principles and local housing objectives are qualitative measures which describe the outcome that is sought rather than the way that it can be achieved.

The deemed-to-comply standards are one way of satisfactorily meeting the design principles or local housing objectives and are often quantitative measures.

If a planning element of an application meets the applicable deemed-to-comply standard, then it is satisfactory and not subject to Council's discretion for the purposes of assessment against the Built Form Policy and R Codes.

If a planning element of an application does not meet the applicable deemed-to-comply standard, then Council's discretion is required to decide whether this element meets the design principles and local housing objectives.

The planning elements of the application that do not meet the applicable deemed-to-comply standards and require the discretion of Council are as follows:

Street Setback	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Volume 1 Clause 5.1</p> <p><u>Upper Floors</u> Walls on upper floors setback a minimum of 2 metres behind the ground floor predominant building line</p>	<p>The first and second floors would have a nil setback behind the ground floor predominant building line.</p>
Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
<p>R Codes Clause 5.1.3</p> <p><u>Lot Boundary Setback</u> <i>Western Boundary</i> Garage: 1.5m First Floor Dining/ Living: 1.5m Second Floor Master Suite: 1.8m</p>	<p><i>Western Boundary</i> Garage: 0.7m First Floor Dining/ Living: 0.7m Second Floor Master Suite: 0.7m</p>
Building Height	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Clause 5.3</p> <p><i>Storeys</i> Storeys permitted: 2</p> <p><i>Height</i> Top of Skillion Roof: 8m Bottom of Skillion Roof: 7m</p>	<p><i>Storeys</i> Storeys proposed: 3</p> <p><i>Height</i> Top of Skillion Roof: 9.2m Bottom of Skillion Roof: 8.9m</p>
Setback of Garages and Carports	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Clause 5.4</p> <p>Garage setback 0.5m behind the dwelling alignment.</p>	<p>Garage is not setback behind the dwelling alignment.</p>
Landscaping	
Deemed-to-Comply Standard	Proposal
<p>R Codes Clause 5.3.2</p> <p>One 2m x 2m tree planting area provided on site.</p> <p>No more than 50 percent of the street setback area to consist of water-impermeable surfaces.</p>	<p>Insufficient information has been provided to assess the provision of landscaping.</p> <p>Estimated 70.7 percent of the primary street setback as water-impermeable surfaces. Discussed further in comments section.</p>

Site Works and Retaining Walls	
Deemed-to-Comply Standard	Proposal
<p>R Codes Clause 5.3.7</p> <p>Retaining walls and site works between the street boundary and the street setback shall be no more than 0.5m above or below the natural ground level.</p>	<p>The development proposes site fill and retaining walls to a height of 0.6m above natural ground level between the street boundary and street setback.</p>
Visual Privacy	
Deemed-to-Comply Standard	Proposal
<p>R Codes Clause 5.4.1</p> <p>Unenclosed outdoor active habitable spaces with a floor level of more than 0.5m above the natural ground level are to have a cone of vision setback 7.5m from the affected lot boundary in areas coded R50 or below.</p>	<p>The unenclosed outdoor active habitable space located in the front setback has a floor level of more than 0.5m above the natural ground level with a cone of vision setback at 1.5m.</p>
Development Adjacent to Heritage Listed Buildings	
Acceptable Development	Proposal
<p>Policy No. 7.6.1 – Heritage Management – Part 5</p> <p>The height of the new building is to be compatible to the adjacent heritage listed building. Staggering the building is one acceptable method.</p>	<p>The adjacent heritage listed building presents as a single storey dwelling to the primary street.</p> <p>The proposal would be three-storeys in height and does not propose the staggering of the upper floors.</p>

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days between 1 August 2022 and 14 August 2022. The method of consultation included a notice on the City's website and 108 letters being sent to all owners and occupiers within a 100-metre radius of the subject site, as shown in **Attachment 1**, in accordance with the City's Community and Stakeholder Engagement Policy.

Four submissions were received at the conclusion of the consultation period, with an additional two late submissions. Five objected to the proposal and one supported the proposal.

The key concerns raised are summarised as follows:

- The proposed development will impose an adverse impact to the existing streetscape character due to its modern design;
- The proposal demonstrates excessive building bulk and scale, which is not representative of the streetscape character;
- The development does not provide sufficient space for on-site landscaping as a result of the overdevelopment of the site;
- The west facing wall is not articulated and presents as a 9-metre high vertical wall;
- The proposed lot boundary setback variations and building height variations will set an undesirable precedence in the streetscape;
- The development will impose visual privacy issues due to the proposed upper floor additions; and
- The proposed height of the development will result in the overshadowing of adjoining properties.

The submission of support did not provide further comment.

The Applicant does not have an e-mail address and has not responded to written requests from the City to submit additional information. They have confirmed that they do not wish to make modifications to the proposal and are seeking a determination of the application in its current form, as included in **Attachment 2**.

As such, the City did not forward a summary of the consultation comments to the Applicant following the conclusion of the consultation period.

A summary of the submissions received along with the Administration's response to each comment is provided in **Attachment 4**.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to a member of the City's DRP for comment. Comment was requested on the appropriateness of the proposed design within the established streetscape, including the design, materials, roof and built form, and bulk and scale.

A summary of the DRP member assessment against the 10 principles of good design is shown in the table below:

Design Review Panel Assessment	
	<i>Supported</i>
	<i>Pending further attention</i>
	<i>Not supported</i>
	<i>No comment provided / Insufficient information</i>
Referral Date:	<i>DRP Member Comments 27 July 2022</i>
Principle 1 – Context & Character	
Principle 2 – Landscape Quality	
Principle 3 – Built Form and Scale	
Principle 4 – Functionality & Built Quality	
Principle 5 – Sustainability	
Principle 6 – Amenity	
Principle 7 – Legibility	
Principle 8 – Safety	
Principle 9 – Community	
Principle 10 – Aesthetics	

The member provided the following comments in respect of the proposed plans:

- The proposal would detract from the established streetscape of this section of Chelmsford Road and would be inconsistent with the surrounding single and double storey development in the vicinity;
- The design does not attempt to conceal or soften the appearance of the third storey. The skillion roof form is inconsistent with the surrounding context of predominantly single to double-storey pitched roof forms presenting to Chelmsford Road;
- The proposed windows are repetitive and lack reference or relationship to the fenestration seen in the existing houses in the area. The proposed metal wall cladding coupled with the expanses of glass repeated on two levels facing Chelmsford Road result in a commercial or multi-residential appearance that would detract from the established streetscape;
- The proposed elevations lack physical, design or material articulation which would further contribute to the impact of the bulk and scale and would provide no visual relief to the proposed dwelling;
- There is no stepping of form or shift of material to the western elevation. The addition is un-sympathetic to the existing dwelling itself, appearing to cut the existing form in half, resulting in an unusual composition; and
- The choice of colours and materials, in conjunction with lack of articulation and repetition of windows presents as a poor response to the surrounding streetscape character in the immediate area. The choice of colours and materials lacks consideration of the surrounding context and character, and contribution to massing and articulation.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *State Planning Policy 7.3 – Residential Design Codes;*
- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form Policy; and*
- *Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.*

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Scheme) Regulations 2015

The City is to have due regard to the matters set out in Schedule 2, Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) in determining an application. The due regard matters relevant to this application are:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (g) *any local planning policy for the Scheme area;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate; and*
- (zc) *any advice of the Design Advisory Committee.*

LPS2

The objectives of the Residential zone under LPS2 are a relevant consideration for the application. These objectives are:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community;*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development;*
- *To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;*
- *To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;*
- *To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and*

- *To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.*

Heritage Management Policy

The objectives of City's Heritage Management Policy are to:

1. *Encourage the appropriate conservation and restoration of places listed on the City of Vincent Municipal Heritage Inventory (The Heritage List) in recognition of the distinct contribution they make to the character of the City of Vincent.*
2. *Ensure that works, including conservation, alterations, additions and new development, respect the cultural heritage significance associated with places listed on the City of Vincent Municipal Heritage Inventory.*
3. *Promote and encourage urban and architectural design that serves to support and enhance the ongoing significance of heritage places.*
4. *Ensure that the evolution of the City of Vincent provides the means for a sustainable and innovative process towards integrating older style buildings with new development.*
5. *Complement the State Planning Policy No. 3.5 'Historic Heritage Conservation' and the City of Vincent Residential Design Elements Policy and other associated Policies.*

Part 5 of the Policy relates to development adjacent to heritage listed buildings. The subject site is adjacent to the dwelling at 164 Chelmsford Road, Perth that is included in the City's Heritage List. The policy includes 'Acceptable Development' criteria as well as the following three performance criteria:

- P1 New development maintains and enhances existing views and vistas to the principal façade(s) of the adjacent heritage listed place.*
- P2 New development maintains and enhances the visual prominence and significance of the adjacent heritage listed place.*
- P3 New development is of a scale and mass that respects the adjacent heritage listed place*

Delegation to Determine Applications:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation does not extend to applications for development approval that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard set by State Planning Policy 7.3: Residential Design Codes in respect to the number of storeys and/or the height measured in metres.

The application proposes a building height of three-storeys and does not meet the building height deemed-to-comply standards of the City's Built Form Policy as three storeys are proposed in a two-storey building height standard area.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the City's Built Form Policy. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020 – 2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

An assessment against the discretionary aspects of the application is set out below. These relate to consideration against the R Codes and Built Form Policy.

Street Setback

The deemed-to-comply provision for street setbacks in the Built Form Policy states that upper floors are to be setback 2 metres behind the ground floor predominant building line. The application proposes a first and second storey addition with a nil setback behind the ground floor predominant building line.

The ground floor predominant building line is deemed to be the garage and existing bedroom.

The proposed street setback would not satisfy the design principles of the R Codes and local housing objectives of the Built Form Policy for the following reasons:

- Presentation of bulk: The proposed street setback and building design would not effectively mitigate the appearance and impact of bulk and scale on the established streetscape. The upper floors would be in-line with the ground floor and would be dominant as viewed from Chelmsford Road as there is no delineation between the ground and upper floors to the façade of the proposed building;
- Landscaping: The proposed development would not result in a high-quality landscaping outcome. While no landscaping details have been provided by the applicant, based on the need for a double-width driveway and the paved raised front setback area, there would be limited opportunities for landscaping within the street setback area that would reduce and soften the appearance of the building mass from the street and adjoining properties;
- Articulation: The lack of articulation of the upper floors would result in these levels being the visually dominant as viewed from the street and contributes to building mass and form which appears disproportionate in the streetscape context;
- Inconsistency with streetscape: The application proposes a three-storey addition with a low-pitch skillion roof. Chelmsford Road between Leake Street and Fitzgerald Street is characterised by single-storey character dwellings, with some examples of more modern two-storey dwellings. There are no other examples of three-storey developments on this section Chelmsford Road. The existing dwellings within the streetscape typically have simple hipped or gable roof forms, visually permeable or low front fencing and landscaped primary street setback areas. Where an existing dwelling has a second storey element they are in-line with or set back behind the ground floor. The three-storey scale and provision of upper floors sitting in-line with the ground floor, results in a development that would not be consistent with and would adversely detract from the existing streetscape;
- Colours and Materials: The application proposes an unspecified Lysaght cladding. The proposed materials and form of the building would not be consistent with or complementary to the dwellings within the surrounding streetscape, which largely consist of rendered masonry and/or face brick; and
- DRP Comments: The DRP member was not supportive of the proposed primary street elevation, noting the lop-sided massing to the west of the site resulting in a disjointed built form outcome. The comments detailed that the architectural form and detailing of the proposed dwelling would be detrimental to the established streetscape.

Lot Boundary Setback

The R Codes require walls to be setback from lot boundaries in accordance with Tables 2a/2b as follows:

- The ground and first floors set back 1.5 metres from the western lot boundary; and
- The second floor set back 1.8 metres from the western lot boundary.

The application proposes the following lot boundary setbacks:

- The ground floor garage and first floor combined kitchen living and dining room would be 0.7 metres from the survey strata lot boundary; and
- The second-floor master suite would be 0.7 metres from the survey strata lot boundary.

The proposed lot boundary setbacks would satisfy the design principles of the R Codes and local housing objectives of the Built Form Policy for the following reasons:

- Separation from adjoining property: Although the ground, first and second storeys would be set back 0.7 metres from the western survey strata lot boundary, the building would be set back 2.2 metres from the adjoining property to the west at No. 168 Chelmsford Road. This is because there is a 1.5-metre-wide pedestrian access way that separates the subject site from the western property at No. 168 Chelmsford Road. The pedestrian access way provides access to the rear strata lot at No. 166a Chelmsford Road, as shown in **Attachment 1**. The additional setback from the adjoining property would reduce the impact of building bulk due to the increased separation between the proposed walls and the adjoining property;
- Location of Additions: The proposed additions would be located next to a pedestrian access leg of No. 166a Chelmsford Road and a side setback area of the western adjoining property. One major opening to a bedroom would be adjacent to the proposed additions. Due to the setback and location of the additions to the east of the adjoining property, the development would not result in a reduction of light and ventilation to the adjoining property, would not adversely impact the amenity of the adjoining property;
- Visual Privacy impacts: The proposed lot boundary setbacks would not result in overlooking of the adjoining property. This is because windows to habitable rooms raised more than 0.5 metres above the natural ground level on the western elevation would have a sill height of 1.6 metres above the finished floor level of each room; and
- Impact on Solar Access: The subject site is orientated north-south. The subject walls would be located approximately 3.4 metres to the east of the adjoining property's eastern elevation. As a result of the location of the proposed additions within the subject site and orientation of the lot, the development would not result in a reduction in access to direct sunlight for the northern property. The development would not overshadow adjoining properties for the purposes of assessment and would comply with R Codes Clause 5.4.2 – Solar access for adjoining sites.

Building Height

The subject site is located within a two-storey building height area under the Built Form Policy. The deemed-to-comply standards for building height set out that the development with a skillion roof is to have maximum heights of 8 metres and 7 metres to the top and bottom of the skillion roof respectively.

The application proposes three-storey building with a skillion roof. The building would have maximum heights of 9.2 metres and 8.9 metres to the top and bottom of the roof respectively. The ground floor garage is considered a storey as defined in the R Codes as it is more than 50 percent above natural ground level.

The proposed building height would not satisfy the design principles of the R Codes and local housing objective of the Built Form Policy for the following reasons:

- Consistency with neighbourhood character: The Built Form Policy sets a height standard of two storeys for development in the locality within the residential built form area. Where additional height is proposed, the design must be carefully considered to ensure the proposal is consistent with the streetscape and respectful to adjoining properties. The proposed three storey building height would not be consistent with the established visual character of the neighbourhood. This is because the immediate streetscape and locality are characterised by one to two-storey dwellings that are predominantly of a character nature, with some examples of contemporary development. There are no examples of three-storey height dwellings on land zoned Residential R40 along Chelmsford Road, between Leake Street and Fitzgerald Street. The proposed skillion roof form would also not be complementary of the existing streetscape;
- Colours and Materials: The application proposes an unspecified Lysaght cladding in light grey or silver with a low-pitch skillion roof. The proposed materials and form of the building would not be consistent with or complementary to the existing development within the streetscape which predominantly consists of rendered masonry or face brick with hipped or gabled roofs of in clay tile or zincalume;

- Upper floor setbacks: The first and second floors would be set back in-line with the ground floor and have not been designed to conceal or reduce the appearance of building bulk and scale as viewed from the street. The proposed development would have an adverse impact on the streetscape due to the lack of articulation to effectively mitigate the impact of the building bulk and scale and would not appropriately respond to/be consistent with the established or intended streetscape;
- Domination of streetscape: The proposed height, building design, materials and lack of articulation result in a building bulk and scale that would not contribute to the streetscape character and would dominate the streetscape; and
- DRP Comments: The DRP member was not supportive of the building height and overall design and concluded the proposal would be inappropriate within the established streetscape context. The colours and materials, lack of articulation, architectural expression, detailing, and fenestration contribute to a lack of congruity with the existing streetscape and contribute to massing which would have an adverse impact on the existing streetscape.

Garages and Carports

The Built Form Policy deemed-to-comply standard states that garages are to be located 0.5 metres behind the dwelling alignment. The application proposes the ground floor garage to be set back in-line with the existing bedroom and proposed first and second storey additions.

The setback of the garage would not satisfy the design principles of the R Codes and local housing objective of the Built Form Policy for the following reasons:

- Visual Dominance: Due to the lack of articulation from the dwelling, the proposed double garage would contribute the mass and bulk presented to the street and would detract from the visual character of the dwelling and the streetscape;
- Inconsistency with streetscape: The existing locality predominantly contains single carports with access from Chelmsford Road or garages with rear laneway vehicle access, not double garages with access from Chelmsford Road. The design of the proposed double garage and nil setback from the dwelling alignment would be inconsistent with the prevailing streetscape and would not assist in reducing the impact of the vehicle parking structures on the streetscape; and
- DRP Comments: The DRP member noted the extent of the site area that was devoted to garaging of vehicles and which would not actively contribute to increased residential amenity on the site. The lack of articulation provided to the Chelmsford Road façade contributes to the bulk and scale of the dwelling that would be presented to the street and that would adversely impact the streetscape character.

Landscaping

The R Codes standard provides for a maximum 50 percent of the street setback area to consist of hardstand areas. Each dwelling is to provide a dedicated 2 metre by 2 metre tree planting area.

The applicant did not provide a landscaping plan for assessment. An assessment of the dwelling based on the provision of a double-width driveway and the paving of the raised area within the front setback would result in 70.7 percent of the street setback area as impervious services. While a 2 metre by 2 metre tree planting area has not been nominated on the plans, the subject site would have sufficient space to accommodate one.

The City's Built Form Policy deemed-to-comply standards are:

- 12 percent deep soil zones to be provided to each dwelling; and
- 30 percent canopy coverage to be provided to each dwelling at maturity.

The deemed-to-comply landscaping standards in the Built Form Policy have not yet been approved by the WAPC and are given regard only in the assessment of the application. Non-compliance with these provisions may not form the basis for the refusal of an application.

The landscaping would not satisfy the relevant design principles of the R Codes for the following reasons:

- Streetscape Planting: The proposed landscaping would not contribute to the softening of the appearance of the proposed development or assist with reducing the overall impact of building bulk and scale when viewed from Chelmsford Road or neighbouring properties. While sufficient space would be available for the planting of a medium-sized tree, no species details have been provided to establish

whether the landscaping would provide canopy coverage to would contribute to greater urban greening in the locality; and

- Shade and amenity: The application does not demonstrate that it would contribute to the creation of a positive micro-climate, improved urban air quality, enhanced sense of place or reduction of the urban heat island effect that would increase resident and neighbour amenity.

Site Works and Retaining Walls

The R Codes deemed-to-comply standard allows for retaining walls excavation or fill to not exceed 0.5 metres above or below the natural ground level. The application proposes fill of 0.6 metres within the primary street setback.

The site works and retaining walls have been constructed on site. A review of aerial imagery indicates that the site works were undertaken sometime between 4 March 2020 and 10 October 2020. The works are not exempt from obtaining development approval as they proposed departures to the deemed-to-comply standards of the R Codes. If Council resolve to support the officer's recommendation, the existing unauthorised works will be forwarded to the City's Compliance team to address separately.

The proposed site works and retaining wall height would satisfy the design principles of the R Codes for the following reasons:

- Response to natural topography: The subject site has a crossfall from north to south. The proposed site fill and retaining wall levels would correspond with the finished floor level of the existing dwelling and would provide a transition area between the verge and the entry of the dwelling, which respects the natural crossfall of the site;
- Impact to streetscape: The proposed site works would not adversely impact the site as viewed from the street as the levels correspond with the levels of the existing dwelling and adjoining dwellings on either side of the subject site and would therefore appear consistent with the prevailing streetscape; and
- Impact to adjoining properties: The site works about the adjoining property's front setback area, which is not considered as the designated outdoor living area of the affected property.

Visual Privacy

Unenclosed outdoor active habitable spaces with a floor level of more than 0.5 metres above the natural ground level are to be setback within a 7.5 metre cone of vision from adjoining properties, behind the street setback.

Application proposes a raised area within the primary street setback area raised 0.6 metres above the natural ground level. The hardstand area is setback 1.5 metres from the eastern lot boundary.

The setback variation proposed would satisfy the design principles of the R Codes for the following reasons:

- Views towards primary street setback area: The cone of vision would fall to a portion of narrow lot boundary setback area of the adjoining property, which contains no major openings. The overlooking provides views towards the primary street setback area. Under the R Codes explanatory guidelines that support the design principles it is noted that lesser need for protection from overlooking is usually required in the case of front gardens and areas already visible from the street/public realm and which are frequently less used; and
- No overlooking of active habitable spaces: The western lot boundary setback of No. 164 Chatsworth Road is not the property's primary outdoor living area, and the portion of dwelling affected by the overlooking does not contain any major openings which would enable overlooking of internal habitable spaces from the raised area.

Heritage Management Policy

The adjoining property to the east of the subject site located at No. 164 Chelmsford Road, North Perth is listed as Management Category B on the City's Heritage List.

As the subject site is adjacent to a heritage listed property it is required to be assessed against Part 5 of the Heritage Management Policy.

The Heritage Management Policy sets out that development will generally be approved where it complies with the acceptable development standards. Even where a proposal meets the acceptable development criteria of the Heritage Management Policy it is required to be assessed against the performance criteria.

The Heritage Management Policy acceptable development provision specifies that the height of the new build is to be compatible to the adjacent heritage listed building. The proposed building height exceeds the deemed-to-comply provisions of the Built Form Policy and the building as proposed would not be compatible with the adjacent heritage listed building or surrounding streetscape.

Where the proposal does not satisfy the acceptable development provision of the Heritage Management Policy, it is to demonstrate that it satisfies the associated performance criteria. The performance criteria states that new development shall be of a scale and mass that respects the adjacent heritage listed place.

The proposed development would meet the performance criteria of the Heritage Management Policy and is not supported for the following reasons:

- Views and Vistas: Due to the proposed location of the additions to the western side of the property, the proposed development would not affect views or vistas of the decorative asymmetrical street façade of the heritage listed place;
- Visual Prominence: The proposed application would not result in development projecting further forward than the existing dwelling at 166 Chelmsford Road. The proposed additions would be 6.8 metres from the adjoining heritage listed place which would provide sufficient separation to ensure that the visual prominence of the dwelling was not affected; and
- Scale and Mass: While the scale and mass would not be consistent with the established streetscape or character of the area, the mass would be located to the western side of the subject site. The proposed addition would be set back 6.8 metres from No. 164 Chelmsford Road which would ensure that it would not appear overbearing to the heritage place itself.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission acts on behalf of the Department of Planning and Infrastructure. The Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

CITY OF VINCENT SCHEME ZONES

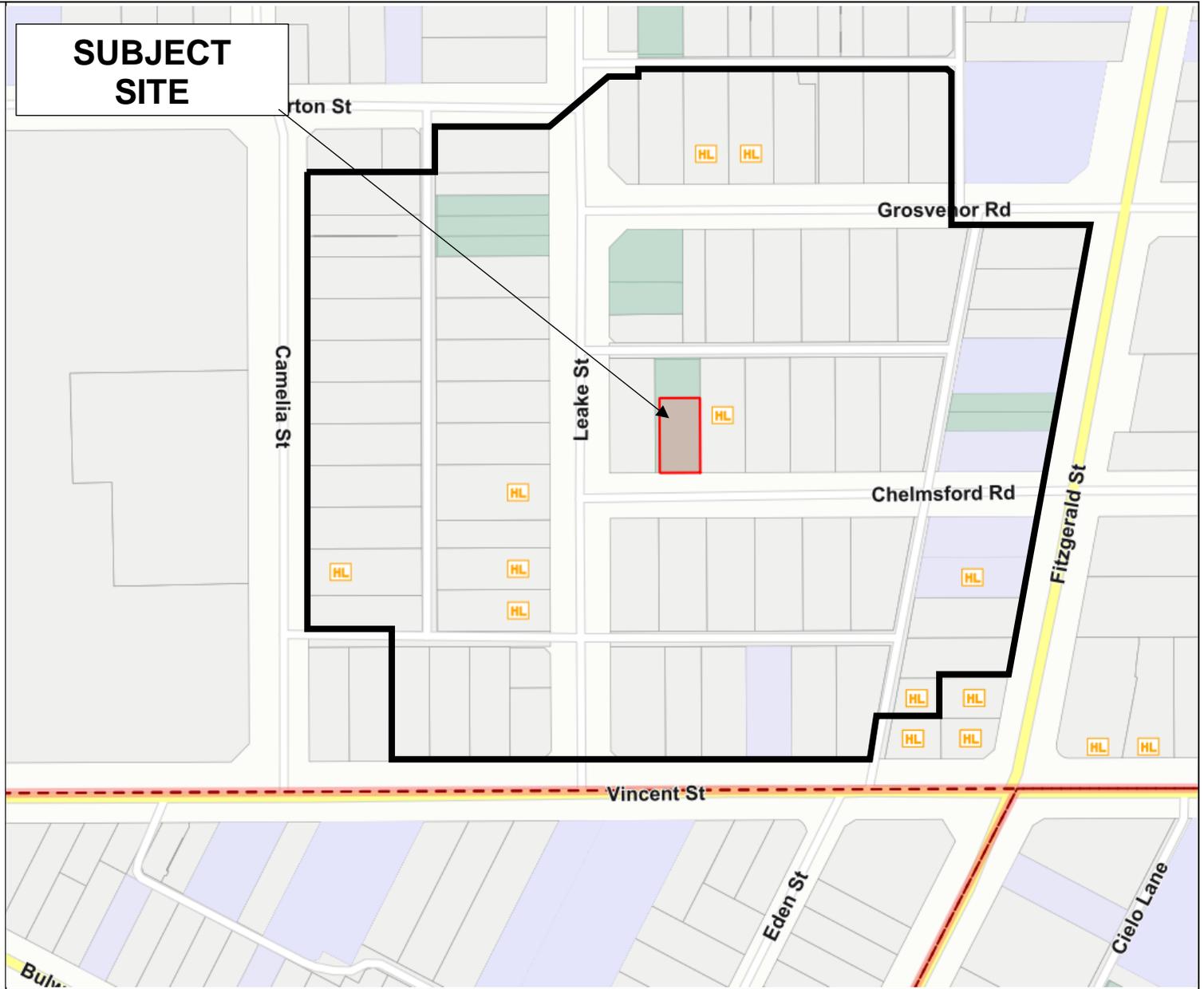
- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

ADDITIONAL USE

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**



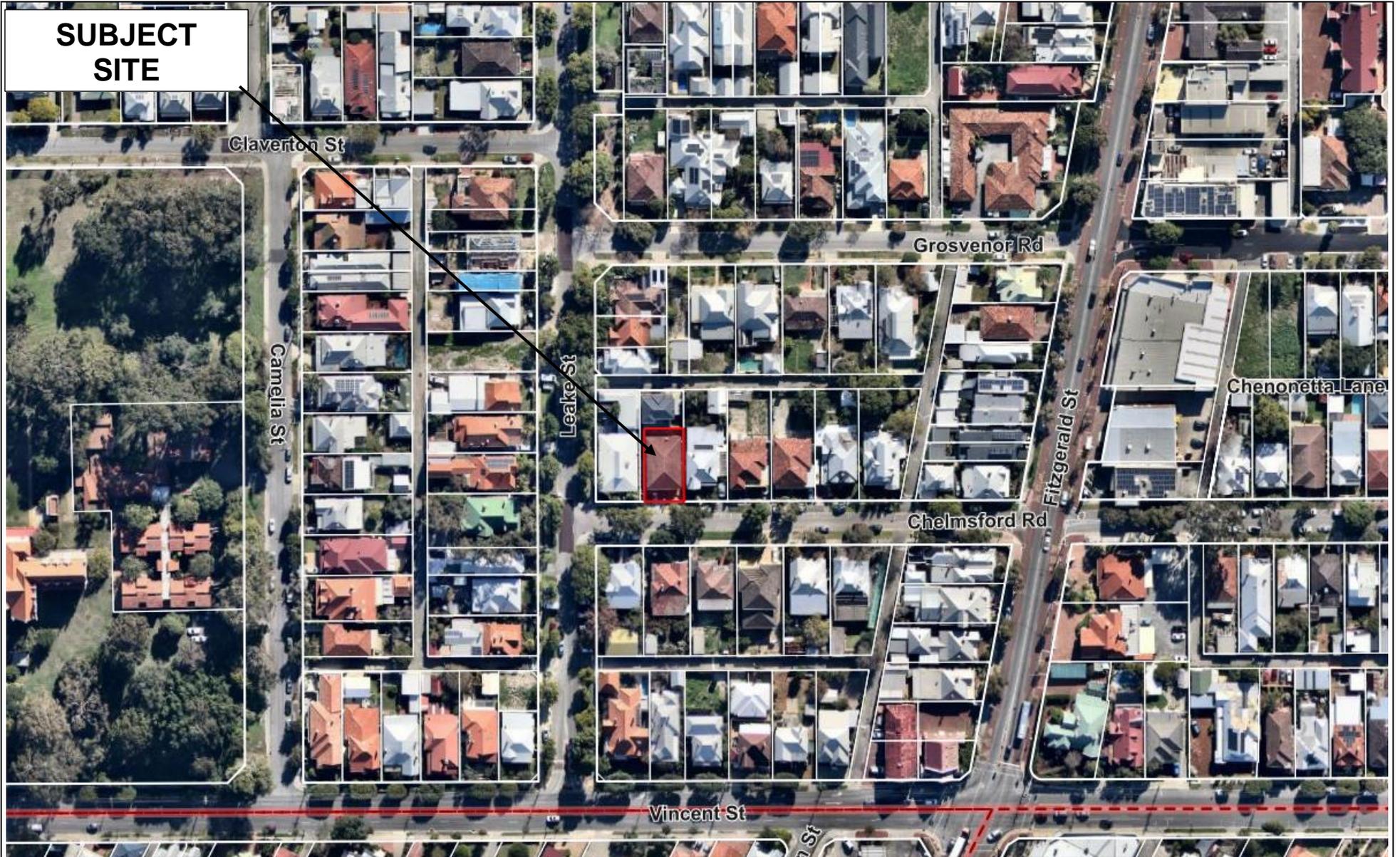
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Consultation and Location Map
No. 166 Chelmsford Road, North Perth

Extent of Consultation





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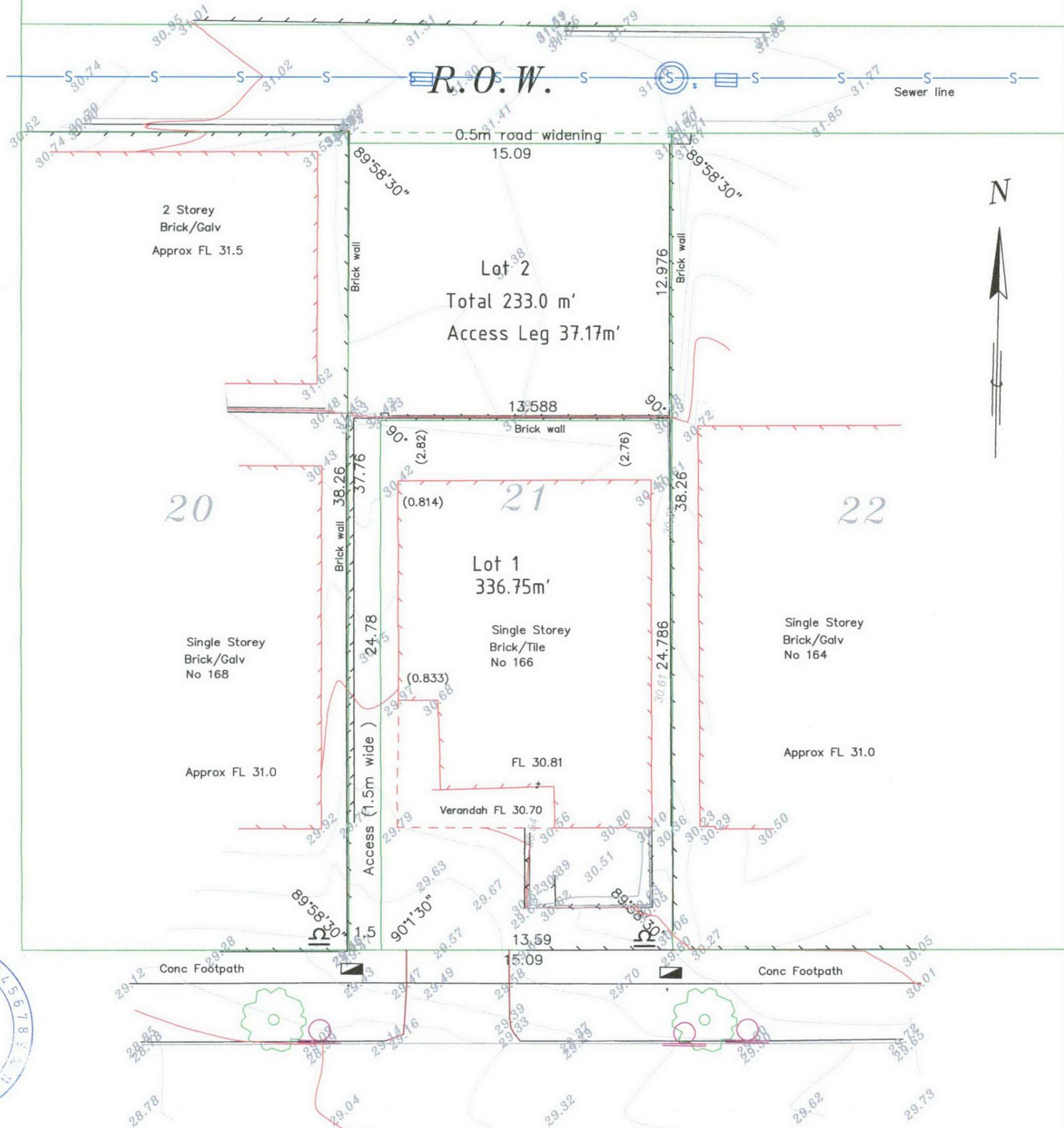
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No. 166 Chelmsford Road, North
Perth



CITY OF VINCENT
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10 December 2021

Leake St



RECEIVED
27 OCT 2021
CITY OF VINCENT

AMENDED SURVEY
UPDATED 24-10-21

TBM @
RL 28.94
DAVID BISSON
SURVEYOR

Note: Boundary location and dimensions subject to survey
Dimensions in brackets represent distances from improvements to new boundaries

All underground services need to be verified

Datum AHD
Contour Interval 0.2m

Scale 1:200 @ A3

Key Features	
Telecom	
Water meter	
Power Pole	
Power Dome	
Sewer M/H	

Chelmsford Road

db Surveys
55 Chrysostom Street Trigg Perth 6029
Ph/Fax 61 8 94481033
LICENSED LAND and ENGINEERING SURVEYORS

Proposed Survey strata
Lot 21 on Plan 2612
166 Chelmsford Road North Perth

Dwg: WAPC833-01B
db surveys
LICENSED LAND SURVEYORS

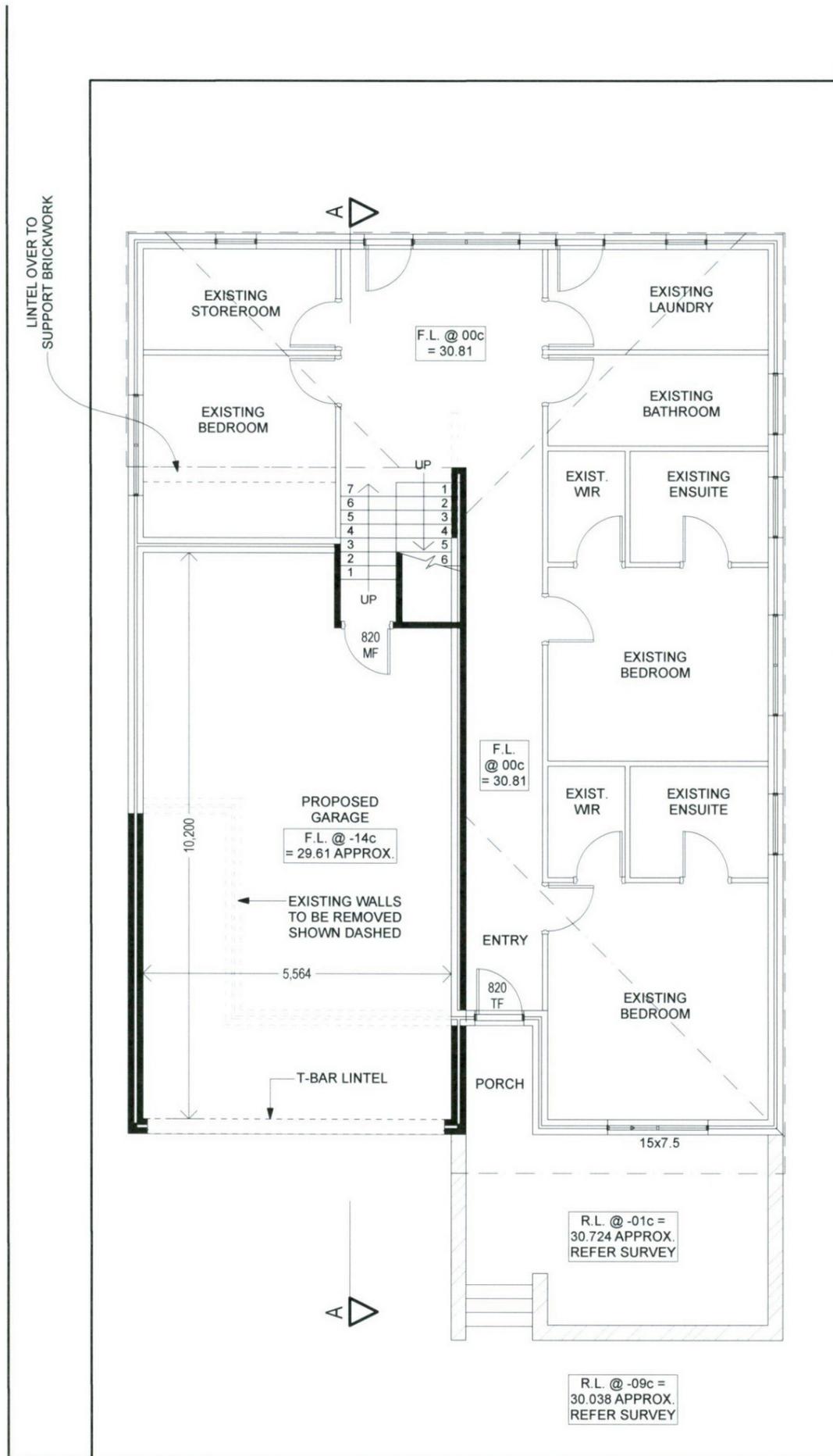


LOT 21
577m²

ZONING R40

DEVELOPMENT
APPROVAL
REQUIRED

CITY OF VINCENT
RECEIVED
10 December 2021



NOTE:
SITE LEVELS & FEATURES
UNKNOWN AT DATE OF PRINTING -
DESIGN SUBJECT TO CHANGE
UPON RECEIPT OF SITE SURVEY
BY LICENSED SURVEYOR

C H E L M S F O R D R O A D

Areas	
ADDITION (GARAGE)	18.661
	18.661 m ²

UNDERCROFT GARAGE / GROUND FLOOR PLAN



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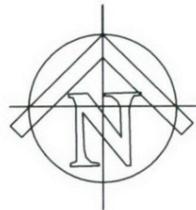
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9/12/2021	AMENDS	M.M.
28/09/2021	AMENDS	M.M.
20/09/2021	AMENDS	M.M.
8/04/2021	SKETCH	M.M.

CLIENT	ADDRESS
COLIN CAFARELLI	LOT 21 (No. 166) CHELMSFORD ROAD, NORTH PERTH

JOB NO.	2472 - 14
SHEET NO.	1 OF 6
SCALE	1:100

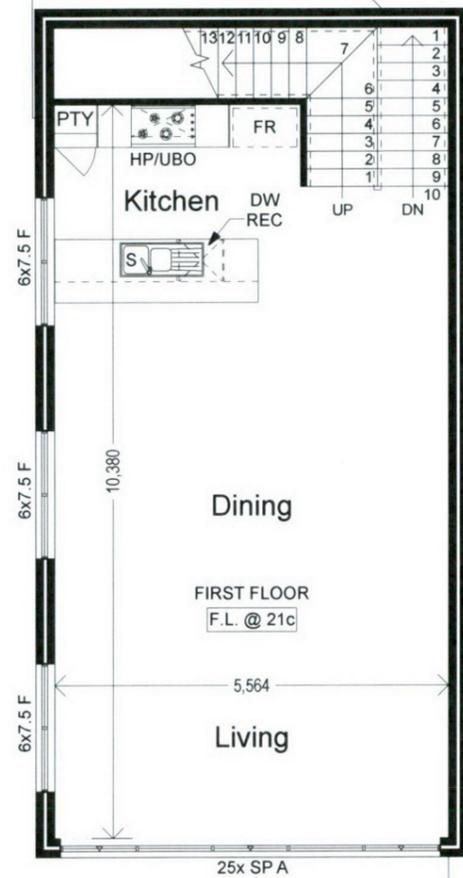


LOT 21
577m²

ZONING R40

DEVELOPMENT
APPROVAL
REQUIRED

CITY OF VINCENT
RECEIVED
10 December 2021



FIRST FLOOR PLAN

Areas	
LIVING	73.314
	73.314 m ²

NOTE:
SITE LEVELS & FEATURES
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DESIGN SUBJECT TO CHANGE
UPON RECEIPT OF SITE SURVEY
BY LICENSED SURVEYOR



SECOND FLOOR PLAN

Areas	
LIVING	73.314
	73.314 m ²

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20/09/2021	AMENDS	M.M.
8/04/2021	SKETCH	M.M.

CLIENT
COLIN CAFARELLI

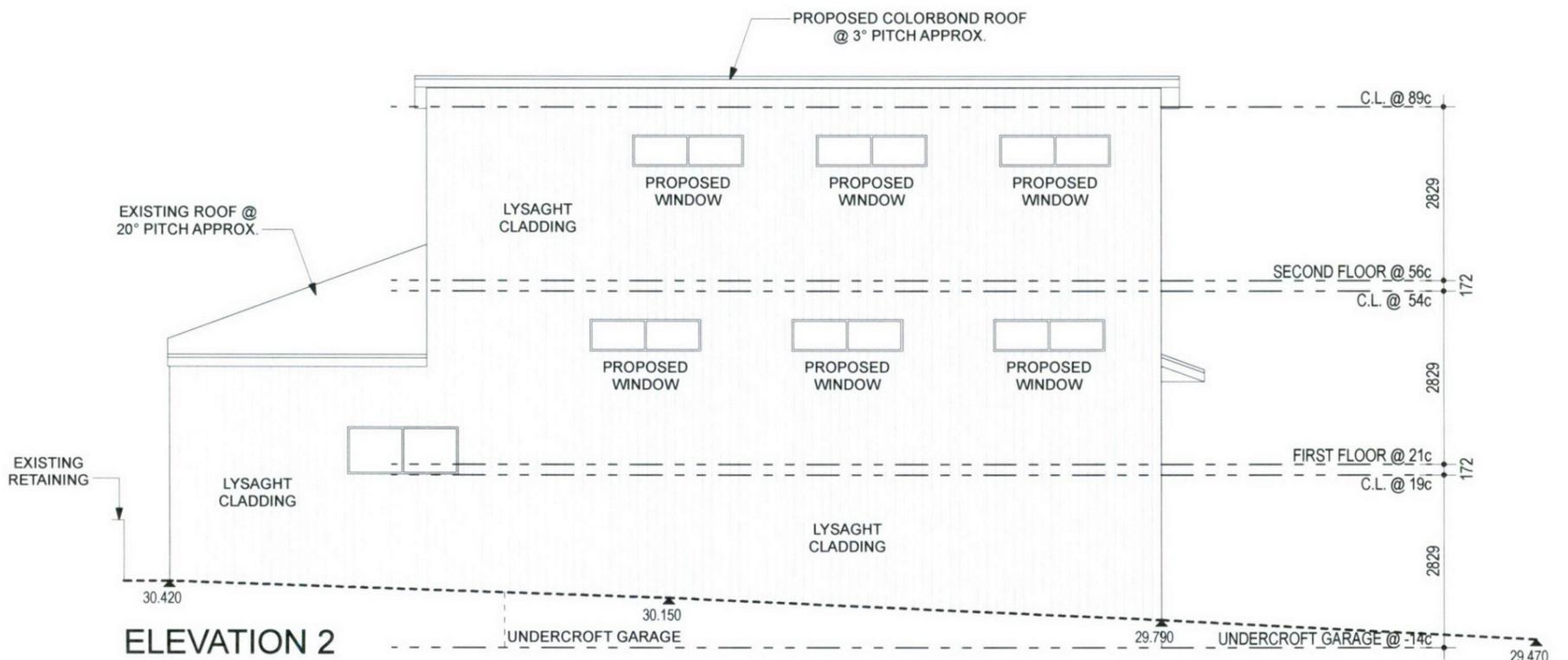
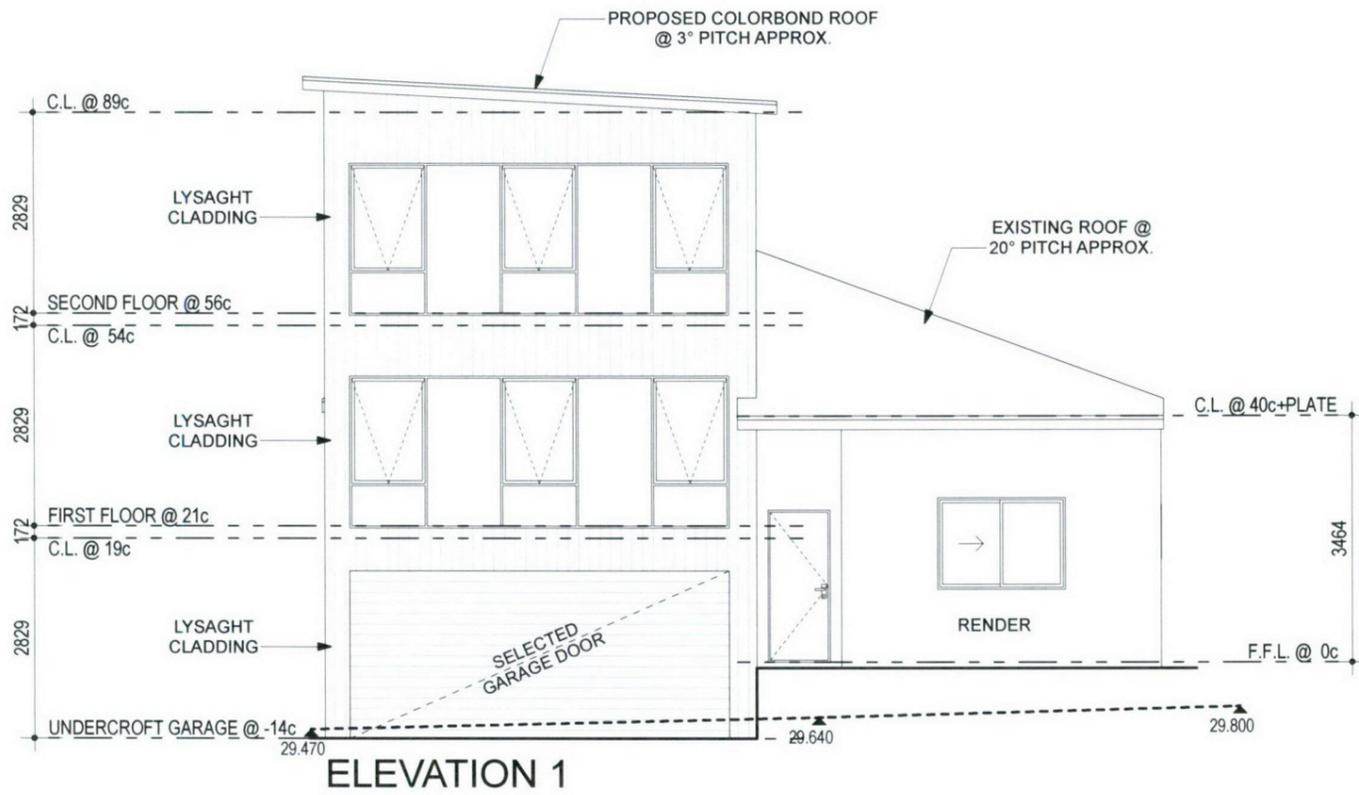
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20/09/2021	AMENDS	M.M.
8/04/2021	SKETCH	M.M.

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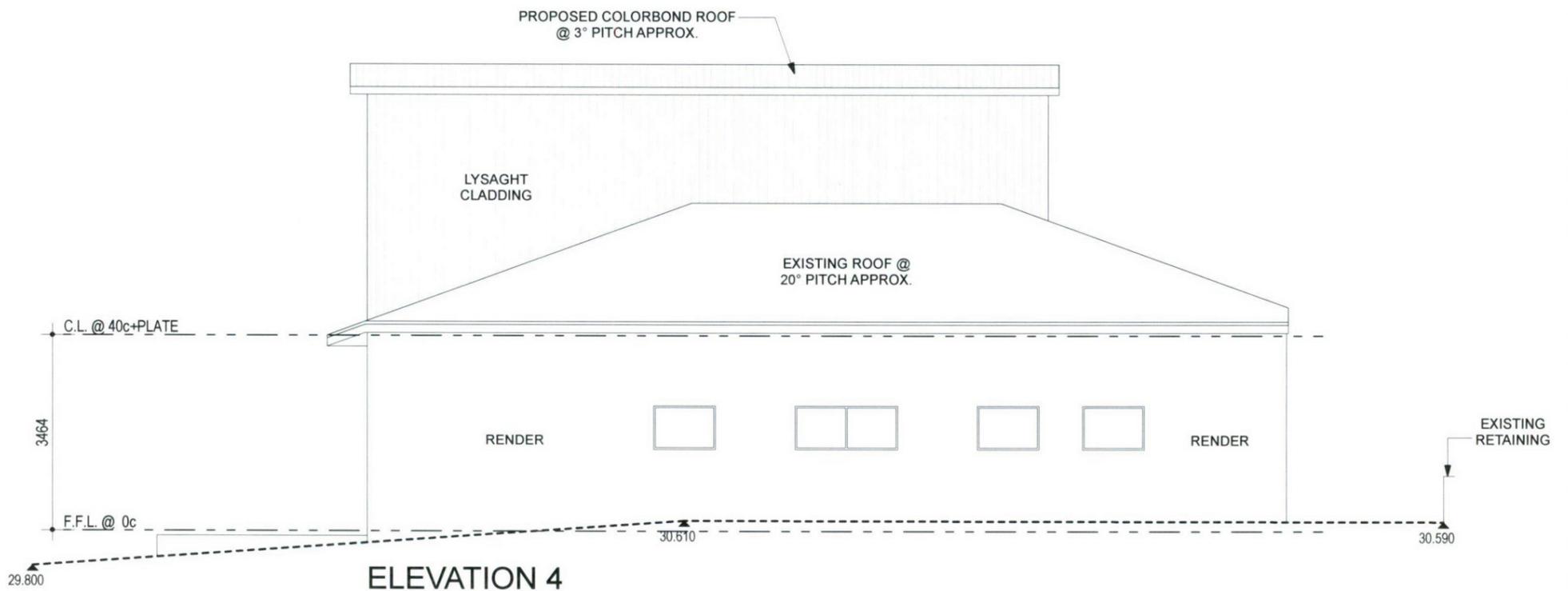
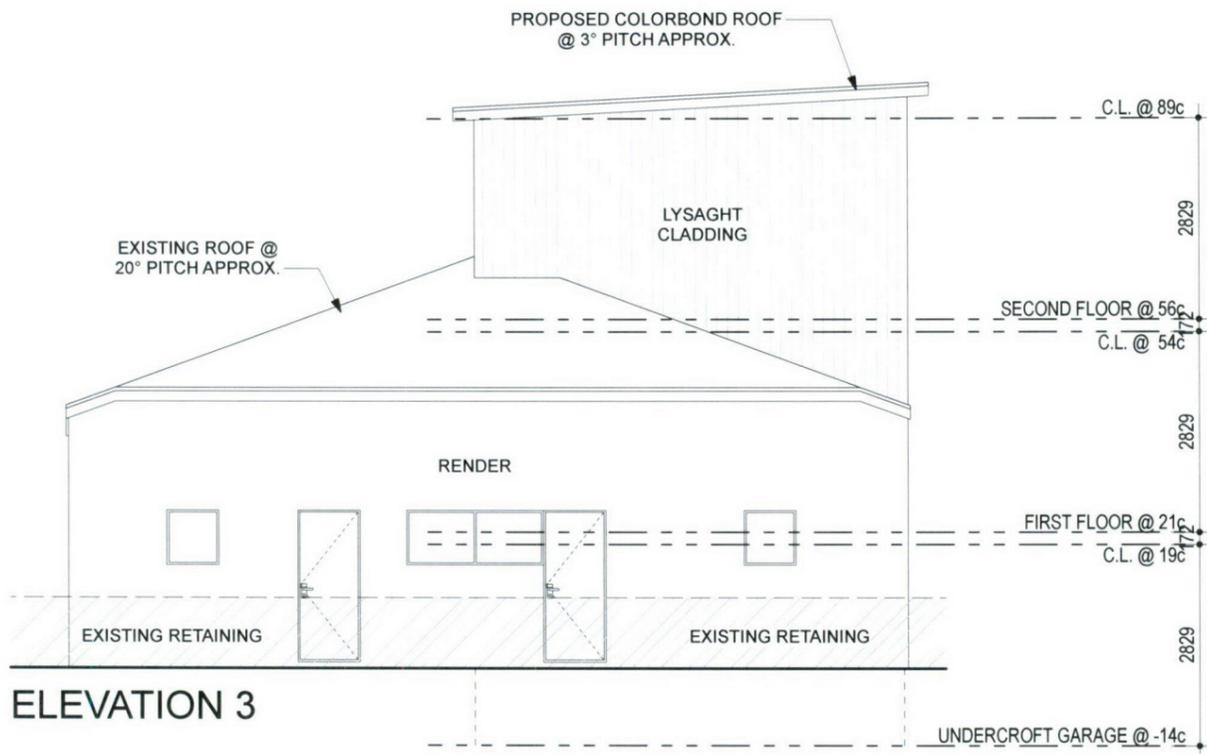
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20/09/2021	AMENDS	M.M.
8/04/2021	SKETCH	M.M.

CLIENT

COLIN CAFARELLI

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NORTH PERTH

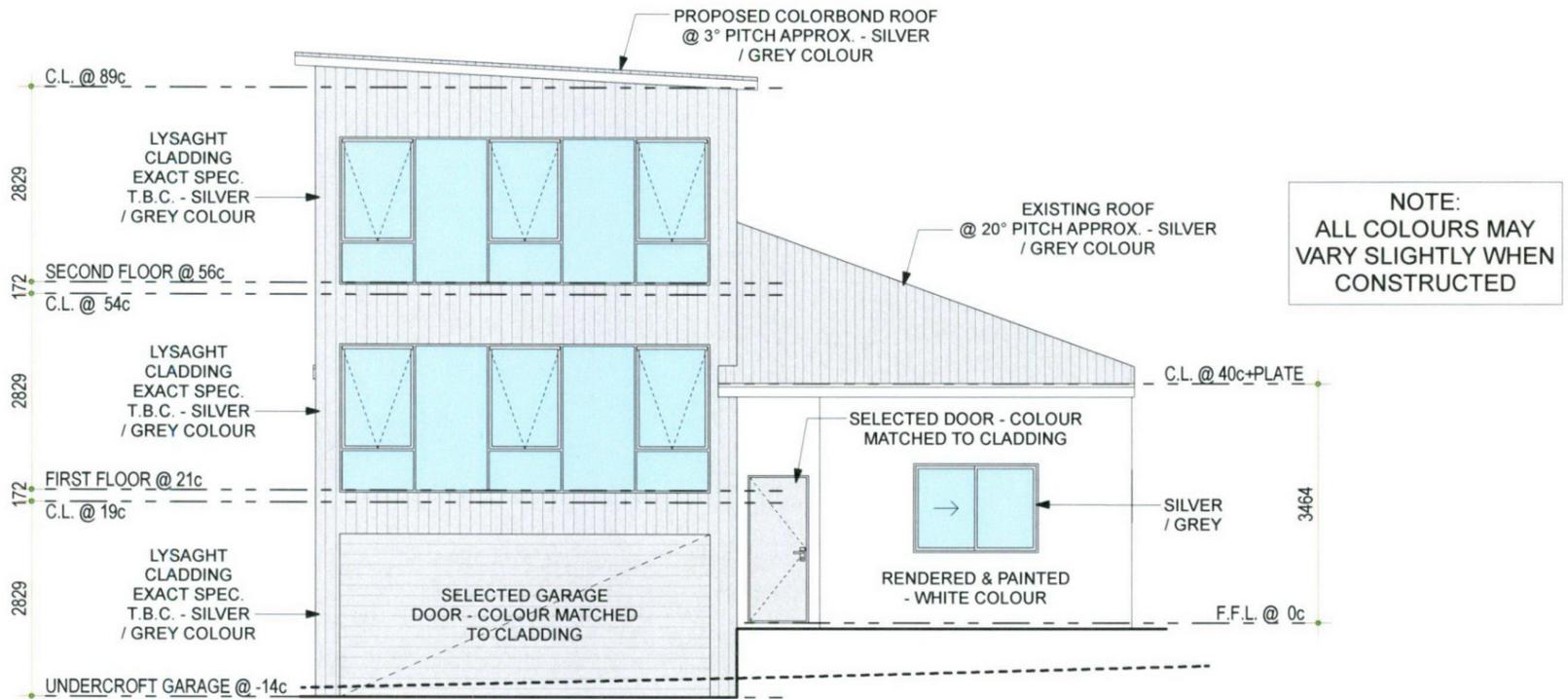
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COLOURED FRONT ELEVATION

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20/09/2021	AMENDS	M.M.
8/04/2021	SKETCH	M.M.

CLIENT	COLIN CAFARELLI
ADDRESS	LOT 21 (No. 166) CHELMSFORD ROAD, NORTH PERTH

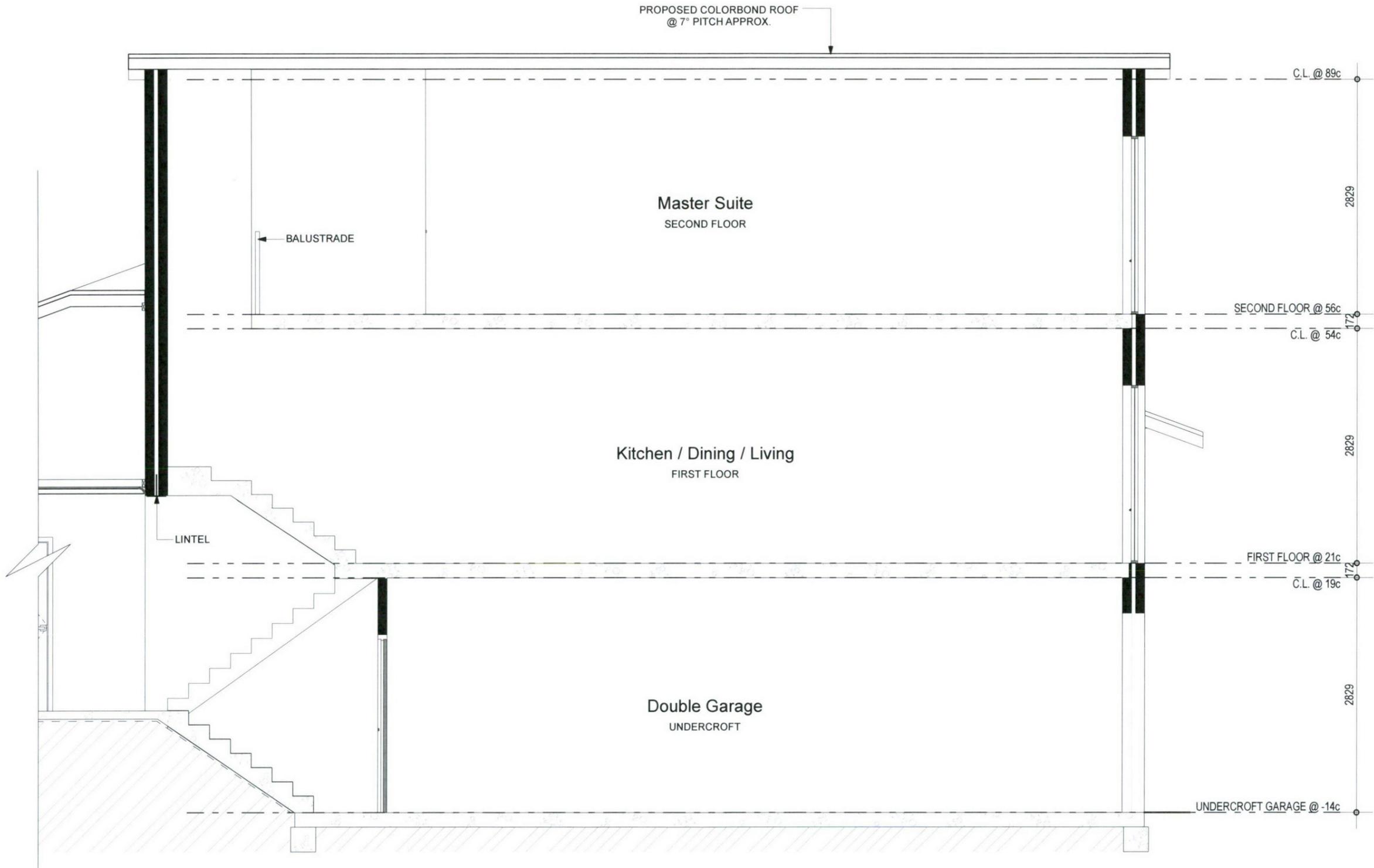
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SCALE	1:100



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SCHEMATIC SECTION A-A
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Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration's response to each comment.

Comments Received in Support:	Administration Comment:
No detailed comments in support provided.	Noted.
Comments Received in Objection:	Administration Comment:
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> The proposed development will impose an adverse impact to and would detract from the visual character of the existing streetscape due to its modern design. The proposal demonstrates excessive building bulk and scale, which is not representative or sympathetic to the established streetscape character. 	<ul style="list-style-type: none"> While a contemporary design can be considered, the proposed development would appear inconsistent with the surrounding context in terms of material and design expression and bulk and scale. The contemporary design of the proposal increases the incongruity with existing streetscape. Agreed. The design of the proposed development is not compatible with the existing streetscape as the proposed additions are three-storeys in height in a streetscape that is predominantly single storey in height.
<p><u>Landscaping</u></p> <p>The development does not provide sufficient space for on-site landscaping as a result of the overdevelopment of the site.</p>	<p>Noted. Administration had requested details regarding the proposed landscaping, however this was not provided by the applicant.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> The proposed lot boundary setbacks variations and building height variations will set an undesirable precedence in the streetscape. The west facing wall is not articulated and looks like a 9m height vertical wall. 	<ul style="list-style-type: none"> The lot boundary setback variations proposed to the western lot boundary are considered to address the Local Housing Objectives of Clause 5.2 of the City's Built Form Policy. The proposed building height would set an undesirable precedence in the streetscape and forms part of the City administration's reasons for refusal recommendation. Noted. The wall would not be articulated but is considered to address the Local Housing Objectives of the City's Built Form Policy. The City has assessed the proposed lot boundary setback to the child lot boundary in lieu of the parent lot boundary. The presence of the pedestrian access leg (PAL) for the rear dwelling at 166A Chelmsford Road, North Perth would provide the appearance of a fully compliant lot boundary setback.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Visual Privacy</u></p> <p>The development would allow overlooking of adjoining properties from the proposed first and second storey additions.</p>	<p>The first and second storey additions satisfy the deemed-to-comply requirements of Clause 5.4.1 – Visual Privacy of the R Codes for an R40 zoned property. The major openings are facing Chelmsford Road and would not overlook areas of the adjoining properties behind the primary street setback area within a 6-metre cone of vision. All other upper floor windows would be highlight windows with a sill height of at least 1.6 metres and therefore not assessed for overlooking.</p>
<p><u>Overshadowing & Ventilation</u></p> <p>The proposed height of the development would result in the loss of direct sun and ventilation for the adjoining property to the west.</p>	<p>While it is noted that the development may reduce access to early morning sun, the proposal would not affect the adjoining site's access to direct northern sunlight during the day. The proposal meets the deemed-to-comply requirements of Clause 5.4.2 – Solar Access for Adjoining Sites of the R Codes for a R40 zoned property. It is considered that the 2.2 setback to 168 Chelmsford Road would be sufficient to facilitate ventilation of the adjoining property.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

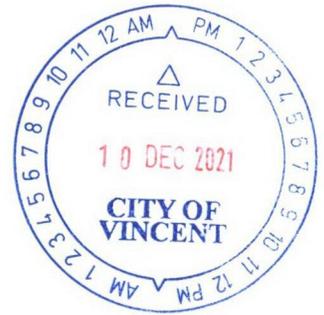
9 December 2021

Karsen Reynolds
Development and Design
City of Vincent
PO Box 82
LEEDERVILLE WA 6902

City Of Vincent Records
RECEIVED

13 DEC 2021

CTN Ref: _____
REC No: _____



Dear Karsen,

RE: 166 CHELMSFORD ROAD, NORTH PERTH

This letter is written in response to your letter to Mr. C. Cafarelli on 08 November 2021 in relation to an incomplete Development Application. This letter looks to provide the requested Streetscape Analysis.

The Proposed Development is an addition to an existing residence on the property. The addition seeks to alter the existing residence to provide an undercroft garage, and two additional levels above, that will contain an open-plan living area with kitchen, and a master bedroom area with full ensuite.

It is important to note that while proposing a three-storey residence, it is not a full three storeys. With the garage sunken to undercroft level, the proposed second and third floors are not at full height above the existing ground floor. For reference, the finished floor level of the second floor is only 1.9m above the finished floor level of the ground floor. This acknowledges that there is only two-storey height permissibility in this area and that this variation will require determination by Council.

The Proposed Development is distinctive in its design. It is acknowledged that the Proposed Development may not be considered to match the existing scale, height and built form character of the existing buildings in the immediate vicinity, as well as the architectural character, materials, finishes, and form of roof. However, the individuality and distinctiveness of the development is its strength.

Throughout the City of Vincent, there are areas that show a great mix of modern and old-style design. This is prevalent as nearby as Eden Street, West Perth which is less than 200m away from the Proposed Development, as the crow flies. A screenshot below that shows a street-view (via NearMap) of 17 Eden Street, West Perth and shows modern-style developments beyond. This is an excellent example of the ability to provide distinctive, modern design within an area that contains other, more-traditional style homes.



The City of Vincent is a diverse area, comprising of eight suburbs, all with different characters and built-styles. It is well accepted that areas like Mount Lawley and Highgate are subject to restrictions on design that seek to maintain the integrity of the character and style of those particular areas. However, North Perth is far more diverse in its own style and character. This is not particularly segregated into character areas, but diverse throughout the entire North Perth suburb. This is well represented again by the image above, that shows how distinctive modern residences can be built alongside older, character residences.

The Proposed Development would be built to a high-quality standard. This would include high quality landscaping within the front setback and through the development as a whole. The modern, innovative design, which seeks to utilise a modern cladding to the exterior (exact specification to be determined) would make this residence a key showpiece on Chelmsford Road, and may lead to other developments looking to continue this style within the area.

On a final note, it is raised that there shouldn't be a restriction on change, when looking to provide innovation and dynamism in design of new residences (still acknowledging the importance of heritage restricted areas, like Mount Lawley, as mentioned previously). "Old" is no better than "new" and "new" no better than "old" – both have a key role to play in the make-up of suburbs, within North Perth, the City of Vincent and throughout greater Perth. There cannot be a fear of change, as eventually, everything must change. Whilst this Proposed Development would be the first modern residence in the immediate vicinity of Chelmsford Road, it is only a matter of time before other residences are renovated, added on to, or demolished to make way for modern and contemporary design – and one development will always have to be the first.

Should you have any further queries regarding the any aspect of the design and drawings, please, do not hesitate to contact me.

Yours, Faithfully,



Mark Mattioli
Building Designer

11 Leake St
North Perth, Western Australia
[View on Google Maps](#)



9 Leake St
North Perth, Western Australia
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168 CHELMSFORD
ROAD



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