

5.1.2 LATE ITEM: FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House

Ward:	South	Date:	11 October 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR19871; 5.2016.102.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclauses 68(2)(b) and 73(b) of Schedule 2 of the *Planning and Building Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Alterations and Additions to Existing Single House at No.52 (Lot: 66; D/P2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 17 August 2016, as shown on Attachment 2, except for the proposed ‘New Carport’ and ‘New Porch/Deck’, subject to Determination Advice Notes in Attachment 5 and the following conditions:

1. Where a condition has a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists;
2. **Crossover**
Any proposed crossover must maintain a minimum of 500mm from any verge tree, lot boundary and street pole, to the satisfaction of the City;
3. **Stormwater**
All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;
4. **External Fixtures**
All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;
5. **Street Verge Trees**
 - 5.1 The verge tree located on the western side of the verge shall not be removed without the prior written approval of the City. The verge tree shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;
 - 5.2 The verge tree located on the eastern side of the verge, being in conflict with the proposed crossover is to be removed at the applicants cost, to the satisfaction of the City; and
6. In accordance with Clause 73(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* this approval does not relate to the ‘New Carport’ and ‘New Porch/Deck’ indicated on the approved plans.

PURPOSE OF REPORT:

For Council to consider an application for development approval for alterations and additions to the existing single house at 52 Chelmsford Road, Mount Lawley.

BACKGROUND:

Landowner:	R Kingdom & H Curtis
Applicant:	R Kingdom & H Curtis
Date of Application:	16 March 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R40 TPS2: Zone: Residential R-Code: R40
Existing Use Class:	Single House – “P” Use
Proposed Use Class:	Single House – “P” Use
Lot Area:	450m ²
Right of Way (ROW):	At rear, approx. 4 metres wide
Heritage List:	No

The subject site is located on the northern side of Chelmsford Road in Mount Lawley. The location of the subject site is included as **Attachment 1**. The existing dwelling is an older style single house with a bull nosed verandah at the front and a lean to addition at the rear. An existing garage takes access from the right of way to the rear.

The application includes minor alterations at the rear of the dwelling to insert windows, extend the eaves of the existing roof, and replace a wall of the existing house. The application also includes modifications to the study windows and replacement of the existing bull nosed verandah at the front with a smaller flat roofed porch. A flat roofed double car port within the street setback area is also proposed as well as a new vehicle access from Chelmsford Road, which would require the removal of a street tree. The development plans are included as **Attachment 2**.

The proposed Carport addition was presented to the Ordinary Meeting of Council on 20 September 2016 where Council resolved to defer the item in order to obtain advice on the ability for the street tree to be replaced.

The proposal remains unchanged from the proposal considered on 20 September 2016.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City’s policies. 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	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Street Setback	✓	
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form		✓
Open Space	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Privacy	✓	
Parking & Access		✓
Solar Access	✓	
Essential Facilities	✓	
Surveillance	✓	
Minor Incursion into Street Setback		✓

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 – Lot Boundary Setback Eastern Boundary (carport)	Nil setback	1 metre setback required
Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Clause – Roof Form – BDADC3 Roof Pitch between 30 and 45 degrees	Flat roof to porch/verandah and carport	30 – 45 degrees
Parking & Access (Carport)		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements <u>Carport location</u> (a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way; <u>Vehicle access</u> (b) Notwithstanding the above, vehicular access may be from a street, regardless whether a Right of Way is available to the property, where: (2) More than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street;	 Carport is located at the front with access from Chelmsford Road Only 36.4% of the dwellings on Chelmsford Road have access from the primary street.	 Location of carport access is contrary to the City's policy for lots where a ROW can be used for access. An additional 13.6% of the dwellings on Chelmsford Road would need to take access from the primary street for this criteria to be met.

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
<p>Residential Design Codes Clause 5.3.5 – Vehicular Access</p> <p>Access to onsite car parking spaces to be provided, where available, from a right of way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street.</p>	<p>Vehicle access from Chelmsford Road</p>	<p>Vehicle access from Chelmsford Road where an alternative access way exists</p>
Minor Incursion into Street Setback Area		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements – Clause SADC6 – Minor Incursions into Street Setback Area</p> <p>A porch, verandah, chimney or the equivalent may project not more than 1 metre into the street setback area, provided that the maximum total width of such projections do not exceed 20 percent of the lot frontage at any level.</p>	<p>Porch/verandah projects to a depth of 2.5 metres and has a width of 4.8 metres, which equates to 40% of the lot frontage width</p>	<p>1.5 metres</p> <p>20% additional width</p>

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 7 June 2016 until 20 June 2016. A total of 13 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

One objection was received. The issues raised related to concerns that the proposal was not in keeping with the existing streetscape, and that the vehicle access was proposed to be taken from the primary street (Chelmsford Road) when a Right of Way was available to the rear of the property.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.10 – Norfolk Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

Delegation to Determine Applications:

This application is being referred to Council as it was deferred from the 20 September 2016 Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Setbacks

The proposed carport proposes a nil setback to the northern lot boundary. The carport is open on three sides and attached to the main house with a lightweight flat roof and piers.

The reduced lot boundary setback is not considered to have a negative impact to the adjoining property or the streetscape as it does not increase the bulk of the building, nor restrict direct sun or ventilation to adjoining properties. There are no privacy implications and the proposal is considered acceptable.

Minor Incursions

The proposal for a wider and deeper porch is consistent with the many older properties have similar style porches/verandahs which are not strictly compliant with the deemed to comply criteria, but are appropriate to the character of the property.

The proposed flat roofed porch addition does result in a lower height to the addition, however the additional variation to the roof form (flat roof) does not reflect any features of the existing house. Combined with the larger width and depth, it is considered to be a detrimental addition that dominates the appearance of the dwelling when viewed from the street.

Roof Form

The existing dwelling has a colorbond pitched roof, in keeping with the older style character properties in the area. The application proposes to replace this with a flat roof porch and carport addition.

The applicant has referred to the Burra Charter in support of the proposal. The Burra Charter defines basic principles and procedures to be observed with regards to new work added on to an older property (but not necessarily Heritage listed):

- New work should be similar to (but not imitate) the existing significant fabric;
 - New work should be readily identifiable;
 - Designing an addition or new building in a modern manner is desirable but should not be an excuse to make the new work dominate or draw attention away from the existing place and its features.
-

The proposal provides clear differentiation between the old and new parts of the dwelling and the flat roof proposed results in a lower building height, which reduces the dominance of the proposal. However, the proposed flat roof additions are not considered to compliment the existing streetscape character of the area as they are located in the front setback area, well forward of the setback line of structures in the adjoining and opposite properties.

Carport

The applicant has stated their future intention to subdivide the block, and is therefore proposing to include vehicle access and a carport to the front of the dwelling at the same time as undertaking other work to the dwelling to make best use of resources.

It is noted that only 36.4 per cent of the houses in the locality have a carport or garage from Chelmsford Road. The City's Residential Design Elements Local Planning Policy specifically requires that more than 50 per cent of the dwellings have carports or garages accessed from the primary street in order for carports and garages to be permitted as-of-right.

The City does have discretion to consider carports within the front setback area where they do not visually dominate the site or the streetscape. The flat roof structure of the carport does reduce the bulk and dominance of the carport. However, the location of the carport forward of the dwelling, with a nil front setback, is considered to dominate the streetscape given that there are no other carports or garages forward of dwellings within this section Chelmsford Road (from the right-of-way to right-of-way).

Vehicle Access

It is noted that more than 50 per cent of properties within this section of Chelmsford Road have vehicle access from the primary street and so the provision of a front driveway to this property is considered appropriate. However, the vehicle access proposed by the application would require the removal of one of the two small street trees located in the verge. Given the location of the second street tree, there is not considered to be adequate space for a replacement street tree to be provided within verge adjoining the subject site. In addition, conditioning a replacement street tree further down Chelmsford Road or in a nearby park is not considered to be valid as it would not adequately relate to the proposed development.

Given the small size (less than 500mm diameter) of the verge street tree, and that there is a second tree located within the adjoining verge, it is considered appropriate for the proposed driveway, resulting in the removal of this verge street tree, to be supported as part of this application.

Conclusion

The proposed alterations and additions to the dwelling are considered to be acceptable, with the exception of the proposed front porch and carport due to their location in the front setback area and potential impact on the character of the streetscape. The proposal is recommended for approval subject to conditions, including that the proposed porch and carport do not form part of the approval.
