

**REPORT TO: COUNCIL ASSESSMENT PANEL**

**DATE: 9 DECEMBER 2020**

**SUBJECT: APPEAL ITEM– 110/00405/20 - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW TWO STOREY DETACHED DWELLING WITH WALL LOCATED ON SOUTHERN BOUNDARY, PERGOLA LOCATED FORWARD OF DWELLING, MASONRY WALL LOCATED ON NORTHERN SIDE BOUNDARY, BASEMENT AND SWIMMING POOL**

**SUBJECT SITE: 42 MARY STREET GLENELG NORTH**

**WRITTEN BY: ALEXANDER STAMATOPOULOS**

**ATTACHMENTS:**

- 1. COMPROMISE PLANS**
- 2. LETTER OF SUPPORT**
- 3. ORIGINAL PLANS**

## **1. Abstract of Report**

On the 26 August 2020, the Council Assessment Panel issued a refusal for DA 110/00405/20 for the demolition of existing dwelling and construction of new two-storey detached dwelling with wall located on southern boundary, pergola located forward of dwelling, masonry wall located on northern side boundary, basement and swimming pool. A refusal was issued as the proposed development was not consistent with relevant principles of the Holdfast Bay Development Plan. The reasons for refusal are shown below:

Development Application 110/00405/20 be refused Development Plan Consent for the reason that it is contrary to Council Wide Principle 14(b), 19 and Residential Character Zone Objectives 1. More specifically, the application does not meet the intent of the Development Plan in that:

- The design and scale of the development does not respect or enhance the policies of the Character Area;
- The development does not enhance or complement the existing streetscape in terms of bulk, scale and façade details;
- The development is not reflective or consistent with the front setbacks of the adjacent sites;
- The development lacks the positive and prevailing architectural design and detailing of the localised character;
- The development does not exhibit typical residential design forms that are complimentary to the predominant established character of the Policy Area;
- The development does not incorporate pitched roof forms together with the prevailing verandah and portico elements established in the Policy Area;
- The associated carport facing the street dominates the streetscape and is not designed to be located at least 0.5 meters behind the main face of the associated dwelling; and
- The main face of the building is not setback from the primary frontage to represent the average setback of adjacent buildings.

Since the refusal was issued an appeal was lodged to the ERD court. The decision was appealed as the applicant believes that the reasons for refusal can be addressed through a redesign of the dwelling primary focusing on its façade. Amended plans were received and are attached to this report.

## **2. Assessment**

The applicant has made amendments to the initial application addressing the reasons for refusal. The amendments are listed below:

1. The main roof – west wing – western eave overhang has been reduced.
2. The carport/pillar setback has been increased by 950mm.
3. The main roof – west wing – pitch has been increased from 20° to 30° so as to increase the prominence of the pitched roof form and gabled ends as viewed from the street, picking up the theme of the nearby roof forms.
4. The upper level "dormer window sill" height has been increased by 150mm (the window height thus reduced by 150mm) so as to accommodate the increased roof pitch together with the deletion of the external horizontal venetian blind from that window. The changes have been made so that the dormer windows/upper level built form is more recessive.
5. A brick pillar has been introduced adjacent the main entry to break up the horizontal form of the dwelling and to help define the carport from the main house.
6. A new projecting contemporary steel verandah structure has been introduced to the front of the dwelling so as to reference the traditional built form in the streetscape and to provide a roof/verandah hierarchy as to the built form. This new projecting verandah also helps to define the carport from the main house built forms resulting in the carport becoming a more recessive element when viewed from the street.
7. The free standing arbour structure has been deleted with an open arbour structure integrated into projecting the verandah for climbing vines.
8. A pedestrian gate has also been installed in the main front fence, again referencing existing development in the locality.

The amended plans bring the dwellings appearance to the streetscape closer in line with the existing established character of Mary Street. The increase in roof pitch from 20 to 30 degrees is a substantial change which has resulted in a distinctive roof form in comparison to the initial design which was concealed given the limited 20 degree angle. The front elements of the dwelling have been altered and differentiate from each other providing greater visual interest to the façade of the dwelling steering away from a uniform appearance. The carport has seen an increase in setback of 950mm which results in the structure being well setback behind the main face of the southern adjoining dwelling.

The increase in pitched roof form and the amended detailing to the façade presents a dwelling that is sufficiently consistent with streetscape character of Mary Street and is consistent with the Desired Character of the Policy Area particularly noting the extract shown below:

*Relative to other residential areas, development in the policy area will be slow and progressive, resulting in the existing predominant character being maintained, albeit in a modified form, with increasing numbers of new dwellings as older dwellings are replaced with contemporary, sympathetically designed buildings and housing forms that respond to new lifestyle choices.*

Taking into account the revised design and compromised streetscape character of the northern end of Mary Street the dwelling in its amended form is considered to be supportable.

### **3. Recommendation**

**That the Council Assessment Panel advise the ERD court that Council supports Development Application 110/00405/20 as amended subject to the conditions listed below:**

#### **PLANNING CONDITIONS**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans stamped 9/11/2020 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That upstairs windows on the southern and northern elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of Council.**
- 3. That stormwater from the dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all storm water from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.**

#### **NOTE:**

**Storm water shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.**

- 4. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume**

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5. That the associated filter pump associated with the swimming pool be enclosed in such a way that noise levels do not exceed 45db(a) between 10pm and 7am and 52db(a) between 7am and 10pm measured at adjoining property boundaries.