

DEVELOPMENT NO.:	21036450
APPLICANT:	Brett Fleetwood
ADDRESS:	38 TARLTON ST SOMERTON PARK SA 5044
NATURE OF DEVELOPMENT:	Carport attached to side of dwelling, shed in rear yard, and verandahs
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	16 Nov 2021
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	4 November 2021
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

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DETAILED DESCRIPTION OF PROPOSAL:

The development comprises the construction of a shed and verandah in the rear yard, a front porch and a carport along the southern side of the dwelling.

- The shed has a substantial floor area (82 square metres), with gable roof located on the western and southern boundaries.
- The verandah is attached to the rear elevation of the dwelling, but located away from side and rear boundaries; and
- The porch will replace an existing smaller porch, and will not protrude forward of the existing main face of the dwelling.

- The carport has a length of 9 metres and is attached to the southern side of the existing dwelling and located on the southern side boundary. It replaces an existing, smaller carport which is in a state of disrepair.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 38 TARLTON ST SOMERTON PARK SA 5044

Title ref.: CT 5819/777 **Plan Parcel:** F11091 AL402 **Council:** CITY OF HOLDFAST BAY

The subject site contains a detached dwelling, with minor domestic structures including a carport (to be demolished), a verandah, shed (to be demolished), a front porch and swimming pool.

Locality

The locality is described as a typical residential setting comprising predominately older housing stock including detached dwellings, residential flat buildings and group dwellings.



Green fill identifies subject site

Red outline identifies Representor's property

Note: second Representor is not identified above, but is located on eastern side corner of Tarlton Street and Whyte Street and supports the proposal, given their current outlook of the subject site is characterised by a view of numerous vehicles and boat that would otherwise be stored in the proposed shed.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- PER ELEMENT:** Carport: Code Assessed - Performance Assessed
 Shed: Code Assessed - Performance Assessed
 Carport or garage
 Shed
 Verandah: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Wall on boundary exceeds 3 metres (gable end)
- **LIST OF REPRESENTATIONS**
Shannon Asa of Unit 6, 55 Tarlton Street Somerton Park submitted a representation indicating support for the proposed development

Brian and Patricia Andrews of 66 Whyte Street, Somerton Park:

- Floor area of shed exceeds 60 square metres;
- Boundary walls should be fire rated;
- Stormwater discharge should go to the street;
- The western gable end will obstruct morning sun from windows;
- The building height should not exceed 5 metres;
- The proposed use is unclear;
- The location of the shed differs on plans DA-040 and DA-010;
- The carport area is unknown;
- The carport should not be enclosed; and
- Site coverage should not exceed 60 percent of the site area.

The applicant submitted a reply to the representations, summarised as follows:

- The shed floor area does not directly impact neighbouring properties;
- A stormwater plan has been submitted showing all water directed to the street;
- Overshadowing will be minimal, calculated as approximately 1 hour in the morning;
- The building height is 4.1 metres due to the neighbouring land siting 900mm higher;
- The shed will store numerous vehicles such as a boat, trailer, camper trailer, caravan, vintage car, camping equipment, gardening equipment, surfboards, bicycles, tools and other domestic storage;
- Plan DA-010 references the location of the existing shed to be demolished, with general outline of new shed;
- Site coverage is within the acceptable range.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Shed

The proposed shed has a floor area of 82 square metres, a wall height of 3 metres and total height of 5.04 metres and located on the western rear and southern side boundaries.

The western adjacent property has a ground level which is 900mm higher than the subject site, therefore the total height of the proposed shed, when viewed from the western adjacent property, is the equivalent to 4.1 metres in height.

The floor area exceeds the maximum allowance of 60 square metres. In considering whether the additional 22 square metres of floor area is reasonable, it is necessary to determine how this impacts the subject land and adjacent properties. With respect to impacting the subject land, there is no evidence to suggest there is an adverse impact, particularly given site coverage is well within the maximum of 60 percent of the site area (51 percent) and private open space exceeds the minimum requirement of 60 square metres. In the case of this proposal, 235 square metres of private open space is supplied. Soft landscaping amounts to 170 square metres, or 18 percent of the subject site. Although this is 7 percent short of the minimum requirement of 25 percent of the site area, the shortfall is reasonably offset by the fact the site has a number of existing trees, including Frangipanis, a Conifer and fruit trees.

When considering whether the additional floor area adversely impacts on neighbouring land, attention is given to the form of development relative to the site boundaries. In the case of the southern boundary, the building has a wall height of 3 metres over a length of 9.5 metres. The Design Code allows a maximum wall height of 3 metres over a maximum length of 11.5 metres. The building, as viewed from the southern side is therefore within the parameters set by the Design Code. The additional floor area therefore has no material impact on the southern adjacent property.

In the case of the western rear boundary, the building has a gable end, with a maximum height equivalent to 4.1 metres (due to the neighbouring site being 900mm higher) over a boundary length of 8.75 metres. The Design Code allows for boundary walls where the height does not exceed 3 metres and the length does not exceed 11.5 metres. Although the gable end on the boundary fails the Design Code with respect to height allowance, this variance does not have a direct relationship to the proposed floor area exceeding 60 square metres, thus resulting in no adverse impacts on the western adjacent property with respect to floor area.

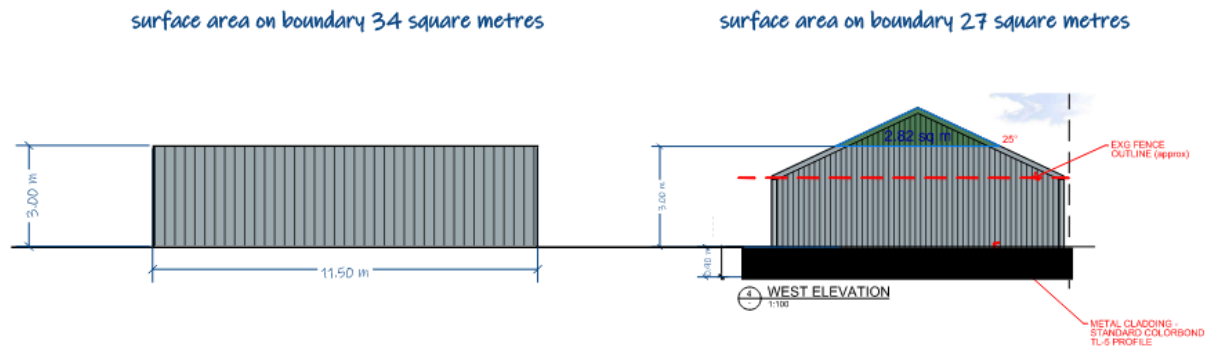
On balance, the proposed floor area has reasonable planning merit in that it does not directly impact the subject site or adjacent land.

When considering the boundary wall height, in this case, the 4.1 metre high gable end, it is acknowledged that this exceeds the height limit by 1.1 metres. When determining the impact of a design element that does not satisfy the Design Code, it is important to have regard to the following:

- What dimensions can be achieved via the Design Code;
- Visual impacts on adjacent land; and
- Solar access

Firstly, the illustration below demonstrates the extent of boundary walling allowable by the Design Code against the extent of walling proposed by the shed. In summary:

- The proposed shed has a surface area that is 7 square metres less than a 3m high x 11.5m long wall; and
- The proposed gable end is 1.1 metres higher than the maximum boundary height:



Secondly, when considering the visual impact on the western adjacent property (which has a bedroom and living room adjacent to the proposed shed), it is considered that the visual impact of the proposed boundary development would be similar to that achievable via the Design Code parameters, as per the above illustration suggests.

Boundary development in any circumstance is not an ideal outlook for a neighbouring resident, however as the Design Code allows for it, this level of visual impact is reasonably anticipated.

Thirdly, when considering solar access, the east facing bedroom and living room windows of the western adjacent dwelling will be impacted during the morning, during the winter solstice. Solar access is achieved at midday and not achieved in the afternoon by way of the orientation of that house. Although the existing shed may contribute to a loss of solar access during the morning, the proposed shed is larger and taller, therefore it will result in an additional level of overshadowing, which can be reasonably avoided by way of some amendments to the proposed built form and or siting.

In summary, the subject site is a large parcel of land, with a large rear yard. There is sufficient means available for the applicant to make amendments by way of a rear boundary setback or hipping the roof so as to avoid the gable end impact on the boundary. The proposed shed will contribute to overshadowing, to which the extent can be avoided by way of some minor amendments.

Verandah

The verandah is attached to the rear of the dwelling and has a floor area of 52 square metres, and setback 1 metre+ from the northern side boundary. The verandah has a flat roof height of 4 metres, which exceeds the maximum of 3 metres anticipated by the Design Code. Although it is higher than 3 metres, it is 1 metre from the northern side boundary and will not project any overshadowing impacts, nor is the overall height considered to cause any adverse visual impacts as viewed from neighbouring properties.

Front Porch

The front porch is sought to replace the existing smaller front porch, and has a floor area of 10 square metres. It does not protrude forward of the main dwelling. The roof form is flat, and it sits below the gutter height of the dwelling.

Carport

The open-sided flat roofed carport is attached to the southern elevation of the dwelling and located on the southern side boundary with a post height of 2.75 metres over a length of 9.3 metres. The carport is setback behind the main face of the associated dwelling.

CONCLUSION

The proposal generally satisfies the Design Code, except with respect to the verandah height (4 metres, which is negligible) and the floor area and boundary wall (gable) height of the proposed shed.

It is accepted that the verandah height and shed floor area are reasonably acceptable on balance with the characteristics of the site (and general built form and siting of the verandah), however concerns remain with respect to the boundary development associated with the western elevation of the shed. The impacts associated with the gable end, particularly with respect to solar access, are such that will have adverse impacts on adjacent land. These impacts could be mitigated by way of a increased boundary setback, decrease in building length or adjusted roof form.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21036450, by Brett Fleetwood is REFUSED Planning Consent for the following reasons:

Proposal does not satisfy:

1. Performance Outcome 11.1 Ancillary Buildings and Structures:

DTS/DPF 11.1

Ancillary Buildings:

- (b) have a floor area not exceeding 60 square metres;
- (h) have a wall height (or post height) not exceeding 3 metres;
- (k) retains a total area of soft landscaping amounting to 25 percent of the site area

OFFICER MAKING RECOMMENDATION

Name: Dean Spasic

Title: Development Officer - Planning,

Date: 07/03/2022