

**ORDINARY MEETING OF COUNCIL
26 MAY, 2008**

ORDERS OF THE DAY

ORDER 1	9 NORMANDY ROAD, ELWOOD
ADDRESS:	9 Normandy Road, Elwood
PROPOSAL:	Demolish existing dwelling and construct a new one and two-storey semi-detached house and front fence and gates, and widen front vehicle crossing from 2.53m to 3.5m width
WARD:	Ormond
NEIGHBOURHOOD	Elwood/Ripponlea
TRIGGER FOR DETERMINATION BY STANDING COMMITTEE:	Demolition of a Contributory Heritage Place
APPLICATION NO.:	0105/2007
APPLICANT:	Bojan Simic Architecture
EXISTING USE:	Single-storey Californian Bungalow style semi-detached dwelling
ABUTTING USES:	Single-storey contemporary semi-detached dwelling to the north side Single-storey Californian Bungalow style detached house to the south side Single-storey Californian Bungalow style detached house with a two-storey rear addition to the east (rear)
ZONING:	Residential 1 Zone (R1Z)
OVERLAYS:	Heritage Overlay (HO8)
AMBIT OF DISCRETION:	A Planning Permit is required in the Residential 1 Zone to construct or extend a dwelling on a lot less than 500 square metres A Planning Permit required to demolish a building, construct a building, externally alter a building, construct or carry out works, and externally paint a building in the Heritage Overlay.
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	60 days = expired
RESPONSIBLE EXECUTIVE DIRECTOR:	Geoff Oulton, Executive Director Community Development & Planning
AUTHOR:	Simon Gutteridge

1. EXECUTIVE SUMMARY

It is proposed to:

- Demolish the existing house and front fence and part of the side fences;
- Construct a new one and two-storey semi detached house with associated in-ground swimming pool, rear deck, outbuildings and landscaping;
- Construct new front fence and gates and side fences; and
- Widen the existing front vehicle crossing from 2.53m to 3.5m width.

The application was advertised and three (3) objections were received. The objections raised concerns with the demolition of the existing house, the appropriateness of the form and design of the replacement dwelling in the heritage and neighbourhood context, overshadowing, and loss of trees in the front setback and domination of the front setback by car parking.

The subject site is unusual, in that it contains the remaining half of an early 20th Century semi-detached pair, with the adjoining half having been demolished in 1998 (prior to present day heritage controls).

Council's Heritage Architect and a Heritage Consultant acting for the applicants agreed that the existing house did not materially contribute to the heritage of the street and surrounds and it would be acceptable to demolish the house. It was also agreed that the replacement building made a generally positive contribution to the character of the street.

Council's Heritage Architect recommended a number of detail changes to the design with regard to the front fence and gates. This, and objector concerns about the loss of trees and carparking in the front yard can be addressed by conditions of any approval that may issue.

It is considered that subject to these changes, the proposal would be an appropriate infill development that would respect the heritage and neighbourhood character of the site and surrounds, and the amenity of adjacent and nearby properties.

It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

KEY ISSUES

1. Contribution of existing house to Heritage Overlay and demolition of a Contributory graded Heritage Place;
2. Design contribution of proposed replacement house to Heritage and Neighbourhood character;
3. Building height and setbacks, front fence and vehicle crossing and trees and landscaping on the subject site;
4. Neighbour amenity – overshadowing, overlooking, and building bulk.

2. SUBJECT SITE AND SURROUNDS

- 2.1. The subject land is situated on the north-west side of Byrne Avenue between Ormond Road and Ormond Esplanade, Elwood. The land is rectangular and has front and rear widths of 7.73m/7.61m and a depth of 54.97/54.99m for an area of 419m² approximately.

The land has a rise of approximately 1.3m from the front to the rear, and approximately 0.2m from the north side to the south side along Normandy Road.

There is an existing vehicle crossing off Normandy Road at the front southern corner of the land.

- 2.2 The land is developed with a single-storey Californian bungalow era semi-detached dwelling. The house is constructed to the northern side boundary and is setback between 1.6m and 1.8m from the southern side boundary. There is a 0.8m high brick fence across the front of the property.

The house is graded as a Contributory Heritage Place under the Heritage Review. The house appears to be in sound condition and is generally original except for changes to the front fence, and some contemporary alterations and additions to the rear (not visible from the street frontage).

- 2.3 Surrounding land is developed as follows:

- **North (along Normandy Road):** Single storey semi-detached contemporary infill house, two detached houses and shop to the corner of Ormond Road beyond;
- **South (along Normandy Road):** One-storey detached house (with permit for two-storey alterations and additions) and one and two-storey detached houses further along;
- **East (rear):** One and two-storey detached houses;
- **West (opposite, across Normandy Road):** One and two-storey detached houses and one pair of single-storey semi-detached houses.

- 2.4 There is one (1) previous planning permit application recorded for the subject land since 1990 as follows:

- 0859/2007 to demolish the existing single storey "semi - detached" dwelling on the condition that a suitable replacement building is approved, withdrawn 3rd March, 2008.

3. PROPOSAL

It is proposed to:

- Demolish the existing house and front fence and part of the side fences;
- Construct a new two-storey semi detached house with associated in-ground swimming pool, rear deck, outbuildings and landscaping;
- Construct new front fence and gates and side fences; and
- Widen the existing front vehicle crossing from 2.53m to 3.5m width.

More particularly, the proposal would comprise as follows:

• Ground floor level:

Widened front vehicle crossing and driveway and parking for two cars in the front yard, studio/study, bedroom with ensuite, entry kitchen, dining and living room and

laundry, rear courtyard with associated decking and landscaping, swimming pool and rear shed including pool equipment and bicycle storage.

• **First floor level:**

One bedroom with en-suite, living room, guest bedroom and front deck, with concealed rainwater tank.

The new house would be 6.0m high and setback 9.0m and 9.5m at the front and 6.5m high and setback 11.9m at the rear. The side fences would be 1.65m high rendered masonry, 2.0m high timber palings with 600mm trellis above this (max height 2.6m) and 1.9m high timber palings. The front fence would be 1.65m high vertical metal palisades.

The new house would be in a contemporary style, with a flat roof and a mixture of vertical and horizontal windows.

Materials and finishes would be brick and concrete with charcoal coloured stucco and off-white cement render finish, natural finish vertically articulated zinc cladding, compressed fibre board with expressed joints with an off-white painted finish, anodised aluminium framed windows with clear glazing, and steel mesh screen with creeper plantings and anodised aluminium plate for external walls. The screens to the first floor level front balcony would be timber battens with an oil finish. Fences would be vertical metal palisades for the front fence, and rendered brick and timber palings with lattice above for side fences. Roofing would be metal, concealed behind parapets.

A number of small to medium sized trees and shrubs are proposed to be removed from the front and rear yards. It is proposed to landscape the site, including new trees, shrubs, ground covers to the front and rear of the land, and a 'living wall' of creepers over a steel frame over most of the front façade.

4. INTERNAL CONSULTATION

The application was referred to Council's **Urban Design and Heritage Architect, Traffic and Parking Section** and **Sustainable Design Officer**. These matters are discussed at Section 6 of this report.

5. EXTERNAL CONSULTATION

- 5.1** Notice of the application was given by the erection of a sign on the front of the site and by letter to eight (8) adjoining or nearby property owners and occupiers.

Three (3) objections were received to the proposal and are summarised below with officers comments following:

11 Normandy Road, Elwood (*abutting detached house to the south*)

- **The proposed new building significantly detracts from the streetscape, adding nothing to the heritage character of the street. The 'living wall' may be appropriate to an office building, but we believe it is out of place in a significant street such as Normandy Road, which has a basically unchanged streetscape.**

The existing house on the land dates from the early 20th Century (est' circa 1910) and is generally original. Other houses along Normandy Road date from around 1900 to the 1920s and are predominantly intact.

An exception to this is the dwelling at No. 7 Normandy Road which was extensively altered and extended to the front and rear circa 1998. These alterations demolished much of the original house at No. 7 to the extent that it no longer reads as part of a matched pair with the subject site at No. 9. These alterations also reduced the heritage significance of the subject site.

Council's Urban Design and Heritage Architect inspected the subject site and surrounds and advised that the alterations and additions to No. 7 so compromised the heritage integrity of the subject site, that he did not oppose the full demolition of No. 9. This matter is further discussed at Section 6 of this report.

- **Agree with Heritage Advice that the development at No. 7 is unfortunate, and do not wish for another completely different style of house to be added to the streetscape.**

In accordance with Council's Heritage Policy, it is considered that a contemporary designed dwelling similar in scale and mass and setback to adjacent dwellings would be the most appropriate design response for the replacement of the existing house on the land. It is considered that because of the demolition and replacement of No. 7 to the north side, the heritage value of the subject site has been seriously compromised and demolition can be supported. This matter is further discussed at Section 6 of this report.

- **We do not disagree with the demolition of the building, but are curious to know why the Council would allow demolition of No. 9, but not our property at No. 11 next door. Query why the same heritage issues would not apply. We believe that the new front façade should complement and enhance the existing streetscape, and that the proposal would not.**

Council has recently granted an NOD for No. 11 which would retain the front of the house, demolish part of the rear and construct new two-storey alterations and additions to the rear.

The circumstances of the subject site are materially different from those of No. 11 Normandy Road next door to the south side. No. 11 is a detached house in generally original condition, which retains its original setting, siting and context, whereas the setting and context of the subject site has been severely changed by the alterations to the front of one half of the original matched pair at No. 7.

Retaining the front of No. 7 and massing two-storey additions to the rear was considered for the subject site during pre-application discussions. However, it was eventually agreed that this approach would not adequately resolve the degraded heritage integrity of Nos. 7 and 9, and in particular, the junction of the front of these two dwellings. It was concluded that a superior heritage solution would be allow for full demolition of No. 9 and the design of a new building which sensitively responded to the massing and siting and scale etc. of the immediate abutting properties and surrounding area, noting that Council's Heritage Policy does not support reproduction architecture in Elwood.

The new house would be similar in height at the front to the house to the north side, and lower than the house to the south side, with the taller two-storey element massed to the rear. It would generally match the front setback of the house to the north side, and would generally comply with the ResCode recommended front setback.

It is considered that the siting, massing and scale of the new dwelling satisfactory responds to the adjacent houses to both sides.

- **Object to overshadowing to our main outdoor entertaining courtyard. The shadow drawings show that this area would be completely overshadowed at 9.00am, and would not be clear of shadow until 1.00pm**

The subject site is to the north side of the objector's property. The shadow plans for the application show that the new house would cast shadow onto the objectors' property at 9.00am and throughout the morning, clearing completely just after 2.00pm. The shadow would fall along one side of the objector's property only, mainly over the existing driveway and sideways. The majority of the objectors front and rear open space areas would be unaffected by shadow from the proposal, and the design would comply with the relevant ResCode Standard. Refer also to assessment at Section 6 of this report.

15 Normandy Road, Elwood (*detached house to the south*)

- **The proposed new building is way out of line with the style and character of the rest of the street. It is totally in contrast to the homogeneous c.1920's look of the rest the buildings in the street and will diminish the streetscape significantly. The current situation where the other half of the semi detached pair has been demolished and unsympathetically re-constructed leaves number 9 looking bizarre and I have no objection to it being demolished but if the house is to be demolished it should be on condition that it is replaced with a house whose facade will blend into Normandy Rd.**

Refer to discussion above.

10 Byrne Avenue, Elwood (*detached house to the rear*)

- **The complete demolition of the house is inconsistent with Council Heritage Policy which seeks to restore and reconstruct heritage places. The demolition would remove one half of the duplex at Nos. 7 & 9 Normandy Road, which would undermine the heritage significance of these properties and the wider heritage place.**

Refer to discussion above and at Section 6 of this report.

- **The demolition would be inconsistent with Council's Heritage Policy because it would remove a dwelling that does not appear to be structurally unsound, involve a replacement building that does not achieve design excellence which supports the ongoing heritage significance of the area, and would undermine and compromise the largely intact heritage streetscape.**

Refer to discussion above and at Section 6 of this report.

- **Concerned that the front of the site would be dominated by the proposed two side by side car parking spaces, and would be inconsistent with Council's Heritage Policy which encourages on-site parking to the side or rear of dwellings. The increase in vehicle crossing width would reduce the ability for on-street car parking and could potentially impact on the significant street tree at the front of the site.**

It is considered that the increase in the width of the front vehicle crossing, angled fence and gate, and two on-site car parking spaces in front of the house would be inconsistent with the heritage appearance and neighbourhood character of the area. These aspects of the design are not supported. It is recommended that a

condition require the vehicle crossing width to be maintained as existing, the front fence and gates to be aligned with the front property boundary, and the amount of the front yard given over to car parking be reduced in lieu of increased landscaping. This is discussed further, later in this report.

- **The flat roof form of the new house would be inconsistent with the predominantly pitched roof characteristics of the street. The materials, textures and finishes would be inconsistent with those prevailing in the street.**

Refer to discussion above and at Section 6 of this report.

- **The window proportions facing to Normandy Road are not complementary to the prevailing streetscape character. The central horizontal windows would be inconsistent with the prevailing vertical window forms and Council's Heritage Policy.**

Windows facing towards Normandy Road would be a mixture of vertical and horizontal. The two horizontal windows would be set low in the front wall and would be enclosed by the living wall of green creepers proposed for the façade. It is considered the horizontal windows would not dominate the façade and would be a reasonable component of the proposed contemporary infill house. Refer also to discussion above and at Section 6 of this report.

- **The front setback would not comply with ResCode Standard A6.**

ResCode Standard A6 relates to site coverage. Standard A3 relates to front setbacks. Under this Standard, a new dwelling on the land should be setback an average of the two adjacent houses or 9m, whichever is the lesser. The adjacent houses to the north and south sides are setback 7.2m and 13.1m to 14.85m (average 13.975m) from the front boundary respectively. The average of these setbacks is 10.58m.

The new house is proposed to be setback 9.0m, 9.5m, and 9.55m from the front boundary and so would comply in part with the Standard. A variation is supported for the extra 0.5m and 0.55m because it would be minor.

It is noted that the existing house is setback 11.5m from the front boundary.

- **Concerned that existing mature trees would be lost from the front yard and the established front garden character of the area would be undermined by the construction of two car spaces in the front setback.**

The existing trees in the front yard are medium sized and relatively young compared to the substantial street trees and more mature plantings on other nearby properties, and do not make a significant contribution to the landscaped character of the area. However, it is considered that the trees do make an identifiable contribution to the established front garden character of the area, and if the trees were removed, they should be replaced with mature trees of similar size (although not necessarily in the same locations). A condition should be required for an increase in the front garden area (including retention or replacement of existing trees with mature trees of similar size) and a reduction in car parking area at the front of the site.

- **The design of the dwelling and its detailing does not respect the existing character of the area, or other half of the duplex pair in terms of façade articulation and detailing and window and door proportions and roof form.**

Refer to discussion above and at Section 6 of this report.

- **The 1.65m high metal steel front fence does not comply with ResCode Standard A20 and would be inconsistent with the style and construction of the generally solid, low brick fences in the street.**

The front fence and gates should be a maximum of 1.5m high and should be aligned along the front boundary. Subject to these changes, the metal palisade fence is considered a satisfactory fence design for the site and surrounds. Council's Heritage Architect raised no objection to the fence design subject to these changes.

5.2 External Referrals

There were no external referrals required for this application.

6. URBAN PLANNERS ANALYSIS OF KEY ISSUES

6.1 Local Planning Policy Framework – Residential proposal in a Heritage Overlay:

The proposal has been assessed against the Local Planning Policies (copy of assessment matrix is held on file. That assessment indicates that the proposal generally complies with the relevant Local Policies.

The proposed demolition of the existing Contributory Heritage Place requires Council to determine on a material variation to Policy. An assessment of this matter against the principles of the Policy is as follows:

6.1.1 Is the demolition of the existing building appropriate?

The existing building on the site is graded Contributory in the Port Phillip Heritage Review (2006). In relation to graded buildings, Council Policy states:

Where a permit is required for demolition of a contributory building, it is policy to not support the demolition of a contributory building unless and only to the extent that,

- *The building is structurally unsound or cannot be feasibly re-used, and either*
- *The replacement building....displays design excellence which clearly supports the ongoing heritage significance of the area, or,*
- *In exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.*

The permit applicant is not arguing that the existing dwelling is structurally unsound and cannot be feasibly re-used. The proposal therefore fails the first heritage test. It is recognised that policy is only a guide as to the exercise of discretion, but it is nonetheless an important and clear intent of how the Council wishes to achieve its overall strategic aim (as at Clause 22.04) that significant and contributory graded heritage places in the Heritage Overlay are conserved. There is no dispute in this instance about the current structural soundness of the building, and the recommendation of the policy in that regard is that the existing building be retained. The applicant is therefore seeking to set aside the policy to allow demolition based on the premise that the existing dwelling makes only a minimal contribution to the streetscape, and that the proposed development displays sufficient design qualities to respect its context and the wider Heritage Overlay.

The ability to set aside any policy in the Planning Scheme exists because policies are guides and not mandatory measures. However, in exercising discretion to set aside this policy, Council has to consider both the heritage value of the existing building and the design quality of the proposed replacement building. The planning officer and Council's Urban Design and Heritage Adviser have reviewed the heritage submission, the development plans lodged with the application and undertaken site visits and have resolved to concur with the applicant's rationale for demolition.

It is considered that the existing house makes a negligible contribution to the streetscape and immediate surrounds of the subject site because the circa 1998 demolition and reconstruction of the other half of the original semi-detached pair of houses has diminished both the context and appearance of the subject site and the other half of the pair.

The subject dwelling, while intact and attractive in its own right, now exists as an incomplete part of the original pair of dwellings, and presents as an isolated significantly altered dwelling in an otherwise intact streetscape.

It is considered that the restoration of the original pair or even something more sympathetic to the original pair is unlikely to occur given the relatively recent construction of the neighbouring dwelling to the north side. Further, Council Heritage Policy would not support replica infill development on the adjacent site to the north side.

As a result it is considered that its demolition would not be detrimental to the streetscape or heritage place. With regard to the replacement building Section 6.1.2 provides the assessment.

6.1.2 Does the development respect existing/preferred scale, setbacks, form and pattern of subdivision?

The 6.0m height of the front of the new dwelling would be similar to the abutting house to the north side, and lower than the adjacent house to the south side. The design masses the taller 6.5m high two-storey element to the rear where it would be less visible from the street, thereby maintaining the predominantly single storey character and appearance of the area. The two-storey scale would step up by only one storey from the adjacent single-storey houses.

The new house would be setback generally in line with the house to the north side, and would generally comply with the ResCode recommended front setbacks. The front setbacks of the new house would maintain existing vistas to the adjacent heritage place to the south side.

It is considered that the siting, massing and scale of the new dwelling satisfactory responds to the adjacent houses to both sides.

The flat roof would differ from the pitched roofs of other houses in the area, but is considered reasonable in the context of the site being small and the new house being respectful with regard to the scale and mass of nearby dwellings.

Doors and windows facing Normandy Road would be a mixture of vertical and horizontal. The horizontal windows would be set low in the front wall and would be enclosed by the 'living wall' of green creepers proposed for the façade. It is considered the horizontal windows would not dominate the

façade and would be a reasonable component of the proposed contemporary infill house.

The development would have an active frontage to Normandy Road via the windows and a glazed door in the front facade and a transparent front fence.

Council's Urban Design and Heritage Architect generally supported the design of the new dwelling.

Whilst it is accepted that the development would result in a change to the street, it is considered that the change would not be overt and the new dwelling would sit quietly and comfortably with its two immediate neighbours and the broader neighbourhood appearance. Some concerns are raised about the height and siting of the front fence, the proposed wider vehicle crossing and vehicle parking dominating the front of the site. It is considered that the concerns about these matters can and should be addressed by conditions. These matters are discussed in more detail elsewhere in this report

The proposed development would not change the subdivision pattern of the site and surrounds.

6.1.3 Does the development display a high regard for internal and neighbouring amenity?

The new house would increase shadow slightly to the house to the south side, but this would mostly fall over a side driveway and would not affect the majority of the front and rear yards of the neighbouring property.

The proposal would not unreasonably overlook any abutting property.

The proposal incorporates a high level of internal and external amenity and suitable design qualities and generally complies with Clause 54 (ResCode) of the Port Phillip Planning Scheme.

Where variations are proposed, it is concluded that the matters would be minor and would either not cause material detriment to any person such that a variation could be supported, or the matter could be addressed by conditions.

6.1.4 Are the visible materials, finishes and colours appropriate?

The design proposes a restrained palette of materials including brick, concrete with charcoal coloured stucco and off-white cement render finish, compressed fibre board with expressed joints with an off-white painted finish, natural finish vertically articulated zinc cladding, anodised aluminium plate, anodised aluminium framed windows with clear glazing, and steel mesh screen with creeper plantings for external walls

The screens to the first floor level front balcony would be timber battens with an oil finish. Fences would be vertical metal palisades for the front fence, and rendered brick and timber palings with lattice above for side fences. Roofing would be metal, concealed behind parapets.

These materials are complimentary to the masonry and stucco materials that predominate in the street.

Council's Urban Design and Heritage Architect raised no objection to the materials and finishes.

6.2 Heritage

The applicants met with Council a number of times prior to lodgement, to discuss design and heritage matters.

Council's initial advice was that partial demolition of the rear would be likely to be supported, but full demolition was of concern and would need justification, including information about structural soundness and feasible re-use.

Following a site inspection, it was noted that the adjacent house at No. 7 had been renovated/reconstructed approximately 10 years ago, utilising a rather unfortunate mock alterations at the front, truncating the original attached pair along the shared boundary resulting in both building having an awkward appearance to the street and reducing the heritage significance of the subject site. The applicants were then advised that the Council may be able to consider full demolition of the building, subject to an independent assessment of the heritage issues by a Heritage Architect.

The application duly included a consultant Heritage Architect assessment which argued that the retention of the existing house was not justified as follows:

Whilst the dwelling on the subject site presents as having been constructed in the period for which the overlay is significant and whilst it retains its original fabric and features recognisably from that period, I do not experience the building as contributing to the wider Heritage Place.

With regard to visual appearance and appreciation the half a building, having lost its other half, is prominent as a disruptive incongruity in the Heritage Place rather than making a contribution to the congruity and character of the place.

Although the half building that is subject here has not been substantially altered, the surviving half cannot be viewed with the observer becoming aware of the loss of the remainder.

Although the surviving building contributes to the understanding of the historical condition of the particular site, it currently distracts from the appearance and appreciation of the heritage character of the streetscape and accordingly it is my assessment that (the) property should not be considered to be a contributory property.

The consultant Heritage Architect assessment and the application were referred to Council's **Urban Design and Heritage Architect** who commented:

The 9.0-9.5m front setback should allow for landscaping however I would wait to see what advice traffic can provide.

The setback should not be any greater than what it currently is given the adjacent property setback. The front fence line should be positioned on the boundary edge to tie in with the streetscape and provide maximum opportunity for landscaping.

Note that the plans are indicative in terms of proposed landscaping.

There is a need for a landscape architect to detail the green wall and for us to be certain that this remains a viable element of the design. If this element were to be deleted the design would not be supported given it is an integral feature of the design.

This northern end of Normandy Rd exhibits a far more diverse building stock in terms of heritage. On another level the subject site is attached to a historicist dwelling of negligible architectural merit. The replacement building presents as an innovative response within a streetscape that fails to display a consistent 'neighbourhood character'.

The demolition of the existing 'contributory' graded building is supported given that:-

- any associated heritage significance is negligible due to the previous loss of its original relationship with no. 7 Normandy Rd, Elwood as a complete structure;
- the 'contributory' grading being highly questionable and currently under review;
- the heritage report submitted by the applicant.

Whilst the heritage policy objective is to "discourage the demolition of significant and contributory heritage places in the Heritage Overlay", it is considered that the loss of this dwelling would have a negligible impact upon the Overlay whilst the replacement building is deemed to display design excellence.

Clarification was sought regarding the height of the proposed new 1.65m high front fence. Council's Heritage Architect recommended that the fence should be not more than 1.5m high.

The concerns of Council's Heritage Architect are proposed to be addressed by **Condition Nos. 1.(b) & (c)**.

6.3 Parking and Traffic

The application was referred to Council's **Parking and Traffic Section** who commented:

Existing:

There is a single storey dwelling with parking for 2 vehicles in the front of the property, accessed by an existing 2.5m wide crossover.

Proposed:

Demolish the existing dwelling and construct a 2 storey, 3 bedroom dwelling with a studio, with informal parking for 2 vehicles on site and access using the widened existing crossover.

Site surrounds:

The street is a minor local street. There are no parking restrictions that apply in the street. Public Transport is available, with bus services within 100 m. Parking pressure is reasonably high due to its location adjacent to a minor local shopping precinct.

Parking Comments:

The relevant parking rate deemed appropriate for the proposed use is two spaces for each three or more bedroom dwelling. In accordance with this rate, the following calculation applies: - One 3-bedroom dwelling @ 2 space = 2 spaces, which has been provided on the site.

The proposed widening of the existing crossover (to 3.5m) is not supported as it is too wide (the standard crossover drawing requires it to be 2.5m wide, which is its current width). The proposed driveway is acceptable.

The applicants were advised of these concerns and requested Council consider a lesser increase in width of the front crossing to 3.0m (rather than 3.5m). Council's **Traffic and Parking Section** advised that they did not support an increase in the width of the street crossing, but would support widening the gate slightly at the front property line.

A condition can be imposed that the vehicle crossing be not widened and the front gates be more than 3.0m in width at the front property line. This is proposed to be addressed by **Condition No. 1.(a)**.

6.4 SUSTAINABLE DESIGN

The application was referred to Council's **Sustainable Design Officer** who commented:

These comments are in response to the STEPS report and Sustainable Design Statement submitted as part of the application for 9 Normandy Road, Elwood (105/2008).

In the context of this development and application I am satisfied that the Sustainable Design Statement meets the expectations of the Council's Sustainable Design Policy.

The Sustainable Design Statement should be endorsed if and when the application receives a permit.

Implementation of the sustainability measures is proposed to be addressed by **Condition No. 9.**

7.0 RESIDENTIAL AMENITY (CLAUSE 54) SUMMARY

7.1 Neighbourhood Character

The proposal would demolish all of the existing house, the existing garage, front fence and part of the side and rear fences, and would remove a number of existing trees in the front and rear yards of the property.

The existing house's heritage significance has been diminished by the previous demolition and redevelopment of the house to the north side. The applicant's consultant heritage architect and Council's heritage architect agreed that the demolition of the existing house would not adversely affect the heritage of the area.

It was concluded that a superior heritage solution would be allow for full demolition of No. 9 and design a new building which sensitively responded to the massing and siting and scale etc. of the immediate abutting properties and surrounding area, noting that Council's Heritage Policy does not support reproduction architecture in Elwood.

The new dwelling would be orientated to front Normandy Road in the same manner as the existing house.

The dwelling design would allow for observation of the abutting street.

The new house would be similar in height at the front to the house to the north side, and lower than the house to the south side, with the taller two-storey element massed to the rear. It would generally match the front setback of the house to the north side, and would generally comply with the ResCode recommended front setback.

It is considered that the siting, massing and scale of the new dwelling satisfactory responds to the adjacent houses to both sides.

The existing trees in the front yard are medium sized and relatively young compared to the substantial street trees and more mature plantings on other nearby properties, and do not make a significant contribution to the landscaped character of the area.

However, it is considered that the trees do make an identifiable contribution to the established front garden character of the area, and if the trees were removed, they should be replaced with mature trees of similar size (although not necessarily in the same locations).

A condition should be required for an increase in the front garden area (including retention or replacement of existing trees with mature trees of similar size) and a reduction in car parking area at the front of the site.

It is considered that the 1.65m high front fence would be too tall and sited inconsistently with nearby properties. The fence should be not more than 1.5m height and should be sited along the front property boundary.

These matters are proposed to be addressed by **Condition Nos. 1.(b) and (c)**.

7.2 Street Setback

The relevant ResCode standard is:

- *Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser.*

The adjacent houses to the north and south sides are setback 7.2m and 13.1m to 14.85m (average 13.975m) from the front boundary respectively. The average of these setbacks is 10.58m. The existing house is setback 11.5m from the front boundary

The new house is proposed to be setback 9.0m, 9.5m, and 9.55m from the front boundary and so would comply in part with the Standard. A variation is supported for the extra 0.5m and 0.55m because it would be minor and imperceptible in the streetscape.

7.3 Car Parking

Two on-site car parking spaces are proposed. However the provision of these two spaces, in combination with proposed changes to the front crossing, fences and gates, would dominate the front setback of the site and reduce the landscape frontage of the site and surrounds.

This would be contrary to Council's Heritage Policy which notes:

Where feasible, encourage new on-site car spaces to be located at the rear of the property or in a side setback area

It would also be contrary to Council's Residential Neighbourhood Character Policy which notes dwellings in Elwood typically have:

...generous front, rear and side setbacks that allow for attractively landscaped large open space areas with established trees.

The widened vehicle crossing would also reduce the ability to park a vehicle on-street at the front of the property with adequate sightlines for vehicles reversing out of adjacent driveways.

Accordingly, an increase in the width of the vehicle crossing and the provision of two parking spaces across the front of the site is not supported. The amount of hard standing area given over to car parking and pathways should be reduced in lieu of more garden area and a single car parking space provided in the south side setback in a similar fashion to the existing conditions.

It is noted that the circa 1998 dwelling to the north side has two car parking spaces in its front setback, with extensive paved area. This is not typical of the area and does not achieve a contextual or attractive front garden appearance.

With regard to garden character, it is also considered that the proposed 'living wall' of creeper plants to the front façade of the new dwelling does not provide justification to reduce the extent of garden area in the front setback. The 'living wall' is considered to be primarily an architectural response to the site, which in conjunction with landscaping of the frontage, will contribute to the garden

character of the street, but its provision would not compensate for minimal landscaping of the frontage.

This matter is proposed to be addressed by **Condition Nos 1.(a) and (c)**.

7.4 Side and Rear Setbacks

Proposed new walls on the north-east side elevation would be 3.55m, 5.3m, 6.0m and 6.5m high, which require 0.0m or 1.0m and 1.51m, 1.72m and 1.87m respectively. The new walls are proposed on the boundary (i.e. 0.0m setback). A variation is supported because the new wall would abut the existing single-storey wall on the boundary of the adjacent semi-detached house.

Proposed new walls on the South-west side elevation would be 3.55m, 5.3m, 6.0m and 6.5m high, which requires 0.0m or 1.0m, 1.51m, 1.72m and 1.87m respectively. The new walls are proposed to be setback 2.12m, 2.12m, 1.841m and 1.103m, and 1.841m respectively. A variation is supported for the 6.5m high wall to be setback 1.841m rather than 1.87m because the 0.029m difference would be very minor.

7.5 Overshadowing

The shadow plans for the application show that the new house would cast shadow onto part of the adjacent property to the south at 9.00am and throughout the morning, clearing completely just after 2.00pm. The shadow would fall mainly over the neighbours existing driveway and sideway. The majority of the neighbours front and rear open space areas would be unaffected by shadow from the proposal, and the design would comply with the relevant ResCode Standard in that at all times, more than 50% of the neighbouring properties yard would not be in shadow.

7.6 Overlooking

The windows and decks of the proposal would be designed or screened to prevent unreasonable overlooking of the windows or private open space of the adjacent properties.

7.7 Solar Access to Open Space

The rear private open space would face north-easterly and would face existing walls on the boundary for part of its length, which would cast midmorning and afternoon shadow over part of the rear yard. A variation to the relevant ResCode Standard is supported because the solar access to the rear yard would be very similar to the existing conditions on the land.

7.8 Detail Design

The front façade would be articulated by a variety of materials, planes and heights. The dominant element would be the proposed 'living wall' of creepers, which although contemporary and atypical, would contribute to, and blend in with the landscaped character of the area, and provide a soft, and not overtly new presentation to the street, which would help the new house fit in.

Doors and windows facing Normandy Road would be a mixture of vertical and horizontal. The two horizontal windows would be set low in the front wall and would be enclosed by the living wall of green creepers proposed for the façade. It is considered the horizontal windows would not dominate the façade and would be a reasonable component of the proposed contemporary infill house.

The flat roof would differ from the pitched roofs of other houses in the area, but is considered reasonable in the context of the site being small and the new house being respectful with regard to building scale and mass of nearby dwellings.

Council's Heritage Architect generally supported the design of the new house including the proposed windows.

The proposed 1650mm high front fence and gates would be too tall and setback too far from the frontage. The front fence and gates should be a maximum of 1500mm high and constructed along the front title boundary to match fences and gates along the street. If additional screening or security is desired, it can be achieved by means of plantings behind the front boundary/ fence line.

8.0 COVENANTS

The Title for the property was checked and there was no covenant or other restriction on the title, other than a party wall easement with the property to the north side.

9.0 RECOMMENDATION

That the Council, having caused the application to be advertised and having received three (3) objections, is of the opinion that the proposal to **demolish the existing dwelling and construct a new one and two-storey semi detached house and front fence and gates, and widen the front vehicle crossing** at 9 Normandy Road, Elwood will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued to **demolish the existing dwelling and construct a new one and two-storey semi detached house and front fence and gates, and widen the front vehicle crossing** at 9 Normandy Road, Elwood.

That the decision be issued as follows:

(1) Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The existing vehicle crossing not widened and the front vehicle entry gate to be not more than 3.0m in width at the front property boundary;
- (b) The front fence and gates aligned along the front title boundary of the land and to be not more than 1.5m high;
- (c) The front garden area increased (including the retention or replacement of existing trees with mature trees of similar size) to cover the majority of the frontage, and the area of hard standing car parking area reduced to one car space of not more than 3.5m width by 6.0m length along the southern side of the frontage; and
- (d) Details of all external building servicing plant and equipment including details of how such plant and equipment etc. is to be visually and acoustically screened.

(2) Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

(3) Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

(4) Finish of Walls on Boundary

Prior to the completion of the development, the walls on or facing the boundary of adjoining properties and/or the laneway shall be cleaned and finished in a manner to the satisfaction of the responsible authority.

(5) Concealment of Pipes

All piping and ducting above the ground floor level of the building (except for downpipes, guttering and rainwater heads) shall be concealed.

(6) No Equipment on Roof

No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority. Any plant and equipment, television antenna and/or satellite dishes shall be visually and acoustically screened (as applicable) from view as far as practicable and located to the satisfaction of the Responsible Authority.

(7) Street Crossings

Vehicular crossings shall be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, before the use is commenced or building occupied:

- (a) Standard vehicular crossings shall be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate),
- (b) Any redundant existing crossing shall be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate), and any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority.
- (c) Any proposed vehicular crossing shall have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

(8) Alteration/Reinstatement of Council or Public Authority Assets

Prior to the completion of the development, the Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) Pay the costs of all alteration/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development (including any necessary line marking of parking spaces, and/or erection of parking signs etc);
- (b) Obtain the prior written approval of the Council or other relevant Authority for such alteration/reinstatement;
- (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

(9) Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement

(10) Landscape plan

Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. The landscape plan must include details of how the planted 'living wall' of creepers across the front of the property will be achieved and maintained. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted.

(11) Garden area to be retained

The garden areas, including the planted 'living wall' of creepers shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Should any tree or shrub or creepers be removed or destroyed it may be required to be replaced by a tree or shrub or creepers of similar size and variety.

(12) Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this permit.
- (b) The development is not completed within two (2) years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Notations:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care

The developer shall show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Air Conditioning Plant

Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- (a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
- (b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or

- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal shall be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Council contacts

Approval may be required from other Council Departments (where relevant) before the proposal may commence. The following contact details are provided for your assistance:

- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852

Note

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.