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**3 LYTTON STREET ELWOOD - PLANNING PERMIT
APPLICATION - PDPL/00011/2026**

LOCATION/ADDRESS: 3 LYTTON STREET, ELWOOD VIC 3184
EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY DEVELOPMENT
PREPARED BY: VIVIAN XU, SENIOR URBAN PLANNER

1. PURPOSE

- 1.1 To consider and determine planning application PDPL/00011/2026 for partial demolition and construction of a double storey extension to the rear of the existing dwelling on a lot less than 300 square metres in the Neighbourhood Residential Zone and on land affected by the Heritage Overlay and Special Building Overlay.

2. EXECUTIVE SUMMARY

WARD: Elwood
APPLICATION NO: PDPL/00011/2026
APPLICANT: Katdesign
EXISTING USE: Dwelling
ABUTTING USES: Dwellings
ZONING: Neighbourhood Residential Zone, Schedule 5 (NRZ5)
OVERLAYS: Heritage Overlay, Schedule 403 (HO403)
Special Building Overlay, Schedule 1 (SBO1)

- 2.1 This report provides Council with an assessment of Planning Permit Application PDPL/00011/2026 for partial demolition and construction of a double-storey extension to the rear of the existing dwelling at 3 Lytton Street, Elwood. The key considerations are whether the proposed dwelling alterations and extensions achieve an acceptable level of compliance with Clause 54 standards and whether the proposal is acceptable within the context of the Heritage Overlay and Special Building Overlay.
- 2.2 The application proposes to partially demolish the rear section of the existing single-storey dwelling and fully demolish the outbuilding at the rear to facilitate the construction of a double-storey extension, which has a maximum height of 7.1 metres.
- 2.3 The land is within the Neighbourhood Residential Zone, Schedule 5 (NRZ5) and is affected by the Heritage Overlay, Schedule 403 (HO403) and Special Building Overlay, Schedule 1 (SBO1).
- 2.4 The application was publicly notified and received two (2) objections from nearby owners or occupiers. The objections raise concerns relating to compliance with Clause 54 standards, including walls on boundary, site coverage, daylight to existing windows, existing north-facing windows, overshadowing, and overlooking. Furthermore, concerns relating to impacts to an approved dwelling on an adjoining site have been also raised.
- 2.5 On balance, subject to the recommended conditions, the proposal represents a high level of compliance with the applicable single dwelling standards, and provides an



appropriate design response to the site and its context that will not adversely affect the significance of nearby heritage places or result in any unreasonable amenity impacts.

- 2.6 It is recommended a Notice of Decision to Grant a Permit be issued for the application, subject to conditions.

3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit for Application No. PDPL/00011/2026 at 3 Lytton Street, Elwood.
- 3.2 That a Notice of Decision to Grant a Permit be issued for the following permissions:

Planning scheme clause	Matter for which the permit has been granted
Clause 32.09-5	Construct or extend one dwelling on a lot less than 300 square metres
Clause 43.01-1	Demolish or remove a building
Clause 43.01-1	Construct a building or construct or carry out works
Clause 44.05-2	Construct a building or construct or carry out works

- 3.3 That the decision be issued subject to the following conditions:

Amended plans

1. Before the development starts, amended plans and documents 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 must be generally in accordance with the advertised plans, identified as TP02 to TP07 (inclusive) and TP10, revision A, dated 14 January 2026, and prepared by KatDesign, but further modified to show:
 - a) Retention of the chimney on plans TP04 (Demolition/Proposed First Floor Plan) and TP05 (Proposed Roof Plan);
 - b) A visual barrier along the northern side of the covered deck to limit overlooking in accordance with the requirements of Standard A4-4 of Clause 54.04-4 (Overlooking objective) of the Port Phillip Planning Scheme;
 - c) Any changes required to comply with the Melbourne Water requirements at Conditions 7 to 12 of this permit.

No alterations

2. The development as shown on the endorsed plans must not be altered or modified (unless the Port Phillip Planning Scheme specifies a permit is not required) except with the written consent of the Responsible Authority.

Walls on or facing the boundary

3. Before the dwelling is occupied, the walls on or facing the boundary of adjoining properties must be cleaned and finished to the satisfaction of the Responsible



Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

No equipment or services

4. No plant, equipment, services (including associated screening devices), or architectural features other than those shown on the endorsed plans are permitted, except with the written consent of the Responsible Authority.

Privacy screening to be installed

5. Before the dwelling is occupied, all screening shown on the endorsed plans which is required to comply with Standard A4-2 of Clause 54.04-2 of the Port Phillip Planning Scheme must be installed and permanently maintained in accordance with the endorsed plans, and is not to be altered or removed except without the written consent of the Responsible Authority.

Landscaping implementation

6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the canopy tree planting shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Melbourne Water

7. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
 - a) Provision of a 0.5 metre (minimum) setback from the northern title boundary for the entire length of the extension.
8. Finished floor levels of extension must be constructed no lower than 1.90 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 1.60 metres to Australian Height Datum.
9. Fencing and /or gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters.
10. Imported fill must be kept to a minimum and must not extend beyond the envelope of the extension in order to maintain flood storage, and to allow the passage of floodwaters.
11. Decking (including stairs) must be constructed with unenclosed foundations to allow for the passage of overland flows. Stairs up to the decking must contain no vertical risers.
12. The north-boundary setback must be set at natural surface levels and must remain free of any solid obstructions including solid fencing, raised landscaping, rain-water tanks or outbuildings like sheds to allow for flood flow. Hot water and heating & cooling units are permitted within this setback.

Permit expiry

13. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within three years of the date of this permit.

b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

4. ELEVANT BACKGROUND

4.1 There is no relevant history or background for the site for this application.

5. PROPOSAL

5.1 The application proposes partial demolition of the existing single-storey dwelling, full demolition of the outbuildings, alterations to the dwelling, and construction of a double-storey rear extension. Further details are outlined below:

- Partial demolition of the rear section of the dwelling, with the front two rooms retained in full. No changes are proposed to the front façade.
- Full demolition of the existing outbuildings (garage and laundry) at the rear of the site.

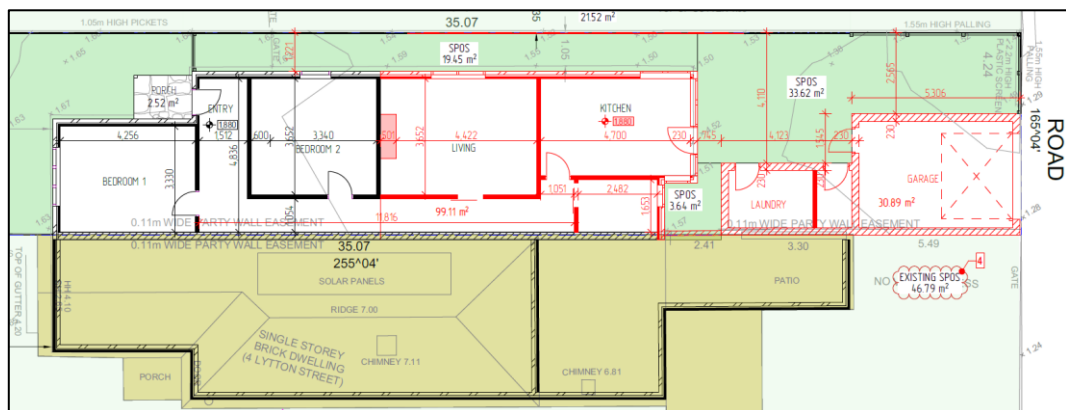


Figure 1. Extract of the demolition ground floor plan

- Ground floor extensions to accommodate an additional bathroom, an internal staircase, and an open plan kitchen, living, and meals area, with direct access to a covered decking area. The works include the introduction of a new single-storey wall along the northern boundary with a length of approximately 10.624 metres. The southern boundary wall at ground level will be extended to align with the existing boundary wall of the adjoining property at 4 Lytton Street. Notwithstanding this, the overall length of single storey wall along the southern boundary will be reduced as a result of the demolition of the outbuildings.

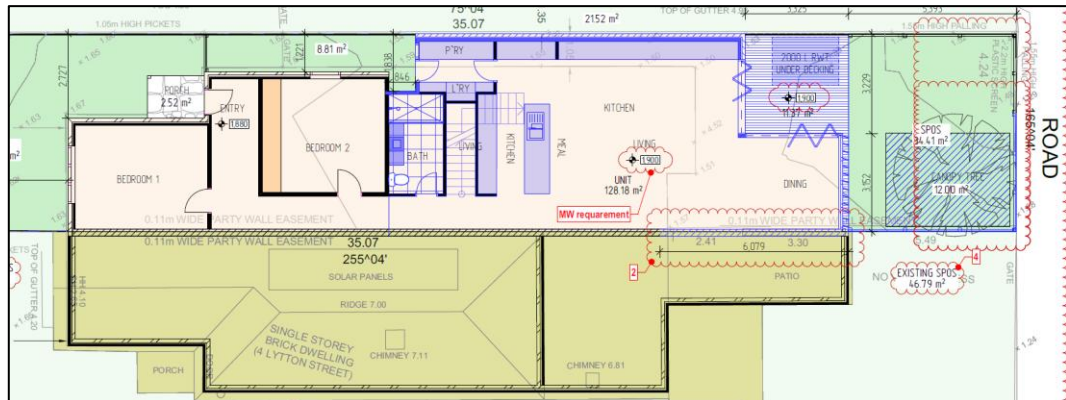


Figure 2. Extract of the proposed ground floor plan

- Construction of a double-storey rear extension comprising a master bedroom with ensuite and walk-in robe, study, and rumpus room. No north- or south-facing windows are proposed. The extension introduces a double-storey wall along the southern boundary with a maximum height of 7.1 metres and a total length of approximately 13.1 metres. The upper-level wall is articulated and sloped to comply with the heritage 10-degree sightline requirement, with the wall height gradually increasing from 5.6 metres, as demonstrated in the submitted elevations. In addition, angled solar panels are proposed to be mounted above the roof of the double-storey extension.

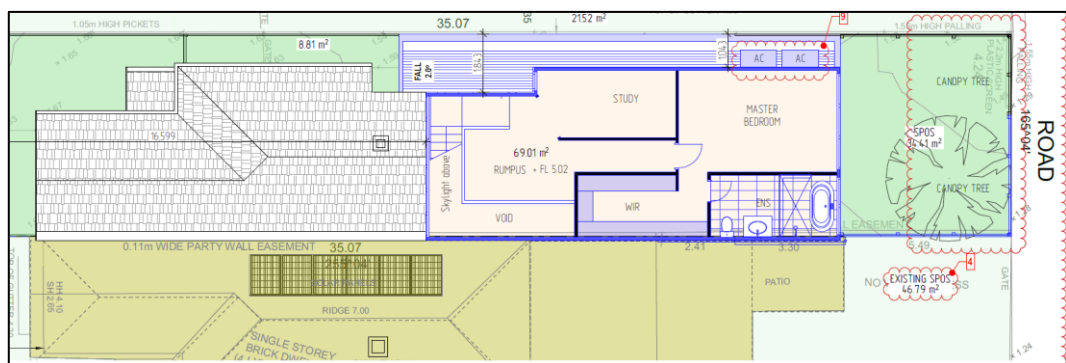
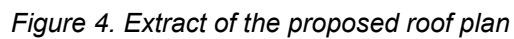


Figure 3. Extract of the proposed first floor plan



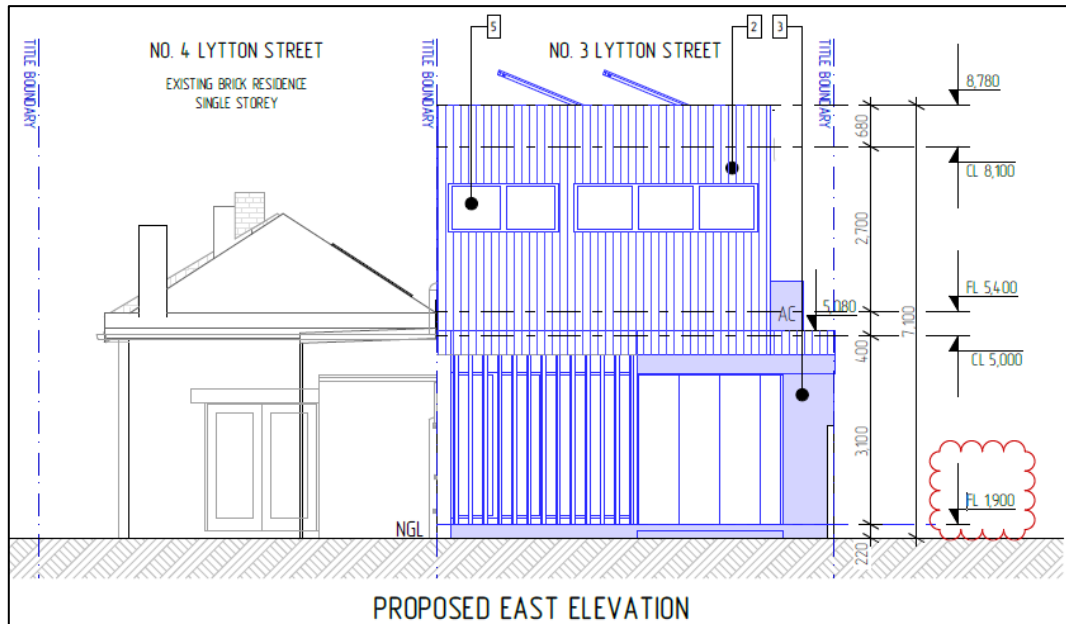


Figure 6. Extract of the proposed east (rear) elevation

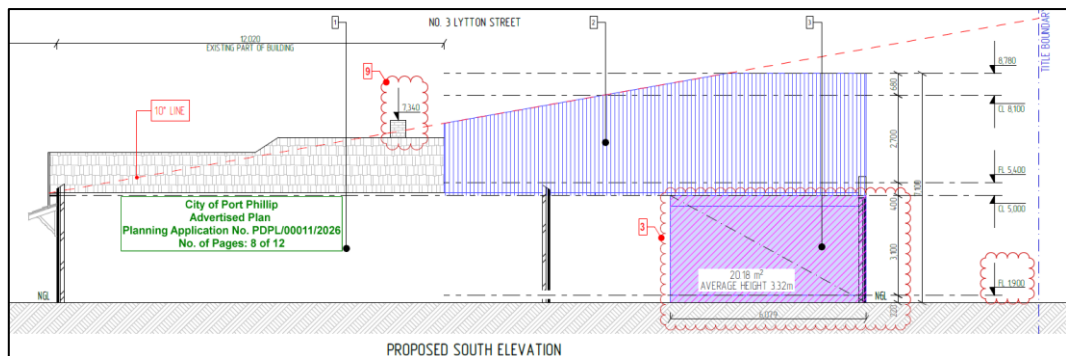


Figure 7. Extract of the proposed south elevation

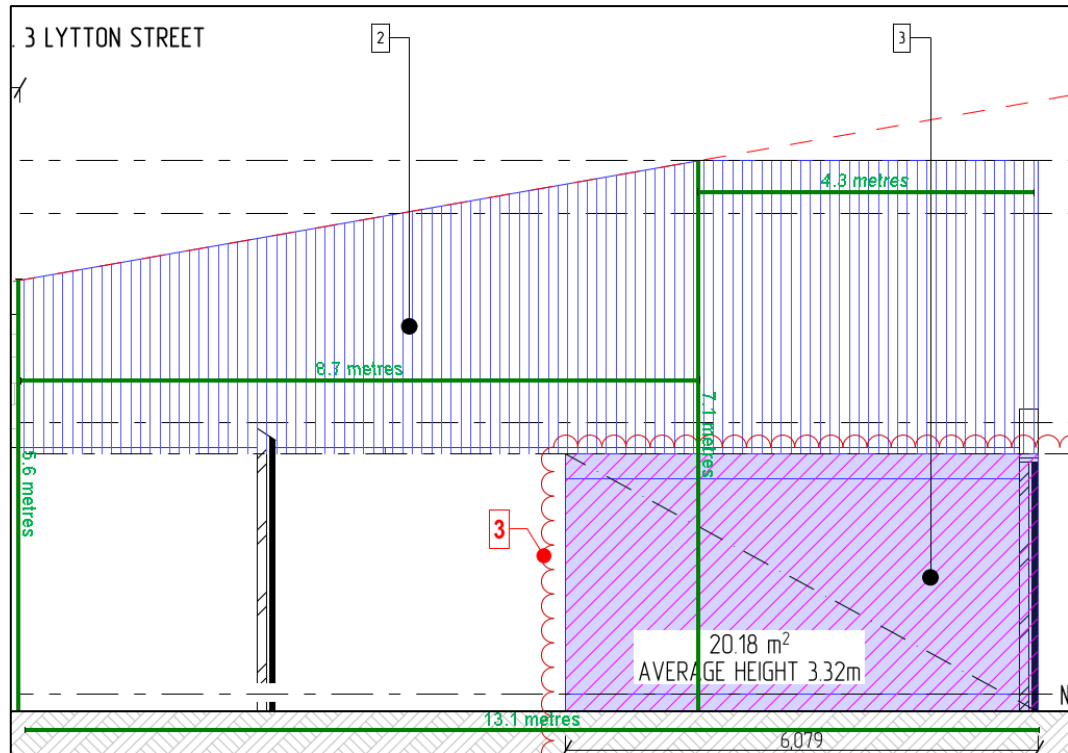


Figure 8. Extract of the proposed south elevation, including additional dimensions measured by the officer (shown in green).

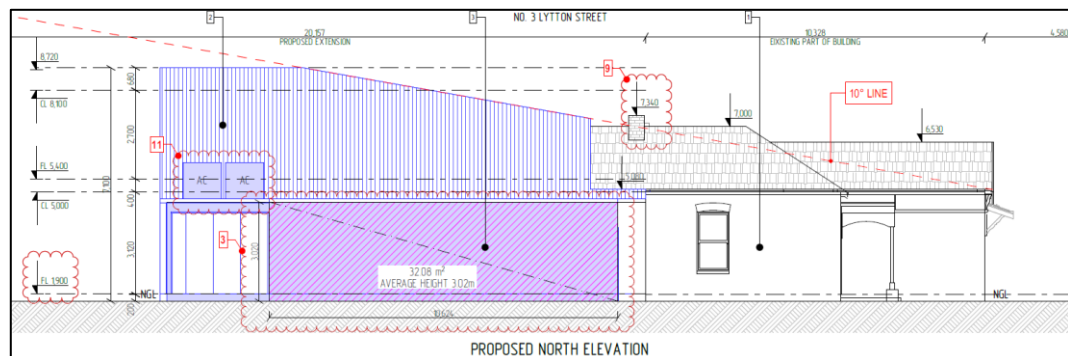


Figure 9. Extract of the proposed north elevation

6. SUBJECT SITE AND SURROUNDS

The subject site

- 6.1 The subject site is located within an established residential area on the eastern side of Lytton Street, Elwood. It has an area of 224 square metres, with a frontage of 6.38 metres to Lytton Street and a depth of 35.07 metres. The site is generally flat, with a gentle fall towards the rear. A party wall easement is located along the southern boundary.



Figure 10. Aerial photo of the site and its surrounds (Source: Nearmap, dated 25 Apr 2026)

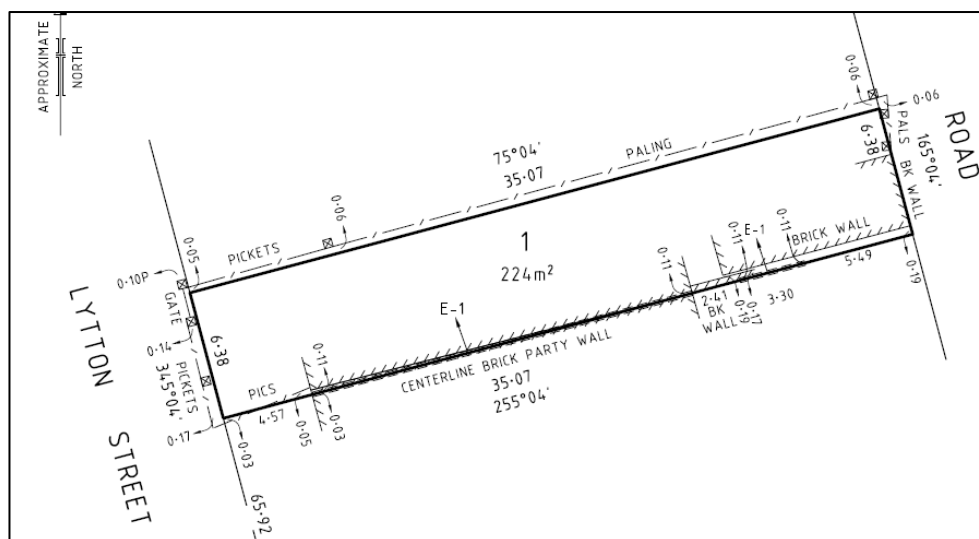


Figure 11. Extract of the plan of survey

- 6.2 The site is zoned Neighbourhood Residential Zone, Schedule 5 (NRZ5), and is affected by a Heritage Overlay, Schedule 403 (HO403) and a Special Building Overlay, Schedule 1 (SBO1).



Figure 12. Zoning map of the site and its surrounds (Source: VicPlan)

- 6.3 The site currently contains a single-storey dwelling and associated outbuildings. The dwelling is of brick construction and features a pitched terracotta tiled roof, with a low front fence enclosing the front garden. The site also abuts a laneway along its eastern boundary, which provides service and vehicle access. Several adjoining properties appear to have rear garages constructed along this boundary.



Figure 13. View of the site from the front footpath, looking towards the site frontage (Source: Council, dated 16 June 2026)



*Figure 14. View of the rear laneway, taken from the entry point at Lawson Street
(Source: Council, dated 16 June 2026)*



Figure 15. View of the rear laneway, facing towards Lawson Street, showing the site's rear garage (Source: Council, dated 16 June 2026)

The surrounding area

- 6.4 The site is located within an established residential area. The western side of Lytton Street is characterised by more varied and generally taller built form. It functions as a 'back-of-house' interface, providing access to the rear of dwellings and apartment buildings that front Marine Parade, and is typically characterised by crossovers and garage doors. The form and age of developments on this side of the street are highly varied, and it exhibits a laneway-type character with no identified heritage significance.



Figure 16. Aerial photo of the site and its surrounds (Source: Nearmap, dated 14 Feb 2026)

- 6.5 The character of the eastern side of Lytton Street is notably different and more consistent. Development is typically characterised by single storey masonry or brick dwellings with terracotta tiled roofs, some of which include first-floor extensions at the rear. These dwellings generally exhibit consistent front setbacks and roof forms.
- 6.6 To the north, 2 Lytton Street comprises a single-storey brick dwelling, which is set back approximately 1.35 metres from the shared southern boundary.
- 6.7 To the south, 4 Lytton Street is developed with a single-storey brick dwelling that shares a party wall with the subject site. A recent planning permit PDPL/00528/2025 (issued on 02 March 2026) allows for partial demolition of the existing dwelling and the construction of a double-storey rear extension.
- 6.8 The permit PDPL/00528/2025 was subsequently amended, with plans endorsed on 14 April 2026. The approved development adopts a similar design approach to this proposal, retaining the depth of the front two rooms and introducing a double-storey rear addition with an upper-level wall that is articulated and sloped to comply with the 10-degree sightline requirement. At ground level, the approved rear addition incorporates an open plan kitchen, living and dining area, with access to a small north-facing courtyard directly from these spaces. The approved first-floor addition includes a master bedroom with ensuite that partially projects over the courtyard below, maintaining a setback of approximately 1 metre from the boundary, as well as a study with a balcony constructed directly along the northern boundary. Based on a site inspection conducted on 16 June 2026, no construction associated with the approved development has commenced. However, it is understood that works have now commenced under the permit with removal of buildings on the site.

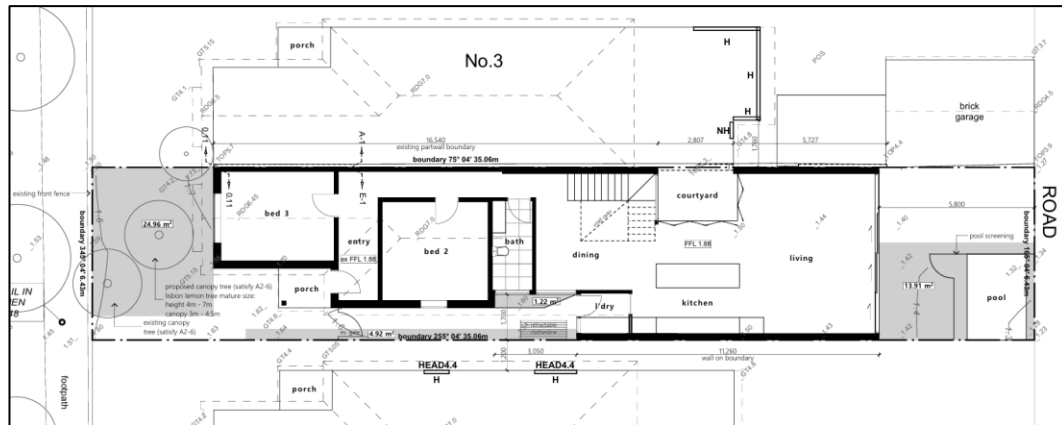


Figure 17. Extract of the proposed ground floor plan of 4 Lytton Street (endorsed under P DPL/00528/2025/A)

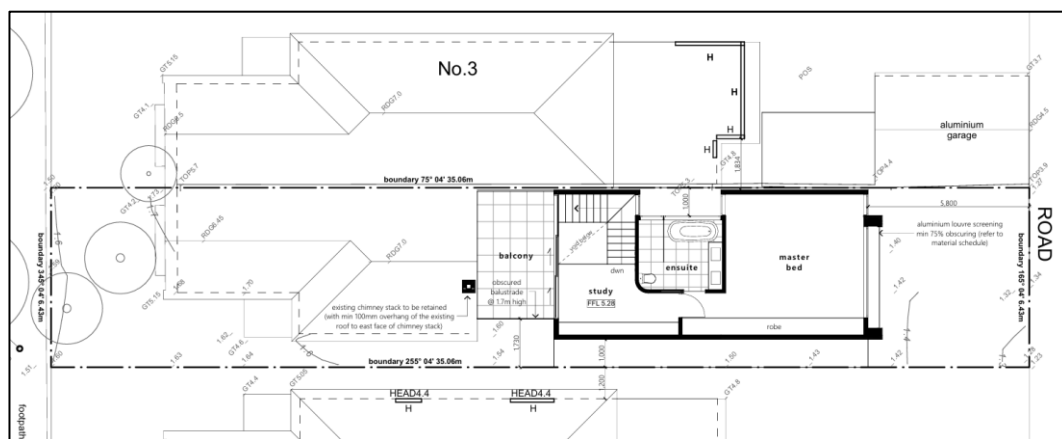


Figure 18. Extract of the proposed first floor plan of 4 Lytton Street (endorsed under PDPL/00528/2025/A)

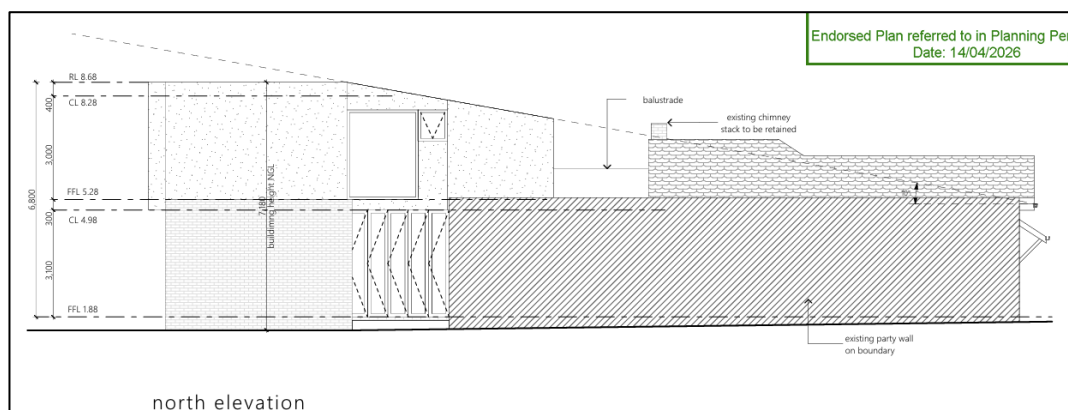


Figure 19. Extract of the proposed north elevation of 4 Lytton Street (endorsed under PDPL/00528/2025/A)



7. PERMIT TRIGGERS

7.1 The following zone, overlay, and particular provisions apply to the site and are relevant to assessment of the proposal. Planning permission is required as described below:

Planning control	Permit requirement	Permit trigger
Clause 32.09 Neighbourhood Residential Zone, Schedule 5 (NRZ5)	Clause 32.09-5 states that a permit is required to: <i>Construct or extend one dwelling on a lot of less than 300 square metres.</i> A development must meet the requirements of Clause 54. The minimum garden area requirement under Clause 32.09-4 does not apply, as the site area is less than 400sqm. Pursuant to Clause 32.09-11, where Schedule 5 to the Neighbourhood Residential Zone (NRZ5) does not specify a maximum building height, a default maximum building height of 9 metres and a maximum of two storeys applies. The proposed development complies with these mandatory requirements, with a maximum height of 7.1 metres and no more than two storeys at any point.	Yes
Clause 43.01 Heritage Overlay, Schedule 403 (HO403)	Clause 43.01-1 states that a permit is required to: <i>Demolish or remove a building.</i> <i>Construct a building or construct or carry out works.</i> Exempt from review: Under Clause 43.01-4 of Heritage Overlay, an application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act: <i>Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure).</i> <i>Domestic services normal to a dwelling.</i>	Yes
Clause 44.05	Clause 44.05-2 states that a permit is required to:	Yes



Special Building Overlay, Schedule 1 (SBO1)	Construct a building or to construct or carry out works. Exempt from review: Under Clause 44.05-5 of Special Building Overlay, an application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.	
Clause 52.06 Car Parking	Clause 52.06-2 states that Clause 52.06 does not apply to the extension of one dwelling on a lot in the Neighbourhood Residential Zone.	No
Clause 53.03 Residential Reticulated Gas Service Connection	This clause does not apply to an application for a permit that is solely for: the alteration or extension of an existing dwelling or apartment development.	No
Clause 54 One dwelling on a lot or a small second dwelling on a lot	The provisions of this clause contain: Objectives. An objective describes the outcome to be achieved in the completed development. Standards. A standard contains the requirements to meet the corresponding objective. A development must meet all of the applicable objectives contained in this clause. If a development meets a standard: - The corresponding objective is deemed to be met. - The responsible authority is not required to consider the corresponding decision guidelines. If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.	Assessment is included as an attachment to this report.

8. PLANNING SCHEME PROVISIONS

8.1 Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)

The following provisions of the MPS and PPF are relevant to this application:

- Clause 02 – MPS
 - 02.01 – Context



- 02.02 – Vision
- 02.03 – Strategic Directions
- 02.04 – Strategic Framework Plans
- Clause 11 – Settlement
 - 11.01 – Victoria
 - 11.01-1S – Settlement
 - 11.01-1R – Settlement – Metropolitan Melbourne
 - 11.02 – Managing Growth
- Clause 13 – Environmental Risks and Amenity
 - 13.03 - Floodplain
- Clause 15 – Built Environment and Heritage
 - 15.01-2S Building design
 - 15.01-5S Neighbourhood character
 - 15.01-5L Neighbourhood character
 - 15.03 – Heritage
 - 15.03-1S – Heritage conservation
 - 15.03-1L – Heritage policy

8.2 Zones and Overlay Controls

- Clause 32.09 – Neighbourhood Residential Zone Schedule 5
- Clause 43.01 – Heritage Overlay Schedule 403
- Clause 44.05 – Special Building Overlay Schedule 1

8.3 Particular, General, and Operational Provisions

- Clause 54 – One dwelling on a lot or a small second dwelling on a lot
- Clause 65 – Decision Guidelines
- Clause 71.02-3 – Integrated decision making

- 8.4 The subject site is within the *Addison Street/Milton Street Precinct (Elwood)* (HO403) of the Heritage Overlay. The statement of significance for the precinct is summarised below:

What is significant?

The Addison Street/Milton Street Precinct comprises much of the residential estate that was laid out on the site of the Elwood Swamp in the 1910s: most of Addison Street between Dickens Street and the canal, the portion of Milton Street between Barkly Street and Mitford Street, the portion of Meredith Street between Marine Parade and Ruskin Street, the portion of Ruskin Street between Meredith Street and the Canal, the portion of Barkly Street between Pozieres Street and the canal, all of Lawson and Lytton streets, and most of Thackeray Street. The precinct also includes a small sub-precinct straddling the corner of Marine Parade and Dickens Street, containing some of



the earliest houses on the estate. Largely developed in the 1910s, the entire precinct consists overwhelmingly of housing in the Queen Anne Revival (the so-called Federation) style, mostly as semi-detached brick pairs as well as some detached villas of both brick and timber construction, and several contemporaneous shops. There are a relatively small number of later (post-1930) buildings.

Why is significant?

Historically, the precinct is significant as the largest and most swiftly-developed residential estate in Elwood, more substantial and more successful than even the largest speculative subdivisions of the 1880s boom period. Developed from c.1910 and almost entirely filled out by 1920, the estate provides evidence of the intense residential development in this part of Elwood, prompted not only by the reclamation of the Elwood Swamp but also by the expansion of the tramway network in the early twentieth century.

Aesthetically, the precinct is significant for its fine and cohesive streetscapes of housing in the Queen Anne Revival idiom of the early 1910s, characterised by asymmetrical composition, terracotta tiled roofs, face red brickwork with rendered banding, bay windows and verandahs or porches with turned timber posts and ornamental timberwork. Within this broad cohesion, the precinct nevertheless exhibits a fine degree of variety in its late Edwardian building form (semi-detached and detached houses) and detailing, which is further enhanced by a lesser number of contemporaneous houses of timber construction, and some brick shops. Later building stock (ie 1920s and '30s) is mostly sympathetic in scale and materials, and is largely representative of its era.

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. Below is a summary of the comments and responses:

Internal referral team	Response
Heritage Advisor	The application was referred to Council's Heritage Advisor prior to a request being made for further information. The Heritage Advisor generally supported the proposed first floor and rear addition, noting it would be largely concealed within the 10-degree sightline. However, concerns were raised, including: • Removal of the front chimney is not supported. • Lack of a clear and detailed colour scheme for the front façade, and insufficient detail on plans regarding treatment of original building fabric and heritage features. • Use of inappropriate roof material (Colorbond) on the existing dwelling is not supported.



	- Air conditioning unit is visible from the street and should be relocated to the rear. <u>Planning Officer's Response:</u> The amended plans have been submitted in response to the further Information request and the heritage concerns outlined above. In response: - The existing front chimney is proposed to be retained. However, the existing/demolition first floor plan (TP04) and proposed roof plan (TP05) incorrectly indicate removal or do not clearly show the chimney. In contrast, elevations TP06 and TP07 correctly depict the chimney as retained. Accordingly, Condition 1(a) requires the plans (TP04 and TP05) to be amended to consistently reflect retention of the existing chimney. - Notation has been included confirming that no changes are proposed to the front façade (refer to TP07 – proposed west elevation). - No changes are proposed to the front roof form, and Colorbond roofing will be limited to the rear addition only, avoiding impact on the existing dwelling. - Air conditioning condensers have been relocated to the rear of the addition, adjacent to the proposed master bedroom, to minimise visibility from the street (refer to TP04 – existing/demolition ground floor plan). Overall, it is considered that the above heritage concerns have been satisfactorily addressed through the amended plans and recommended permit conditions.
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9.2 External referrals

Referral Authority	Response and Conditions
Melbourne Water Date received: 03 June 2026	Melbourne Water, pursuant to Section 56(1) of the <i>Planning and Environment Act 1987</i>, does not object to the proposed development on the following conditions: <i>1. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:</i> <i>a. Provision of a 0.5 metre (minimum) setback from the northern title boundary for the entire length of the extension.</i>

	<i>2. Finished floor levels of extension must be constructed no lower than 1.90 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 1.60 metres to Australian Height Datum.</i> <i>3. Fencing and /or gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters</i> <i>4. Imported fill must be kept to a minimum and must not extend beyond the envelope of the extension in order to maintain flood storage, and to allow the passage of floodwaters.</i> <i>5. Decking (including stairs) must be constructed with unenclosed foundations to allow for the passage of overland flows. Stairs up to the decking must contain no vertical risers.</i> <i>6. The north-boundary setback must be set at natural surface levels and must remain free of any solid obstructions including solid fencing, raised landscaping, rain-water tanks or outbuildings like sheds to allow for flood flow. Hot water and heating & cooling units are permitted within this setback.</i> <u>Planning Officer's Response:</u> The above Melbourne Water conditions must be included as permit conditions where a decision be made to issue a permit, noting Melbourne Water are a determining referral authority in this instance. Of note, Melbourne Water Condition 1 requires amendments to the plans to set back the proposed northern boundary ground floor wall by a minimum of 0.5 metres along the full length of the extension, including the decking. This change to the built form is accounted for throughout the remainder of the assessment where relevant. In addition to their referral response, Melbourne Water provided an objection under Section 52 of the Act in relation to sea level rise and potential flood risk. This is despite the planning scheme providing no mechanism to assess these elements of flood risk where they are not related to flood risk identified by the Special Building Overlay (SBO). While acknowledging these concerns are raised, it is noted that Melbourne Water, as the determining referral authority for the SBO, has ultimately provided conditional consent to the proposal. Accordingly, the flood risk identified by the planning scheme can be appropriately managed through the permit
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	conditions, and the proposal is considered to meet the relevant requirements of the SBO. Any additional flood risk resulting from sea level rise will be dealt with as part of any subsequent building permit process as required.
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10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (11 letters) and directed that the applicant give notice of the proposal by posting 1 notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.
- 10.2 The application has received two (2) objections from nearby owners or occupiers. These contain grounds of objection which include:
- Walls on boundaries
 - Site coverage
 - Daylight to existing windows
 - Existing north-facing windows
 - Overshadowing secluded open space
 - Overlooking
 - Overshadowing domestic solar energy systems

11. OFFICER'S ASSESSMENT

- 11.1 The planning controls relevant to the application contain a purpose and decision guidelines, and the following assessment will respond to the relevant requirements, along with other matters required to be considered under the planning scheme and the *Planning and Environment Act 1987*.
- 11.2 Assessment of the acceptability of the proposal will be undertaken by responding to the following questions:
- Does the proposal respond appropriately to relevant policy of the Planning Policy Framework?
 - Does the proposed dwelling extension achieve an acceptable level of compliance with Clause 54?
 - Is the proposal an acceptable response to the Heritage Overlay?
 - Does the design response appropriately consider flooding and the Special Building Overlay?
 - Are there any other matters that require consideration, including outstanding objector concerns?

Does the proposal respond appropriately to relevant policy of the Planning Policy Framework?

- 11.3 In relation to flood risk (Clause 13.03-1S – Floodplain Management), Melbourne Water as the determining referral authority under the Special Building Overlay (SBO), has provided conditional consent to the proposal. Accordingly, flood risk as it is required to



be considered by the planning scheme can be appropriately managed through the permit conditions, and the proposal is considered to respond acceptably to floodplain management policy.

- 11.4 Clause 15.01 (Built Environment), which seeks development that responds to its context and contributes positively to neighbourhood character. The proposed alterations and extensions represent a modest and respectful form of change, consistent with the anticipated evolution of established residential areas, while maintaining the prevailing scale and character.
- 11.5 The site is also affected by a Heritage Overlay, which seeks to conserve and enhance heritage significance, and a Special Building Overlay, where Melbourne Water has provided conditional support. These considerations have been appropriately addressed through the design response and recommended conditions, as detailed later in this report.
- 11.6 Overall, the proposal is consistent with the strategic direction of the Planning Policy Framework as it relates to relevant neighbourhood character considerations, flood risk, and heritage policy, and represents an appropriate form of development in this context.

Does the proposed dwelling extension achieve an acceptable level of compliance with Clause 54?

- 11.7 Overall, the proposed alterations and extensions achieve an acceptable level of compliance with the objectives and standards of Clause 54. While variations to some standards are proposed, the design response is considered to appropriately balance site constraints, built form outcomes, neighbourhood character expectations, and amenity impacts. Subject to recommended conditions, the proposal will provide an acceptable level of amenity for existing dwellings and adjoining properties and is therefore consistent with the objectives of Clause 54.
- 11.8 Below provides a summary assessment of those aspects of the proposal which seek to vary a standard within Clause 54, and those aspects of the proposal raised as a concern by an objector. A full assessment of the application against the requirements of Clause 54 is provided at Attachment 2.

Consideration of the approved development adjoining the subject site at 4 Lytton Street, Elwood

- 11.9 At the time of lodgement of this application, it is understood the existing dwelling at 4 Lytton Street was still wholly constructed on the site. In the intervening time since lodgement and the writing of this report, demolition works have commenced on that site in accordance with Planning Permit PDPL/00528/2025/A which permits partial demolition and construction of a double storey extension to the rear of the dwelling on that lot.
- 11.10 It is important to acknowledge that Clause 54 as a control is unfortunately not well drafted to accommodate an assessment which gives regard to an approved yet unfinished development on adjoining land. This is because Clause 54 requires the decision maker to consider elements of built form which are 'existing' on adjoining land, and does not explicitly require consideration of approved built form. Until the development at 4 Lytton Street is completed, elements of that building are not 'existing' for the purpose of a Clause 54 assessment.



- 11.11 Despite above, it is prudent for the assessment to consider the approved design for that site, especially so given works have recently commenced on the site and there is a level of confidence the approved design will be developed on the site.
- 11.12 In assessing the application against the requirements of Clause 54 below, consideration has been given to both the conditions which existed when the adjoining dwelling remained fully constructed at 4 Lytton Street, and the approved plans for that site. This is done by providing an assessment of those sensitive interfaces of the endorsed plans for that site which have been raised as a concern by the objector from that property.

Is the neighbourhood character response acceptable?

- 11.13 The proposal is an acceptable response to neighbourhood character considerations set out at Clause 54.02. While variations are identified in relation to side and rear setbacks, walls on boundaries, site coverage, and tree canopy coverage, these departures are either minor in numerical terms or are not considered to result in any unreasonable character or amenity impacts.

Clause 54.02-3 – Side and rear setbacks objective (Standard A2-3)

- 11.14 The application proposes a variation to the side and rear setback standard which is limited to a portion of the northern double-storey wall. The wall extends approximately 10 metres in length with a height gradually increasing from 6.3 metres to a maximum of 7.1 metres. While the variation is acknowledged, such outcomes are typical within Lytton Street, particularly on narrow allotments. Comparable examples are seen at 1 and 8 Lytton Street, and demonstrate a consistent pattern of emerging built form in the area.
- 11.15 The variation is not located directly opposite any habitable room windows or areas of secluded private open space, meaning amenity impacts are appropriately managed. It is also located nearer to the rear of the site, meaning neighbourhood character expectations for the site remain met.
- 11.16 It is important to note that compliance with the Melbourne Water conditions will require the entirety of the proposed ground-floor wall of the extension to be setback a minimum of 0.5 metres from the northern boundary. As proposed, this portion of the built form is required to be assessed as a wall on boundary against the requirements of Standard A2-4. However, in meeting the condition the wall would be subject to the requirements of the side and rear setbacks standard. While it is acknowledged that a 0.5 metre setback would not fully comply with Standard A2-3, which requires a new building not on, or within 200mm of, a boundary to be setback at least 1 metre, this is considered a technical non-compliance only. The outcome resulting from the Melbourne Water condition would be a reduction in the extent of built form compared to that proposed. Accordingly, the variation is considered acceptable and would not give rise to any neighbourhood character issues or amenity impacts.

Clause 54.02-4 – Walls on boundaries objective (Standard A2-4)

- 11.17 The variation to the walls on boundaries standard is limited to the height of the southern boundary wall. It extends to a maximum height of 7.1m (with the standard allowing a maximum of 3.6m) and an average height of approx. 6.59m (with the standard allowing an average of 3.2m).
- 11.18 Despite these variations, the wall is considered acceptable from a neighbourhood character standpoint, noting that variations of this nature are a common feature within

the surrounding context. Examples of similar boundary walls for first-floor dwelling extensions near to the site are found at 8 Lytton Street, and 371 and 373 Barkly Street. The maximum boundary wall height of the approved dwelling at 4 Lytton Street is 7.18m. The proposed height of the boundary wall represents an acceptable neighbourhood character outcome.

- 11.19 The proposed variation is also acceptable when considering expected amenity impacts to the approved development at 4 Lytton Street. It is acknowledged that the approved dwelling at 4 Lytton Street will have a courtyard part-way along the proposed boundary wall, and that the proposed boundary wall will extend approximately 0.4m past the boundary wall approved for 4 Lytton Street.
- 11.20 Despite this, it is considered that the siting of affected courtyard is itself not ideal with respect to expected development outcomes along what is an existing boundary wall between 3 and 4 Lytton Street. Furthermore, the courtyard is not the primary area of secluded private open space for the approved dwelling, noting a rear yard and first-floor balcony are also approved in the design.
- 11.21 Regarding the additional extent of boundary wall proposed to the rear of the development, reducing the wall on boundary by approximately 0.4m is not considered to result in any meaningful or appreciable improvement to external amenity outcome for 4 Lytton Street.

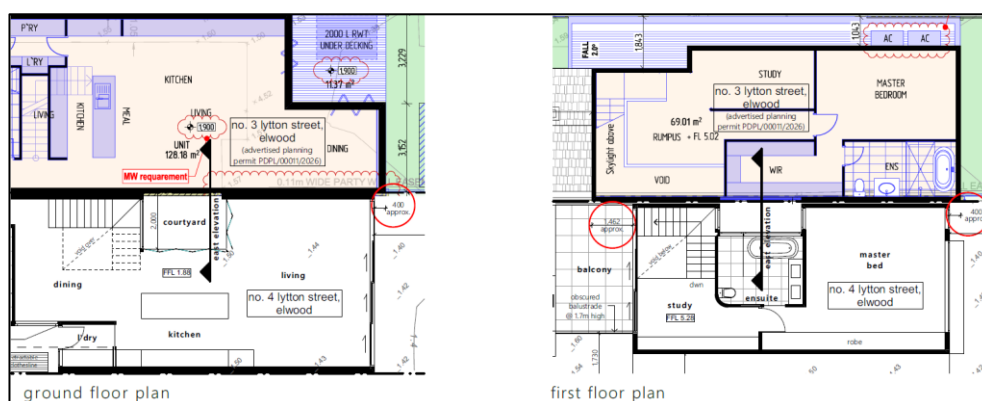


Figure 20. Extract of objector-submitted material illustrating the recommended reduction to the length of the proposed wall on the shared boundary

Clause 54.02-5 – Site coverage objective (Standard A2-5)

- 11.22 Standard A2-5 allows a site coverage within the NRZ of 60% of the site area, in this instance 134.4 square metres. The application proposes to exceed the site coverage requirement by 3.44% (7.7sqm).
- 11.23 In considering the constraints posed by the size of the site, that site coverage has been similarly varied for the development at 1 Lytton Street and the approved development at 4 Lytton Street, and that the proposed variation will not result in an inappropriate presentation of visual bulk within the neighbourhood, the proposed site coverage is considered acceptable.
- 11.24 Furthermore, due to the requirements of Melbourne Water which impose a 0.5m setback from the northern title boundary along the full length of the extension (approximately 14m), the site coverage will be reduced by approximately 7 square

metres from that proposed, thereby reducing the site coverage to approx. 135sqm. This is a nominal non-compliance with this standard, and is acceptable in this context.

Clause 54.02-6 – Tree canopy objectives (Standard A2-6)

11.25 For a site area between 200sqm and 300sqm, Standard A2-6 requires the provision of three canopy trees. The application provides for one canopy tree within the rear setback.

11.26 Notwithstanding this, the variation is considered acceptable. Providing only one canopy tree within the rear setback is an acceptably commensurate response to the scale and scope of the proposal, the size constraints of the site, and the expectations for canopy trees set by the surrounding site context. The proposal provides a reasonable landscaping outcome that responds to the site context and reflects the varied vegetation patterns of the surrounding area. There are no changes proposed to the existing landscaping within the front setback of the site.

Is the liveability of the proposal acceptable?

11.27 The proposal represents an acceptable response to liveability considerations set out at Clause 54.03, achieving a high level of compliance with the relevant standards. A minor variation is proposed in relation to daylight to new windows.

Clause 54.03-4 – Daylight to new windows objective (Standard A3-4)

11.28 The proposal does not fully comply with the requirements of the standard as it relates to two new doors which also serve as windows to the kitchen and dining rooms. These windows open onto a covered deck at the rear of the dwelling rather than directly to the sky. In this circumstance, the variation is acceptable, as there is a fully compliant window proposed adjacent to these windows which will serve to provide adequate daylight to the open plan area.

Are the external amenity impacts acceptable?

11.29 The proposal will not result in unreasonable external amenity impacts and achieves a high level of compliance with the relevant standards of Clause 54.04. A variation is noted in relation to daylight to existing windows and overlooking, however, compliance can be achieved through permit conditions. Accordingly, the outcome is considered acceptable.

Clause 54.04-1 – Daylight to existing windows objective (Standard A4-1)

11.30 There are three existing habitable room windows opposite the proposal at 2 Lytton Street which facilitate assessment under Standard A4-1. The westernmost of these windows is not opposite any aspects of the proposed built form, therefore the proposal complies with respect to that window.

11.31 The middle and easternmost windows on the southern side of 2 Lytton Street are opposite the proposed extension. With respect to the first floor of the extension, the setbacks provided to these windows fully comply with the standard. The proposed variation arises from the wall on boundary at ground floor which is proposed opposite these windows.

11.32 The affected windows are sited 1.35 metres from the proposed wall which will be 3.02m high where opposite these windows. The standard requires a setback of 1.51 metres in this instance, meaning a variation of 0.16 metres is proposed.



- 11.33 Whilst this variation as proposed is already considered acceptably minor in this context, it is important to note that in meeting the 0.5 metre setback requirement for this wall imposed by the Melbourne Water condition, the standard will be met. In this respect, the proposal is acceptable.
- 11.34 With respect to the approved development for 4 Lytton Street, the approved design for that site will have a concertina set of doors serving as habitable room windows to provide daylight access to the ground floor kitchen/living area which require consideration under this standard.
- 11.35 The application proposes a wall on boundary to a height of 6.9 metres. The affected concertina doors are setback only 2 metres from the proposed wall, with the standard requiring a setback of 3.45 metres. While the variation of 1.45 metres to the standard is not insignificant, as noted earlier in this report, the location of the courtyard from which the concertina doors obtain daylight access is itself not ideal with respect to expected development outcomes along what is an existing boundary wall between 3 and 4 Lytton Street. Furthermore, the kitchen/living room does not rely on the courtyard alone for its daylight access, with an east-facing window almost the width of the lot providing for ample daylight access. The proposal is considered acceptable in light of this.
- 11.36 It is acknowledged that objector has raised concerns that the proposal would adversely affect daylight access to the approved first-floor windows and balcony at 4 Lytton Street. However, these windows are either non-habitable room windows (first floor ensuite) which are not protected by this standard, or are windows which are not opposite the proposal, meaning they are also not protected by this standard. Similarly, the approved balcony at 4 Lytton Street is not protected by this standard.

Clause 54.04-2 – Existing north facing windows objective (Standard A4-2)

- 11.37 There are no existing north-facing windows that are within 3 metres of a boundary to the south of the proposal. In this respect, the proposal fully complies with the standard.
- 11.38 It is acknowledged that an objection has been received raising concerns with the impact of the proposal on the approved ground floor north-facing concertina door to the kitchen, and the first-floor north-facing window to the ensuite (shown below). These windows would be on the south side of a wall which is on the boundary to a height of 6.9 metres.

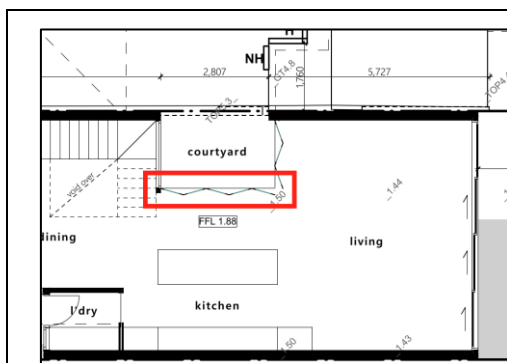


Figure 21. Excerpt from endorsed ground floor plan for 3 Lytton Street, markup showing kitchen concertina door

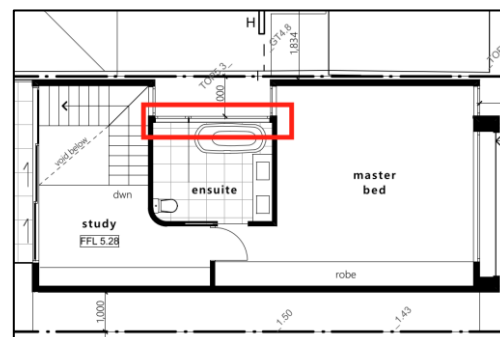


Figure 22. Excerpt from endorsed ground floor plan for 3 Lytton Street, markup showing ensuite window

11.39 With respect to the concertina door to the kitchen, and more broadly the siting of the approved courtyard of 4 Lytton Street, it is not reasonable to expect this interface to be protected under this standard. The courtyard is poorly sited opposite an existing boundary wall with the subject site, and results in an outcome which inappropriately leverages maintenance of its amenity off forcing greater setbacks upon redevelopment at 3 Lytton Street. Furthermore, the ensuite overhang above the courtyard has been designed to limit vertical sky access to approximately 1 metre, thereby reducing direct daylight. In addition, the approved ground floor layout includes an additional east-facing living room window, meaning the kitchen window is not the sole source of light to this area.

11.40 Regarding the first-floor ensuite window, this window is to a non-habitable room and is therefore not protected by this standard.

Clause 54.04-3 – Overshadowing secluded private open space (Standard A4-3)

11.41 The application proposes additional overshadowing to the secluded private open space (SPOS) to the rear of 4 Lytton Street, and it is acknowledged that the affected SPOS does not appear to currently receive the required amount of sunlight under this standard. Despite this, the extent of proposed overshadowing is considered acceptable noting that during the earlier hours of the day proposed shadows will fall to shadows cast by the existing built form on that site, and it is only later in the afternoon at 2pm and 3pm that shadows are cast to the broader area of SPOS.

11.42 With respect to the approved design at 4 Lytton Street, the proposal would result in additional overshadowing to both the approved the first-floor balcony and rear SPOS area.

11.43 While overshadowing diagrams have not been submitted showing impacts to the approval for 4 Lytton Street, an indication of the impact to the approved first-floor balcony can be seen through reviewing shadow renders prepared in response to Standard A5-2 below in this report. The location of the first-floor balcony sits just to the rear of the chimney within the pitched roof of 4 Lytton Street. As those renders show, shadows cast to the balcony, given its elevated position, will likely be limited to the northern edge of the balcony. This is acceptable in this context given the balcony is located directly abutting the northern boundary and is relying heavily on the adjoining property for its protection of amenity.

- 11.44 Likewise, it is acknowledged that the proposal will result in additional overshadowing of the approved rear SPOS area for 4 Lytton Street. However, given the extent of shadows cast by that approved development upon itself in the afternoon hours of the day, the additional overshadowing which will result from this proposal is considered acceptable.
- 11.45 As can be derived from the comparison of proposed shadows for this proposal (left) and proposed shadows for the approval at 4 Lytton Street (right), the shadows cast upon its own SPOS at 4 Lytton Street limits the impacts from the application before us. Additional shadows beyond those already cast will be acceptably minimal at 1pm and 2pm, and while acknowledged the shadows are not insignificant at 3pm, given the limit of the impact during the earlier hours of the day, the outcome is acceptable.
- 11.463 Lytton Street is the property at the top and 4 Lytton Street the property at the bottom of each figure below.

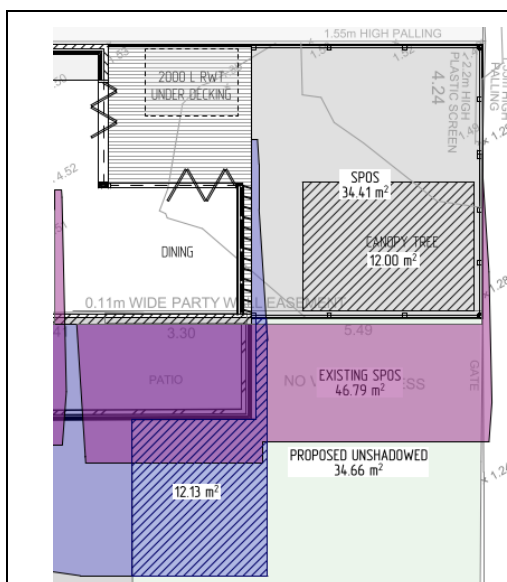


Figure 23. Excerpt from proposed 1pm shadow diagrams for 3 Lytton Street

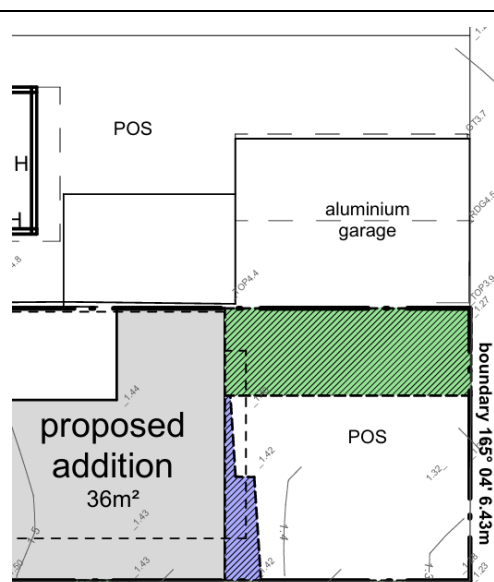


Figure 24. Excerpt from proposed 1pm shadow diagrams for 4 Lytton Street

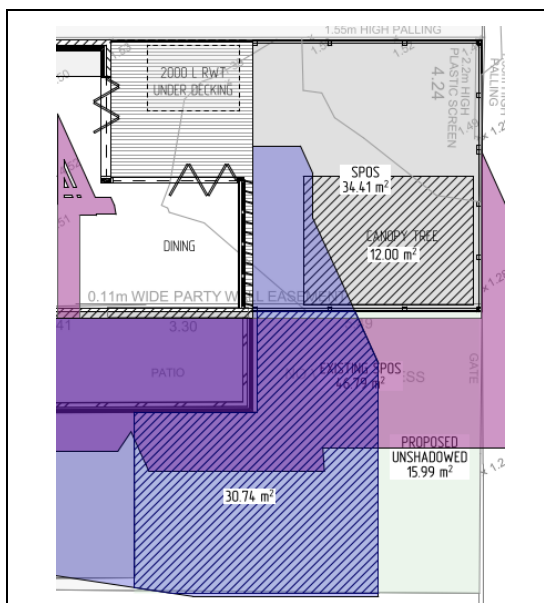


Figure 25. Excerpt from proposed 2pm shadow diagrams for 3 Lytton Street

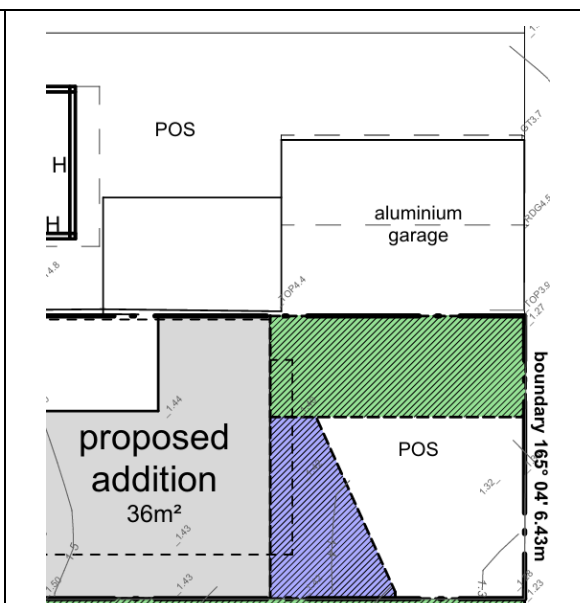


Figure 26. Excerpt from proposed 2pm shadow diagrams for 4 Lytton Street

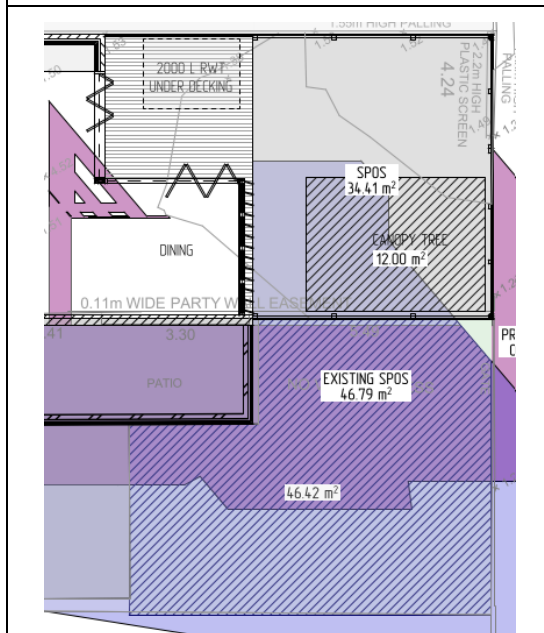


Figure 27. Excerpt from proposed 3pm shadow diagrams for 3 Lytton Street

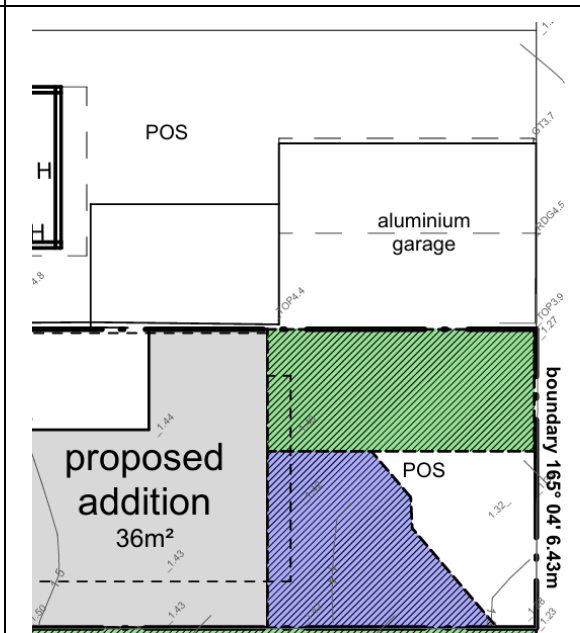


Figure 28. Excerpt from proposed 3pm shadow diagrams for 4 Lytton Street

Clause 54.04-4 – Overlooking objective (Standard A4-4)

11.47 The application proposes a variation to the overlooking requirements of Standard A4-4, arising from the views to the secluded private open space of 2 Lytton Street which will be achieved from the north and east-facing doors of the dining and kitchen/living areas, and the decked area adjacent these. This variation is due to the existing boundary fence only providing a visual barrier of 1.55 metres in height, whereby to meet the standard this would need to be 1.8 metres in height.



- 11.48A variation to this requirement is not supported. Accordingly, a condition is recommended to provide a visual screen along the northern side of the deck to limit direct views in accordance with Standard A4-4. In meeting this condition, compliance will be achieved, and the proposal will represent an acceptable outcome with respect to this standard.
- 11.49It is noted that the first floor west-facing study window may allow views to the three south-facing habitable room windows of 2 Lytton Street. However, as the proposed study window is offset from the edge of these windows by greater than 1.5 metres, or in the case of the nearest window it is located outside of the 45 degree overlooking arc, compliance with the standard is achieved without the need for any changes.
- 11.50It is also acknowledged that views may be achieved to adjoining secluded private open space from the east-facing windows of the first-floor master bedroom. For the purposes of assessment of a proposal under Clause 54.04-4, a habitable room does not include a bedroom. It is acknowledged that an objection has been received raising views from these windows as a concern. However, any views from a bedroom window comply with the standard, and it is not necessary or appropriate to impose additional screening to this window.

Is the sustainability outcome acceptable?

- 11.51The proposal is an acceptable response to the sustainability requirements at Clause 54.05. A variation is proposed in relation to overshadowing of domestic solar energy systems, however, this is considered acceptable in the context of the site constraints, the location of the affected solar system, and the overall design outcome.

Clause 54.05-2 – Overshadowing domestic solar energy systems objective (Standard A5-2)

- 11.52The application proposes additional overshadowing to the existing rooftop solar energy system located on the north-facing portion of roof at 4 Lytton Street which was present at the time the application was made. The additional shadows are cast from a portion of the proposed built form which would be located on the shared boundary and to a height of between approximately 5.6m to 6.5m.
- 11.53The application is supported by proposed overshadowing renders which depict the shadows cast to the solar panels on 22 September, in line with considerations required by the standard. The most affected times are earlier in the day where morning shadows are longest and cast more generally in the direction of the panels.
- 11.54Despite at the most affected time of 9am three of the six panels will be impacted, the impacts are minor and contained to the lower edge of these panels. Throughout the day as the shadows cast move across the panels, this reduces to two impacted panels, and then finally a single panel by 12pm. By 3pm the shadows cast to the single panel are negligible.
- 11.55In considering the decision guidelines of Clause 54.05-2, it is considered that the proposed overshadowing of the solar energy system is acceptable. While the affected solar energy system is generally appropriately located, it would benefit from being sited slightly higher on the roof form to provide greater protection from development to the north. In considering this, and that the proposed shadows to the system are minor and do not affect the full set of the panels, the extent of proposed shadows is acceptable. Furthermore, it may be open to the owners of the affected property to relocate the affected panels higher on the roof to mitigate the shadow impacts if they so choose. Accordingly, the variation is considered acceptable in this context.

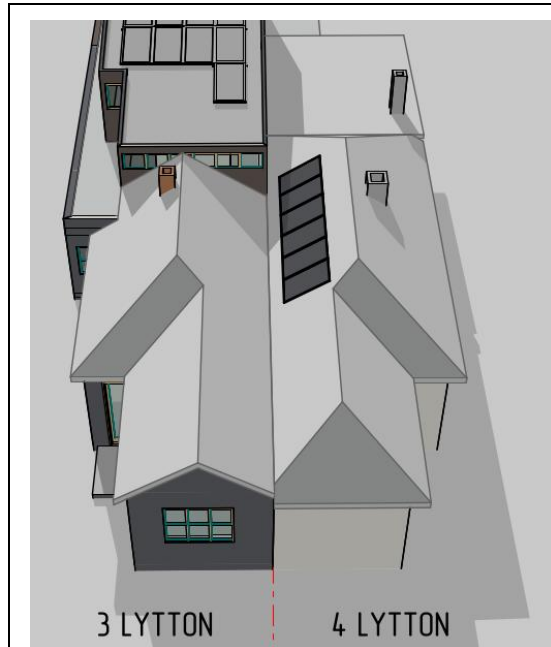


Figure 29. Excerpt of proposed 9am shadow render

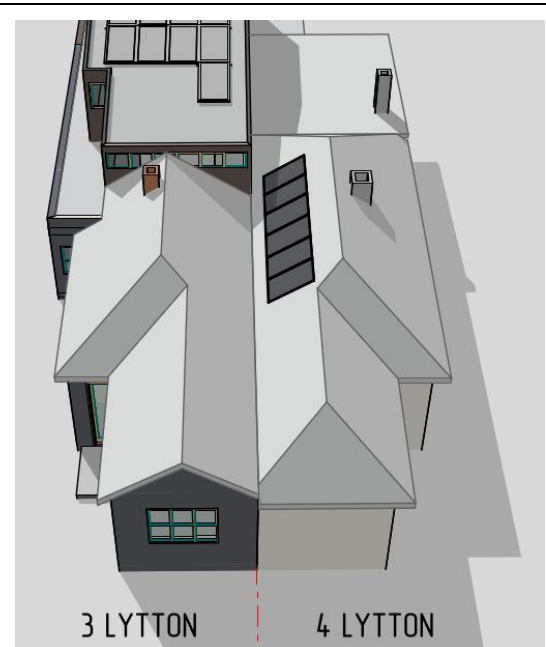


Figure 30. Excerpt of proposed 10am shadow render

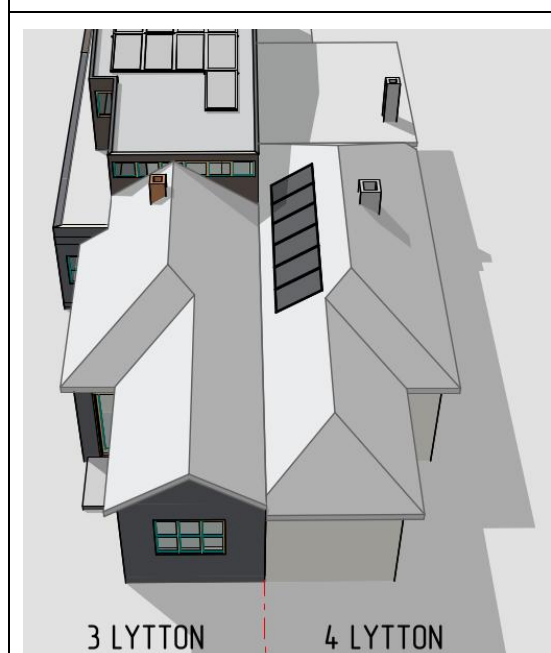


Figure 31. Excerpt of proposed 11am shadow render

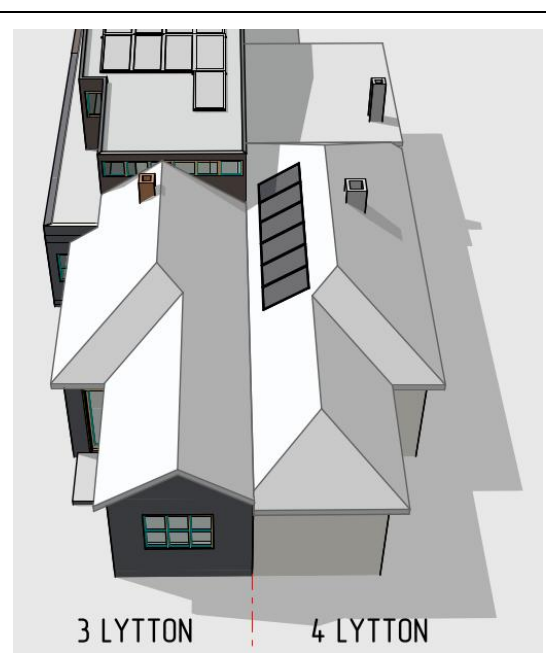


Figure 32. Excerpt of proposed 12pm shadow render

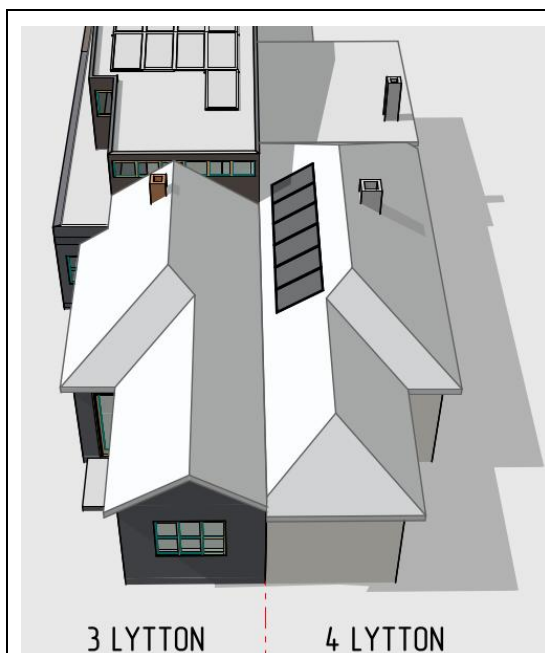


Figure 33. Excerpt of proposed 1pm shadow render

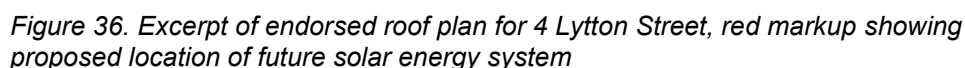


Figure 34. Excerpt of proposed 2pm shadow render



Figure 35. Excerpt of proposed 3pm shadow render

11.56 An objector raised concerns regarding overshadowing of proposed rooftop solar panels to be located on the rear section of the double-storey addition at No. 4 Lytton Street.



Is the proposal an acceptable response to the Heritage Overlay?

11.59 Considerations under the Heritage Overlay are consistent with the broader heritage conservation policy of the Planning Policy Framework at Clause 15.03-1S (Heritage conservation). Clause 15.03-1L (Heritage policy) provides the principal policy guidance in assessing an application within the heritage overlay for the local context.

- Whether the proposed partial demolition of the existing dwelling and full demolition of the outbuildings is appropriate; and
- Whether the proposed two-storey rear extension is acceptable within the heritage context.

11.61 The proposed partial demolition of the existing dwelling and full demolition of the outbuildings is considered appropriate. The extent of demolition has been limited to ensure the retention of the most significant heritage elements of the dwelling. In particular, the front portion of the building, including the first two rooms, is to be retained, preserving the original built form and spatial depth as read from the street.



- 11.62 Importantly, no works are proposed to the principal façade which will remain intact, thereby maintaining the building's contribution to the heritage streetscape. Similarly, the retained roof form to the front section will not be altered, ensuring that the established roof profile, which is a key component of the building's character, is preserved. The retention of the existing chimney further reinforces the integrity of the roofscape and contributes positively to the heritage significance of the dwelling.
- 11.63 The demolition works are largely confined to the rear sections of the building and the removal of outbuildings. These elements are typically of lesser or no heritage significance and are not integral to the understanding of the original form or character of the dwelling. Their removal provides the opportunity to introduce new works in a manner that does not compete with or diminish the significance of the retained portion of the building.
- 11.64 Overall, the proposal adopts a common and accepted heritage approach of retaining the primary contributory elements, particularly those visible from the public realm, while allowing for more substantial change to occur at the rear to support the ongoing use of the building and improve internal functionality and liveability. As such, the extent of demolition is considered respectful, proportionate, and consistent with the objectives of the Heritage Overlay.

Proposed two-storey rear extension

- 11.65 The proposed extension is considered acceptable within the heritage context. The design adopts a recessive and respectful approach, with the proposed addition located to the rear of the dwelling. Importantly, the first floor addition is largely concealed when viewed from the public realm, remaining generally within the 10-degree sightline, thereby minimising visibility and preserving the dominance of the original building form.
- 11.66 While the angled solar panels associated with the rear addition appear to project marginally beyond the 10-degree sightline, they are located to the rear roof plane and are not visually prominent from the street. As such, they do not detract from the heritage significance of the dwelling or its contribution to the streetscape.
- 11.67 While the air conditioning units as proposed may remain partially visible from the street, they are located at the far end of the addition and is set back more than 25 metres from the frontage, thereby minimising its visual impact. However, further to this, the Melbourne Water permit conditions will necessitate the relocation of any domestic services to accommodate the required northern boundary setback. There is sufficient space available on the site to enable these services to be relocated to an appropriate location, including within the side setback.
- 11.68 Overall, the scale, siting and visual presentation of the proposed works ensure that the addition reads as a contemporary and subordinate element. The proposal maintains the primacy of the original dwelling, avoids adverse impacts on heritage significance, and is therefore considered consistent with the objectives of the Heritage Overlay.

Does the design response appropriate consider flooding and the Special Building Overlay?

- 11.69 Melbourne Water have reviewed the application and advised that they have no objection subject to conditions. The conditions will be included on any permit that may issue. In meeting the requirements of those conditions, with respect to flood management considerations of the planning scheme, the application is considered to appropriately minimise flood hazard associated with the proposal. Therefore, the



proposal is considered to be acceptable with respect to the provisions of the Special Building Overlay – Schedule 1, and associated floodplain management policy within the Planning Policy Framework.

Are there any other matters that require consideration, including outstanding objector concerns?

11.70 There are no other matters which require consideration as part of this assessment.

11.71 All relevant objector concerns have been addressed throughout the course of the assessment detailed above in this report, and in particular within the Clause 54 assessment above.

12. COVENANTS

12.1 The title documentation submitted with the application indicate that the land is not encumbered by any registered restrictive covenants.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

14. CONCLUSION

14.1 Clause 71.02 of the Port Phillip Planning Scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability

14.2 A balanced assessment finds that in meeting the recommended conditions for permit the proposed development is appropriately site and context responsive, and has regard for the relevant planning provisions and objectives sought by Clause 54, the Heritage Overlay, and the Special Building Overlay. On this basis, it is recommended that a Notice of Decision to Grant a Permit be issued.

ATTACHMENTS

1. Advertised plans  [↓](#)

2. Clause 54 - Assessment table  [↓](#)