

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **27 MAY 2020**
 SUBJECT: **COUNCIL ASSESSMENT PANEL REPORT**
 AUTHOR: **A STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. REPRESENTATIONS

HEARING OF REPRESENTORS: **C MEIER**
M MOHAMMADIAN

HEARING OF APPLICANT: **T SIMPSON**

DA NO.	:	<u>110/00174/20</u>
APPLICANT	:	<u>TIM SIMPSON</u>
LOCATION	:	<u>4 YOUNG STREET, SEACLIFF</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEPENDENT ACCOMMODATION LOCATED UNDER EXISTING VERANDAH WITH WALL LOCATED ON EASTERN SIDE BOUNDARY</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>TWO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Background

An application was lodged to the Council on 4 March 2020 to construct dependent accommodation located under existing verandah with wall located on eastern side boundary. The application was subject to Category 2 public notification subject to the Procedural Matters Residential Zone of the Holdfast Bay Development Plan. Two representations were received.

A previous approval for a verandah and deck was issued 20 December 2017. The application comprised of a pitched roof verandah, to which the dependant accommodation is to be established under, and a deck located 740mm from natural ground level. The framing associated with eastern boundary wall of the proposed structure was erected without development approval. The Council contacted the property owner regarding the issue which resulted in removal of the framing.

2. Site and Locality

The subject site is located on the northern side of Young Street in close proximity to Brighton Road. The site comprises of a detached dwelling and a verandah with associated decking to the rear. The locality is mainly comprised of detached dwellings with wide frontages to Young Street. The subject site adjoins two detached dwellings that front Young Street along with a detached dwelling that contains a primary frontage to Brighton Road.

Refer to Attachment 1

3. Proposed Development

The applicant proposes to construct a dependent accommodation with wall located on the eastern side boundary. The structure will be located under the previously approved verandah and will sit on top of the decking. The accommodation is comprised of one bedroom, a bathroom and open living areas including a living and dining room as well as a kitchen.

Refer to Attachment 2

4. Development Data

DEVELOPMENT DATA RESIDENCE 1			
Aspect	Proposed	Development Plan	Compliance
Site Coverage	As existing	<u>50%</u>	<u>10% shortfall</u>
Private Open Space	112sqm or 22%	<u>19%</u>	<u>1% shortfall</u>
Rear Setback	1.6m	<u>4m</u>	<u>2.4m shortfall</u>
Boundary Wall			
- Height	2.4m from top of deck	<u>3m</u>	<u>Complies</u>
- Length	5.7m	<u>8m</u>	<u>Complies</u>

5. Public Consultation

The application was subject to Category 2 public notification pursuant to the Procedural Matters Residential Zone of the Holdfast Bay Development Plan. Two representations were received during consultation. A summary of the representations is shown below:

C Meier of 2 Young Street, Seacliff:

- The owner has constructed framing for the proposal without approval
- The eastern wall will cause overshadowing to the representors property
- The wall is not setback from the eastern side boundary
- Elevations proposed to Council are not accurate
- The granny flat will cause a reduction in privacy for adjacent properties.
- Stormwater capture from the structure is not shown on the plans.

Dr M Mohammadian of 565 Brighton Road, Seacliff:

- The owner has constructed framing for the proposal without approval
- The structure will be imposing over the representors land

- The rear setback of 1.5m is too close to the representors dwelling
- The northern windows of the structure will overlook the representors property
- The plot ratio of the site will increase over 60%
- There is no consistency between the built form of he proposed and the existing dwelling

The applicant did not provide a response to the representations.

6. Development Plan Provisions

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

RESIDENTIAL ZONE	
Objectives	
3. Development that contributes to the desired character of the zone.	Complies
Desired Character	
Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality. The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference): (a) increase dwelling numbers on allotments that have dual road frontages	Complies
Development outside of the policy areas will comprise:	
<ul style="list-style-type: none"> • Single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road. 	Complies
<ul style="list-style-type: none"> • Buildings both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping. 	Complies
<ul style="list-style-type: none"> • Materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades. 	Complies
<ul style="list-style-type: none"> • Architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. 	Complies
<ul style="list-style-type: none"> • Development will be setback and be orientated to minimise impacts of the privacy of neighbouring residents. 	Complies
Principles of Development Control	
6. Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies

8. Dwellings and residential flat buildings, except where specified in a particular policy area or precinct, should not exceed the maximum heights shown in the following table:			
Location of the dwelling	Maximum wall height above natural ground level	Maximum height above natural ground level	
West of Brighton Road or Tapleys Hill Road East of Brighton Road or Tapleys Hill Road	7 metres 3.5 metres	Two storeys One storey, or two storeys if the second storey is incorporated within the roof space and the floor area of the second storey does not exceed 40 percent of the ground floor footprint of the dwelling, including attached garages.	Complies

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – GENERAL SECTION - RESIDENTIAL DEVELOPMENT – PRINCIPLES OF DEVELOPMENT CONTROL

Residential Development	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy.	Complies
11. Development should ensure that north-facing windows to habitable rooms (all rooms excluding bathrooms, laundries and hallways) of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 5 pm on the 21 June.	Complies
12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres) Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.	Complies
20. Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.	Complies
23. Side boundary walls in residential areas should be limited in length and height to: (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties	Complies

Residential Development (Cont)							
<p>24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters:</p> <p>(a) a height not exceeding 3 metres above natural ground level (b) a length not exceeding 8 metres (c) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary: (i) will not result in all such relevant walls and structures exceeding a length equal to 45 per cent of the length of the boundary (ii) will not be within 3 metres of any other relevant wall or structure located along the boundary, except where the side wall is located immediately abutting the wall of an existing or simultaneously constructed building on the adjoining site and is constructed to the same or to a lesser length and height.</p>	<p>(a) The wall sits on a deck which is raised 740mm from natural ground level. See assessment for further discussion. (b) Complies (c) (i) Complies (ii) Does not comply</p>						
<p>28. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>	Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	Site with an area greater than 300 square metres	50 per cent	<p>Site coverage remains as existing.</p>
Parameter	Value						
Site with an area less than or equal to 300 square metres	60 per cent						
Site with an area greater than 300 square metres	50 per cent						
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <p>(a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) <i>convenient storage of household waste and recycling receptacles</i></p>	<p>Complies.</p>						
<p>31. Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling (including a dwelling within a residential flat building) and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy (c) to take advantage of but not adversely affect natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjoining sites (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development (h) to be shaded in summer.</p>	<p>Complies.</p>						
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p> <table border="1"> <tbody> <tr> <td>Site area of dwelling - 250 square metres or greater.</td> </tr> <tr> <td>Minimum area of private open space - 20 per cent of site area.</td> </tr> </tbody> </table>	Site area of dwelling - 250 square metres or greater.	Minimum area of private open space - 20 per cent of site area.	<p>A .5% shortfall was noted which is considered to be minor.</p>				
Site area of dwelling - 250 square metres or greater.							
Minimum area of private open space - 20 per cent of site area.							

Residential Development (Cont)	
<p>Provisions Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	
<p>33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies.
<p>Dependent Accommodation 49. Dependent accommodation (ie accommodation where the living unit is connected to the same services of the main dwelling) should be developed on the same allotment as the existing dwelling only where: (a) the site is of adequate size and configuration and the minimum total site is 600 square metres (b) the accommodation has a small floor area relative to the associated main dwelling with a floor area not exceeding 60 square metres (c) adequate outdoor space of a minimum of 100 square metres is provided for the use of all occupants (d) adequate on-site car parking is provided by one additional car parking space being provided on the site which can be used exclusively by the occupants of the dependent accommodation (e) the building is designed to, and comprises colours and materials that will, complement the original dwelling.</p>	(a) Does not comply (b) Complies (c) Complies (d) Complies (e) Complies

7. Summary of Assessment

The application complies with a majority of the quantitative objectives and principles of the Holdfast Bay Development plan. The following assessment will touch on aspects of the application which requires further discussion.

Built Form

Dependent accommodation is defined as accommodation for dependent relatives located on the same allotment as the main dwelling and connected to the same services as the main dwelling. In more common terms, dependent accommodation can refer to granny flats/grandpa flats, teenager's retreats, and other similar types of buildings that are self-contained and used as living quarters for members of the immediate or extended family of people who live in the main home. The applicant confirmed that the structure will be used by the children of the family.

The proposal is a unique situation where the structure appears as a non-conventional form of dependant accommodation. Such structures are typically located at the rear of dwellings on natural ground level where adequate unroofed open space is provided. The structure is located under the existing verandah where site coverage remains as existing and private open space contains a .5% shortfall.

PDC 49(a) of the General Section – Residential Development anticipates Dependant accommodation on allotments with a minimum area of 600sqm. The subject land contains a total area of 571sqm which is not considered to be a detrimental shortfall and will still allow the structure to adequately function on the site.

The structure contains a wall proposed on the boundary which is 2.4m from the top of the deck and 3.1m from natural ground level. The subject land contains a substantial slope down from south the north. The construction of the decking has resulted in the majority of the rear yard to be at a consistent level matching the finished floor level of the dwelling.

The photo below shows the site during an inspection to view the unapproved wall framing of the eastern side of the structure. The photo gives a good perspective of how the proposed will relate to the adjoining dwellings to the north and east.



The eastern boundary wall contains a height 100m higher than anticipated however the boundary length complies with the quantitative requirements of the development plan. Further, any visual impacts will be reduced by the boundary fence that is erected between the subject site and the neighbouring dwelling to the east.

The raised deck which was approved by the Council has resulted in overlooking into the northern and eastern neighbouring dwellings. The erection of the accommodation in its proposed location will not further increase overlooking but rather will reduce impacts. The eastern wall will significantly cut out views to eastern private open space and the southern windows of the neighbouring dwelling to the north.

No additional impacts of overshadowing are to occur as no additional roofed areas are proposed on the site.

Conclusion

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

8. RECOMMENDATION

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00174/20 subject to the following conditions:**

PLANNING CONDITIONS

1. **That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**