

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **19 DECEMBER 2018**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS

DA NO.	:	110/00763/18
APPLICANT	:	JULIEN WEATE
LOCATION	:	3/381 BRIGHTON ROAD, HOVE SA 5048
DEVELOPMENT PLAN	:	2 JUNE 2016
ZONE AND POLICY AREA	:	NEIGHBOURHOOD CENTRE ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF ASSOCIATED DETACHED DWELLING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	REFUSAL

1. Site and Locality

The subject site is located within the Neighbourhood Centre Zone on the corner of Brighton Road and Murray Street. The site has a longstanding residential land use, comprising 5 units, each facing Murray Street. The immediate locality is characterised by non-residential land uses to the east of the site (along Brighton Road) and residential land use along to the north, west and south of the subject site. Murray Street is characterised by residential land use and built form.

Refer to Attachment 1

2. Proposed Development

The development proposes a free standing, double width carport forward of the associated dwelling with dimensions of 3.9 metres (depth) by 7.3 metres (width), a flat roof and post height of 2.7 metres.

Refer to Attachment 2

3. Public Consultation

The proposed development is a Category 1 proposal pursuant to Schedule 9 of the Development Regulations.

4. Development Plan Provisions

The proposed development is not considered to satisfy the provisions of the Holdfast Bay (City) Development Plan. A detailed assessment of the proposal against the provisions of the Development Plan is provided in the Appendices to this report:

Design and Appearance	
1. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion, (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandahs, eaves, parapets and window screens.	Does not comply.
Residential Development	
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Does not comply.
14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: (a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling frontage width, whichever is the lesser (b) be located at least 0.5 metres behind the main face of the associated dwelling (c) where it is in the form of an enclosed double carport or garage, be setback at least 8 metres from the primary road frontage and incorporate one of the following: (i) two individual doors with a distance of not less than 300 millimetres between them (ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres (d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.	Does not comply.
17. Garages, carports and outbuildings should be designed within the following parameters:	
Total floor area (maximum) Within 3 metres of side or rear boundary Sites 600 square metres or more: 60 square metres Sites 400-600 square metres: 40 square metres Sites less than 400 square metres: 30 square metres On a side or rear boundary <i>Sites 600 square metres or more: 60 square metres</i> Sites 400-600 square metres: 40 square metres Sites less than 400 square metres: 30 square metres	Complies.
Wall height above natural ground level 3 metres	Not applicable. No walls.
Wall length Within 3 metres of side or rear boundary 9 metres On a side or rear boundary 8 metres, provided the total length of all existing and proposed boundary walls does not exceed 30 per cent of the total common boundary length	Not applicable. No walls.

Residential Development (Cont)														
Maximum height 4.5 metres		Complies.												
Setback from any existing structure on the site located on the same boundary On side or rear boundary 6 metres		Not applicable.												
18. An outbuilding should not reduce the area of useable private open space by less than 80 per cent of that required by the relevant zone, policy area or precinct.		Does not comply. The structure covers existing private open space located at the front of the building (see Attachment 2.1 'Yard Unit Sub 3') and results in only 20 square metres of private open space at the rear, which equates to only 57 percent of the private open space area required (min 35 square metres).												
21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:		Not applicable. No walls.												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level.</td> <td>1 metre</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.</td> <td>1.5 metres plus an additional 500mm for every metre in height above 4 metres.</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> </tr> <tr> <td>Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level</td> <td>4 metres</td> </tr> <tr> <td>Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level</td> <td>6 metres</td> </tr> </tbody> </table>	Parameter	Value	Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres	Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level	6 metres		
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27. Carports and garages should be set back from road and building frontages so as to: (a) contribute to the desired character of the area (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street		Does not comply.												

Residential Development (Cont)							
<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	Does not comply (site coverage amounts to 81 percent of the site area).
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Site with an area greater than 300 square metres	50 per cent						
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the following: Where a site area is less than 250 square metres, a minimum private open space area of 35 square metres</p>	Does not comply. The development would result in a private open space area amounting to only 20 square metres.						

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

Neighbourhood Centre Zone	
Objectives & Principles of Development Controls	
The Objectives and Principles of Development Controls found within the Neighbourhood Centre Zone do not list any design criteria or planning guidelines that relate to minor domestic structures such as carports. The subject land happens to contain a longstanding residential land use.	Not applicable

5. Summary of Assessment

The proposed development is considered to be at variance with the intent of the Development Plan with respect to the siting of the carport relative to the main face of the associated dwelling as well as a loss of existing private open space, resulting in insufficient area.

With consideration to the carport forward of the associated dwelling, it is noted that each of the other 4 units have carports located forward of the associated dwelling, however these carports are single width and were constructed as part of the original development from some time ago (evident by the fact there are no records of the development in Council's system). Those carports therefore were established well before the current Development Plan guidelines, which for several years have specifically discouraged carports or garages forward of associated dwellings.

The neighbouring carports do not set a planning precedence for the same to occur on the subject site, particularly where the application is seeking a double width carport. The establishment of another carport forward of the associated unit is considered to reflect a continuation of built form that is discouraged by the Development Plan and reflects a poor planning outcome.

The owner of Unit 3 has expressed their justification for a double width carport (see Attachment 3) with consideration to the existing driveways, the lack of cover for vehicles, the difficulty in access for a single width carport and the consistency of built form with other single width carports that are abut one another and appear as double width.

Following consideration of this document, Administration notes the following:

- There is an existing double width driveway providing access to Unit 3. This is not considered to reflect a sufficient planning means to justify the construction forward of a dwelling. The provision of a driveway and the parking of a vehicle forward of the dwelling does not constitute development however the construction of a structure forward of the associated dwelling does constitute development, and a kind of development that is not supported by the Development Plan.
- The Development Plan does not reference requirement, need or desire for car parking spaces to be covered. The fact a vehicle may be left uncovered due to design constraints does not discount the validity of the Development Plan guidelines.
- The curbing adjacent to Unit 3 can be redesigned in order to accommodate a single width carport, however this application seeks the construction of a double width carport, hence design requirements and considerations for a different kind of structure should not form part of the assessment of the double width carport.
- With consideration to the argument that the existing carports associated with the other Units read as 'double width carports', it is the opinion of Administration that this view is respectfully opposed. As demonstrated on Attachment 3.2, the other carports actually read as single width carports that happen to abut one another. For example, Unit 5 is open, there are a pair of posts adjacent to one another on the common boundary and Unit 4 has a timber garage door. The two structures, although joined together, are considered to visually appear as single carports.
- Further to the visual amenity of the streetscape being diminished by the establishment of the carport, the carport is proposed over land that is dedicated as private open space, as demonstrated by the submission of an original plan which references the space between the building and street as 'yard' (see Attachment 2.1). Unit 3 currently has a total private open space amounting to 58 square metres. The space forward of the dwelling (location of proposed carport) amounts to 38 square metres of private open space area. The proposed carport would remove this primary existing outdoor space. The only remaining private open space is at the rear of the building, which equates to only 20 square metres, which is well under the minimum anticipated area of 35 square metres.
- The failure to achieve sufficient private open space at the expense of a double width carport that does not comply with the Development Plan guidelines, suggests that the proposed development does not have sufficient planning merit to warrant Development Plan Consent.

Conclusion

The proposal for a double width carport is considered to demonstrate little attempt to reduce the severity of the Development Plan variance with respect to garage dominance. In addition, it would contribute to the removal of the larger private open space area ('yard'), resulting in insufficient private open space.

The proposed double width carport will result in a further detriment to the visual amenity of the streetscape, particularly by means of the establishment of an additional structure forward of the associated building, and in terms of built form, a double width carport amongst existing single width carports.

6. RECOMMENDATION

1. The proposed development is considered to be 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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00763/18 be refused Development Plan Consent for the reason that it is contrary to:
 - General Section, Design and Appearance, Principles of Development Control 1; and
 - General Section, Residential Development, Principles of Development Controls 12, 14, 18, 27, 28 and 32.

More specifically, the application does not meet the intent of the Development Plan in relation to:

- Preservation of existing development patterns and built form in the policy area;
- The Desired Character of the Zone;
- Carport sited forward of dwelling;
- Setback from the street boundary;
- Compatibility with setback character of locality;
- Insufficient private open space; and
- Excessive site coverage