

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 MARCH 2021**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. SUPPORTING LETTER FROM APPLICANT

HEARING OF REPRESENTORS: **NOT APPLICABLE**

DA NO.	:	110/00053/21
APPLICANT	:	AMBER BRAGG
LOCATION	:	27 ADDISON ROAD, HOVE
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE – MEDIUM DENSITY POLICY AREA 5
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF EXISTING DWELLING
REFERRALS	:	NIL
CATEGORY	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN REFUSAL

1. Background

Development Application 110/00053/21 was lodged with Council on the 26 January 2021. The relevant Development Plan is the City of Holdfast Bay consolidated 2 June 2016. During the early stages of the Development Application, Council's administration advised that there were aspects of the proposal that were significantly at odds with the Residential Development provisions and that the application would be difficult to support. These were highlighted and the applicant was given the opportunity to reconsider the relevant provisions and those aspects that were at variance with the Development Plan. After further discussions, the applicant decided to continue with the application and provided a letter of support justifying the merits of the carport.

2. Site and Locality

The subject land contains a single storey detached dwelling and contains a primary frontage of 15.265 metres and a depth of 41.148 metres. The existing dwelling currently contains a single width flat roofed carport located adjacent to the eastern side boundary with dimensions of approximately 3 metres in width and a depth of 9.68 metres.

The locality comprises a consistent form of dwelling types with the majority being older single storey detached dwellings. There are some examples of recent group dwellings developments which include the construction of two storey built forms.

The streetscape has varied primary setbacks with dwellings along Addison Road generally setback between 6m to 9m. The front setbacks are predominantly landscaped, except when paved for driveways and paths. Garages and carports have complimentary roof forms and do not present as dominant features in the streetscape.

Refer to Attachment 1

3. Proposed Development

The proposal seeks to construct a single width carport located forward of the existing dwelling. The proposed carport contains a flat roof and is to be constructed of steel posts and sheets with grey tonal colours. The carport contains a primary setback of 6.2m from the primary boundary and extends 3.3m forward of the existing dwelling. The existing crossover will be used as a form of access with no indication of widening.

Refer to Attachment 2

4. Development Data

DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
Site Area	634m ²		
Site Coverage	165m ² or 26%	50% maximum	<u>Complies</u>
Private Open Space	As existing	20% minimum	<u>Complies</u>
Dimensions	3m x 5.5m = 16.5m ²	60m ² maximum	<u>Complies</u>
Primary Setback	6.2m	Same setback as adjacent buildings 9.4m and 10m	<u>Does not comply</u>
Total Height	2.4m	4.5m maximum	<u>Complies</u>

5. Public Consultation

The application is a Category 1 development pursuant to Schedule 9 Part 1 1 (d) of the Development Regulations.

6. Development Plan Provisions

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE

Residential Zone	
Objectives	
3. Development that contributes to the desired character of the zone.	Does not comply
Desired Character	
<p>The zone contains the majority of the city's living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City's residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor.</p> <p>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.</p> <p>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):</p> <p>(a) increase dwelling numbers on allotments that have dual road frontages (b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping (c) semi-detached dwellings, where site considerations permit.</p>	

Residential Zone (Cont)	
Desired Character	
<p>Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road. Buildings will be 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. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street</p>	
<p>Residential development outside of the policy areas will utilise 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. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.</p>	
Principles of Development Control	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • affordable housing • domestic outbuilding in association with a dwelling • domestic structure • dwelling • dwelling addition • small-scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> • child care facility • open space • primary and secondary school • recreation area • supported accommodation. 	Complies
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Does not comply

Medium Density Policy Area 5	
Objectives	
2. Development that minimises the potential impact of garaging of vehicles on the character of the area.	N/A
3. Development that contributes to the desired character of the policy area.	Complies
Desired Character	
<p>The policy area includes areas with immediate frontage to the major transport corridors and nodes throughout the city, namely Tapleys Hill Road, Anzac Highway and Brighton Road. It also includes Jetty Road Brighton, the land each side of the railway line between Jetty Road and the Brighton railway station, and the area adjacent to the Hove railway station.</p> <p>The policy area has convenient access to services, shopping and businesses in adjacent zones and it also affords a high level of access to public transport routes, both rail and bus, as well as links to the tram at Glenelg.</p> <p>Development within the policy area will progressively include small and medium-scale redevelopment at medium densities as opportunities arise to meet demand for smaller, conveniently located housing. Consolidation of land holdings into larger sites that accommodate integrated medium-density housing development is encouraged through density and design that achieves efficient use of sites in appropriate infill locations, and minimises vehicle access points, particularly along the arterial road frontages. There is a reduced need for on-site car parking and private open space for well-located medium density dwellings.</p> <p>All medium density housing forms are appropriate within the policy area, including accommodation for the aged, boarding homes, student accommodation and affordable housing, which take advantage of the proximity of the policy area to transport services and facilities. This will ultimately result in a mix of housing forms, together with semi-detached and detached dwellings that contribute significantly to the range of housing choice in the Council area. To limit the need for vehicle crossovers onto arterial roads, redevelopment of individual allotments for detached dwellings or semi-detached dwellings is not appropriate on arterial road frontages.</p> <p>Development will contribute positively to the policy area's image and optimise access to public transport, centres and facilities through well-designed medium density residential buildings up to a maximum of 2 storeys (except along the northern side of Buckle Street Glenelg North, with a maximum height of three storeys) and a variety of dwelling styles and sizes. Building design will be domestic in character particularly in the areas adjacent to the Brighton and Hove railway stations and along Jetty Road Brighton. Building siting and design will minimise negative impacts on the existing residential amenity of adjacent zones.</p>	

Medium Density Policy Area 5 (Cont)	
Desired Character	
<p>Development will incorporate reduced front setbacks with intensive landscaping and other building treatments such as solid masonry fencing up to 2.2 metres in height along arterial road frontages to facilitate and optimise the practical use of common on-site areas by dwelling occupants. Access points to arterial roads will be restricted and access to sites will preferably be provided to the rear from side streets, where applicable.</p> <p>Development will incorporate noise attenuation techniques, including into building facades, to minimise traffic noise of arterial roads and the railway line. Buildings will also be designed and sited to limit impact to the existing residential amenity of adjacent zones. Building design will be domestic in character, particularly in the areas adjacent to the Brighton and Hove railway stations and along Jetty Road Brighton.</p> <p>Recognising that non-residential development detracts from the amenity of the living environment, the linear expansion of existing commercial development activities in the policy area and further intensification of existing non-residential activity is not appropriate.</p> <p>Non-residential development along Jetty Road Brighton will be limited to the southern side of Jetty Road between Elm Street and the Esplanade and may include dwellings located above non-residential uses. Development in this defined area will seek to retain the 'village amenity' and comprise small shops, with particular attention given to the co-ordinated design of shop fronts to reflect the character of the area (recessed doorways, well-proportioned shop front windows, maximising the extent of fenestration along a continuous built form edge, providing pedestrian cover with canopies, awnings and verandas over the footpath, minimal non-obtrusive and well-integrated building signage where appropriate). Provision for car parking associated with dwellings and or shops should occur on-site (where possible) and at the rear, along with service vehicles and deliveries. Hours of operation should respect nearby residential development.</p>	
Principles of Development Control	
<p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling addition ▪ group dwelling ▪ veranda in association with a dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies

Medium Density Policy Area 5 (Cont)	
Principles of Development Control	
2. The following forms of development should not be developed within the policy area: (a) group dwellings (b) residential flat buildings (c) row dwellings (d) dependent accommodation (e) development that incorporates the establishment of undercroft areas for the garaging of vehicles (f) development in the form of a hammerhead/battle-axe configuration.	Complies
3. Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies

**HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – RESIDENTIAL - COUNCIL WIDE –
 PRINCIPLES OF DEVELOPMENT CONTROL**

Residential Development	
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies
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.	(a) Complies (b) Does not comply (c) N/A (d) Complies
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 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	Complies
Wall height above natural ground level 3 metres	Carport is open sided and does not contain solid walls

Residential Development (Cont)		
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		Carport is open sided and does not contain solid walls
Maximum height 4.5 metres		Complies
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		(a) Does not comply (b) Complies (c) Complies (d) Does not comply
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:		
Parameter Site with an area less than or equal to 300 square metres Site with an area greater than 300 square metres	Value 60 per cent 50 per cent	Complies
29. Site coverage should be limited to ensure sufficient space is provided for: (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) convenient storage of household waste and recycling receptacles		Complies

7. 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 façade of the associated dwelling. There are few examples of carports located forward of associated dwellings found within the immediate and surrounding locality. Any examples found in the wider locality, reflect a form of development that is not envisaged within the Zone and should not be repeated. Further, other examples should not set a precedence to allow for this form of development to continue elsewhere, including the subject site. The majority of sites within the locality have been developed with carports to the side or rear of dwelling.

The proposal is at variance with the following Development Plan provisions:

- Residential Development Principle 14(b) requiring carports to not dominate the streetscape and be setback at least 0.5 metres behind the main face of the associated dwelling. The carport is significantly forward of the main face of the associated dwelling and will dominate appearance from the street.

- Residential Development Principle 27(d) requiring carports to not dominate the appearance of dwellings from the street. The proposed carport will be a prominent element of the dwelling façade.
- The Desired character of the Zone anticipates:

Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building façade.

The application is contrary to Residential Zone Objective 3 and Principle of Development Control 6.

The construction of the carport forward of the associated dwelling is considered a form of development that will substantially detract from the visual appearance of the subject site. The Zone specifically seeks to ensure existing housing stock and front gardens remain as the prominent visual features of a property.

Conclusion

The proposed carport is located forward of the associated dwelling and will be readily viewed from the street. The carport is inconsistent with the relevant Development Plan provisions, namely its distance forward of the associated dwelling and its location on the primary street boundary resulting in unreasonable visual dominance on the streetscape.

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 considers that the proposed development is not consistent with the Development Plan and that Development Application 110/00053/21 be refused Development Plan Consent for the reason that it is contrary to:**
 - **General Section, Residential Development Principles of Development Controls 14(b) and 27 (a)&(d); and**
 - **Residential Zone Objective 3 and Principle of Development Control 6.**

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 the dwelling; and**
- **Compatibility with the primary setback character of locality.**