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| DEVELOPMENT NO.: | 24026738 |
| APPLICANT: | Stallard Meek Flightpath Architects |
| ADDRESS: | 12 YESTER AV BRIGHTON SA 5048 |
| NATURE OF DEVELOPMENT: | Alterations and addition to existing local heritage place. New pool and alfresco landscaping. Alterations to existing garage and new carport. |
| ZONING INFORMATION: | <p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Character Area • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 14m) • Minimum Site Area (Minimum site area for a detached dwelling is 600 sqm; semi-detached dwelling is 600 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level) |
| LODGEMENT DATE: | 23 Aug 2024 |
| RELEVANT AUTHORITY: | Assessment Panel at City of Holdfast Bay |
| PLANNING & DESIGN CODE VERSION: | P&D Code (in effect) Version 2024.15 15/8/2024 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes |
| RECOMMENDING OFFICER: | Michael Gates Development Services (Planning and Building) Lead |
| REFERRALS STATUTORY: | None |
| REFERRALS NON-STATUTORY: | None |

CONTENTS:

| | |
|--------------------|-----------------------------|
| APPENDIX: | Relevant P&D Code Policies |
| ATTACHMENT: | Assessment Plans |
| ATTACHMENT: | Heritage Referral Advice |
| ATTACHMENT: | Representations |
| ATTACHMENT: | Response to Representations |

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for partial demolition of a local heritage place and the construction of alterations and additions, including an upper level at the rear of the building. The proposal also includes a swimming pool and safety fence in the rear courtyard area.

The demolition portion of the development comprises the removal of some of the external walls at the rear of the dwelling and the roof over the rear portion of the dwelling. There is only a minor part of demolition of the main two storey component of the dwelling, which is at the rear of the upper level.

The existing garage will be partly demolished and converted into a pool house and will enclose the pool pump equipment. An open sided carport is proposed in front of the garage. The upper storey additions include a large rumpus room, a circular staircase and a terrace at the rear of the dwelling adjacent the northern boundary. The external walls of the additions will be in either a render finish, or a horizontal lined cladding, which will be used on the upper storey. The roof of the additions will be constructed with terracotta tiles to match the existing roof. Stain glass windows are proposed for the north facing windows of the upper storey addition, with the rest of the windows to be clear glazing

With the exception of the upper-level rear setback, all the relevant quantitative requirements are satisfied, with the main concerns of the assessment limited to the heritage impacts and overlooking.

BACKGROUND:

The subject site is a local heritage place that was built on the sand dunes of Brighton Beach. When the dwelling was constructed, it was located it was surrounded by sand dunes and was located on a very large allotment that extended to the beach. Over time the site has been levelled and sub-divided to create the current locality. The dwelling was constructed well before Yester Avenue existed, and the current planning zones in the locality are representative of the division that has occurred over time, with the first division forming what is now Established Neighbourhood Zone, and the later division now comprising General Neighbourhood Zone.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 12 YESTER AV BRIGHTON SA 5048

Title ref.: CT 5118/670 **Plan Parcel:** F102062 AL10 **Council:** CITY OF HOLDFAST BAY

The subject site is located on a slightly irregular shaped allotment on Yester Avenue with an area of approximately 1350 square metres. The site has a frontage of approximately 42 metres, which wraps around the site. As the property was built on the sand dunes, it sits significantly higher than street level which exacerbates its presentation to the street as a castle.



Aerial photo of the subject site



Photo of the subject site from the street

Locality

The subject site is located in the Establish Neighbourhood Zone, which has a character area overlay over the Zone. Just north of the site is the General Neighbourhood Zone, and further to the west fronting the Esplanade with the Waterfront Neighbourhood Zone. Dwellings in the locality predominantly comprise detached dwellings of both single and double storey, with taller buildings fronting onto the Esplanade. There are also several residential flat buildings in the locality. The pattern of development generally follows the pattern of when the area was divided, with older dwellings in the Established Neighbourhood Zone, and then newer dwellings to the north in the General Neighbourhood Zone when that was divided in 1970s.

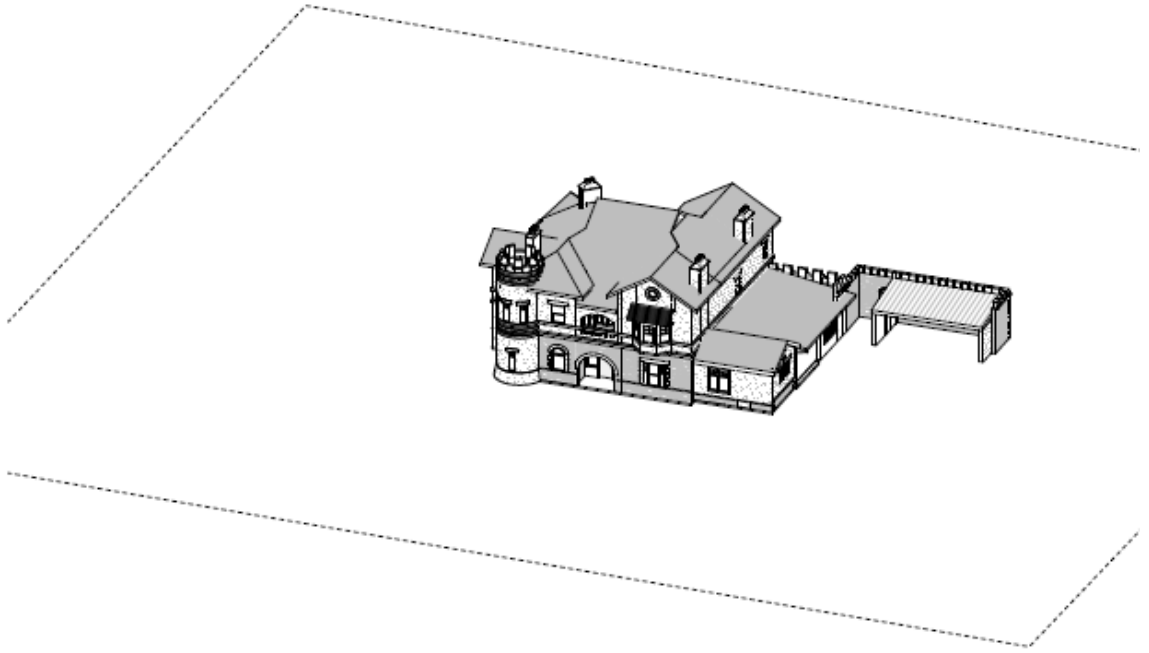
The locality has a generally high level of amenity with dwellings along Yester Avenue representative of the character described in the character area statement, with large landscaped front yards and large street trees along Athelney Avenue. The locality is also located within walking distance to the beach which adds to the amenity of the area.

The applicant has provided a document detailing the history of the site and how sub-division since 1904. Several of the images are included below.

1904 - 1912

Dunluce was built for the Maccully Family by Frickers brothers Builders between 1908 and 1910. The design was by Architects: A. S. & F. H. Conrad, based on a wing of Dunluce Castle in Northern Ireland.

The house was one of the first to be built in Brighton and was constructed on a 12.7 acre estate.



1920 - 1975

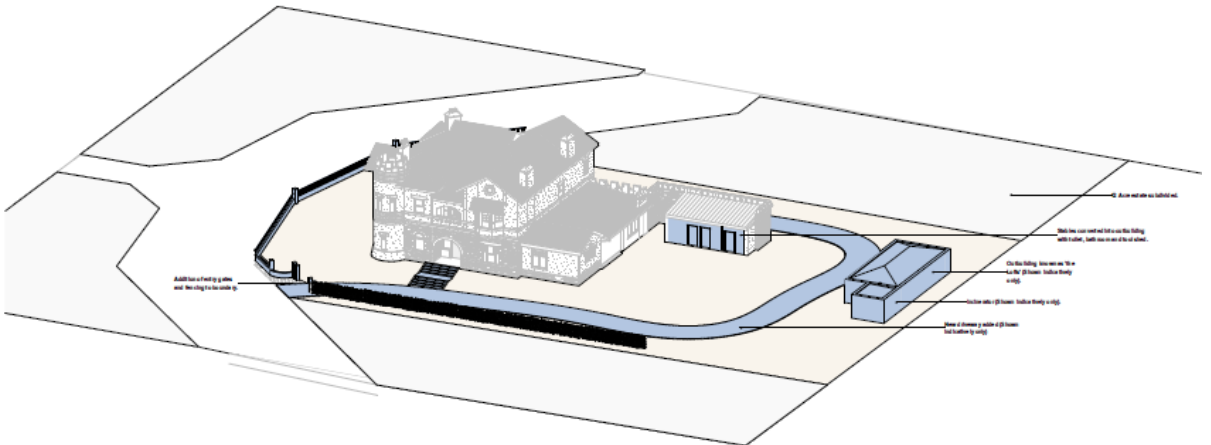
Thomas and Jessie Freibairn bought the home in 1922 - a major sub-division of the estate also occurred during this time.

A driveway from Yester Avenue was added, along with other landscaping including manicured gardens and a main pathway with stairs leading toward the front entry from the driveway.

Wrought iron fencing with masonry features were also located around the home.

The property was sold to the Martin Family in 1959, with further sub-division of the land being undertaken by the owner, Bernard Martin.

Matthew Martin, a former resident recalls the stable being converted to include a bathroom, toilet and tool shed. Outbuildings including 'the loft' and an incinerator are also noted to be located close to the main home.



1976 - 1993

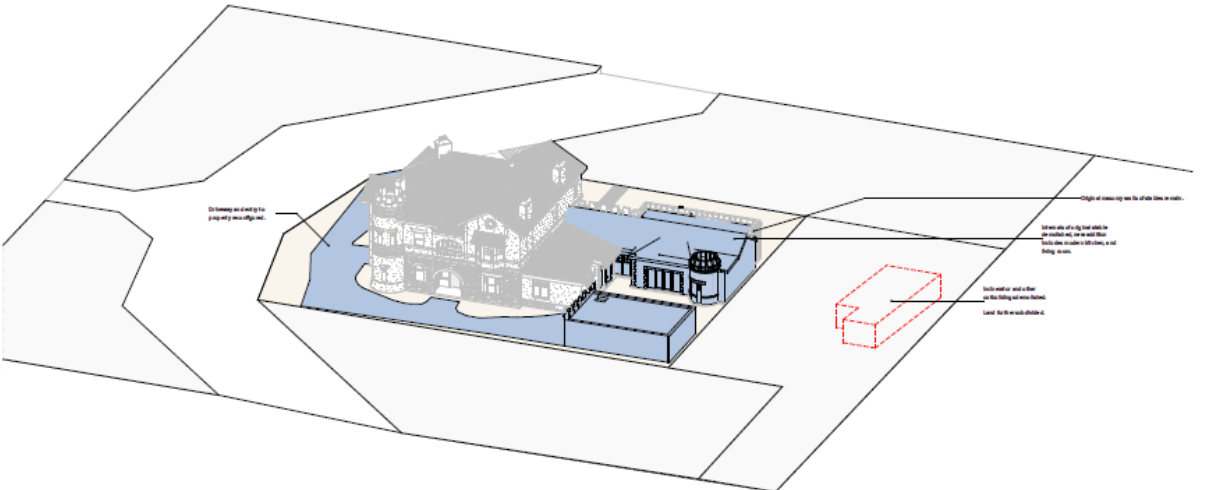
Dennis and Shirley Wells purchased Dunluce in 1976 for \$70,000.

Major alterations to rear of property were undertaken from 1982, with all outbuildings demolished. The external wall of the original stable survives.

A modern extension was built at the rear of the property, including a new kitchen, large living room and replica turret which features a bar.

Further sub-division also occurs during this time, with the driveway entry relocated to the west. A new garage is built along the eastern boundary.

The property was sold again in 1993 to Graham and Wendy Chrisp.





Aerial photo of the locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Carport or garage
 - Swimming pool or spa pool and associated swimming pool safety features: Code Assessed - Performance Assessed
 - Dwelling alteration or addition
 - Demolition
 - Carport: Code Assessed - Performance Assessed
 - Dwelling addition: Code Assessed - Performance Assessed
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- REASON**

The height of the rear wall on the boundary exceeds 3.2 metres in height

LIST OF REPRESENTATIONS

- SUMMARY**

| Representor | Supports/Opposes | Concerns | Wish to be heard |
|------------------------------|------------------------|---|------------------|
| 14 Yester Avenue Brighton | Supports with concerns | Overlooking from upper-level rear balcony | No |
| 22 Dunluce | Support | Support of the development and retention of the heritage building | No |

The applicant has provided a statement in response to the representation and provided a modelled view of the top-level balcony.

AGENCY REFERRALS

No external referrals required.

INTERNAL REFERRALS

The application has been referred to Council's Heritage Advisor as the proposal is for substantial works on a local heritage place. Council's heritage advisor has undertaken a thorough assessment of the proposal and is supportive of the development as it demolishes only a small part of the original construction, whilst not unreasonably impacting on the heritage character of the building. The Advisor's report is located in the attachments.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development comprises additions to the dwelling and does not alter the existing use. It is located in the Established Neighbourhood. The proposed development is considered not to be seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Land Use

The proposed alterations and additions do not alter the existing use of the site.

Building Height

The dwelling is currently two storeys with significant height presented to the street. The proposed additions are also two storeys but will be approximately 3 metres lower in height than the existing dwelling due to the flat roof design for the additions. There is a third level proposed, but it is located in the roof space of the

dwelling and does not increase the overall height. The additional level will not be visible from the street. The height is considered appropriate for the locality as it accords with the requirements of the Zone and the lower height in the rear section results in the additions less dominating than original part of the dwelling, which is appropriate for additions to a heritage place.

Setbacks, Design & Appearance

The proposal maintains the existing front and side setbacks, with the upper-level set well off the side boundaries as to not cause unreasonable bulk or overshadowing. The dwelling is currently set on the rear boundary, which this proposal maintains and proposes a balcony area extending to the rear boundary. The proposal includes a privacy screen on the northern boundary to a height of 1.7 metres above floor level. With this sitting above the ground floor, it does exceed the recommended height on the boundary but given the orientation of buildings and of those to the north, the height of the screen on the boundary is considered acceptable in this instance. As the screen sits on the northern side of the boundary, it will not result in any overshadowing of the neighbouring property to the north.

The Established Neighbourhood Zone PO 9.1 seeks rear boundary setbacks that provide for private open space, access to natural light and space for landscaping and separation between buildings. The upper storey setback of 4 metres allows for those requirements and is considered to not unreasonably impact on the neighbouring properties. Therefore, the proposal is considered to satisfy PO 9.1 of the Zone.

Overlooking

The proposed development involves two storey development and is currently proposed with perforated screen for the balcony to a height of 1.8 metres above floor level. Whilst the height is acceptable, there is insufficient detail as to determine whether the screen will be appropriate for limiting overlooking. It is also noted that the eastern side of the balcony has screening to a height of 1.2 metres. It is considered that could potentially be direct overlooking into the property to the north. Therefore, it is recommended that a condition be included requiring the screen to be constructed from a solid obscure material to a height of at least 1.7 metres and located on the northern side and 1.5 metres on the eastern sides of the balcony.

There are no privacy concerns relating to the new balcony of the third level facing north as it is considered that the additions will obscure any views to the north, and the views to the east or west are greater than 15 metres to any areas of private open space.

The views on the northern elevation at the rear of the upper level additions are considered to potentially directly overlook the property to the north. The applicant has noted on the plans that these windows are to be stained glass windows, which are considered to sufficiently obscure any views, whilst being consistent with other windows throughout the house.

With the amendments to the rear balcony screen, the proposal is considered to sufficiently satisfy the privacy requirements of the Planning and Design Code.



Photo showing view over the north fence



Photo showing view over the north fence

The neighbour to the west has raised concerns about direct overlooking into their upper level windows. However, this is considered a case of reciprocal overlooking as those upper level windows look directly into the private open space of the subject site, and it is noted that they are forward facing windows and are open to the public.



Photo showing overlooking from neighbouring windows

Heritage

The subject site is listed as a local heritage place in the Planning and Design Code and is visually dominant to the street given its elevated siting. The dwelling was once a beach front property, with nothing but the sand dunes located between the dwelling to the ocean, before the site was divided into multiple allotment that now make up the locality.

Given the historical significance of dwelling, the applicant engaged a heritage architect to design the additions and provide supporting advice for the development. The application has been referred to Council's heritage advisor who supports the development given the additions are to the rear and does not materially impact on the original part of the dwelling.

Below is an excerpt from the advice.

In relation to the broader streetscape impact, the upper storey addition is visible from some surrounding streets to the north and west of the subject site and obscures views of some of the rear of the historic dwelling from Sandhurst Court to the north. This in itself is not necessarily of concern as sufficient views of the two-storey historic dwelling from the public realm are maintained to understand and interpret its heritage value and the relative impact of the additions from the surrounding streets is incidental and relatively minor.

Furthermore, the proposed additions affect a locality wherein streetscape character is not historic and is predominantly established by conventional dwellings built in the c1960s with some

replacement and infill dwellings of relatively recent construction. The more cohesive Inter-War built form character, with which the overlay is concerned, is located to the south and east of the subject site.

Conclusion and recommendations.

The proposed alterations and additions improve and adapt the historic dwelling for modern living while maintaining the heritage value of the place.



Photo showing rear of the dwelling



Photo showing the western side of the dwelling



Photo showing the western side of the garage



Photo showing the eastern side of the dwelling



Photo showing the northern eastern corner of the dwelling
Traffic Impact, Access and Parking

The proposal maintains the existing access provisions and will provide covered parking for two vehicles, as well as additional parking spaces in the driveway. The proposal satisfies the requirements of the Planning and Design Code.

Private Open Space, Site Coverage, Soft Landscaping

The proposal does not significantly alter the amount of private open space, site coverage and soft landscaping which all exceed the minimum requirements of the Planning and Design Code. Therefore, the development is considered to satisfy those sections of the Planning and Design Code.

RECOMMENDATION

On balance the proposed additions are considered to reasonably accord with the relevant provisions of the Planning and Design Code. The additions have been design to not materially impact on the heritage character of the dwelling and will not unreasonably impact on the amenity of the adjacent properties. The proposal is supported by Council's heritage advisor. Therefore, it is considered that the proposal warrants Planning Consent subject to relevant conditions.

It is recommended that the Council Assessment Panel resolve that:

1. The proposed development is considered not to be seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 24026738, by Stallard Meek Flightpath Architects is granted Planning Consent subject to the following conditions:
 1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
 2. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site. All stormwater collected on the site must only be discharged to the street and not on to any adjacent properties.
 3. The privacy screen shown on the northern elevation on the rear balcony must be constructed of solid material to a height of 1.7 metres, and 1.5 metres on the eastern side prior to occupation, and to the satisfaction of the Council Assessment Manager.
 4. The applicant is to provide a detailed report of the restoration works required to the western wing of the dwelling, prior to the issue of Development Approval.

OFFICER MAKING RECOMMENDATION

Name: Michael Gates
Title: Development Services (Planning and Building) Lead
Date: 15 November 2024