

DEVELOPMENT NO.:	24002719
APPLICANT:	Tom Vartzokas
ADDRESS:	98 ESPLANADE HOVE SA 5048
NATURE OF DEVELOPMENT:	Variation to development application 22026449 comprising the construction of a roof top terrace as a 4th building level
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Waterfront Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Coastal Flooding • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 3m AHD; Minimum finished floor level is 3.25m AHD) • Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	13 Feb 2024
RELEVANT AUTHORITY:	Assessment Panel City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning,

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies

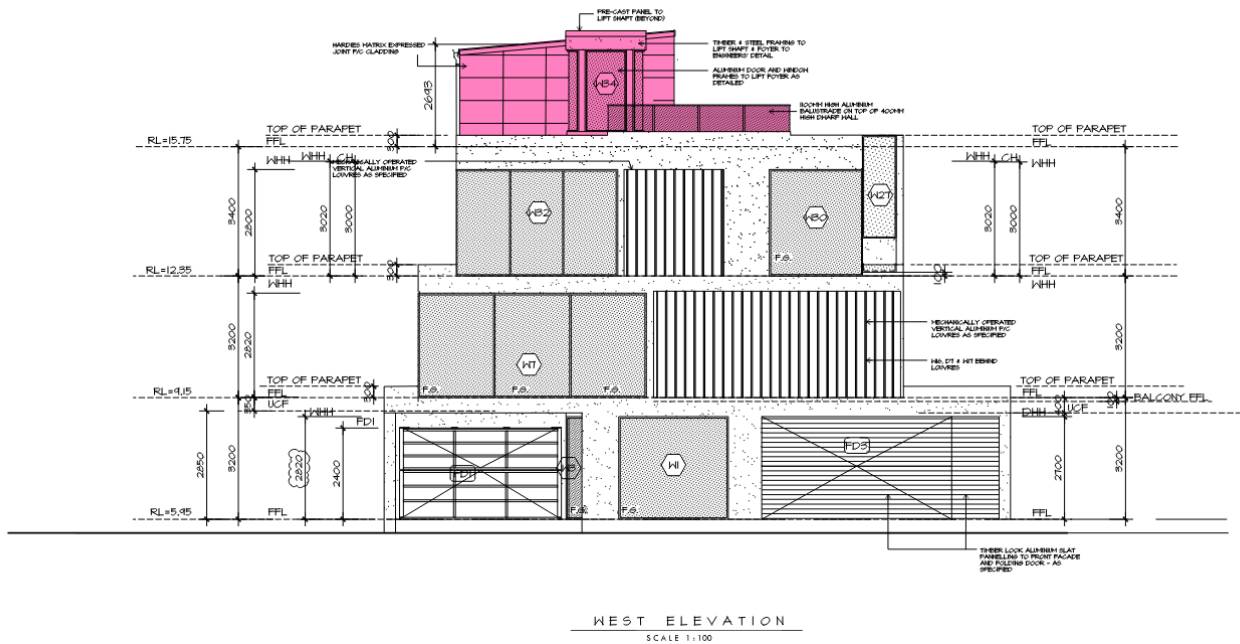
ATTACHMENT 2: DA 22026449 relevant stamped plans

ATTACHMENT 1: Application documents

ATTACHMENT 3: Representations

PROPOSAL:

The proposal is a variation to an approved application comprising the construction of a three storey detached dwelling by way of constructing a fourth level.



BACKGROUND:

A previous application, 22026449 for the construction of a 3 storey detached dwelling was determined to satisfy all relevant Design Code Performance Outcomes and was granted planning consent on the 17 October 2022.

SUBJECT LAND & LOCALITY:

Site Description:

The subject site is located on the Esplanade in Hove and has a frontage of 17.50 metres and depth of 44.25 metres, resulting in a total site area of 774 square metres. The construction of the approved 3 level detached dwelling has commenced, with the steel framework erected, providing a visual demonstration as to the extent of scale proposed via this variation, specifically as the approved lift shaft has been framed.



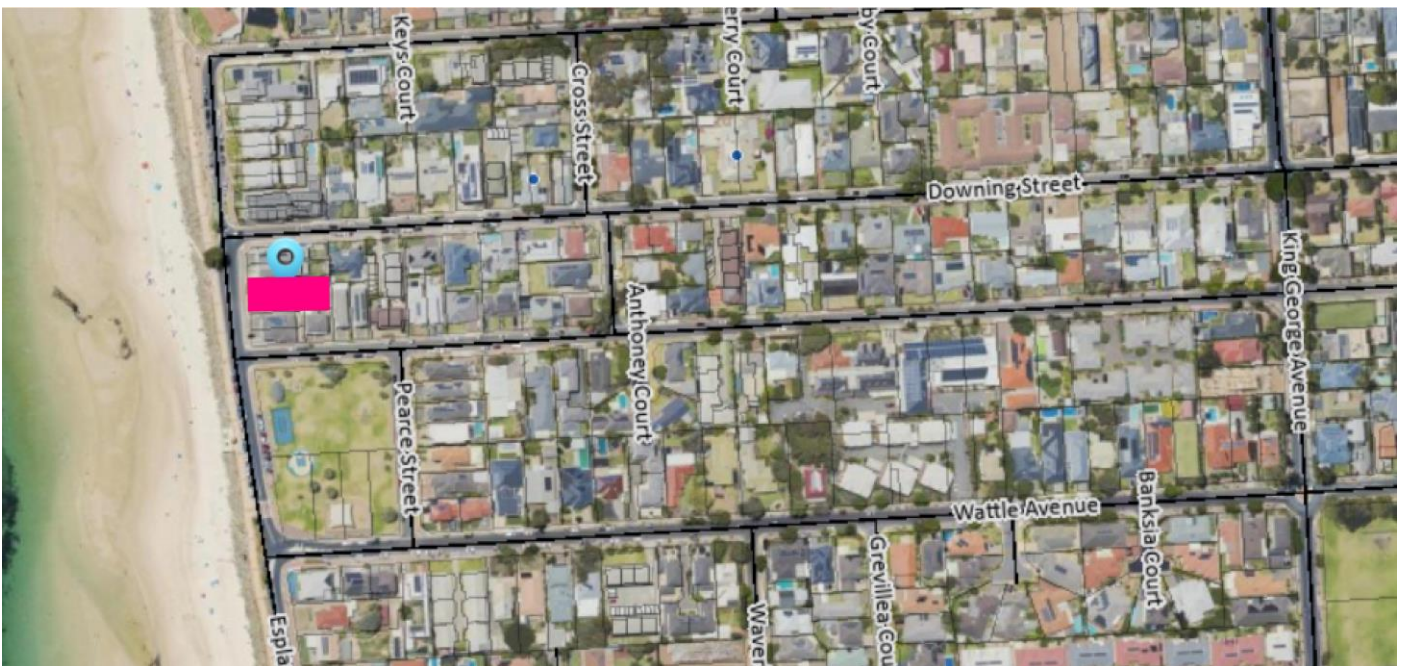


Location reference: 98 ESPLANADE HOVE SA 5048

Title ref.: CT 5710/687 **Plan Parcel:** D770 AL48 **Council:** CITY OF HOLDFAST BAY

Locality

The subject locality is defined by the seaside setting, with Hove beach located 20 metres east of the site. The surrounding locality is predominately residential, with Wattle Reserve located 30 metres south of the site and nearby primary school and Jetty Road precinct nearby.



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - New housing
 - Detached dwelling: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
4 level building

- **LIST OF REPRESENTATIONS (2)**

Summary of Representors			
Address of Representor	Position	Wish to be heard	Comments
Hove SA	Does not support	No	Excessive number of levels and building height, which is out of character with the locality. The architects sight line drawing is disputed by the fact the fourth level will be visible from other vantage points, particularly to the north and south. The proposed fourth level would further impact solar access to my property to the east.
6/63 Downing Street, Hove	Does not support	Yes	Fourth level is contrary to the zone policies. The fourth level is likely to be used as a habitable floor. This proposal contends a significant change to the potential use of the building and adverse visual impact. The existing roof top structures already extend beyond what the policy supports (existing roof top lift shaft).

PLANNING ASSESSMENT

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

Building Height

Waterfront Neighbourhood Zone Performance Outcome 4.1 refers to building height that is consistent with the form expressed in the Maximum Building Height (Levels) and (Metres), and is otherwise low rise, or *complements the height of nearby buildings*.

The relevant Maximum Building Height Level for this Zone is 3 levels and a maximum height of 9 metres, as expressed in the Designated Performance Feature 4.1. The proposed variation will result in a building of 4 levels and a maximum height of 13.2 metres, which exceeds the numerical reference.

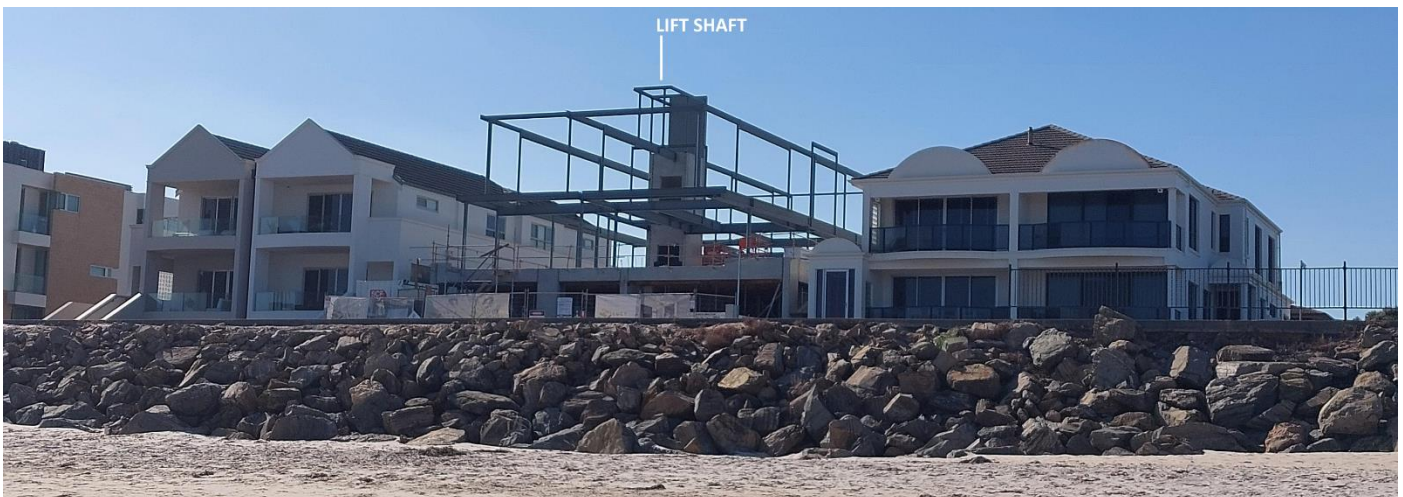
It is noted however that the nearby locality contains predominately 3 and 4 level buildings (4 levels being similar in form comprising roof top lift shafts, equipment enclosures and the like). The proposed building height therefore is complementary to nearby built form, specifically 87, 92 and 96 Esplanade, as seen in the photo below:





Although the 4th levels are prominent when viewing the other existing buildings, the overall scale and visual form is not so dominate as to read as conventional 4 level dwellings when generally viewing the buildings from the footpath. The 4th level components in effect, are largely obscured and of a scale no greater than if those buildings had been approved with pitched gable or hipped roofs.

Regarding the subject building, when standing on the beach, for example, which offers a greater vantage point of the building, the lift shaft is visible, however the extent of walling beyond will be obscured by the overall height of the approved building facade:



The additional building level however will be visible from adjacent properties, such as behind the site, as demonstrated in the photo below. Overall, the existing approved building will obscure much of the 4th level wall, as per the vantage points from the street, however there will remain additional building scale visible from adjacent sites.



Setbacks

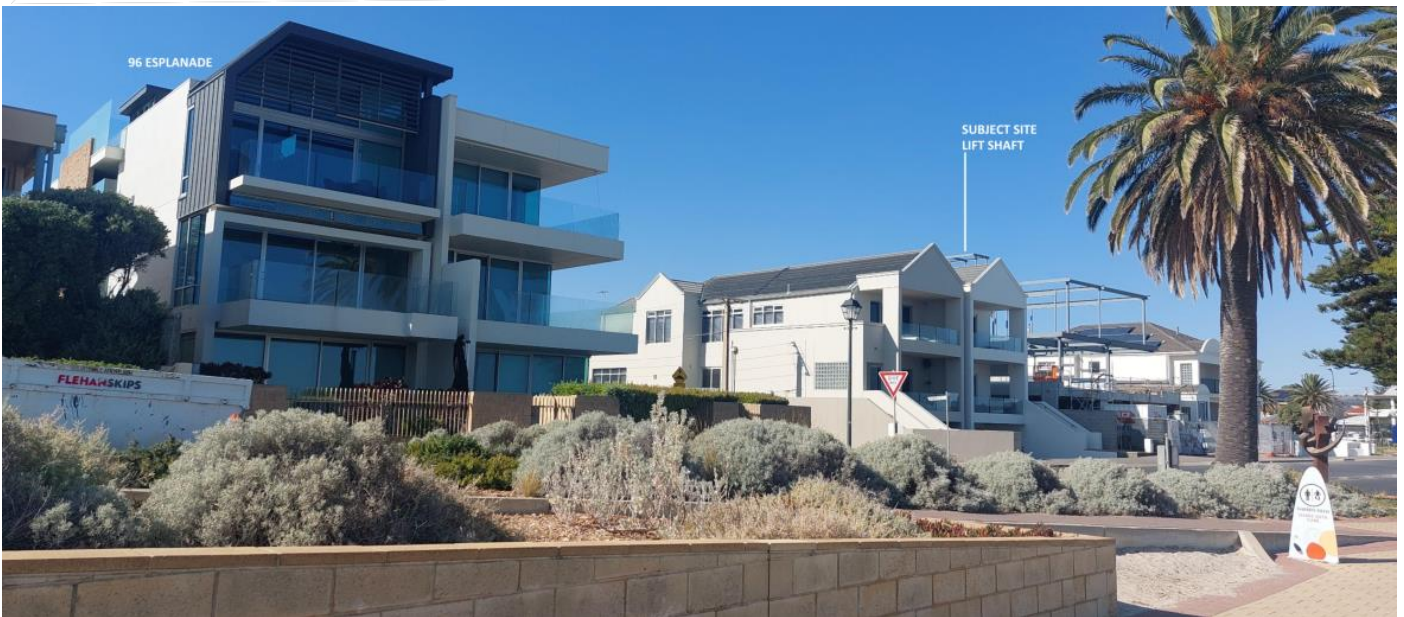
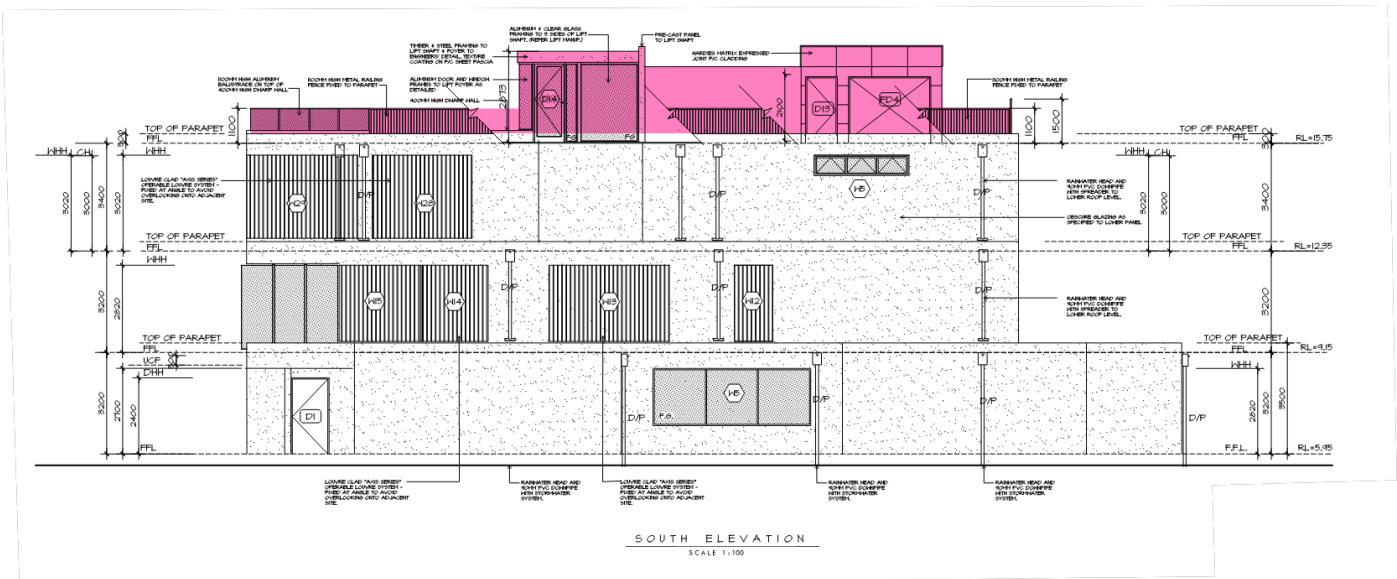
The 4th level enclosure is setback 14 metres from the southern side boundary and 15 metres from the eastern rear boundary, which on balance is a sufficient distance in offsetting overshadowing impacts.

The 4th level enclosure is setback 3 metres from the northern side boundary, although it should be setback 4.2 metres where following the relevant Designated Performance Feature 8.1 with respect to side setbacks.

The proposed setbacks are considered reasonable on balance and satisfy Performance Outcomes 8.1 (side boundary setbacks) and 9.1 (rear boundary setbacks) whereby the 4th level wall is setback a sufficient distance to achieve separation between buildings that contributes to the suburban character and provides sufficient access to natural light and ventilation.

Design and Appearance

Visually, the fourth level will result in a built form that does complement the existing built form character and height/scale of buildings in the locality, although it does not complement the maximum desired levels or total building height sought by Performance Outcome 4.1 numerically. It is noted however that PO 4.1 does reference an alternative in that new buildings either match the numerical heights ***or complements the height of nearby buildings.*** In case of this proposal, the 4th level component does in fact complement the height of nearby buildings, specifically 87, 92 and 96 Esplanade, all nearby the subject site.



Visual Privacy

The roof top is enclosed with a balustrade that is predominately 1 metres high to ensure safety. The outlook toward the west is the sea, therefore westerly views are encouraged.

The roof top section to the northern and eastern elevations is proposed with 1.5 metre high screening to alleviate overlooking to the neighbouring properties.

The applicant has however opted to retain the 1 metre high balustrade on the southern elevation for the purpose of achieving better access to the solar panels for maintenance purposes. The applicant has sited that the level of overlooking to the south would be negligible due to the location of the balustrade, which is stepped in relative to the southern walls of the dwelling, hence obstructing a direct downward view to the southern adjacent properties.

An assessment of this has determined that this justification is plausible, particularly with respect to views into 99 Esplanade (immediately south), however based on general sight line considerations relative to the position of the

southern balustrade, is it considered that unreasonable overlooking will occur into 99A Esplanade. Although it is commendable that the applicant seeks to allow for easy access to maintain and clean the solar panels, this is still considered achievable with a 1.5 metre high screen.

It is accepted that the roof top is designed to primarily support access and maintenance to roof top equipment, however the overall provision of this space can easily accommodate the space being used as a roof top deck for recreational purposes, whereby consideration to visual privacy becomes more critical.

CONCLUSION

The proposed 4th level is numerically excessive (beyond 3 levels and a maximum height of 9 metres) however it is visually consistent with the existing built form character in the locality and therefore is considered to reasonably satisfy the relevant Performance Outcomes.

Concern remains however with the lack of effective screening to the southern elevation. The proposal fails to incorporate a suitably designed screen to the southern elevation of the roof deck, which is further intensified by the increase in floor area and accessibility (staircase and lift in lieu of the previous hatch design). This facilitates increased usability and accessibility which can further be translated to use beyond occasional maintenance, such as recreational space.



RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

2. Development Application Number 24002719, by Tom Vartzokas is REFUSED Planning Consent due to the following reason:
 1. The development fails to satisfy Design Code, Design in Urban Areas, Overlooking / Visual Privacy (low rise buildings) Performance Outcome 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

Specifically, the proposal fails to incorporate a suitably designed screen to the southern elevation of the roof deck.

OFFICER MAKING RECOMMENDATION

Name: Dean Spasic

Title: Development Officer - Planning

Date: 08/07/2024