

3.2 21 Royal Crescent, Camberwell - Planning Application PP22/0045 for partial demolition, alterations and additions to a dwelling

21 Royal Crescent, Camberwell

Application no.: PP22/0045
Responsible director: Scott Walker
Authorised by: David Cowan, Manager Strategic & Statutory Planning
Report officer: Jordan Schonberg, Statutory Planner

Report abstract

Proposal

The proposal seeks to partially demolish the existing dwelling and construct alterations and additions predominantly to the rear of the site. A front fence and pedestrian path are also proposed.

In summary the works consist of:

- partial demolition to the rear of an existing 'Contributory' graded dwelling;
- rear extension, finished with metal sheet pitched roofing and render exterior walls;
- rear alfresco area with pitched roof;
- rear setback reduced from existing 11.1m to 4m;
- bluestone pedestrian path at front of dwelling; and
- proposed 1.5m tall front picket fence.

Issues

Key issues with this application include amenity impacts and ResCode matters, specifically regarding overlooking from the proposed works. Other issues addressed in the Statutory Planning Delegate Report (**Attachment 1**) include:

- Neighbourhood Character
- Heritage Policy
- Loss of rear open space
- Loss of Views
- Overshadowing
- Overlooking
- Built form
- Drainage concerns

Officer's response

The demolition and works proposed at the site are considered appropriate to the preferred character of the area, the works will retain the existing northern side boundary setback and seek a minor reduction of 450mm to the existing southern boundary setback. While the rear extension is 6.5m tall at the ridgeline of the pitched metal roof, the height is considered acceptable due to the slope in the site and the built form being in full compliance with Clause 54.03-2 Building Height Objective (Standard A4) and Clause 54.04-1 Side and Rear Setbacks Objective (Standard A10).

The proposed materials for the works are supported as the exterior walls are finished in a light render and metal clad roofing which is considered respectful to the existing render and metal roofing present at the site.

The proposal utilises a rear alfresco area which is setback 4m from the rear boundary. An open space area of 35m² with a minimum dimension of 4m is provided to the rear of the site, which is considered to comply with the Neighbourhood Character Precinct and provide an open area to allow for the planting of large trees. The proposal is supported by Council's Arborists subject to standard conditions.

The proposal is assessed to fully comply with the ResCode requirements, except for Clause 54.04-6 Overlooking Objective (Standard A15). However, conditions can be placed on the permit seeking full compliance with the requirements of this standard.

The proposal has been assessed by Council's Heritage Advisor. The works are supported as they are predominantly located to the rear of the 'Contributory' Heritage Place and comply with the heritage strategies as outlined within clause 15.03-1L of the Boroondara Planning Scheme. It is noted that a Condition can be placed on the permit to ensure the front picket fence utilises a gap of 25-30mm between the pickets to allow for visual permeability subject to the Heritage Advisors assessment.

It is considered that the rear extension provides an appropriate response to the site context and will not present unreasonable impacts on the amenity of neighbouring properties, subject to conditions within the permit. As stated above, the proposal complies with Clause 54.02-1 Neighbourhood Character Objective, Clause 15.03-1L Heritage in Boroondara and will fully comply with the requirements of Clause 54 ResCode once overlooking conditions have been addressed.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attached planning assessment report (**Attachment 1**).

Officers' recommendation

That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant a Planning Permit No. PP22/0045 is issued for the partial demolition and construction of alterations and additions associated with a dwelling in a Heritage Overlay and on a lot under 500 square metres at 21 Royal Crescent, Camberwell under the Boroondara Planning Scheme and subject to the following conditions:

Amended plans required

1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and electronic copies provided, substantially in accordance with the advertised plans but modified to show:
 - a. A notation included on the plans that there will be a spacing of 25mm to 30mm provided between the pickets of the front fence.
 - b. Boundary fence adjacent to 21 and 23 Royal Crescent retained with no increase to height (1.8m high timber paling fence with 400mm lattice above Natural Ground Level).

- c. Screening to the north facing habitable room windows at the family, kitchen and meals area and alfresco area to 1.7m from FFL in accordance with Standard A15 Overlooking.
- d. Extend the 'selected fixed slat screen' to the south at the alfresco stairs west to comply with Standard A15 Overlooking.
- e. Demonstration of compliance from the rear (west) of the alfresco area with Standard A15 Overlooking or alternative screening as required to achieve compliance.
- f. Delete all references to solar panels on the plans.
- g. The Tree Protection Zone and Structural Root Zone of Tree Nos. 1 and 2 (as identified in the Arborist Report submitted with the application prepared by Arborist Reports Australia (dated 16th March 2022) drawn on all site and floor plans;
- h. Notation on all site and floor plans that Tree Nos. 1 and 2 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
- i. Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
- j. Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree Nos. 1 and 2 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, document and certified by the Project Arborist.
- k. Permanent fencing within the Tree Protection Zone of Tree No 2 constructed on pier foundations with any required plinths constructed above existing grade.
- l. Notation on all site and floor plans that no strip footing is permitted within the Tree Protection Zone of Tree Nos. 1 and 2.
- m. All building foundations within the Tree Protection Zone of Tree Nos. 1 and 2 to be constructed using root sensitive techniques (e.g. pier and beam, waffle slab, suspended slab or cantilevered foundations).
- n. A Tree Management Plan in accordance with Condition 3 of this permit.

Layout not to be altered

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Tree Management Plan

3. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 1 and 2 (as identified in the Arborist Report submitted with the application prepared by Arborist Reports Australia (dated 16th March 2022)). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:
 - a. A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
 - b. Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
 - c. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
 - d. All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur. Note: Only Council or Authorised Council Contractors can prune Trees Nos. 2. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.
 - e. The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Contractors to be advised of trees to be retained and protected

4. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

5. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

6. Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.

Drainage

7. The site must be drained to the satisfaction of the Responsible Authority.

Permit to expire:

8. This permit will expire if:
 - a. The development does not start within two (2) years of the issue date of this permit; or
 - b. The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- i) within six (6) months afterwards if the development has not commenced; or
- ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.



STATUTORY PLANNING DELEGATE REPORT Urban Planning Delegated Committee

Application Number	PP22/0045
Date Application Received	24/01/2022
Planning Officer	Jordan Schonberg
Applicant	David Liddiard & Associates
Property Address	21 Royal Crescent, Camberwell
Proposal	Partial demolition and construction of alterations and additions associated with a dwelling in a Heritage Overlay and on a lot under 500 square metres
Zoning	Clause 32.09 - Neighbourhood Residential Zone - Schedule 3
Overlays	Clause 43.01 - Heritage Overlay (HO159)
Neighbourhood Character Precinct	43
Particular Provisions	Clause 54 (ResCode)
Permit Triggers	<p>Clause 32.09-6 (NRZ) of the Boroondara Planning Scheme, a permit is required to construct or extend one dwelling on a lot.</p> <p>Clause 43.01-01 (HO) of the Boroondara Planning Scheme, a permit is required to construct a building or construct or carry out works, including:</p> <ul style="list-style-type: none"> • Construction of a fence. • A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park • A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
Section 55 Referrals	N/A
Aboriginal Cultural Heritage	No
Covenant	No.

Potential Overland Flow?	No
Melbourne Water 100 year Flood Extent	No
Fritsch Holzer LFG	No
Advertised?	Public notice of the application was given on 28 April 2022 by Council posting notices to abutting and nearby property owners and occupiers and by the display of a sign(s) on the site for a period of not less than 14 days.
Number of Objections Received	18
Ward	Junction
Plans Assessed in this Report	Plans advertised on 28 April 2022
Recommendation	Notice of Decision to Grant a Planning Permit, subject to conditions.

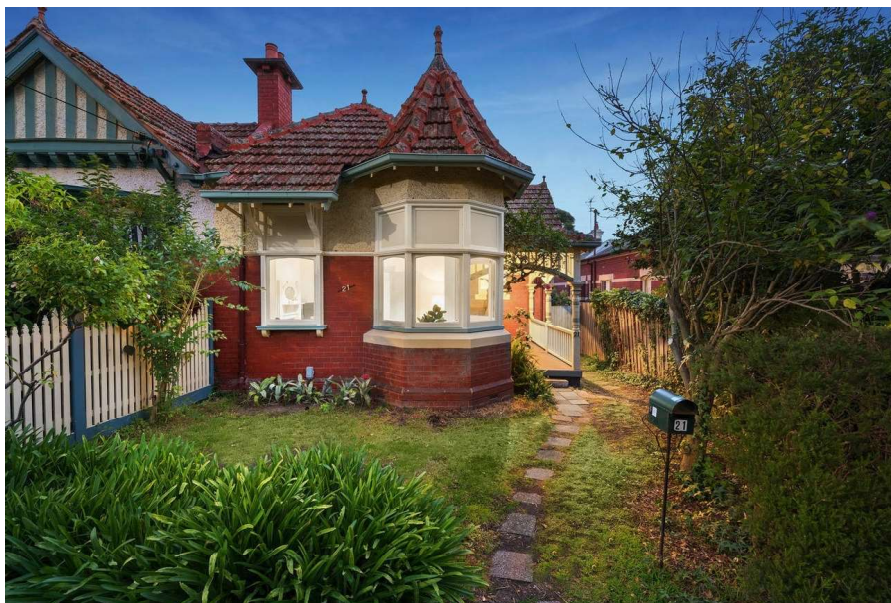
PROPOSAL

Details of the proposal are summarised as follows:

- Rear demolition to an existing single storey dwelling
- Proposed alterations and additions to the rear of the dwelling
- Proposed Alfresco to the rear of the site
- Proposed front pedestrian path
- Proposed front fence

THE SITE

Width of Frontage	8.88492m
Maximum Depth of Site	41.148m
Total Site Area	365m ²
Easements	The site is encumbered by a 0.1143 metre wide easement, situated along the southern boundary of the site.
Fall of the Land	The site has a moderate fall from the east to the west of approximately 1.5 metres.



Above - Subject site at 21 Royal Crescent, Camberwell.

THE SURROUNDING AREA

Neighbourhood Character Precinct 43 is located in Camberwell and is roughly bounded by Canterbury Road, Burke Road, Riversdale Road and the Alamein train line. The majority of the precinct is within the Prospect Hill Heritage Overlay area (HO159) which is significant for its intact collection of mainly late Victorian and Federation era dwellings, including various Queen Anne villas of architectural distinction. A number of interwar houses are also present which contribute to the significance of the area.

The below images demonstrate the surrounding context of dwellings within close proximity to 21 Royal Crescent. The surrounding sites are defined by small to medium rear setbacks. The predominant roof materials in the area are of metal and tile/slate. These examples are relevant to the proposed outcome.



Above - Aerial image of the subject site and surrounding area

The below image demonstrates Fairhorn Grove, which is the street adjacent to Royal Crescent to the West. While this street is not located within the Heritage Precinct, it is located within Neighbourhood Character Precinct 43 and demonstrates dwellings with small rear setbacks.



Above - Fairhorn Grove, South-West of the subject site. Example of similar sized sites with rear gardens of similar size to proposal.

The below aerial imagery demonstrates the Royal Crescent Streetscape. Dwellings with small to medium rear setbacks and dwellings with tile and metal roofing.



Above: Royal Crescent, directly west of proposal. (Example of sites within the heritage precinct and streetscape with altered rear setbacks and differing backyard areas).

PERMIT HISTORY

Details of previous relevant applications for the subject site and immediate surrounds for the subject site are as follows:

Neighbouring Properties			
Application No	Date of Decision	Decision	Description of Proposal
BOR/99/00006 19 Royal Crescent	9 March 1999	Permit	Part demolition and construction of alterations to an existing attached house in an urban conservation zone. Construction of a rear deck
PP09/00616 19 Royal Crescent	25 Sep 2009	Permit	Part demolition and construction of alterations and additions (including pergola) to an existing dwelling on a lot less than 500sqm and in a Heritage Overlay. Construction of rear timber deck and pergola with stairs to rear SPOS.

REFERRALS

Please see full referrals in Appendix A to this report. A summary of each is provided below.

Internal Referrals

Heritage Advisor	Supported subject to conditions. Recommended condition to ensure front picket fence provides gaps of 30mm. All other works supported. Refer to Appendix A for full referral comments
Arborist	Supported subject to conditions. Works adjacent to Tree 1 are supported as existing conditions to be demolished are located within this area. Refer to Appendix A for full referral comments
Drainage	Supported No impacts on the sewer located to the rear of the site or flooding impacts are considered. Refer to Appendix A for full referral comments

GOVERNANCE ISSUES

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

CONSIDERATIONS

In assessing this application, consideration has been given to the following:

- The objectives of planning in Victoria as detailed in Section 4 of the *Planning & Environment Act 1987*;
- Section 60 of the *Planning & Environment Act 1987*;
The relevant provisions and decision guidelines of the Boroondara Planning Scheme including the decision guidelines of Clause 65; and
- Any objections received.

This proposal does not raise any significant adverse social or economic impacts. General social and economic impacts are addressed by the planning policy assessment below.

PLANNER'S ASSESSMENT

The following policies are relevant to the assessment of the current application:

- Clause 02 - Municipal Planning Strategy
 - Clause 02.01 - Context
 - Clause 02.03 - Strategic Directions
- Clause 11 - Settlement
- Clause 12.01-1L - Protection of Biodiversity - Boroondara
- Clause 15 - Built Environment
 - Clause 15.01-1S - Urban Design
 - Clause 15.01-1L-01 Urban Design and Built Form Outcomes
 - Clause 15.01-2S - Building Design
 - Clause 15.01-5S - Neighbourhood Character
 - Clause 15.01-5L - Neighbourhood Character
- Clause 15.02 - Sustainable Development
 - Clause 15.02S - Energy and resources Efficiency
 - Clause 15.02L - Energy and resources Efficiency - Boroondara
- Clause 15.03 - Heritage
 - Clause 15.03-1S - Heritage Conservation
 - Clause 15.03-1L - Heritage in Boroondara
- Clause 16 - Housing
 - Clause 16.01-1S - Housing Supply
 - Clause 16.01-1R - Housing Supply - Metropolitan Melbourne
 - Clause 16.01-1L - Housing Supply - Boroondara

- Clause 16.01-2S - Housing Affordability
- Clause 18 - Transport
 - Clause 18.01-3S - Sustainable and Safe Transport
 - Clause 18.01-3L - Sustainable Personal Transport - Boroondara
 - Clause 18.02-4L-02 Car parking - Boroondara

Policy Context

The Neighbourhood Residential Zone - Schedule 3 (NRZ3) states that a building must not be constructed for use as a dwelling or a residential building that:

- Exceeds the maximum building height specified in a schedule to this zone; or
- Contains more than the maximum number of storeys specified in a schedule to this zone.

The proposal complies with the mandatory requirements relating to Building Height and Garden Area within the NRZ3, as follows:

Minimum Garden Area Requirement			
Lot size	Requirement	Proposed	Assessment
Less than 400sqm	N/A	N/A	Not applicable

Clause 32.09-9 Maximum Building Height

Mandatory Maximum Building Height			
	Requirement	Proposed	Assessment
Building height requirement	9m	6.5m	✓ Complies
Maximum number of storeys	2	1	✓ Complies

Heritage

The proposed demolition at the site is located to the rear of the 'Contributory' Heritage dwelling and does not seek to remove or demolish any 'contributory' fabric and is supported.

The proposed additions to the dwelling are predominantly located to the rear and retain the existing side setbacks to the north of the dwelling and align with the section of dwelling to be retained. It is considered that the works will generally not be visible to the Royal Crescent streetscape. Some views of the rear extension will be visible from an oblique angle taken from the driveway (North-eastern front corner of the site). While some visibility may occur it is noted that the works viewed from the street will not present as additional built form or obscure any contributory fabric at the site, due to the retained northern side setback and the proposed addition occupies generally the same footprint with the existing conditions except for an extension further to the rear (West) of the site. This is considered with the strategies outlined within Clause 15.03-1L of the Boroondara Planning Scheme.

The proposed materiality of render and metal sheet roofing of the extension is supported as these materials are respectful and consistent with the existing materials currently utilised both within the site and the surrounding precinct.

Council's Heritage Advisor has sought a condition on the permit to ensure 25-30mm spacing to all pickets within the front fence.

While the site is adjacent to a 'Significant' heritage graded building at 23 Royal Crescent, the proposal is not considered to alter any 'significant' fabric at this site subject to the policy strategies within clause 15.03-1L as the works retain the northern side setback within the existing site conditions.

A full heritage assessment has been undertaken by Council's heritage advisor within the **Appendix A** of this document.

Proposed Conditions

1. A notation to be included on the plans that there will be a spacing of 25mm to 30mm provided between the pickets of the front fence.

Neighbourhood Character

The subject site is located on Royal Crescent, which is an established residential area. It is included within Neighbourhood Character Precinct 43, which is described as an area characterised by mostly 1 and 2 storey late Victorian and Federation Era dwellings, Queen Anne villas, and interwar houses.

Front setbacks vary from 5 to 9m and dwellings are mostly detached.

The Neighbourhood Character Precinct Statement seeks to encourage development that retains the historic dwellings, with landscaped gardens and sufficient space in gardens to accommodate large trees. Buildings should respect the predominant building scale and forms of the streetscape with consistent side boundaries to retain the detached streetscape rhythm and maximise soft landscaping. The proposed development is consistent with the character of the area in that the rear secluded private open space (SPOS) has a minimum dimension of 4m which allows for the planting of large canopy trees and the built form of the proposal utilises and continues the existing side setback of the section of dwelling to be retained.

The proposal is considered to retain the 'contributory' heritage value of the dwelling to be retained and integrate with the heritage styles of the precinct through minimal alteration to the presentation of the dwelling as viewed from the street.

Building Height

Neighbourhood Character Precinct Statement seeks to maintain the existing one and two storey scale and pitched roof character of the precinct. Standard A4 and the NRZ3 specifies a height of 9m.

The proposal complies with the above as the extension utilises a maximum height of 6.5m to the rear of the extension. The extension is proposed with a pitched roof form that generally aligns with the existing roof form at the dwelling to be retained.

Front Setback:

Council's Neighbourhood Character Precinct Statement seeks to maintain and enhance the existing streetscape rhythm. It seeks to ensure buildings are setback no less than the average distance of the front setback of the adjoining properties on either side or 9m, whichever is less. This is consistent with Standard A3 (Street Setback).

The proposal does not seek to alter the existing setback of the heritage dwelling.

Roof form:

Neighbourhood Character Precinct Statement seeks to maintain the pitched roof character of the precinct.

The roof form character along the Royal Crescent streetscape is predominantly pitched tiles roofs, however many dwellings have pitched metal roofs located behind the primary roof form, this is especially evident in dwellings to the south of the subject site (as seen below). The proposal has a pitched corrugated metal roof located behind the existing tile roof form to be retained.

It is noted that the plans indicate 'possible solar panel location'. Any solar panels are subject to clause 43.01-1 'A solar energy system attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.' This requires planning permission which has not been sought within the application and as such a condition will be placed on the permit to remove the solar panel details from the plans.



Above: Pitched tile roofs with pitched metal roofs located to the rear of the dwellings at 21 Royal Crescent and neighbouring sites to the south.

Proposed Condition

- a) Delete all references to solar panels on the plans.

Materials:

Council's Neighbourhood Character Policy seeks to ensure building materials complement the character of the streetscape.

Dwellings in the streetscape generally comprise of brick, weatherboard and render with pitched tiled roofs.

The materials of the existing dwelling at 21 Royal Crescent, Camberwell comprise of render, timber and brick with tiled and metal roofing. The proposed addition to the rear of the dwelling is considered to comply with the Neighbourhood Character Policy as materials of render and metal sheet roofing are proposed.

The proposed materials are supported by Council's heritage advisor as they are considered respectful to the era of the existing dwelling and are located to the rear which complies with the 'contributory' place strategies within Clause 15.03-11 of the Boroondara Planning Scheme.

Front Fence

Council's Neighbourhood Character Precinct Statement seeks to retain the low to medium front fence height within the precinct. This is consistent with Standard A20 which allows a maximum front fence height of 1.5m in residential streets.

It is proposed to construct a 1.5m high front fence, at the front boundary of the site. The proposed front fence will match the height of the front fence at the adjoining semi-detached dwelling at 19 Royal Crescent and is consistent with the prevailing fence design and height present within the Royal Crescent streetscape.

The fence is proposed to be constructed of timber pickets and is supported by Council's heritage advisor subject to spacing between the pickets of 25-30mm.

Off-Site Amenity

The proposed development complies with the Objective and the numerical requirements of the Standards at Clause 54.04-1 (A10) Side and Rear Setbacks Objective, Clause 54.04-2 (A11) Walls on Boundaries, Clause 54.04-3 (A12) Daylight to Existing Windows Objective and Clause 55.04-4 (A13) North-facing Windows objective. Clause 54.05-5 (A14) Overshadowing Open Space Objective and partially complies with Clause 54.04-6 (A15) Overlooking Objective.

This will be further discussed below.

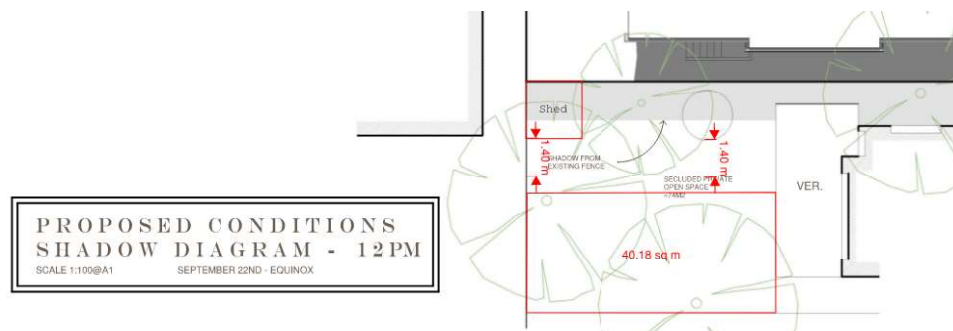
Overshadowing open space objective

The proposed development is assessed to comply with the numerical requirements of standard A14.

The shadow diagrams submitted by the applicant indicate that no additional overshadowing beyond existing conditions will occur to neighbouring sites. The rear SPOS of 19 Royal Crescent will continue to receive a minimum of 40sqm of unshadowed space for at least 5 hours on the 22 September.

An objection has been lodged with details of an independent analysis of shadow impacts, indicating that additional shadowing of 2.53sqm will occur on the 22 September 2022. No time frame has been specified for the increase of shadow within the analysis. From an assessment of all overshadowing diagrams provided, Council is satisfied that even with an additional shadowed area of 2.53sqm, the proposal will continue to comply with the numerical requirements of standard A14 and the Overshadowing Open Space objective.

The diagram below demonstrates an area of 40sqm receiving no shadowing within the rear SPOS of 19 Royal Crescent at 12pm on September 22. This is a conservative measurement which demonstrates that even with additional shadowing of 2.53sqm and the inclusion of shadowing from the water tank and shed (not shown in the plans), the proposal complies with Standard A14.



Above: Shadowing measurements within the SPOS of 19 Royal Crescent.

Overlooking Objective

The proposal does not comply with the numerical requirements of Standard A15. However, full compliance with this standard is achievable through conditions. This will be further discussed below.

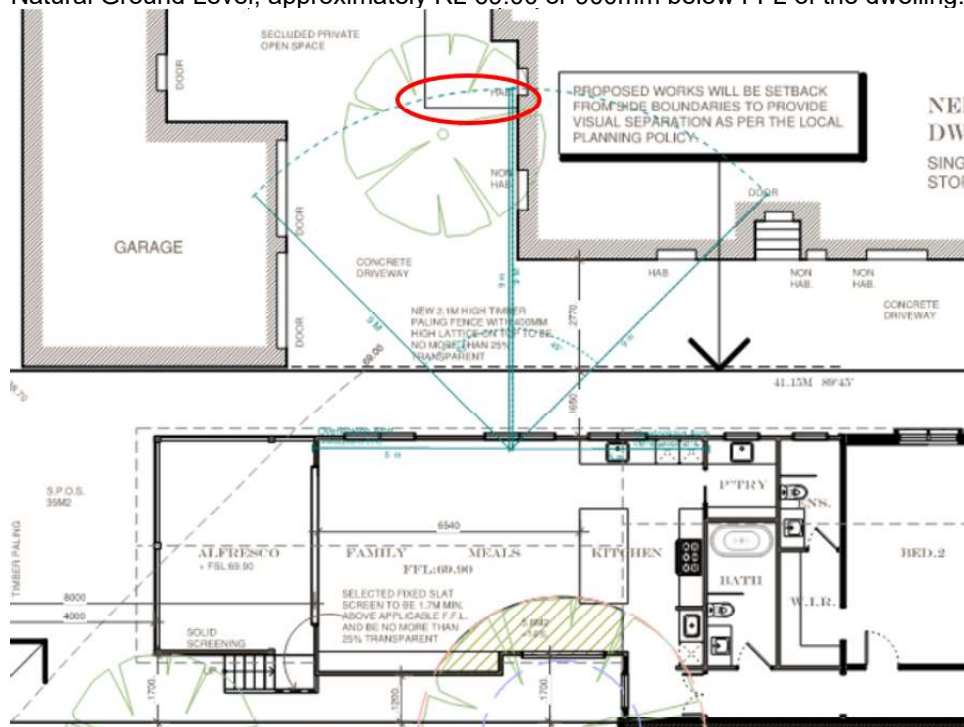
North

While the rear extension proposed at 21 Royal Crescent does utilise raised floor levels of the kitchen, family and meals area along with a deck at 1m above NGL, it is considered that Overlooking within the 9m arc into 23 Royal Crescent mostly falls within an area of a driveway that is not considered to be part of the SPOS of 23 Royal Crescent. As illustrated within the image below, the proposed 2.1m boundary fence

with 400mm of lattice as screening will achieve limited overlooking into the raised deck of the property to the north within a distance of 9m. No FFL is provided for the deck area and as such it has not been demonstrated that overlooking has been adequately resolved within the current proposal.

While the fence is considered to provide partial compliance to the north of the proposed addition, the neighbours to the north have also objected to the proposed new height to the boundary fence. While boundary fencing is a civil matter, the overall fence height of 2.5m will generate visual bulk impacts on this dwelling and is not supported as an appropriate screening measure. The proposed fence will need to be removed from the plans and alternative screening provided directly to the habitable room windows in question to ensure no overlooking will occur into the SPOS or habitable room windows from the proposed works.

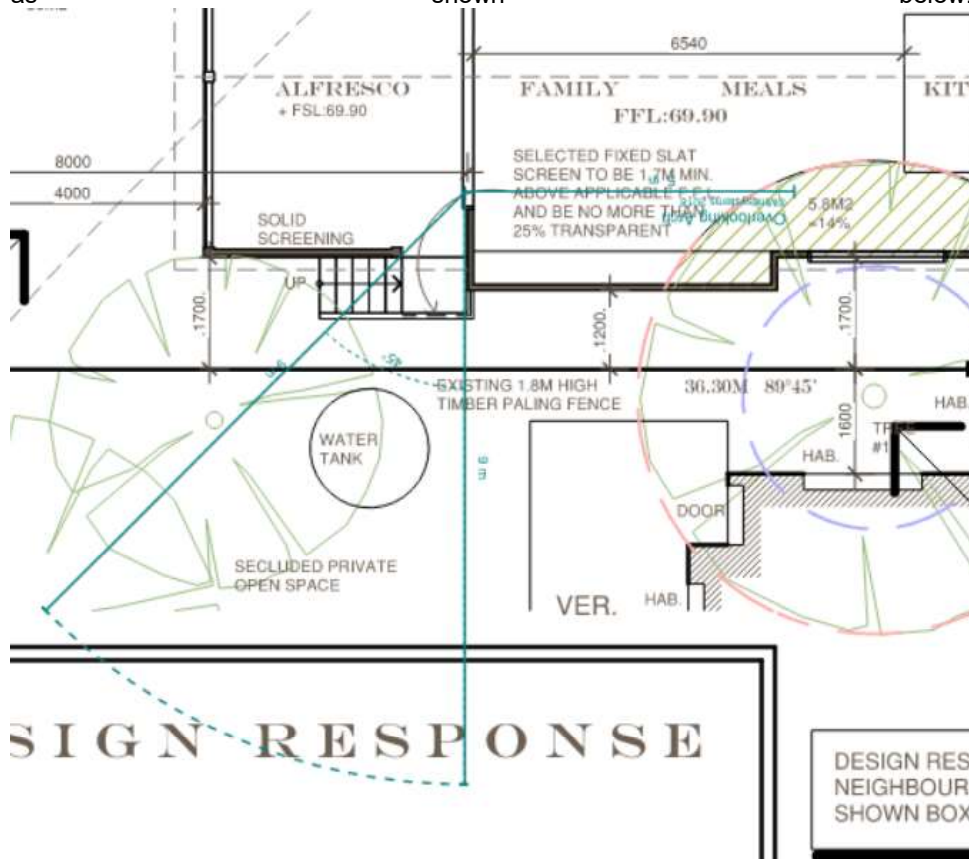
It is noted that screening of these windows will not impact on the internal amenity of the future occupants as these rooms take benefit of other unscreened windows from different orientations providing daylight. The proposed side yard adjacent to the windows will be adequately screened by the existing side fence, being located at Natural Ground Level, approximately RL 69.00 or 900mm below FFL of the dwelling.



Above: Overlooking within 9m from family room windows and rear SPOS, with raised deck circled in red

South

To the south of the Alfresco area, a fixed screen is proposed adjacent to the stairs to the rear garden at 21 Royal Crescent, while this screen is suitable in preventing direct views into the neighbouring SPOS at 19 Royal Crescent, it is considered the raised floor level of this area of 700mm of this alfresco area from NGL adjacent to a 1.8m fence may present potential overlooking from oblique angles within the alfresco area, as shown below.



Above: Potential oblique views into neighbouring SPOS within 9m arc from Alfresco area.

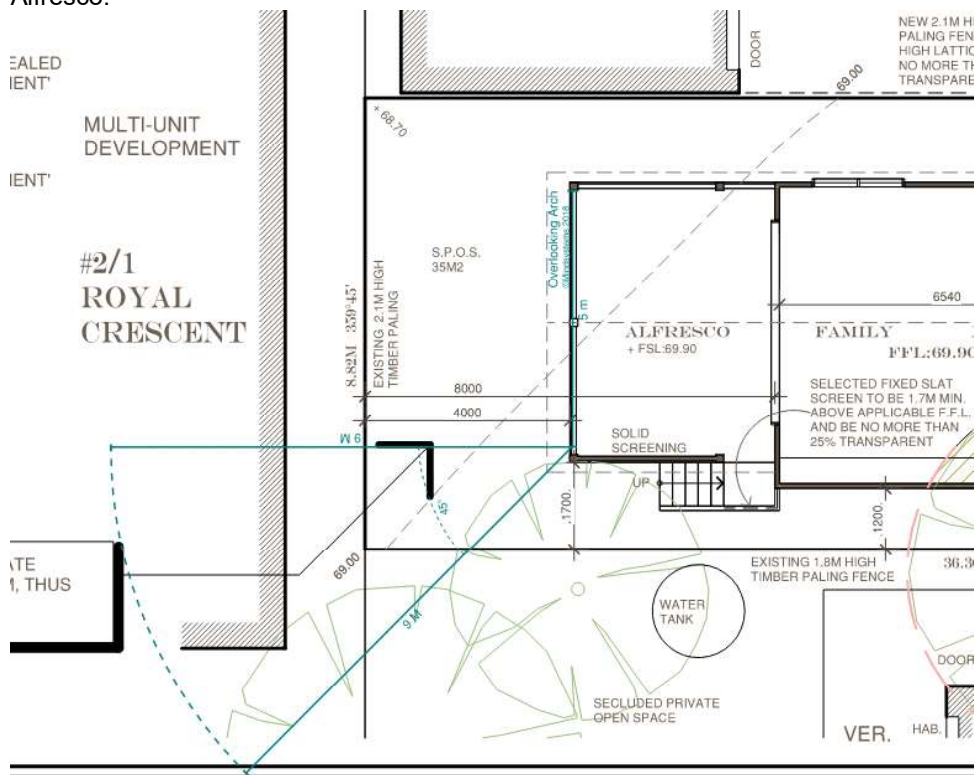
West

While the site to the rear of the dwelling at 2/1 Royal Crescent does fall within 9m of the rear of the Alfresco area, no habitable room windows or SPOS to this site are located adjacent to the proposed works at this site.

Further, the existing rear fence and southern boundary fence to a height of 2.1 and 1.8m respectively are to be retained and are sufficient to obscure overlooking views into any adjacent SPOS areas to the rear of the site.

To confirm this matter, a condition will be placed on the permit seeking demonstration of compliance with Standard A15 or any changes as required to ensure the works comply.

The image below demonstrates the 9m overlooking arc to the rear of the proposed Alfresco.



Subject to the above discussion, it is noted that the objective has been met, subject to the following conditions being placed within the permit.

Proposed Conditions:

1. Boundary fence adjacent to 21 and 23 Royal Crescent retained with no increase to height (1.8m high timber paling fence with 400mm lattice above Natural Ground Level).
2. Screening to the north facing habitable room windows at the Family, Kitchen and meals area and alfresco area to 1.7m from FFL in accordance with Standard A15 Overlooking.
3. Extend the 'Selected fixed slat screen' to the south at the Alfresco Stairs west to comply with Standard A15 Overlooking.
4. Demonstration of compliance from the rear (west) of the Alfresco area with Standard A15 Overlooking or alternative screening as required to achieve compliance.

Tree Removal and Landscaping**Tree removal:**

The subject site does not remove any vegetation worthy of retention according to Council's Arborist. Subject to conditions set within the permit the development will appropriately protect and retain Trees 1 and 2. This is consistent with Neighbourhood Character Precinct Statement, which seeks to ensure the retention of large trees.

Landscaping (Front setback):

Council's Neighbourhood Character Precinct Statement 43 seeks to maintain and enhance the landscaped setting of dwellings. In particular it seeks to ensure front gardens incorporate soft landscaping that complements the streetscape. It discourages front gardens that are dominated by hard surfaces and the loss of large trees.

While a pedestrian path is proposed within the front setback of the site along with a 1.5m tall front picket fence, the proposal retains the predominant soft landscaped setting of this area and is supported.

Landscaping (SPOS areas)

Council's Neighbourhood Character Policy seeks to provide for areas of secluded private open space area with a minimum dimension of 4m to enable the planting and retention of large trees.

The Dwelling is provided with an open area of SPOS to the west of the dwelling with a minimum dimension of 4m.

On-site Amenity

The proposal complies with Clause 54.05-1 (A16) Daylight to new windows objective, Clause 54.05-2 (A17) Private open space objective, 54.05-3 (A18) Solar access to open space objective.

PARTICULAR PROVISIONS

Clause 52.06 does not apply to the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone or Mixed Use Zone. Regardless, no increase in the number of bedrooms is proposed within the development. It is further noted that the proposed extension deletes the third bedroom and therefore presents a reduction in the number of bedrooms within the proposed dwelling from existing conditions.

OBJECTION RESPONSE

Summary of Objection	Planner's Comments
Neighbourhood character	<p>A detailed assessment regarding neighbourhood character has been undertaken in the Neighbourhood Character Policy (Clause 15.01-5) section of this report on pages 7-13.</p> <p>The proposal is considered to comply with the Neighbourhood Character Policy and provide a respectful design response to the surrounding precinct.</p>
Overdevelopment	<p>The proposal satisfies the requirements of ResCode in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an over development of the site.</p>
Visual bulk and inadequate setbacks.	<p>A detailed assessment regarding visual mass and bulk impacts has been undertaken in the ResCode section of this report on pages 30 and 31.</p>
Overshadowing	<p>A detailed assessment regarding overshadowing impacts has been undertaken in the ResCode section of this report on pages 33.</p>
Overlooking	<p>A detailed assessment regarding overlooking impacts has been undertaken in the ResCode section of this report on pages 34.</p> <p>The primary SPOS area of 23 Royal Crescent is located to the north of proposed alfresco, kitchen, living and family area, and is adjacent to the driveway/garage at this site. The primary SPOS area is located within a distance of 9m from the proposed SPOS and extension and therefore the standard applies.</p> <p>While it is considered that the proposal partially complies with standard A15 in certain locations, conditions will be placed on the permit to ensure full compliance is achieved.</p> <p>The proposed conditions are as follows:</p> <ol style="list-style-type: none"> 1. Boundary fence adjacent to 21 and 23 Royal Crescent retained with no increase to height.

	<ol style="list-style-type: none"> 2. Screening to the north facing habitable room windows at the Family, Kitchen and meals area and alfresco area to 1.7m from FFL in accordance with Standard A15 Overlooking. 3. Extend the 'Selected fixed slat screen' to the south at the Alfresco Stairs west to comply with Standard A15 Overlooking. 4. Demonstration of compliance from the rear (west) of the Alfresco area with Standard A15 Overlooking or alternative screening as required to achieve compliance.
Heritage from the public and private realm	<p>Council's Heritage Policy requires assessment from the public realm and actually encourages alterations and additions to be located to the rear of properties. Assessment of the heritage impact of the proposal based on views from adjoining properties can be given little weight.</p> <p>The site is graded as 'contributory' and works are located to the rear of the dwelling with no increase to visual bulk from the streetscape from the original dwelling.</p> <p>The proposed materiality, built form, roof form and proposal is supported by Council's heritage advisor. A full heritage assessment has been provided within pages 18-24 of this document.</p>
Reduction to backyard area	<p>The proposal complies with the site coverage and permeability requirements as specified within Clause 54.</p> <p>The rear garden provides a minimum dimension of 4m to allow for the planting of large trees and is considered to provide an appropriate area of garden space in context to the site.</p>
Loss of views.	<p>Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Boroondara Planning Scheme that protects residents' rights to a view. It is not considered that the extent of views lost or the significance of the</p>

	views would warrant refusal or modification of the application.
Proposed works over existing sewers/flash flooding at the site	<p>No drainage easements are located within the area of works proposed at the site.</p> <p>Notes are provided in the planning permit stating that any damage to Council assets falls at the cost of the applicant.</p> <p>A standard drainage condition will be placed on the permit stating:</p> <p>'The site must be drained to the satisfaction of the responsible authority'.</p> <p>As this sewer is not located within the site and the works are sufficiently setback from this location, this matter does not require planning consideration.</p> <p>The application has been referred to Council's Drainage team, no issues were raised. See Appendix A for further comments.</p>
Sun Glare/ Glare	<p>Reflectivity of the roof structure is not something which is controlled by any specific requirement of the planning scheme.</p> <p>The proposed roof structure is to be finished in Colourbond 'Surfmist' which is not considered to present significant glare impacts to neighbouring properties.</p>

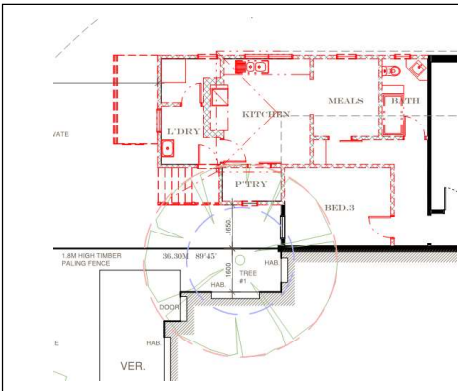
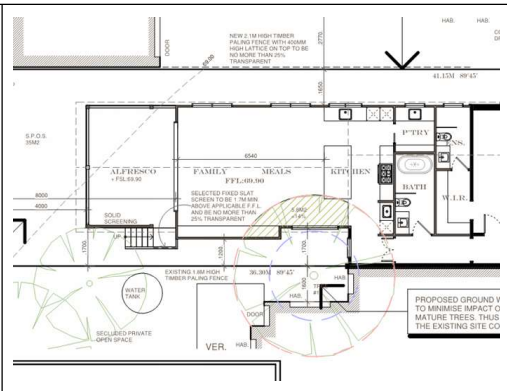
RECOMMENDATION

That Council having considered all of the matters required under Section 60 of the *Planning & Environment Act 1987* and the Boroondara Planning Scheme decides to grant a **Notice of Decision to Grant a Planning Permit subject to conditions**.

APPENDIX A - REFERRAL COMMENTS

The application was referred to the following:

Arborist

ARBORIST REFERRAL COMMENTS	
APPLICATION ADDRESS:	21 Royal Crescent, Camberwell
APPLICATION NUMBER:	PP22/0045
DESCRIPTION OF PROPOSAL:	Partial demolition and construction of alterations and additions including a fence associated with a dwelling in a Heritage Overlay and on a lot under 500 square metres
SITE VISITED	No
ARBORIST REPORT PREPARED BY:	Arborist Reports Australia (Otto Leenstra)
ARBORIST REPORT DATE:	16 th March 2022
REFERRAL DATE:	5 th August 2022
ARBORIST REFERRAL RECOMMENDATION SUMMARY: <ul style="list-style-type: none"> The proposal is supported subject to minor changes (to be achieved through conditions) 	
DETAILED COMMENTS: Detailed Internal Arborist Comments: Tree 1 - is a neighbouring tree <ul style="list-style-type: none"> The proposed extension will cause an estimated TPZ encroachment of 14% This is a major encroachment. The existing dwelling represents a very similar encroachment. Provided that all construction is undertaken sensitive to the tree it is unlikely the proposed works will affect its viability. Conditions will be provided to ensure works are undertaken appropriately. 	
	
Existing conditions	Proposed construction
Tree 2 - is a street tree that will not be directly impacted by the proposed development.	

Note: Two other small trees on are located on neighbouring properties directly north and south of the proposed extension. These trees will not be directly impacted by the proposed development and it is unlikely that an indirect impacts will affect them given their size and location.

Site Photos



 	
TREE PROTECTION LOCAL LAW PERMITS REQUIRED?	No
Amended plans required 1. Plans modified to show: a) The Tree Protection Zone and Structural Root Zone of Tree Nos. 1 and 2 (as identified in the Arborist Report submitted with the application)	

- prepared by Arborist Reports Australia (dated 16th March 2022) drawn on all site and floor plans;
- b) Notation on all site and floor plans that Tree Nos. 1 and 2 are to be retained and protected in accordance with the endorsed Tree Management Plan required by this Permit;
 - c) Any modifications to the location or layout of buildings and/or works recommended in the endorsed Tree Management Plan required by this Permit;
 - d) Notation on all site and floor plans that all excavations within the Tree Protection Zone of Tree Nos. 1 and 2 must be undertaken with hand tools or hydro-vacuum and that all excavation works must be supervised, document and certified by the Project Arborist.
 - e) Permanent fencing within the Tree Protection Zone of Tree No 2 constructed on pier foundations with any required plinths constructed above existing grade.
 - f) Notation on all site and floor plans that no strip footing is permitted within the Tree Protection Zone of Tree Nos. 1 and 2.
 - g) All building foundations within the Tree Protection Zone of Tree Nos. 1 and 2 to be constructed using root sensitive techniques (e.g. pier and beam, waffle slab, suspended slab or cantilevered foundations).

Tree Management Plan

2. Concurrent with the submission of amended plans required by Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by a minimum AQF Level 5 qualified and experienced Arborist in relation to the management and maintenance of Tree Nos. 1 and 2 (as identified in the Arborist Report submitted with the application prepared by Arborist Reports Australia (dated 16th March 2022)). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to ensure that all retained trees remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained;
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of foundations (illustration or notation) within each Tree Protection Zone;
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the Tree Protection Zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the Tree Protection Zone.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist;

- and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed;
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority;
 - d) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur. *Note: Only Council or Authorised Council Contractors can prune Trees Nos. 2. Any request for the pruning of trees on public land must be made through Council's Environmental Sustainability and Open Spaces Department.*
 - e) The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority and any changes to the endorsed Tree Management Plan will require written authorisation from the Responsible Authority.

Contractors to be advised of trees to be retained and protected

- 3. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and protected as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

- 4. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

- 5. a) Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.

Heritage

Heritage Referral

Application Address:	21 Royal Crescent CAMBERWELL
Application Number:	PP22/0045
HO precinct:	HO159
Grading:	Contributory
Description of Proposal:	Partial demolition and construction of alterations and additions including a fence associated with a dwelling in a Heritage Overlay and on a lot under 500 square metres
VicSmart:	No
Relevant documents:	https://objective.boroondara.vic.gov.au/id:A8640824/document/versions/latest

Pre-Application Meeting or advice:	No
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Relevant Planning History:	No
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Specific Planner's Instructions:	N/A
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Era of Building:	Edwardian
Statement of Significance	<p>The Prospect Hill Road Precinct, Camberwell, is of heritage significance for the following reasons:</p> <ul style="list-style-type: none"> • The areas north of the railway line comprise a generally intact collection of late Victorian and Federation houses, all very well designed and with a high level of integrity to their gardens and street appearance. The precinct is one of the most intact and homogenous estates of this type in Melbourne, rivalling the Central Park-Stanhope Street region in Malvern and the other leading Boroondara concentrations of this period, the Grace Park Estate in Hawthorn (HO152) and the Barry Street Precinct in Kew (HO143). It is the foremost precinct of combined late Victorian-Federation building stock in the former Camberwell municipality. • Many late Victorian and Federation houses in this area have been custom-designed, giving the precinct a distinct identity (this is particularly true for areas north of Prospect Hill Road). The area as a whole is marked by a general cohesion in scale, address of the streets, property dimensions, materials and detailing and fence height. Though there are variations, the streets have a general uniformity in their mature street tree coverage, basalt kerbs and pitching, asphalt foot paving, and driveway

	<p>width. Within the general precinct heavy traffic volumes have been kept to four streets in three axes: Stanhope Grove-Trafalgar Road, Prospect Hill Road, and Broadway west. The Read Gardens, a small but mature park, is a central focal point.</p> <ul style="list-style-type: none"> • The north-western section of the Prospect Hill Precinct, the former Tara Estate (bounded by the south side of Canterbury Road, the east side of Loch Street, the south side of the Broadway and the western edge of HO159), is Camberwell's most intact and distinguished concentration of Victorian and Edwardian building stock. It was developed from 1890 following the subdivision of the land around John O'Shannessy's residence, Tara (1859, now 2 Berwick Street). The area has a high level of visual cohesion and period expression, deriving from its consistency of scale, form, materials and siting. Many buildings within the Estate are of individual distinction, having been custom-designed in variations on the prevailing Italianate and Federation styles. This area also features some interwar development. • The general late-Victorian and Federation character of the Prospect Hill Precinct is modulated by the former Hollies Estate along Cookson Street, which comprises an excellent and intact series of interwar designs spanning that entire period (1919-1940), and including the Christian Science Church, winner of the Victorian Architecture Medal in 1938. The interwar character of the group is enhanced by the survival of original fences, mature gardens and street surfacing, and relates well to the existing railway cutting landscape to the south. • To the east of the Tara Estate, the Russell Estate (bounded by Russell Street, the south side of Canterbury Road, the Broadway and Sefton Place and the railway line) was subdivided between 1888 and 1903 and was largely developed by the 1920s. Its building stock is predominantly late Victorian and Federation but also features some interwar development. At the north-eastern corner of the Prospect Hill Precinct, Broadway and Sefton Place are generally Federation in character, and feature a number of Queen Anne villas of individual distinction.
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	<ul style="list-style-type: none"> • South of the railway line, development is predominantly late Victorian and Federation in character and includes, in Royal Crescent/Craig Avenue, a particularly fine collection of Queen Anne villas. • Also south of the railway line but north of Prospect Hill Road, the former Prospect Hill Estate extends from the west side of Lorne Grove eastward. Building stock in this area is generally consistent with the late Victorian and Federation theme of the place as a whole, although there is also some interwar development. <p>The southern areas of the Prospect Hill Precinct (from the south side of Prospect Hill Road to the southern edge of the precinct) were developed for the Riversdale, Kasouka and Gladstone Park Estates from the late nineteenth century. As for the balance of the precinct, these areas are predominantly late Victorian and Federation, with some streets of particularly high integrity and with individually significant buildings. The south-eastern corner of the precinct (Brinsley and Wandin Roads and part of Riversdale Road) comprises a mix of Federation and interwar Bungalow houses, and is generally less intact.</p>
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Assessment against Clause 15.03 Heritage

Contributory heritage places strategies

Retain contributory built fabric and not normally allow demolition.

Permit partial demolition of 'contributory' heritage places for the purpose of additions and alterations only if the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the precinct and in particular ensure that the original built fabric which contributes to the heritage values of the precinct is retained.

Discourage demolition that results in 'facadism' - where only the very front most parts of the heritage place are maintained but the integrity and massing of the place is lost either through demolition or obtrusive additions.

Support demolition to remove non-original and non-contributory additions to 'contributory' heritage places.

Ensure alterations, including restoration or reconstruction works, maintain the cultural heritage significance and integrity of the place.

Encourage reconstruction of features or finishes formerly removed only in instances where historic evidence of original or earlier appearance can be found.

Ensure that materials are sympathetic to the heritage place.

Discourage the painting of previously unpainted surfaces, particularly to the primary street frontage. This does not apply to non-original features.

Discourage the rendering of previously non-rendered surfaces.

Discourage painting in a manner that detracts from the understanding of the place, including painting in corporate colours, painting over and covering windows and the loss of contrast that provides for articulation of heritage features.

Discourage sandblasting of rendered, masonry or timber surfaces.

Discourage the introduction of architectural features, unless there is evidence that they were originally present.

Ensure additions and new buildings do not alter or obscure fabric that contributes to the cultural heritage significance of a 'contributory' heritage place including changes to the principal visible roof forms or principal façade.

Ensure additions and new buildings do not unreasonably obscure 'contributory' or 'significant' fabric in the wider precinct.

Use of materials and surface finishes that are complementary to the contributory fabric of the heritage place.

Encourage the reuse of previously demolished building materials from the heritage place in the design and construction of new additions to buildings.

Use design details that complement the design of the heritage place, (including, the type and form of windows, doors, architectural features and verandahs).

Ensure design details of new buildings and works are either:

- Interpretive, that honestly admit their modernity while relating to the heritage character of their surroundings.*
- A replication of historic forms and detailing.*

Ensure additions and new buildings (other than commercial buildings), are:

- Located in manner that does not detract from or dominate the heritage place or the heritage values of the precinct.*
- Designed and sited to respect the significance of the heritage place utilising a combination of setbacks and matching the height of the heritage place.*

Design additions and new buildings to be visually recessive and read as a secondary element to the heritage place. Where side setbacks are an important feature in a heritage precinct, ground level additions should have side setbacks that are the same or similar to those of the precinct.

Locate additions and new buildings to the rear of the heritage place where possible.

Design additions and new buildings to be sympathetic with the heritage fabric of the place and precinct rather than any 'non-contributory' elements of the place.

Discussion:

Demolition:

Clause 15.03-1L states:

Permit partial demolition of 'contributory' heritage places for the purpose of additions and alterations only if the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the precinct and in particular ensure that the original built fabric which contributes to the heritage values of the precinct is retained.

The proposal seeks to maintain the existing roof for over 20metres across the front of the dwelling. Part of the rear hip would be demolished to accommodate the new roof.

The proposal seeks to retain the northern side wall for the extent of the 3 front rooms, demolishing the weatherboard cladded wall behind.

Two chimneys would be retained at the front of the property.

The proposed extent of demolition is supported for retaining important contributory fabric at the front of the dwelling, including a full roof form above. Removal of the weatherboard cladding will not degrade the significance of the place as a

'contributory' graded place - on the condition that the replacement form and material is also sympathetic.

Reconstruction/ Restoration:

The proposal seeks to reconstruct a fence at the front boundary. See comments below under fencing.

No additional restoration works are proposed.

Additions/ New Buildings:

The proposal seeks to construct a single storey addition at the rear.

Siting:

- The proposed addition will be in line with the footprint of the existing dwelling. The proposed side setback is supported.

Façade Height and Setbacks:

- The overall height of the proposed façade will match the existing dwelling, creating a sympathetic transition between 'old' and 'new'. The proposed façade height is supported.

Building Height and Form:

- The proposed roof would have a negligible increased height of approximately 60mm. The slight increase will help to delineate 'old' from 'new' without detracting from contributory fabric at the front of the dwelling. The overall height of the proposed addition is supported.

Roof Form:

- The proposal seeks to construct a gable ended roof to the rear of the site. The proposed roof form is sympathetic to the existing roof and is supported.

Materials, surface finishes and details:

- The proposal seeks to clad the new northern wall with a 'grey' coloured render. Render is supported as being a sympathetic, light weight material which is also found on the existing dwelling. Grey is supported as being a recessive colour - noting that the new wall would have limited visibility from the oblique views.
- The proposal seeks to install several windows on the northern elevation. The proposed windows are supported as having sympathetic proportions to traditional windows - again it is noted that the new northern wall would have limited visibility from the public realm. Accordingly, aluminium framed windows are supported.
- The proposal seeks to clad the roof with metal sheet cladding in 'Surfmist' colour or similar. 'Surfmist' is supported as being a recessive colour that would complement the existing sheet metal roof over the rear of the dwelling, beyond the terracotta tiled roof.

Contributory heritage places policy guidelines

Consider as relevant:

Siting and massing development to be behind and visually recessive to the heritage place as shown on Figures 1, 2 and 3.

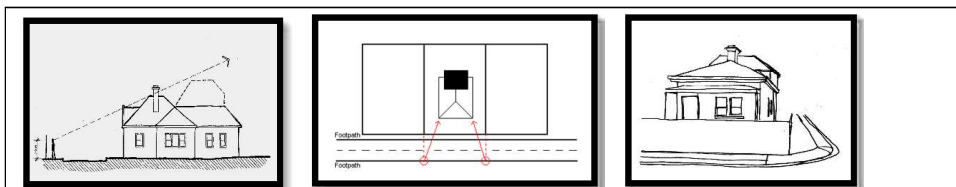


Figure 1: Sight line diagram, Figure 2: Oblique views diagram, Figure 3: Three dimensional oblique view

Discussion:

Sightline:

Due to the overall height and location of the addition, a sight line diagram is not required.

Oblique views:

If drawn from the northern fence line in accordance with the oblique diagram in Figure 2, the addition would have limited (if any) visibility.

Further to the north, in front of 23 Royal Crescent, the addition will have partial visibility. Nevertheless, the proposed works are supported on the basis that if seen from this angle they would be recessive, complementary and yet continue to read as new works.



All places - fencing strategies

Retain original or early fences of 'significant' or 'contributory' heritage places.

Encourage the reconstruction of original fences where historical evidence exists of their form, or encourage the construction of new front fences in sympathy to the period and design of the 'significant' or 'contributory' heritage places.

Discourage the construction of high solid fences that block the view of the principal façade (or secondary façade for corner lots) of 'significant' or 'contributory' places from the street.

Design fences for 'non-contributory' places to complement the heritage significance of the precinct, including its height, visual permeability, spacing of elements, materials and finishes.

All places - fencing policy guideline

Consider as relevant:

- *Designing fences to be consistent with The National Trust of Australia (Victoria) Technical Bulletin 8.1 Fences & Gates (Richard Peterson, 1988).*

Discussion:

The proposed front fence is supported on the basis that the fence would be:

- 1.5metres high - as per the neighbouring fence at No.19.

- Timber picket, in keeping with the era of the dwelling and broader HO precinct.

However, a note should be added to the drawings confirming that the fence would have approximately 40% visibility between pickets (around 25-30mm spacing).

All places - landscape setting strategies

Retain or restore (where evidence can be found) original hard and soft landscape elements that contribute to the significance of the heritage place.

Design hard and soft landscaping to not detract from the heritage values of the place.

Discussion:

N/A - no historically significant landscape setting or proposal for new landscape works.

Recommendations

1. On heritage grounds the works proposed in this application may be approved subject to the following conditions:

	Suggested condition	Explanation
1	Add note to the drawings confirming that the front fence will have approximately 40% visibility between pickets (around 25-30mm spacing).	Solid fences are not sympathetic with the era of the dwelling, or wider HO precinct.

Drainage

The property is not within the Council over land flow path, nor is it covered by and SBO or LSIO. The works are also not over an easement. I can see no reason to object to the extension on drainage reasons.

- Drainage Officer.

APPENDIX B - PLANNING POLICIES

Clause 22.05 - Neighbourhood Character Policy

The following table contains an assessment against the design objectives and responses contained within the relevant Neighbourhood Character Precinct:

Insert Precinct Table - 43

Lot Frontage Objective	
<ul style="list-style-type: none"> • <i>To maintain the existing rhythm of the streetscape.</i> 	
Design Response	Assessment
Retain the average lot width in the streetscape	✓ Complies

Vegetation Objective	
<ul style="list-style-type: none"> <i>To maintain the leafy landscape character of the area.</i> 	
Design Response	Assessment
Ensure front gardens incorporate soft landscaping that complements the streetscape.	✓ Complies
Ensure the retention of large trees.	✓ Complies

Siting Objective	
<ul style="list-style-type: none"> <i>To maintain the existing detached streetscape rhythm.</i> <i>To maintain the existing well vegetated backyard character.</i> 	
Design Response	Assessment
Ensure buildings in the Heritage Overlay are setback in line with or behind the adjoining heritage buildings in accordance with Council's Heritage Policy.	N/A
Ensure buildings are setback from both side boundaries in accordance with the prevailing streetscape spacing.	✓ Complies
Ensure buildings are sufficiently setback from rear boundaries to maintain the open, backyard character of the immediate area where this exists.	✓ Complies
Provide a secluded private open space area with a minimum dimension of 4m to enable the planting and retention of large trees.	✓ Complies
Ensure new development on a corner site is adequately setback to provide a transition between the adjoining buildings.	N/A

Building Height & Form Objective	
<ul style="list-style-type: none"> <i>To maintain the existing predominately single storey scale and pitched roof character of the precinct.</i> <i>To ensure buildings do not dominate the streetscape or disrupt the existing streetscape rhythm.</i> 	
Design Response	Assessment
Ensure new buildings do not exceed the prevailing height of buildings in the streetscape when viewed from the street.	✓ Complies
Ensure upper level additions to existing dwellings are sufficiently setback to minimise their visibility.	N/A
Ensure visible roof forms integrate with the pitched roofs in the streetscape.	✓ Complies

Building Materials & Design Details Objective	
<ul style="list-style-type: none"> <i>To ensure building materials and façade articulation integrates with the streetscape.</i> 	
Design Response	Assessment
Ensure materials, colours and façade articulation, including the size and spacing of windows, integrates with the streetscape.	✓ Complies
Ensure the integration of front verandas and awnings into the façade design where this is a characteristic of the streetscape.	N/A

Ensure new dwellings and visible additions complement the historic buildings in the precinct.	✓ Complies
Ensure rooflines of new buildings, extensions and additions incorporate sloping roofs with greater than 10 degrees roof slope and reflect the existing character of surrounding dwellings.	✓ Complies

Front Boundary Treatment Objective

- *To ensure the height and design of front fences are appropriate to the era of the dwelling and integrates with the streetscape.*
- *To maintain views of front gardens.*

Design Response	Assessment
Ensure front fences are no more than 1.5m or the average fence height in the street (whichever is less).	✓ Complies
Ensure the retention of original front fences where heritage overlays apply.	N/A

Car Parking Structures Objective

- *To minimise the loss of front gardens and the dominance of car parking structures.*
- *To ensure basement garages do not increase the visual bulk of buildings.*

Design Response	Assessment
Ensure car parking structures are located to the rear of dwellings where rear access is available. Where no rear access is available, ensure driveways are located to the side of dwellings.	N/A
Ensure car parking structures, including entrances to basements, are setback at least 1m behind the dwelling facade and are designed to minimise their prominence.	N/A
Ensure basements project no more than 0.5m above natural ground level, unless the finished floor level of abutting properties is greater than 0.5m.	N/A
Where possible, locate the entry to basement garages to the side or rear of dwellings so they are not visible from the street.	N/A

APPENDIX C - RESCODE ASSESSMENT

Clause 54 (ResCode)

Clause 54.02 - Neighbourhood Character & Infrastructure

Clause 54.02-1 (A1) Neighbourhood Character

Objective	Assessment
<i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i>	✓

<i>To ensure that development responds to the features of the site and the surrounding area.</i>	✓
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Planner's Comments:

A detailed assessment of the proposal against the existing and preferred neighbourhood character has been undertaken in the policy section of this report. This assessment demonstrated that the proposal will respect the existing character of the nearby area and wider precinct, whilst also providing an appropriate contribution to the preferred character of the area.

Clause 54.02-2 (A2) Integration With The Street	
Objective	Assessment
<i>To integrate the layout of development with the street.</i>	✓

Clause 54.03 - Site Layout and Building Massing

Clause 54.03-1 (A3) Street Setback	
Objective	Assessment
<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i>	N/A

Planner's Comments:

No changes are proposed to the existing street setback

Clause 54.03-2 (A4) Building Height	
Objective	Assessment
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	✓

Neighbourhood Residential Zone - Schedule 3				
Proposed Max. Height	Proposed Max. Storeys	Max. Height Allowed	Max. Storeys Allowed	Assessment
6.5m	1	9m or 10m (check exceptions)	2	✓

Clause 54.03-3 (A5) Site Coverage	
Objective	Assessment
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	✓

Proposed	Required	Assessment
45%	60%	✓

Clause 54.03-4 (A6) Permeability	
Objective	Assessment
<i>To reduce the impact of increased stormwater run-off on the drainage system.</i>	✓
<i>To facilitate on-site stormwater infiltration.</i>	✓
<i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i>	✓

Proposed	Required	Assessment
55%	20%	✓

Clause 54.03-5 (A7) Energy Efficiency Protection	
Objective	Assessment
<i>To achieve and protect energy efficient dwellings and residential buildings.</i>	✓
<i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	✓

Clause 54.03-6 (A8) Significant Trees	
Objective	Assessment
<i>To encourage development that respects the landscape character of the neighbourhood.</i>	✓
<i>To encourage the retention of significant trees on the site.</i>	N/A

Clause 54.04 - Amenity Impacts

Clause 54.04-1 (A10) Side and Rear Setbacks	
Objective	Assessment
<i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i>	✓
Standard	Refer to tables below
<p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</i></p> <ul style="list-style-type: none"> <i>At least the distance specified in a schedule to the zone, or</i> <i>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to</i> 	

<p>6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	
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Dwelling 1 - Ground Floor				
	Wall Height	Setback	Setback Required	Assessment
North	4.15m	1.65m	1.165m	✓
South	3.8m	1.20m	1.06m	✓
West	6.5m	4m	1.87m	✓

Planner's Comments:

Subject to the above, the proposal complies with the numerical requirements of Standard A10 and the Side and rear setbacks Objective.

Clause 54.04-2 (A11) Walls On Boundaries	
Objective	Assessment
To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	N/A
Standard	
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> For a length of more than the distance specified in a schedule to the zone; or If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>whichever is the greater.</p>	Refer to table below
A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective	N/A

<i>height of the wall or carport being less than 2 metres on the abutting property boundary.</i>	
<i>A building on a boundary includes a building set back up to 200mm from a boundary.</i>	
<i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i>	Refer to table below

Planner's Comments:

The proposal does not introduce any new walls on boundaries at the site and retains the existing common wall on boundary between 21 and 19 Royal Crescent.

Clause 54.04-3 (A12) Daylight to Existing Windows	
Objective	Assessment
<i>To allow adequate daylight into existing habitable room windows.</i>	✓
Standard	
<i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i>	Refer to table below
<i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i>	Refer to table below
<i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i>	

Adjoining Window	3m² Light Court	Wall Height	Setback from Window	Required	Assessment
19 Royal Crescent northern western rear habitable room windows	✓	3.7m	3.3m	1m	✓
23 Royal Crescent	✓	4m	4.42m	1m	✓

Planner's Comments:

As demonstrated above, the proposal complies with the numerical requirements of Standard A12 and it is considered that neighbouring habitable room windows will receive adequate daylight.

Clause 54.04-4 (A13) North Facing Windows	
Objective	Assessment
<i>To allow adequate solar access to existing north-facing habitable room windows.</i>	✓
Standard	Refer to table below
<i>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i>	

Standard A13 - North Facing Windows				
Adjoining Window	Wall Height	Setback from Boundary	Required	Assessment
19 Royal Crescent	3.7m	1.2m-1.7m	1.06m	✓

Planner's Comments:

As demonstrated above, the proposal is assessed to comply with Standard A13 and north facing windows at 19 Royal Crescent will receive adequate daylight.

Clause 54.04-5 (A14) Overshadowing Open Space	
Objective	Assessment
<i>To ensure buildings do not significantly overshadow existing secluded private open space.</i>	✓
Standard	✓
<i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i>	
<i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i>	

Standard A14				
Address of adjoining property	Size of SPOS	Shadow test	Amount of additional shadow	Assessment

19 Royal Crescent	90sqm	40sqm	No additional Shadow	✓
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Planner's Comments:

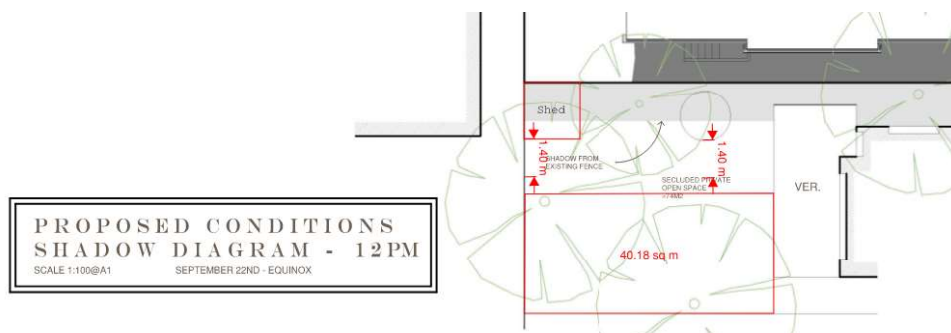
The proposed development is assessed to comply with the numerical requirements of standard A14.

The applicant states no overshadowing additional overshadowing will occur to neighbouring sites. The existing site conditions and boundary fencing casts shadowing into the rear SPOS of 19 Royal Crescent however this area receives a minimum of 40sqm of unshadowed space for at least 5 hours on the 22 September and will continue to receive at least 40sqm of unshadowed rear SPOS subject to the proposed works.

A majority of the shadowing that will occur from the proposed extension will fall within the existing shadowed area of the boundary fence between 21 and 19 Royal Crescent and 19 Royal Crescent will continue to receive at least 40sqm of unshadowed SPOS on the September Equinox.

An objection has been lodged stating that additional shadowing of 2.53sqm on the 22 September 2022. No time has been specified within this objection. From an assessment of the Overshadowing diagrams provided, Council is satisfied that even with an additional shadowed area of 2.53sqm, the proposal continues to comply with the numerical requirements of standard A14 and the Overshadowing Open Space objective.

The diagram below demonstrates an area of 40sqm receiving no shadowing within the rear SPOS of 19 Royal Crescent at 12pm on September 22. This is a conservative measurement which demonstrates that even with additional shadowing of 2.53sqm and the inclusion of shadowing from the water tank and shed (not shown in the plans), the proposal complies with Standard A14.



Above: Shadowing measurements within the SPOS of 19 Royal Crescent.

Clause 54.04-6 (A15) Overlooking	
Objective	Assessment
<i>To limit views into existing secluded private open space and habitable room windows.</i>	✓
Standard	
<p><i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space or habitable room window of an existing dwelling (horizontal 9m rule and from a height of 1.7m above floor level).</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view should be either:</i></p> <ul style="list-style-type: none"> <i>Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</i> <i>Have sill heights of at least 1.7 metres above floor level.</i> <i>Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</i> <i>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</i> 	Can comply with condition
<i>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</i>	N/A
<p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <i>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i> <i>Permanent, fixed and durable.</i> <i>Designed and coloured to blend in with the development.</i> 	✓
<i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i>	Can comply with condition

Planner's Comments:

The proposal does not comply with the numerical requirements of Standard A15. However, full compliance with this standard is achievable through conditions. This has been discussed within the body of the report in the 'Overlooking' section of the Planner's Assessment, including proposed conditions on permit.

Clause 54.05 - On-Site Amenity and Facilities

Clause 54.05-1 (A16) Daylight to New Windows	
Objective	Assessment
<i>To allow adequate daylight into new habitable room windows.</i>	✓
Clause 54.05-2 (A17) Private Open Space	
Objective	Assessment

<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	✓
Standard	
<i>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</i>	Refer to table below
<i>If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres.</i>	
<i>At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</i>	

Dwelling	Proposed SPOS	Proposed POS	Min. dimension	Required SPOS/POS		Assessment
Dwelling 1	35m ²	98m ²	4m	25m ²	40m ²	✓

Clause 54.05-3 (A18) Solar Access to Open Space	
Objective	Assessment
<i>To allow solar access into the secluded private open space of a new dwelling.</i>	✓
Standard	
<i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i>	N/A
<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</i>	Refer to table below

Clause 54.06 - Detailed Design

Clause 54.06-1 (A19) Design Detail	
Objective	Assessment
<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	✓

Planner's Comments:

A detailed assessment of the proposed design detailing has been undertaken in the policy section of this report. This assessment demonstrated that the proposed design detailing will respect the existing character of the nearby area and wider precinct, whilst also providing an appropriate contribution to the preferred character of the area.

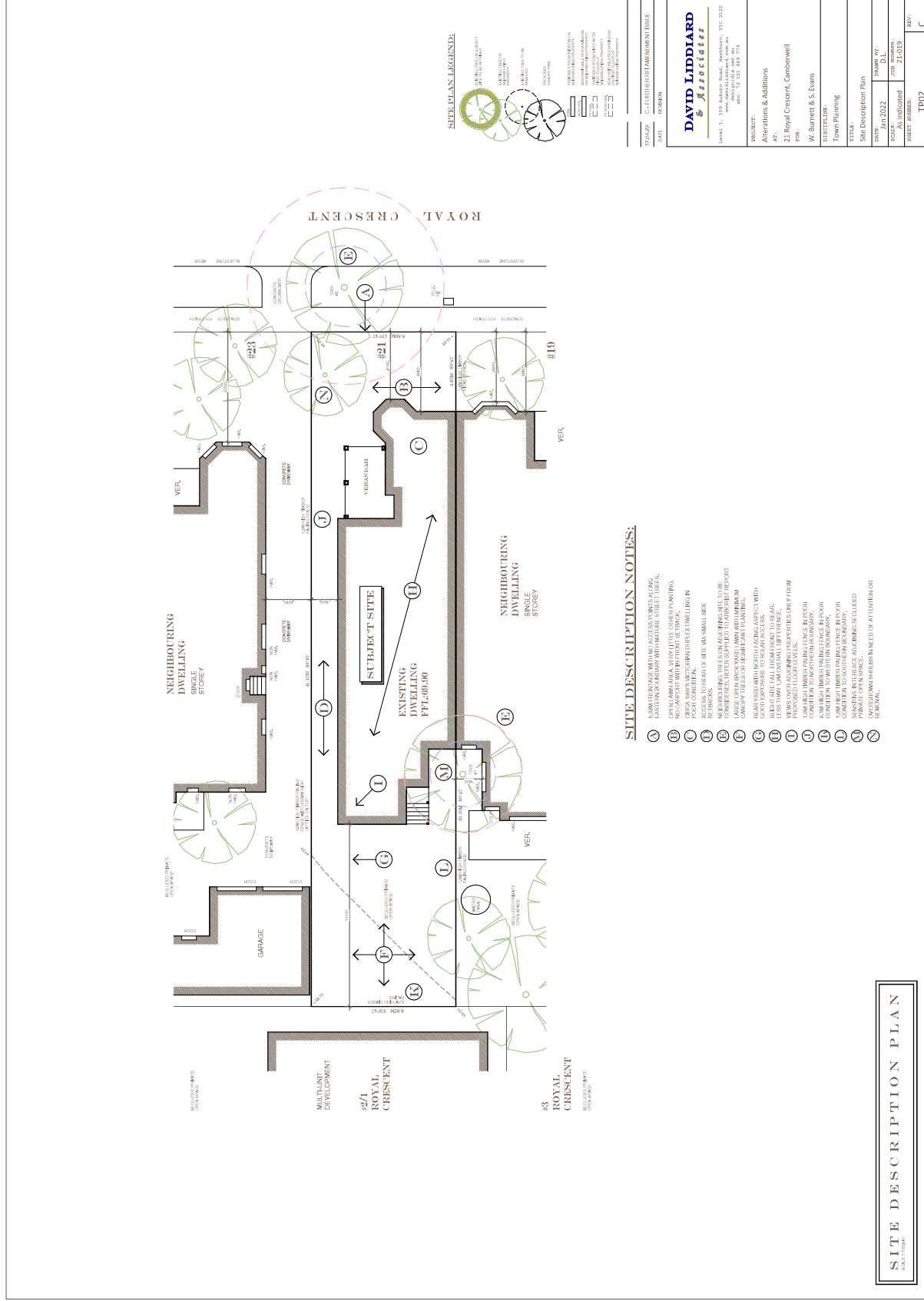
Clause 54.06-2 (A20) Front Fences

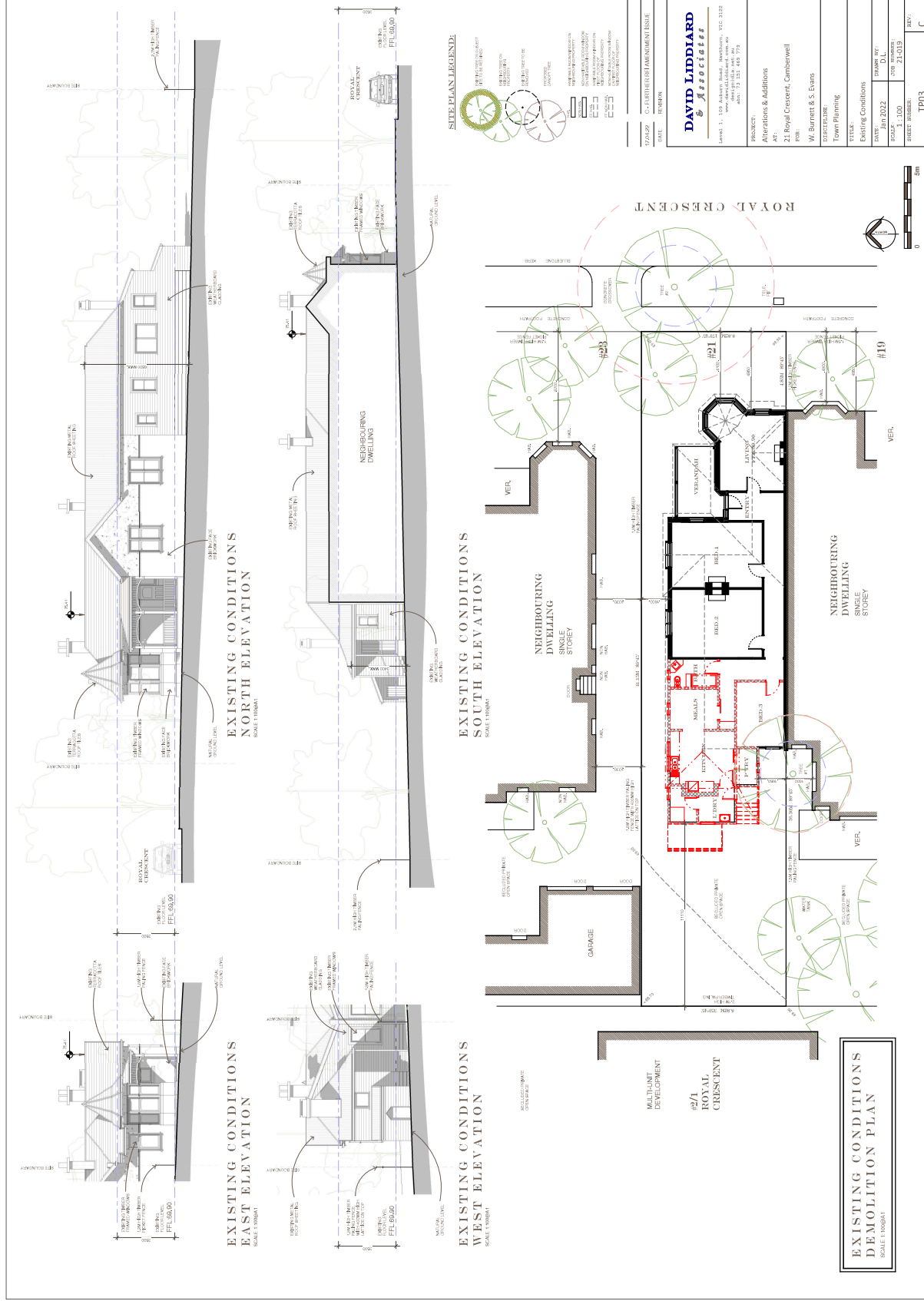
Objective	Assessment
<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	✓

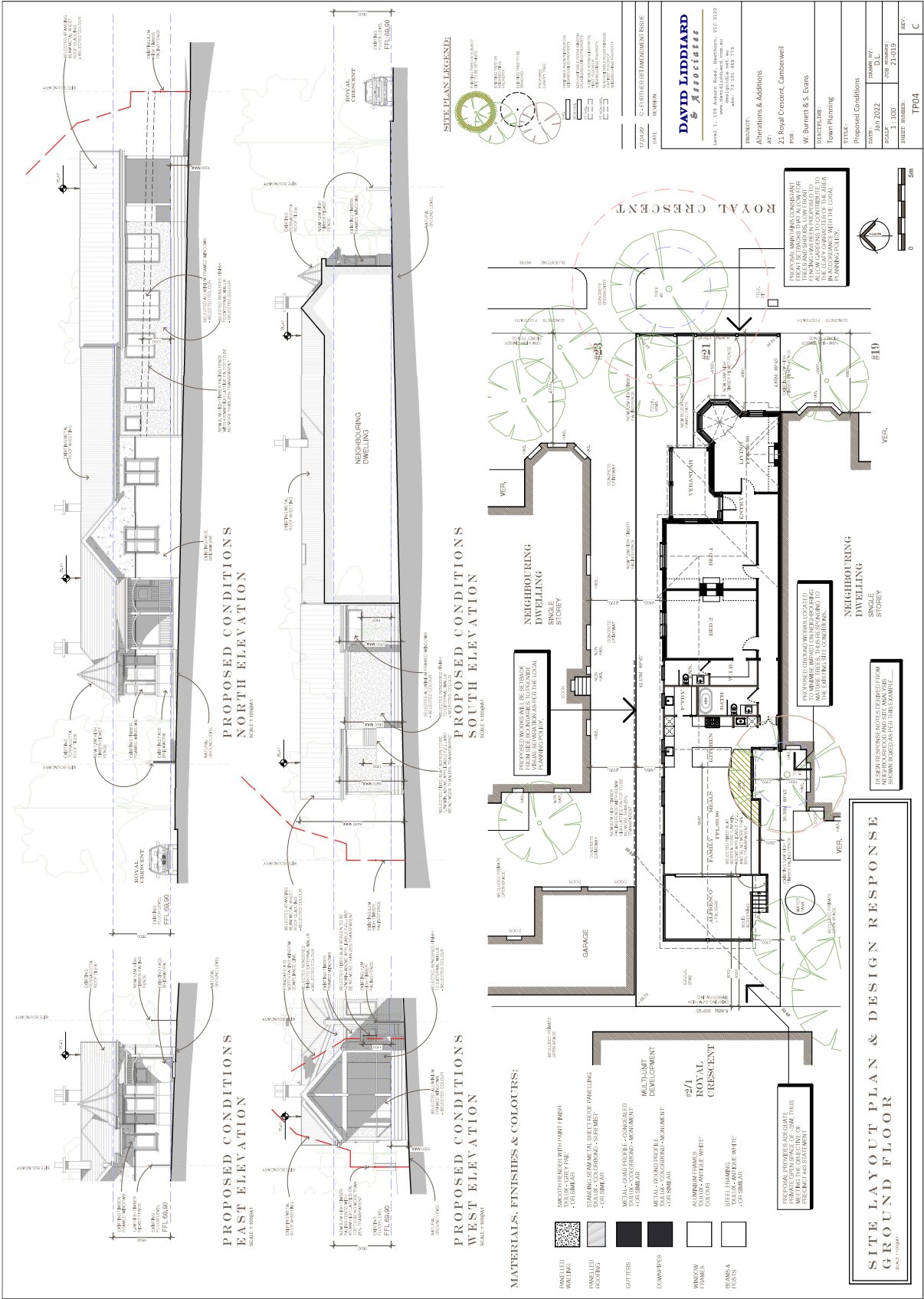
Planner's Comments:

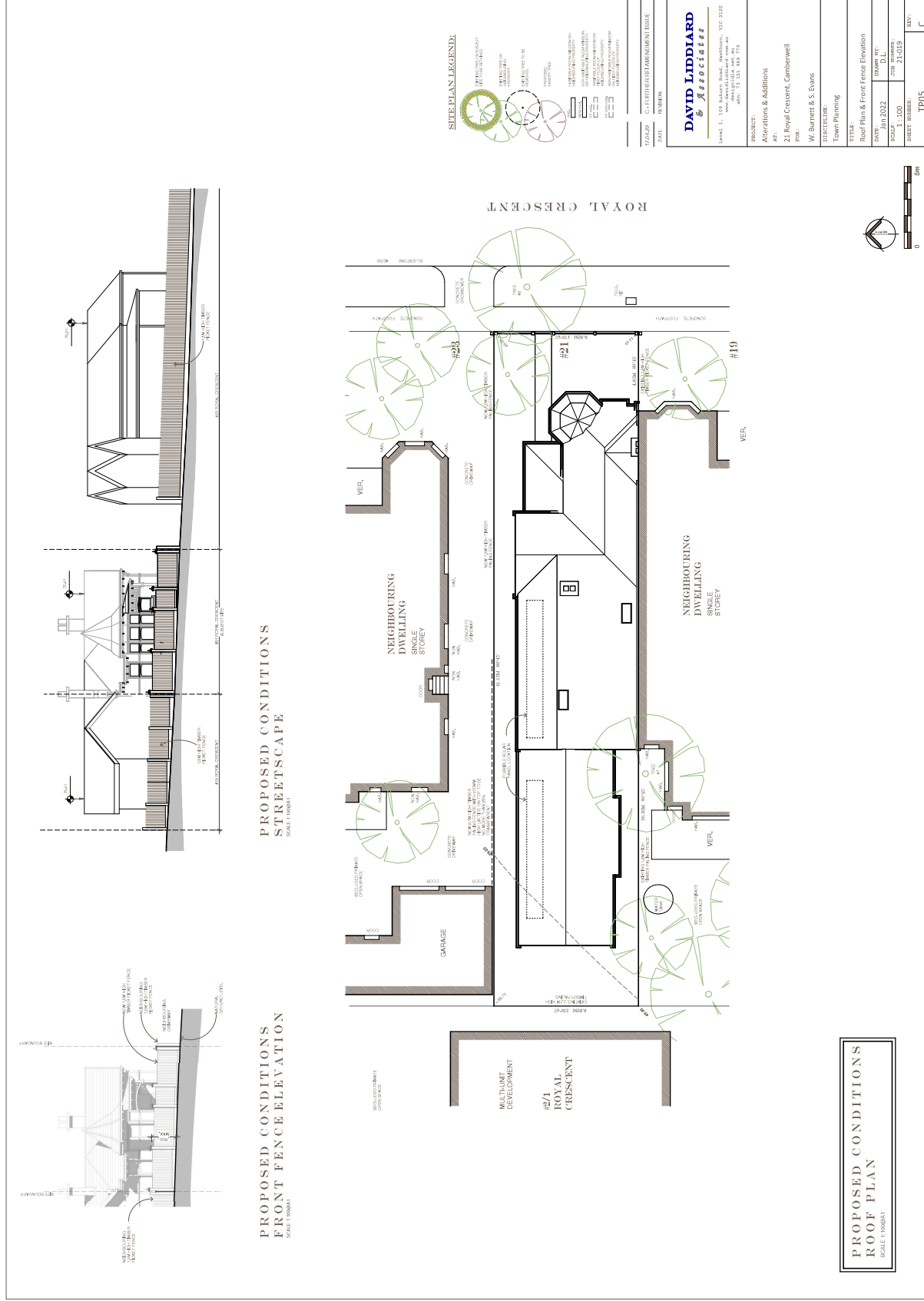
A detailed assessment of the proposed front fencing has been undertaken in the policy section of this report, which has demonstrated that the front fence will respect the existing and preferred character of the neighbourhood.

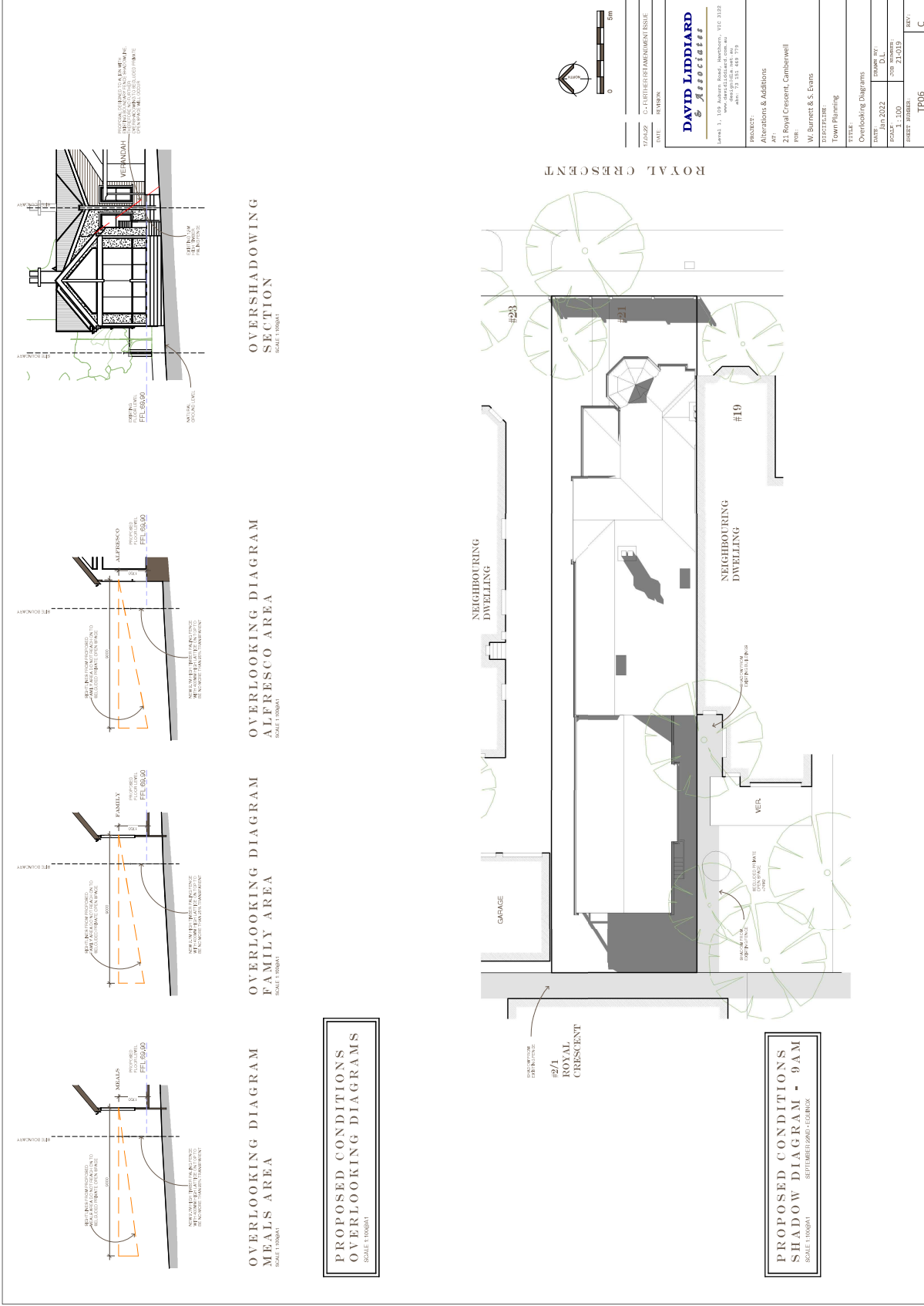


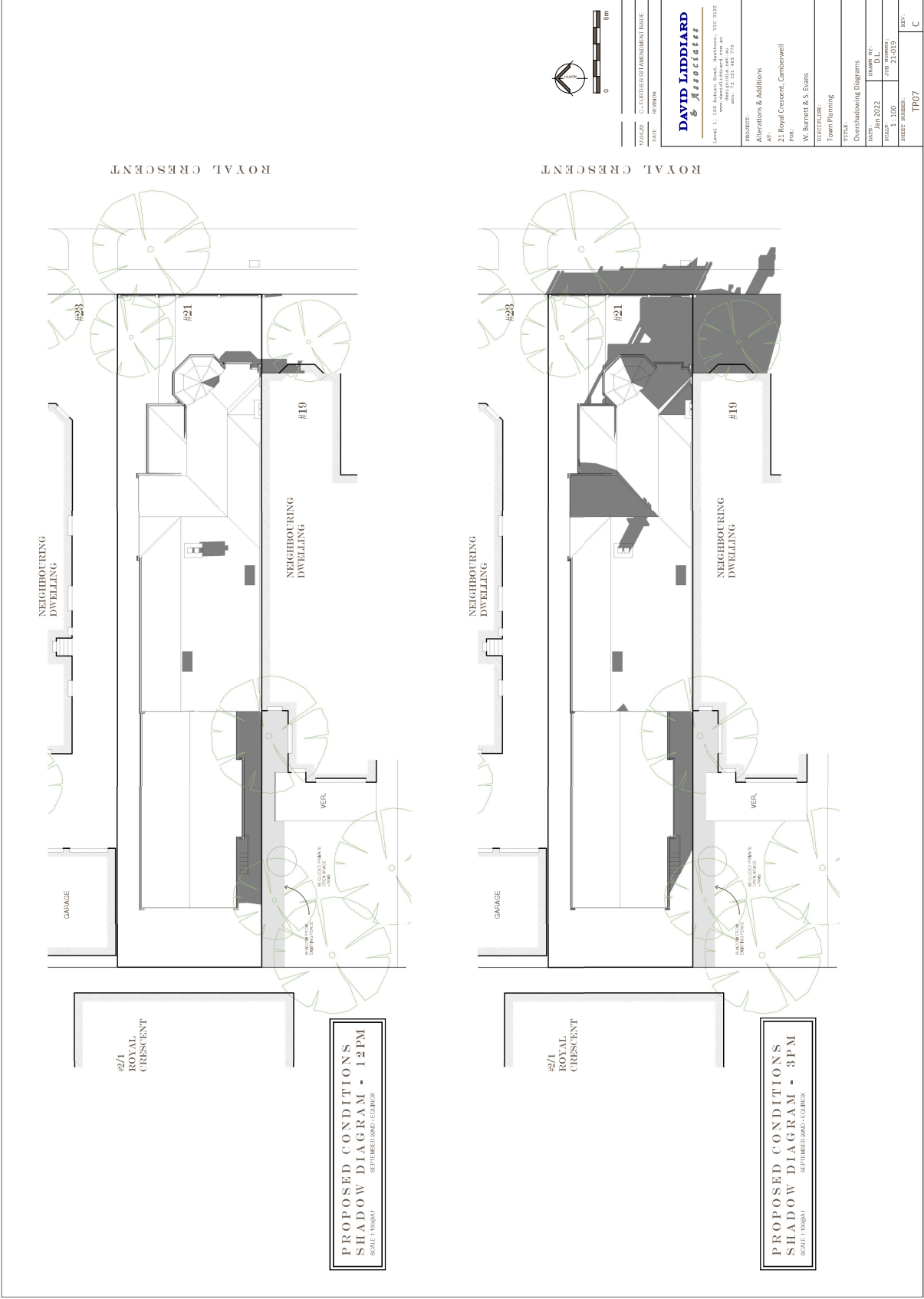




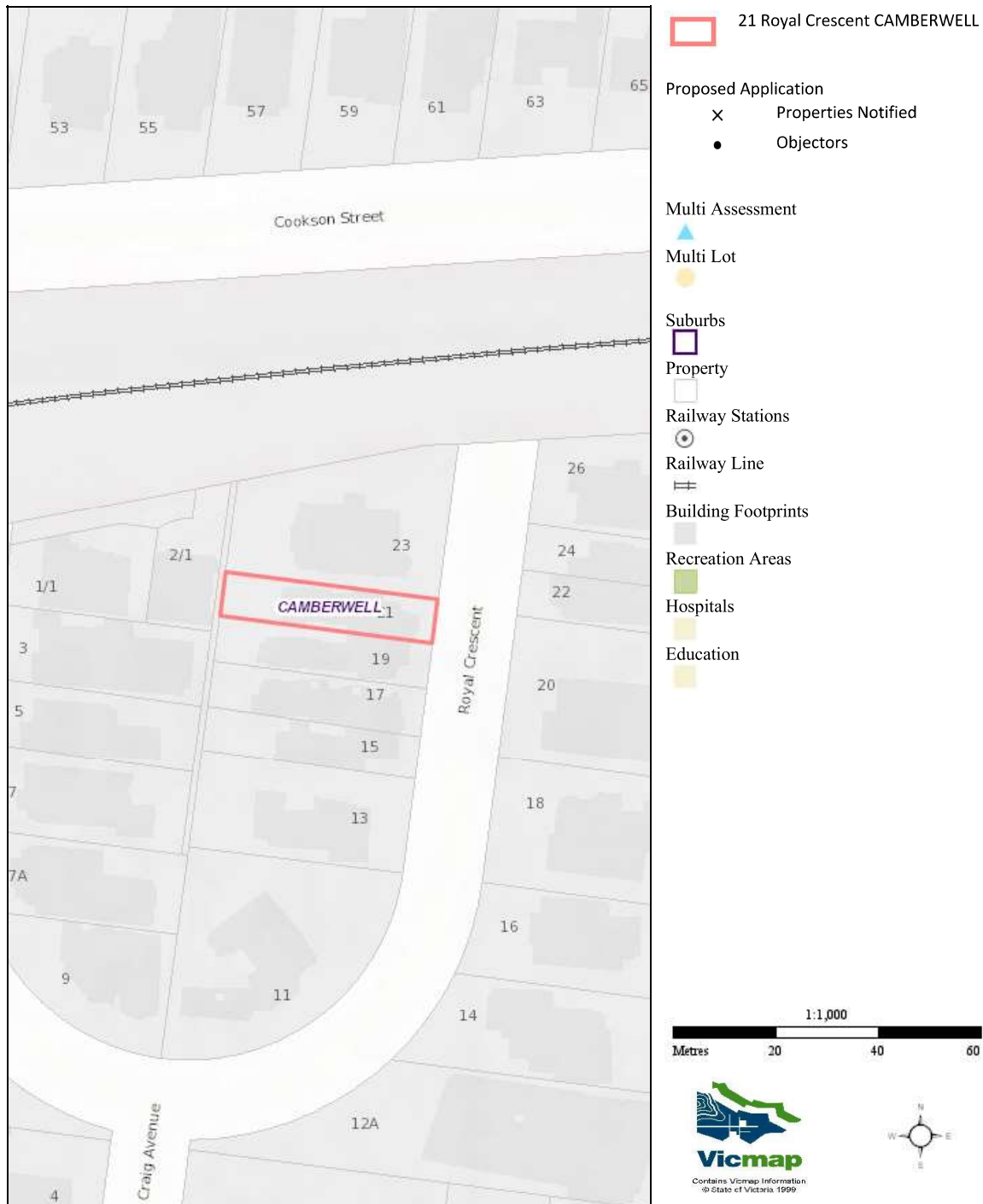








Location of Subject Site, Notified Properties & Objectors

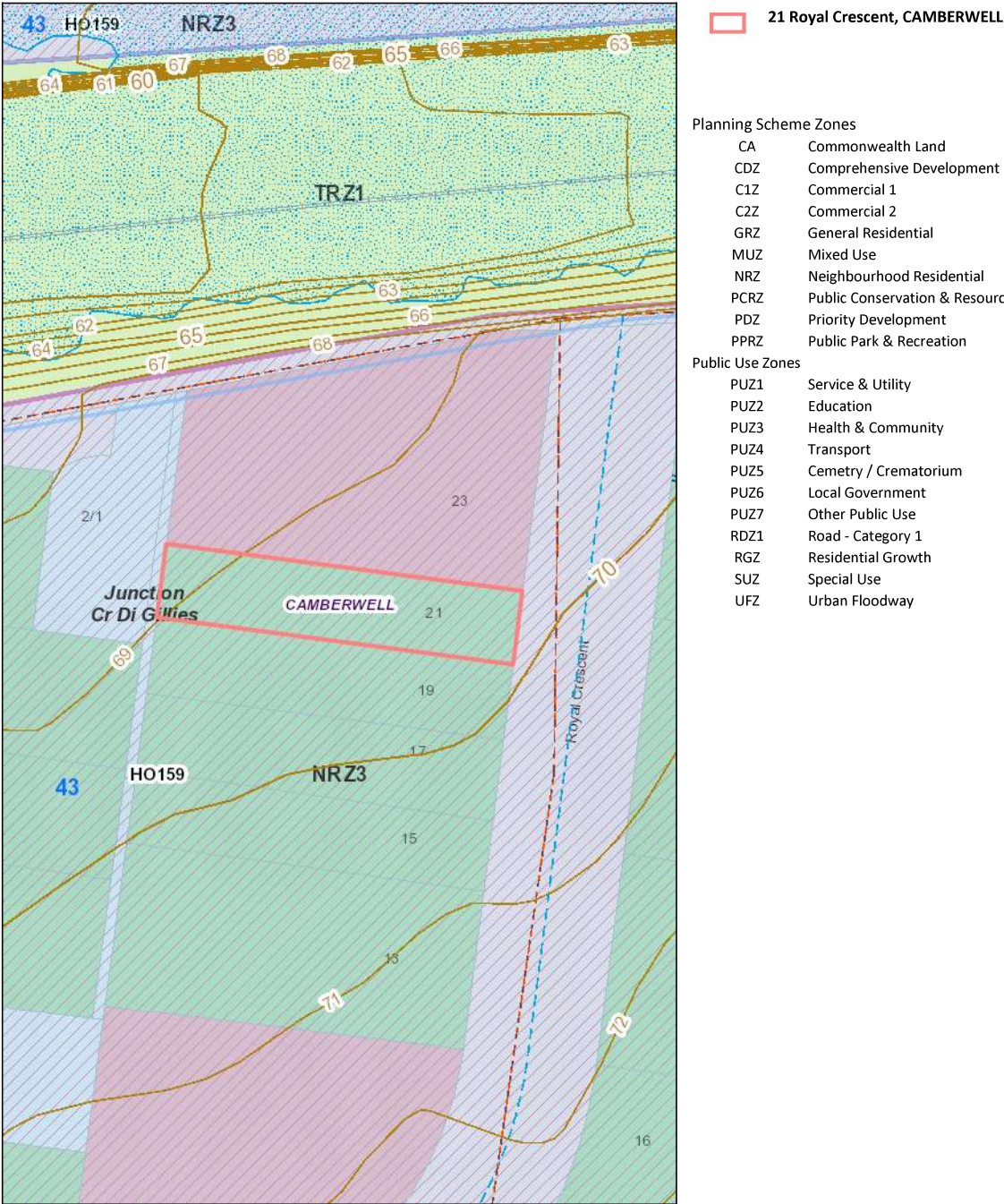


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Map produced: 8 August 2022, 11:40:50

Zoning Map



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Map Produced: 08 August, 2022 11:37:02

Appendix D - Location of Objectors



Green - Address of objector

Yellow - Subject Site

Appendix D - Location of Objectors



Green - Address of objector

Yellow - Subject Site