

3.2 24 Lyndhurst Crescent, Hawthorn - alterations and additions to a heritage dwelling - amended proposal at VCAT (P22/0415)

Executive Summary

Purpose

The purpose of this report is to consider the amended plans circulated on 2 April 2024 in Victorian Civil and Administrative Tribunal (**VCAT**) in regard to alterations and additions to a heritage dwelling.

Background

Planning Permit Application No. PP22/0415 seeks permission for partial demolition and construction of alterations and additions to an existing dwelling in a Heritage Overlay. The heritage place is graded 'contributory'.

On 23 November 2024, the Permit Applicant initiated proceedings in VCAT against Council's failure to issue a Permit within the prescribed time.

On 21 December 2024, following an assessment and decision by Council Officers, the Tribunal and Parties were advised that had Council been able to determine the application, it would have issued a Notice of Refusal on the following grounds:

- 1. The proposed extent of demolition to the contributory graded dwelling does not comply with Council's Heritage Policy and the relevant standard pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable loss of original heritage fabric which will impact the cultural heritage significance of the place.*
- 2. The siting, bulk, form, design and massing of the proposed addition does not comply with Council's Heritage Policy and the relevant objectives pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable impact on the cultural heritage significance of the place and precinct.*

Following discussions through the VCAT process, the Permit Applicant circulated amended plans on 2 April 2024 seeking to address the previous shortcomings raised by Council. These plans are referred to as Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture. These amended plans are the plans which will be considered by VCAT at the upcoming hearing commencing on 8 May 2024.

The Tribunal provides that a Permit Applicant may seek to amend plans during a proceeding that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having previously opposed the application on the grounds set out above, Council must now consider the amended plans and form a position to take at the upcoming hearing.

Statement of Changes

The following list highlights the key changes to the application from that originally considered:

- Retention of a greater proportion of the 'contributory graded' heritage fabric, including the return end hipped roof forms and original walls extending further into the site.
- Increase of ground floor setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.4m - 3m.
- Increased upper setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.7m - 2.4m.
- Incorporation of a pitched roof interpretive element that is visible and appreciable from Lyndhurst Crescent.

The full suite of changes has been reviewed by Council's Heritage Advisor who supports the amended proposal, subject to a condition relating to materiality.

Implications for VCAT process

Having originally taken a position to oppose this Application at the VCAT hearing scheduled for 8 May 2024, Council Officers now recommend that Council changes its position and supports the amended proposal. The broad acceptability of the amended plans is outlined in the Planning Officer's report attached to this Executive Summary.

The recommendation to change position is referred to UPDC based on 22 original objections being received. Three (3) objector parties have elected to actively participate in the VCAT proceeding and remain opposed to the application. A further one (1) objector party has indicated they will no longer oppose the application at the VCAT hearing.

Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Advise the Victorian Civil and Administrative Tribunal (VCAT) and Parties that Council has considered the amended plans circulated on 2 April 2024 in regard to Planning Permit Application No. PP22/0415 which seeks permission for partial demolition and construction of alterations and additions to an existing dwelling in a Heritage Overlay.
2. Support the amended proposal at the VCAT hearing scheduled to commence on 8 May 2024 and relies upon the conditions set out below.

Amended plans required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and electronic copies provided (unlocked PDF). When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the Plans prepared by Neil Architecture, sheets TP01-TP13, dated 2 April 2024 but modified to show:
 - a) The first-floor elevations incorporate a light materiality, to the satisfaction of the Responsible Authority.

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 without the prior written consent of the Responsible Authority.

Drainage

3. The site must be drained to the satisfaction of the relevant building surveyor.
4. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Permit to expire:

5. 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.

3. Notify all original objectors of the Urban Planning Delegated Committee resolution.



URBAN PLANNING

REPORT TO CONSIDER REVISED POSITION ON PLANNING PERMIT OUTCOME

Part demolition and construction of alterations and additions to existing dwelling in a Heritage Overlay

Application Number	PP22/0415 (VCAT Reference: P1466/2023)
Planning Officer	Daniel Murphy
Property Address	24 Lyndhurst Crescent, Hawthorn
Zoning	Clause 32.09 - Neighbourhood Residential Zone Schedule 3
Overlays	Clause 43.01 - Heritage Overlay Schedule 155
Particular Provisions	None
Permit Triggers	Clause 43.01-1 (HO) of the Boroondara Planning Scheme, a permit is required to: <ul style="list-style-type: none"> • Demolish or remove a building. • Construct a building or construct or carry out works.
Aboriginal Cultural Heritage	No
Covenant	No
Potential Overland Flow?	No
Ward	Glenferrie
Number of Objections Received	22 objectors were received following public notification. Four (4) statements of grounds have been received by Council, including a joint statement of grounds. All four (4) objectors have elected to participate as parties to the VCAT proceedings.
Plans Assessed in this Report	The plans before Council are the VCAT amended plans circulated on 2 April 2024 identified as: Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture.
Recommendation	Advise the Tribunal and Parties that Council has considered the amended plans and that Council supports the proposal at the VCAT hearing scheduled to commence on 8 May 2024.

PROPOSAL

Background

On 23 November 2024, the Permit Applicant lodged an Application for Review against Council's failure to issue a Permit within the prescribed time.

On 21 December 2024, Council advised the Tribunal and Parties that had it have been able to determine the Application, it would have issued a Notice of Refusal on the following grounds:

- 1. The proposed extent of demolition to the contributory graded dwelling does not comply with Council's Heritage Policy and the relevant standard pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable loss of original heritage fabric which will impact the cultural heritage significance of the place.*
- 2. The siting, bulk, form, design and massing of the proposed addition does not comply with Council's Heritage Policy and the relevant objectives pursuant to Clause 15.03-1L of the Boroondara Planning Scheme. This would result in an unreasonable impact on the cultural heritage significance of the place and precinct.*

On 2 April 2024 amended plans were circulated in accordance with the requirements of VCAT Practice Note - PNPE9. These plans are referred to as Drawing no. TP01-TP13, dated 2 April 2024 and prepared by Neil Architecture.

These amended plans are the plans which will be considered by VCAT at the hearing commencing on 8 May 2024.

The Tribunal Practice Note - PNPE9 provides that permit applicants may seek to amend plans during a proceeding that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having previously opposed the application on the ground set out above, Council must now consider the amended plans and, in turn, its position at the upcoming hearing.

Statement of Changes

The following list highlights the key changes to the application from that originally considered by Council:

- Retention of a greater proportion of the 'contributory graded' heritage fabric, including the return end hipped roof forms and original walls extending further into the site.
- Increase of ground floor setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.4m - 3m.
- Increased upper setback of the proposed addition from Lyndhurst Crescent (north setback) by a varied distance between 2.7m - 2.4m.
- Incorporation of a pitched roof interpretive element that is visible and appreciable from Lyndhurst Crescent.

The full suite of changes have been reviewed by Council's Heritage Advisor who supports the amended application, subject to minor conditions relating to materiality.

The updated referral comments are within Appendix A of this updated report.

Implications for VCAT process

Having originally taken a position to oppose this Application at the VCAT hearing scheduled for 8 May 2024, Council Officers now recommend that Council changes its position and supports the application.

The recommendation to change position is referred to UPDC based on 22 original objections received. Three (3) objector parties have elected to actively participate in the VCAT proceeding and remain opposed to the application. A further one (1) objector party has indicated they will no longer oppose the application at the VCAT hearing.

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 minor changes to be achieved via conditions.
------------------	--

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 planning policies are relevant to the assessment of the current application:

- Clause 15 - Built Environment & Heritage
- Clause 15.03-1L - Heritage
 - Clause 15.03-1S - Heritage Conservation
 - Clause 15.03-1L - Heritage in Boroondara

Heritage

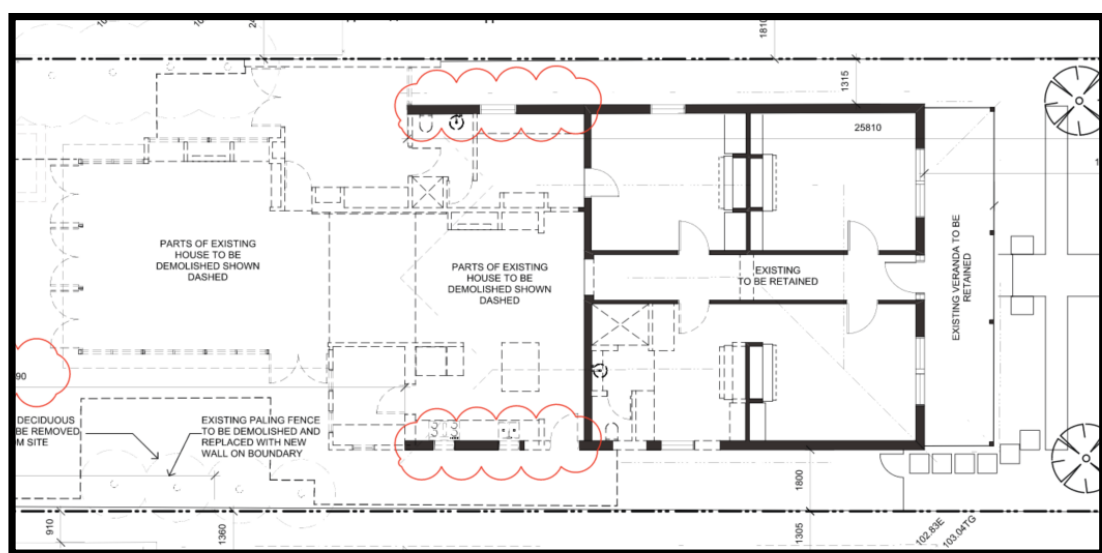
Demolition:

The extent of demolition in the amended plans has been significantly reduced in scope and is limited to the following elements:

- Southern portion of wall.
- Return end hipped roof forms.
- Portion of internal roof valley.
- Non-original extension.
- Openings filled in (East Elevation)

These elements are not generally visible from the street and the appreciable form of the return ends are retained, where visible from Lyndhurst Crescent. This appreciable and contributory roof form being retained is a positive heritage outcome. The presentation and consistency of the roof forms along Lyndhurst is important in understanding the heritage dwelling and precinct.

The extent of demolition complies with Council's Heritage Policy at Clause 15.03-1L and is supported by Council's Heritage Advisor.



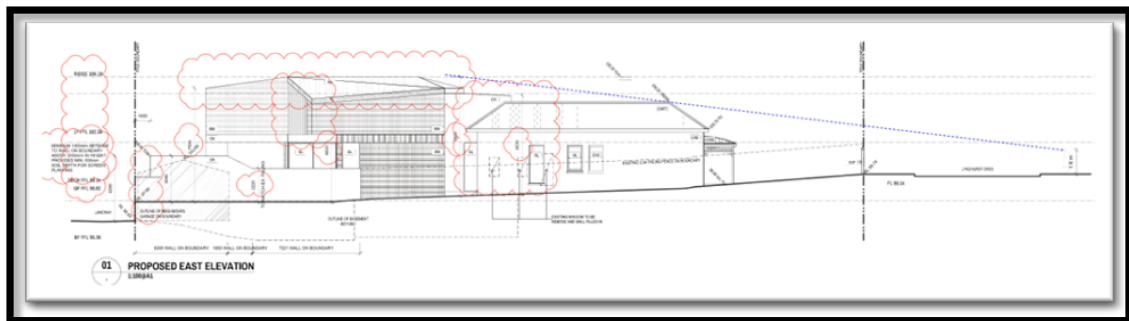
Above - Demolition Plan (TP02, 2 April 2024)

Alterations and Additions:

The proposed alterations and additions provide for a contemporary addition, which is clearly and readily distinguishable from the existing host building.

The design response provides for a basement, ground and first-floor. The basement is accessed via the rear laneway, which provides for 2 car parking spaces, vehicle turning circle and additional rooms.

The ground floor siting extends beyond the existing setbacks of the host building. The western siting is built to match existing wall on boundary with the adjoining property. Given the slope of the site, the ground floor addition will have limited visibility and sits below the eaves of the existing building, which ensures it reads as a subservient, secondary element.



Above – Proposed East Elevation (2 April 2024)

As can be seen from the proposed eastern elevation above, the proposal meets Council's 'sight line' test for contributory graded dwellings under Clause 15.03-1L.



Above - Oblique View (TP11, 2 April 2024)

In the oblique, the first-floor addition will be set back approximately 27 metres from the front boundary (excluding the centrally located stairwell element which is setback approximately 23 metres). Given that some limited oblique views may be visible from the street, Council's Heritage advisor has recommended a lighter colour palette be provided as a condition to ensure that the 'reading' of the contributory heritage fabric is not compromised.

The architecture of the proposal is a successful response to the existing host building with respect to materiality, form and subject to minor modifications to the materiality (refer to attached permit conditions). The centrally located stairwell which connects all floors is sited within the roof valley of the host-building. This linking element provides a clear separation between heritage fabric and the contemporary insertion and allows for an appreciation between the Victorian era dwelling and contemporary design.

The significant setback from Lyndhurst Crescent, which has further increased in the amended plans, and sympathetic design response ensures that the first-floor addition is appropriate in its location. This is achieved by the sloping site, contemporary asymmetrical pitched roof element and significant setback from Lyndhurst Crescent. The revised design results in a siting outcome that is acceptable against the relevant decision guidelines of the Heritage Overlay.

Where street facing, the extension provides for a contemporary pitched element. The cropped, asymmetrical pitch is located above the linking element and is a successful contemporary interpretation of historic forms, whilst remaining clearly contemporary.



Above - Subject site

Although Council's Heritage Advisor supports subject to a condition requiring a lighter colour palette included in the officer recommendation. The current proposed materials are considered too dark to be sympathetic to the host building and a lighter colour should be incorporated into the design, which is sympathetic to the heritage place.

Clause 15.03-1L - All places - roads and laneways strategy

In its original Officer Report, it was noted that the proposed structure on the laneway was out of character with the area, albeit, not visible from the primary frontage.



The amended application shows the wall on the rear boundary has been significantly broken up to step away from the rear laneway. This results in the wall on boundary form being more typical of that found in the laneway. The response is supported by Council's Heritage Advisor and is considered appropriate.


While it is noted the wording of Council's heritage policy at Clause 15.03-1L requires *works* within and adjacent to roads and laneways to be considered as part of an application. The wording and use of the word *works* implies the policy is inherently limited to the consideration of surface treatments, rather than structures-built abutting to laneways.

APPENDIX A - REFERRAL COMMENTS

Heritage Advisor

Heritage Referral

Application Address:	24 Lyndhurst Crescent, Hawthorn
Application Number:	PP22/0415
HO precinct:	HO155 - Lyndhurst Crescent Precinct, Hawthorn
Grading:	Contributory
Description of Proposal:	Part demolition and construction of alterations and additions to existing dwelling in a Heritage Overlay
Section 57A amendment:	No
VicSmart:	No
Relevant documents:	 PP22_0415 - Advertising Plans - 2  PP22_0415 - Advertising Docume

Pre-Application Meeting or advice:	Yes - Luke James 16 December 2021  Pre-Application - File Note (Advice to
---	--

Relevant Planning History:	Updated comments in response to amended plans prepared by Neil Architecture TP01-TP13, all dated 2 April 2024 circulated in relation to PA23/0058 (in red)
-----------------------------------	--

Specific Planner's Instructions:	Obliques appear to show visibility from street. Double hipped roof with return end to be demolished. Looking to maintain views of this roof form from the street.
---	--

Era of Building:	Victorian
Statement of Significance	Lyndhurst Crescent Precinct, Hawthorn, is an area of heritage significance for the following reasons: <ul style="list-style-type: none"> The place is representative of the growth of Hawthorn as a garden suburb from 1856-1900, particularly through the siting of middle-class, Victorian-style villas of varied size and materials in garden settings.

	<ul style="list-style-type: none"> • The development of the place capitalized on the fashionable status of nearby Harcourt Street and consolidated this area as a highly desirable garden suburb for the both the wealthy and relatively wealthy. • The place contains a number of significant examples of the Victorian architectural style. <p>Solar energy controls apply, but no relevant external paint controls, internal alteration controls or tree controls apply under the Schedule to Clause 43.01/</p>
--	--

Assessment against Clause 15.03 Heritage

15.03-1L 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: The proposed extent of demolition includes just under a third of the building under (and including) the principal double-hipped slate roof. However, oblique views from the streetscape show the entire side of the building under (and including) the outward faces of principal double-hipped slate roof is visible and

contributory. See image below of north western and north eastern oblique views (respectively):



Accordingly, it is recommended that demolition be restricted to the rear (south) wall and south faces and inner valley of the principal roof form of the original Victorian building, and that the side walls and their existing original window and door openings, and northern, eastern and western slate roof faces remain intact.

The amended plans show the retention of the side walls and principal roof form to a much greater extent. Alterations are proposed to the existing, and to introduce new, openings to the east elevation. The revised extent of demolition is acceptable, noting that the proposed changes to openings would be largely concealed and the key contributory fabric (slate roof, eaves, red brick walls) would be retained.

Reconstruction: It is proposed to reconstruct a portion of the eastern slate roof face to the rear. For the reasons above, demolition of this portion of the roof is not recommended to proceed and accordingly reconstruction would not be required.

The plans now show the retention of this section of the roof. Accordingly this comment has been addressed.

Additions/ New Buildings:

- **Siting:** It is proposed to site the ground and upper storey addition to the rear of the existing building.
- **Setbacks:** It is proposed to set the ground storey addition approximately 20.6m from the front (north) property boundary, 1.3m from the eastern property boundary and at a zero setback to the western property boundary. It is proposed to set the upper storey addition back a minimum of 20.39m

from the front (north) property boundary, 2.3m from the eastern property boundary and between 1.875m and 1.16m from the western property boundary. The side setbacks at ground level are supported, however it is noted that the proposed northern elevation (at Drawing TP09) does not appear to show the ground floor built form extending to the property boundary to the west, and it is recommended that this be clearly depicted in the next iteration of drawings. Noting the recommendation regarding demolition above, it is likely that the setbacks to the front property boundary would need to be increased at a minimum - a summation of recommendations is included below. **The plans have been amended to show the extension of the ground floor to the north boundary. Setbacks to the main bulk of the first floor are largely the same, however the impact of this has been mitigated by the retention of additional heritage fabric.**

- **Building Height and Form:** Due to the fall in the land, the building height is variable. Measured from street level, the maximum visible building height would be 6.1m. The proposed form is cubic.
- **Roof Form:** The proposed roof form is flat. Noting the predominance of pitched (hipped) roof forms in the precinct, including the subject property and adjoining contributory properties, to the extent that it is clearly visible from the streetscape it is recommended that the proposed roof form incorporate an angled element to reference the predominant pitched roof forms. This should not be a reproduction of a hipped roof but rather (for example) chamfered corners or angled walls that are a contemporary reference to these forms. **The proposed roof form has been amended to incorporate pitched elements. The revised roof form is acceptable.**
- **Materials, surface finishes and details:** It is proposed to use a combination of dark face brick and metal framed (in charcoal) glazing (in non-traditional proportions) to the upper storey, as would be visible from the streetscape. The glazing introduces a degree of transparency but the use of dark brick and metal frames would counter this by likely increasing visibility and apparent weight of the addition as it appears from the streetscape. To the degree that the upper storey addition remains visible from the streetscape, it is recommended that a lighter colour scheme be considered to achieve a more recessive effect. **The amended plans retain the dark colour scheme. Noting that the addition remains visible in oblique views from the streetscape, the material and colour palette should be lightened to ensure that the addition is as visually recessive as possible as required by policy.**

In summary, the upper storey addition as currently proposed does not read as sufficiently secondary from oblique views and currently dominates the heritage place. As was advised at pre-application stage, there is no reason given the size of the lot, the screening provided by the retained roof form and the substantial fall in the land away from the street that a minimal-nil visibility of upper storey addition could not be achieved. It is recommended that the proposed upper storey addition be altered through an increase in side setbacks, setback from the street, height, roof form or a combination of these so as to appear as more recessive. In particular, the side setbacks at a minimum should be increased substantially to conceal more of the massing of the proposed addition behind the central portion of the hipped roof, and the applicant is encouraged to consider the diagram at Figure 2 of the Boroondara Heritage Policy in this regard. This may require a reduction of

expectations about the number of rooms and/or space to be achieved in the rear upper storey addition for this particular site given its location in a heritage overlay area, noting the upper storey addition is proposed to include four bedrooms, two bathrooms, and a bedroom-sized walk in robe.

The revisions to the design, including the increased retention of heritage fabric and alterations to the roof form result in an acceptable outcome in terms of the siting, massing and visibility of the addition. While the setbacks have not been increased to a degree where the addition is no longer visible in oblique views, the retention of a much greater extent of the original roof and changes to the roof form of the new work result in an addition which clearly reads as a secondary element, with the heritage building retaining primacy in the streetscape. Acknowledging this, given the addition remains visible, further changes are required to the material and colour palette to lighten the scheme and ensure that the dark palette of the addition does not detract from the heritage building and its contribution to the precinct.

(see below for matters relating to fences, vehicle accommodation, outbuildings, services, landscaping, signage, commercial buildings and subdivision)

15.03-1L Contributory heritage places policy guidelines

Consider as relevant:

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

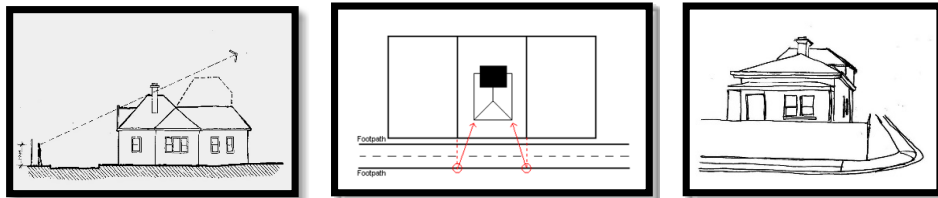


Figure 1: Sight line diagram, Figure 2: Oblique views diagram, Figure 3: Three dimensional oblique view

Discussion:

Sightline: The sightline diagram indicates the central portion of the addition is screened by the existing roof ridge.

Oblique views: the oblique view images show that the addition is insufficiently recessive. While the oblique images demonstrate that the addition remains visible in oblique views, it is considered that the relevant modifications to the plans have addressed the key concerns with this visibility, with the exception of the material and colour palette.

15.03-1L All places - vehicle accommodation, outbuildings and services strategies

Ensure vehicle accommodation and other services do not dominate heritage places.

Minimise new vehicle cross-overs for heritage places with narrow street frontage, where few or no crossovers exist or where rear laneway access is available.

Discourage the widening of vehicle crossovers, or the construction of large areas of paving or other hard surfaces in the front setback where this is not responsive to the heritage place, except in the interests of traffic safety.

Encourage the location of new carports, garages and outbuildings to the rear of the main building (excluding verandahs, porches, bay windows or similar projecting features) except where the character of the heritage place supports the location of carports, garages and outbuildings to the side of the heritage building behind the main front building line.

Encourage any new carports, garages and outbuildings that are visible from the street to use wall openings, roof forms and materials that complement the main building or the characteristics of the heritage precinct.

Discourage the location of swimming pools in the front setback.

Support rain water tanks, hot water systems, air-conditioning units and other equipment in areas visible from the street only where they will not detract from the heritage significance of the place.

Avoid visible roof fixtures, such as solar panels, on the principal visible roof form.

Ensure visible roof fixtures are aligned with the profile of the roof and not mounted on protruding frames.

Discussion: The proposed vehicle accommodation to the rear is supported.

15.03-1L All places - roads and laneways strategy

Ensure works within and adjacent to roads and laneways maintain the heritage significance of the road or laneway through the use of sympathetic materials and finishes.

Discussion: It is recommended that the proposed materiality of paving between bluestone laneway and garage door be confirmed, with asphalt recommended as an appropriately sympathetic material. **The amended plans indicate bluestone paving or similar at the basement entry. This is acceptable.**

The proposed sheer 4m-4.5m (measurements vary in the drawings) rendered concrete wall is substantially out of keeping with existing boundary arrangements

to the laneway and would risk dominating the bluestone laneway. It is recommended that this be reduced in height to a maximum of 3m, with any portion above that height set back substantially. **A setback has been incorporated above 3.2m. This is acceptable.**

General policy guidelines

Consider as relevant:

- *Not including vegetation and fences as permanent screening when determining if a proposed addition is visible from the street for significant and contributory heritage places.*
- *Allowing the demolition of a heritage place where the place is structurally unsound and cannot reasonably be rectified. The poor condition of a heritage place should not in itself, be a reason for permitting demolition of a significant or contributory heritage place or part thereof.*

(See list of policy documents in Clause 15.03-1L)

Discussion: It is noted that the application appears to acknowledge that vegetation is not to be considered in determining visibility but nevertheless seeks to propose existing vegetation as a screening in mitigation of visibility including in streetscape renders. This has been disregarded in this referral advice as required by policy, and it is recommended that the next iteration of streetscape renders show all vegetation removed so that it may be assessed in accordance with policy. **The revised renders do not show any vegetation as suggested.**

Recommendations

1. On heritage grounds the works proposed in this application should be modified as follows prior to further consideration:

	Suggested condition	Explanation	Updated comment
1	Demolition be restricted to the rear (south) wall and south faces and inner valley of the principal roof form of the original Victorian building, and that the side walls and their existing original window and door openings, and northern, eastern and western slate roof faces remain intact.	<i>Oblique views from the streetscape show the entire side of the building under (and including) the outward faces of principal double-hipped slate roof is visible and contributory.</i>	Revised. Extent of demolition now acceptable.
2	To the extent that it is clearly visible from the	<i>The proposed roof form is flat. There is a</i>	The roof form has been appropriately

	streetscape, the proposed roof form incorporate an angled element to reference the predominant pitched roof forms. This should not be a reproduction of a hipped roof but rather (for example) chamfered corners or angled walls that are a contemporary reference to these forms.	<i>predominance of pitched (hipped) roof forms in the precinct, including the subject property and adjoining contributory properties.</i>	<i>amended and is now acceptable.</i>
3	To the degree that the upper storey addition remains visible from the streetscape, it is recommended that a lighter colour scheme be considered.	<i>The glazing introduces a degree of transparency but the use of dark brick and metal frames would counter this by likely increasing visibility and apparent weight of the addition as it appears from the streetscape. A lighter colour scheme would achieve a more recessive effect.</i>	<i>A lighter colour scheme is still required to achieve an acceptable outcome, noting the rear addition remains visible in oblique views.</i>
4	The proposed upper storey addition be altered through an increase in side setbacks, setback from the street, height, roof form or a combination of these so as to appear as more recessive. In particular, the side setbacks at a minimum should be increased substantially to conceal more of the massing of the proposed addition behind the central portion of the hipped roof, and the applicant is encouraged to consider the diagram at Figure 2 of the Boroondara Heritage Policy in this regard.	<i>The upper storey addition as currently proposed does not read as sufficiently secondary from oblique views and currently dominates the heritage place. As was advised at pre-application stage, there is no reason given the size of the lot, the screening provided by the retained roof form and the substantial fall in the land away from the street that a minimal-nil visibility of upper storey addition could not be achieved. This may require a reduction of expectations about the number of rooms and/or space to be achieved in the rear upper storey addition for this particular site given its location in a heritage overlay area.</i>	<i>The revisions to the plans have resulted in an acceptable outcome with regard to the massing and siting of the rear addition. The addition is considered acceptable, subject to amendments to the materiality to adopt a lighter colour scheme to ensure a more visually recessive outcome.</i>

5	The proposed materiality of paving between bluestone laneway and garage door be confirmed, with asphalt recommended.	<i>Asphalt would be an appropriately sympathetic material to the 19th century bluestone laneway.</i>	<i>The material has been clarified as bluestone. This is acceptable.</i>
6	The wall to laneway be reduced in height to a maximum of 3m, with any portion above that height set back substantially.	<i>The proposed sheer 4m-4.5m (measurements vary in the drawings) rendered concrete wall is substantially out of keeping with existing boundary arrangements to the laneway and would risk dominating the bluestone laneway.</i>	<i>The wall has been reduced to 3.2 with a 1m setback to higher form. This is acceptable.</i>
7	The next iteration of streetscape renders show all vegetation removed so that it may be assessed in accordance with policy.	<i>The application appears to acknowledge that vegetation is not to be considered in determining visibility but nevertheless seeks to propose existing vegetation as a screening in mitigation of visibility including in streetscape renders.</i>	<i>Actioned.</i>
8	<i>The ground floor built form of the addition be clearly depicted in the proposed northern elevation in the next iteration of drawings</i>	<i>The proposed northern elevation (at Drawing TP09) does not appear to show the ground floor built form extending to the property boundary to the west.</i>	<i>Actioned</i>

Signed:



Luke James

Dated: 29 December 2022

Updated comments



Michelle Bashta

Dated: 11 April 2024

APPENDIX B - PLANNING POLICIES

Statement of Significance

The subject site is located within the Lyndhurst Crescent Precinct which is an area of local, historical, and architectural significance to the City of Boroondara.

Lyndhurst Crescent Precinct, Hawthorn, is an area of heritage significance for the following reasons:

- The place is representative of the growth of Hawthorn as a garden suburb from 1856- 1900, particularly through the siting of middle-class, Victorian-style villas of varied size and materials in garden settings.
- The development of the place capitalized on the fashionable status of nearby Harcourt Street and consolidated this area as a highly desirable garden suburb for the both the wealthy and relatively wealthy.
- The place contains a number of significant examples of the Victorian architectural style.

Clause 15.03-1L - Heritage

Clause 15.03-1L 'Contributory' heritage places

To retain and conserve 'contributory' places and fabric in the Heritage Overlay which are visible from the primary street frontage.

To facilitate sympathetic additions, alterations and new buildings to 'contributory' heritage places which are massed, detailed, finished and located to preserve the presentation of the place from the street.

Consider the following policies (as appropriate):	Assessment
Demolition	✓ Complies
Conservation and alterations	N/A
Additions and New Buildings	✓ Complies
Landscape setting	✓ Complies
Vehicle accommodation, outbuildings and services	✓ Complies
Roads and laneways	✓ Complies

Residential Zone

The Garden Area provisions of the Boroondara Planning Scheme do not apply unless there is a permit trigger under the zone. In the case of this application, where a permit is required under the Heritage Overlay only, Garden Area will be assessed under the Building Regulations. Regardless, the proposal appears to comply with the regulation, providing (approximately) 230.6sqm or 35.8% of the site towards Garden Area.

Clause 32.09-9 Maximum Building Height

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.

Mandatory Maximum Building Height (NRZ3)			
	Requirement	Proposed	Assessment
Building height requirement	9m	8.46m	✓ Complies
Maximum number of storeys	2	2	✓ Complies



Neil Architecture Pty Ltd
 ABN 80 132 684 545
 L1/290 Bridge Road
 Richmond Victoria 3121
 T 03 9427 9833
 office@neilarchitecture.com.au

02 April 2024

STATEMENT OF CHANGES

24 Lyndhurst Crescent Hawthorn 3122
VCAT Reference No. P1466/2023

This statement of changes sets out the differences between the plans considered by the Council in Planning Permit Application No. PP22/0415 being plans prepared by Neil Architects dated 01 August 2022 and the amended plans now circulated formally in this proceeding which the permit applicant intends to seek leave to substitute in this proceeding (being plans prepared by Neil Architects dated 02 April 2024) (**Amended Plans**).

The Amended Plans seek to respond to the concerns raised by the City of Boroondara and objector parties. Key changes relate to increased retention of original fabric including wall and a chimney, varied roof form (now hip and gable), varied setbacks and south wall design.

It is considered that the amended plans now incorporate changes aimed to respond to various heritage matters and provide a further improved response to heritage matters.

The specific changes are identified below:

TP01 – Existing Conditions

- No changes.

TP02 – Demolition Plan

- Extent of demolition to existing east and west walls reduced, additional existing fabric retained.

TP03 – Roof Demolition Plan

- Extent of demolition to existing roof reduced, additional existing fabric retained.

TP04 – Basement Plan

- Increased basement setback from north boundary (Lyndhurst Crescent) from 20.64m to 23.145m.
- Increased basement setback from east boundary from 1.30m to 1.46m.
- Overall basement floor plan scope reduced to accommodate increased setback.
- Basement ramp set back to accommodate concealed flood barrier.
- Basement entry to be paved in bluestone or similar to complement existing laneway materiality.

TP05 – Ground Floor Plan

- Increased ground floor setback to new extension from north boundary (Lyndhurst Crescent) from 23.89m to 26.78m.
- Decreased ground floor setbacks from south boundary (laneway) from 11.37m to 9.95m.
- West wall on boundary decreased from 24.88m to 21.99m
- Revised southern boundary treatment with reduced wall on boundary to 2940mm from 4390mm, stepped planter (1m setback from south boundary) and wall behind to an overall height of RL100.94

TP06 – First Floor Plan

- Increased first floor setback from north boundary (Lyndhurst Crescent) from 20.39m to 23.615m.
- Decreased first floor setback from south boundary from 5.32m to 4.75m.
- Decreased first floor setback from east boundary from 2.3m to 2.28m.
- First floor extension moved south, away from street frontage to reduce visibility to first floors extension. Plan/layout reconfigured.
- Adjusted façade to south-east to reduce overall bulk and mass.

TP07 – Roof Plan

- Extent of retained existing roof increased.

Lyndhurst0001_240131_001.docx

- Changes to setbacks as noted under TP06.
- Updated proposed roof form of from flat roof to a modern interpretation of a hipped (pitched) roof to the front elevation.

TP08 – Existing Elevations

- Extent of demolition to existing east and west walls reduced.
- Extent of demolition to existing roof reduced.

TP09 – Proposed Elevations

- Wall on boundary to east reduced height from 3.27m to 3.04m.
- Updated proposed roof form of extension from flat roof to a modern interpretation of a gable to the front elevation.
- Due to the traditional roof form in increase internal ceiling heights, overall RLs revised from 105.65 to 106.18.
- Ground floor built form of extension clearly depicted in north elevation.
- Revised southern boundary treatment with reduced wall on boundary to 2940mm from 4390mm, stepped planter (1m setback from south boundary) and wall behind to an overall height of RL100.94
- Adjusted façade to south-east to reduce overall bulk and mass. Refer to TP06 for further detail

TP10 – Proposed Elevations

- Updated proposed roof form of extension from flat roof to a modern interpretation of a hipped (pitched) roof to the front elevation.
- Basement ramp set back to accommodate concealed flood barrier.
- Pool/rear wall on boundary set back 1000mm for planter.
- Adjusted façade to south-east to reduce overall bulk and mass.

TP11 – Oblique Views

- Revised proposed perspective (street view) to reflect current design.

TP12 – Oblique Views

- Revised proposed perspective (street view) to reflect current design.

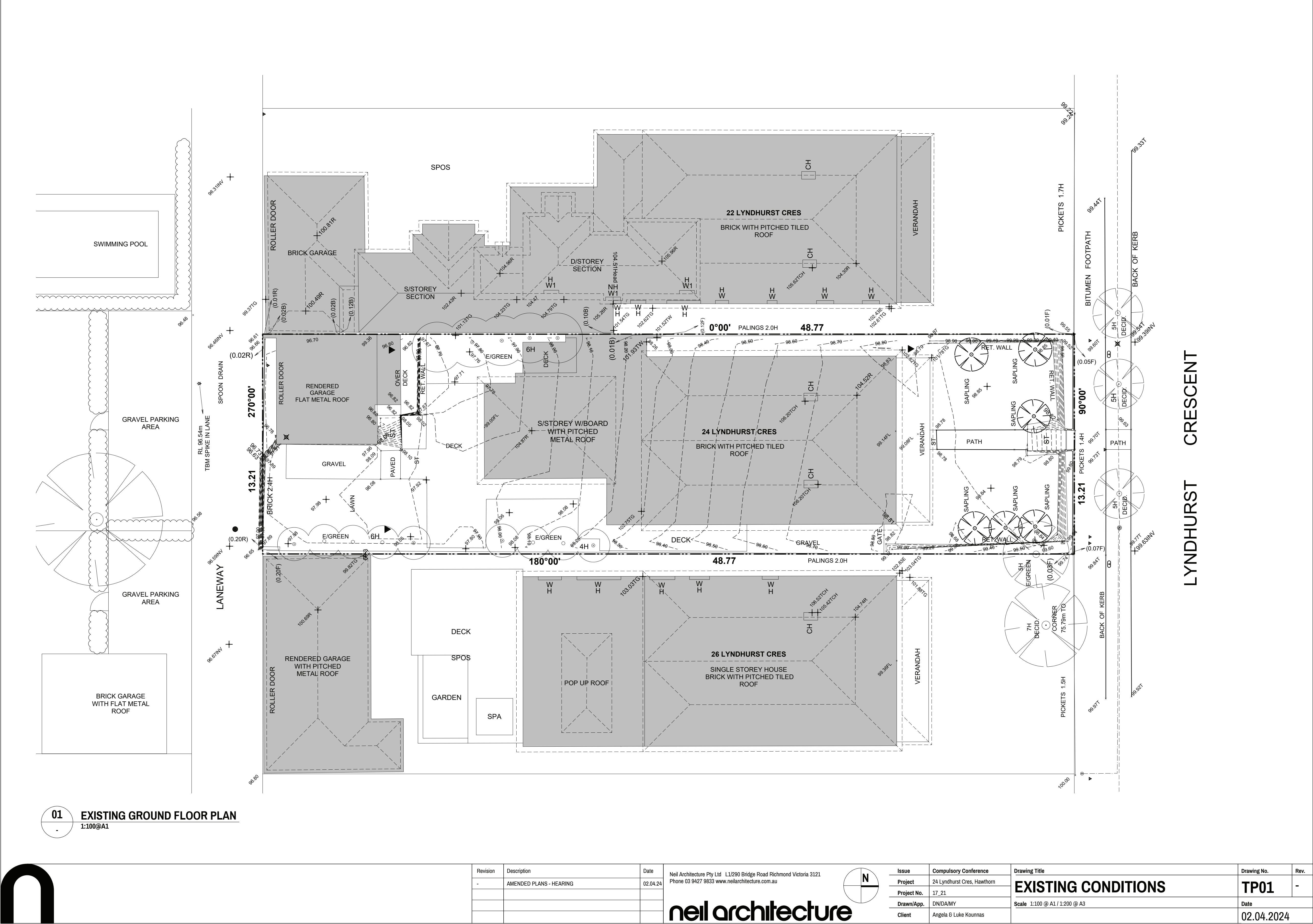
TP13 – Materials Schedule

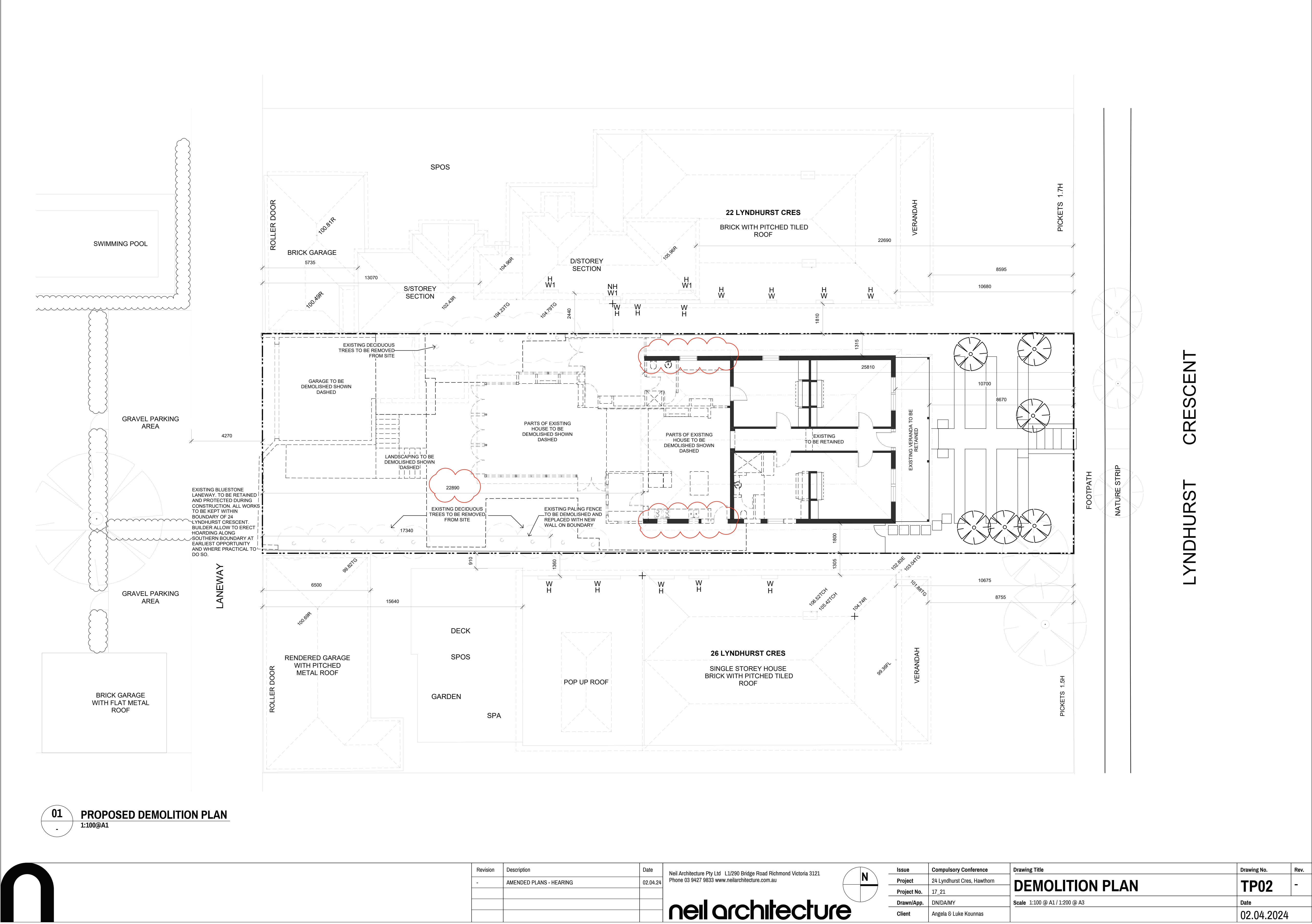
- Brick screen deleted

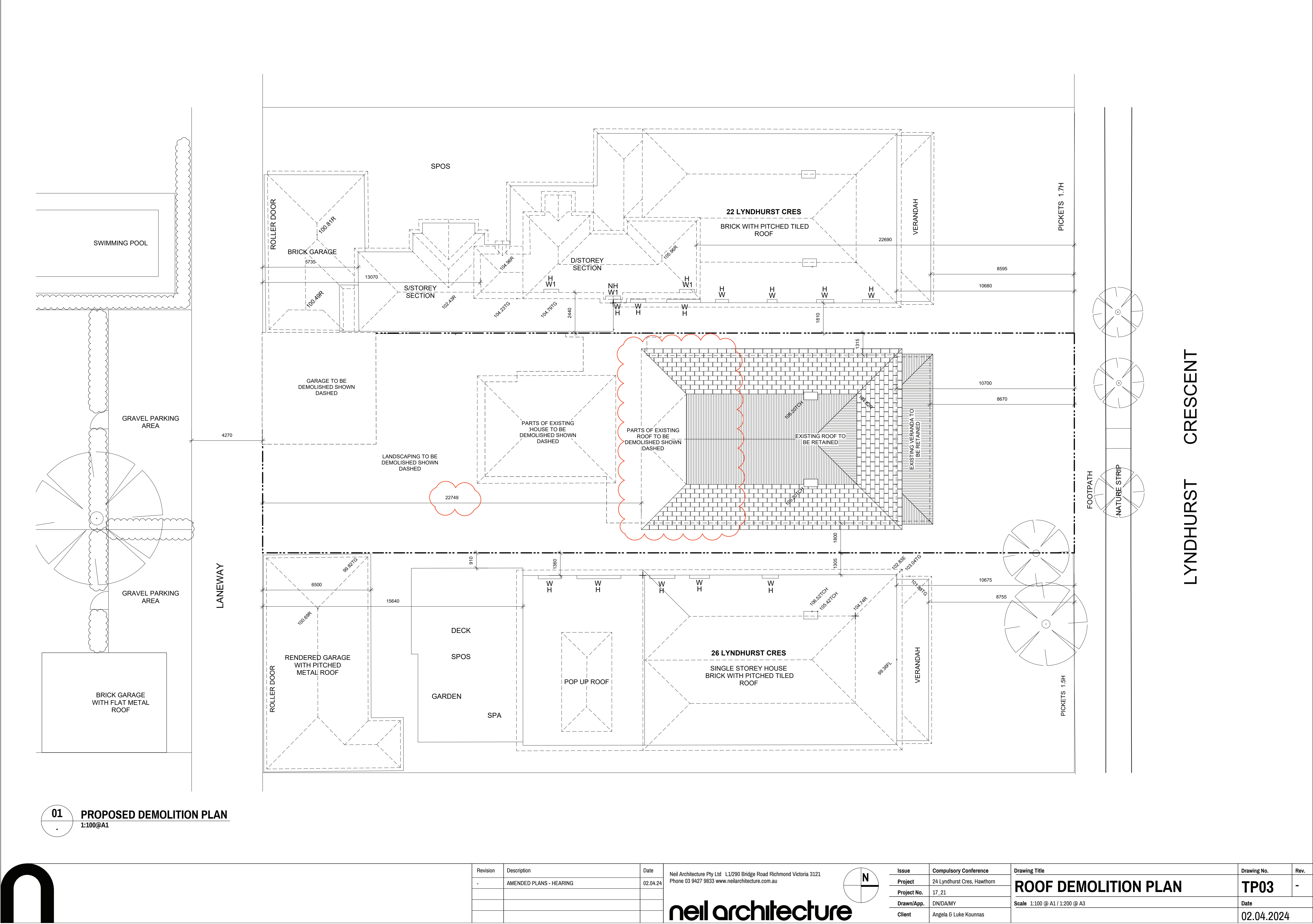
Kind regards,

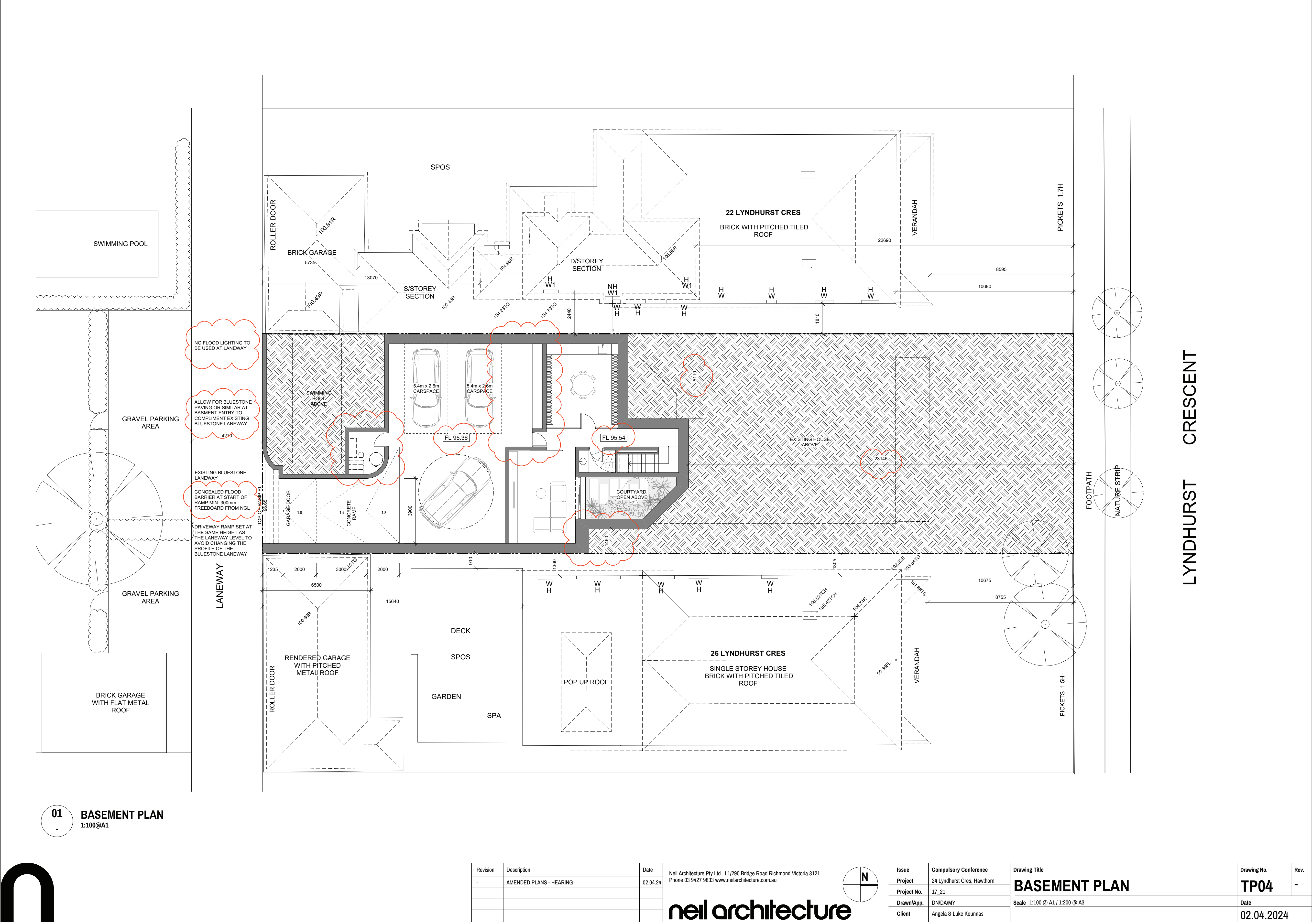
Mark Yam
Neil Architecture

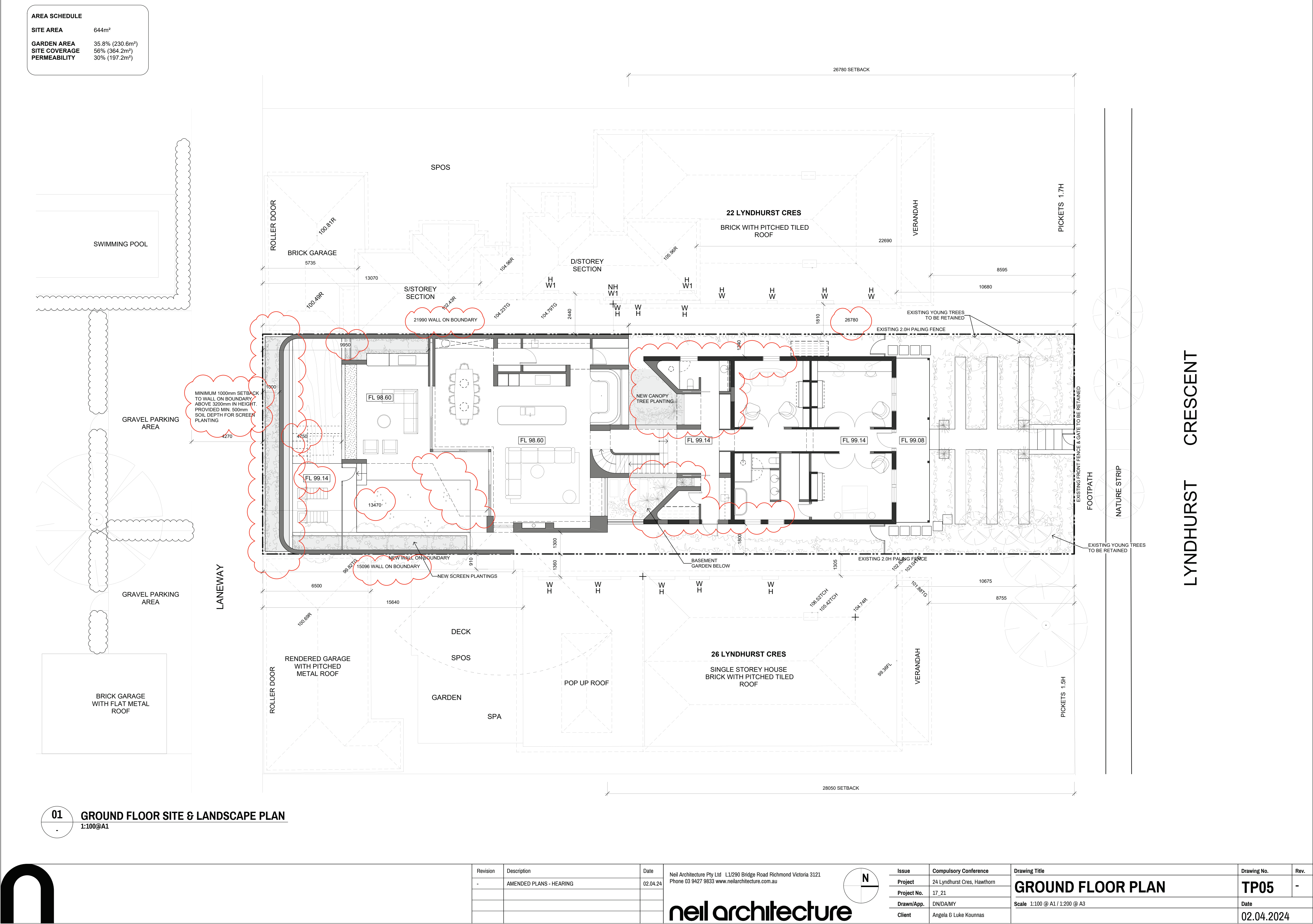
Lyndhurst0001_240131_001.docx

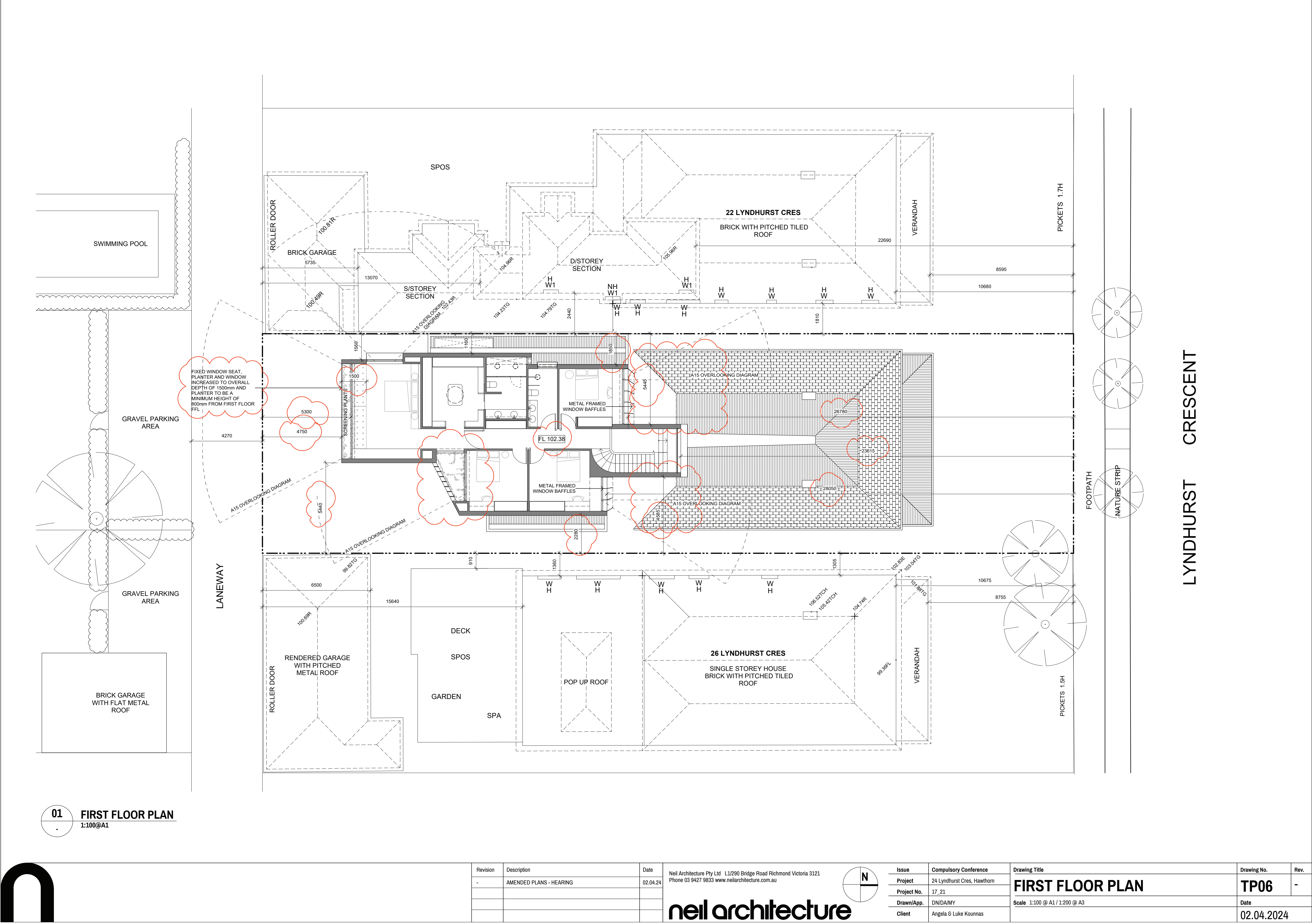


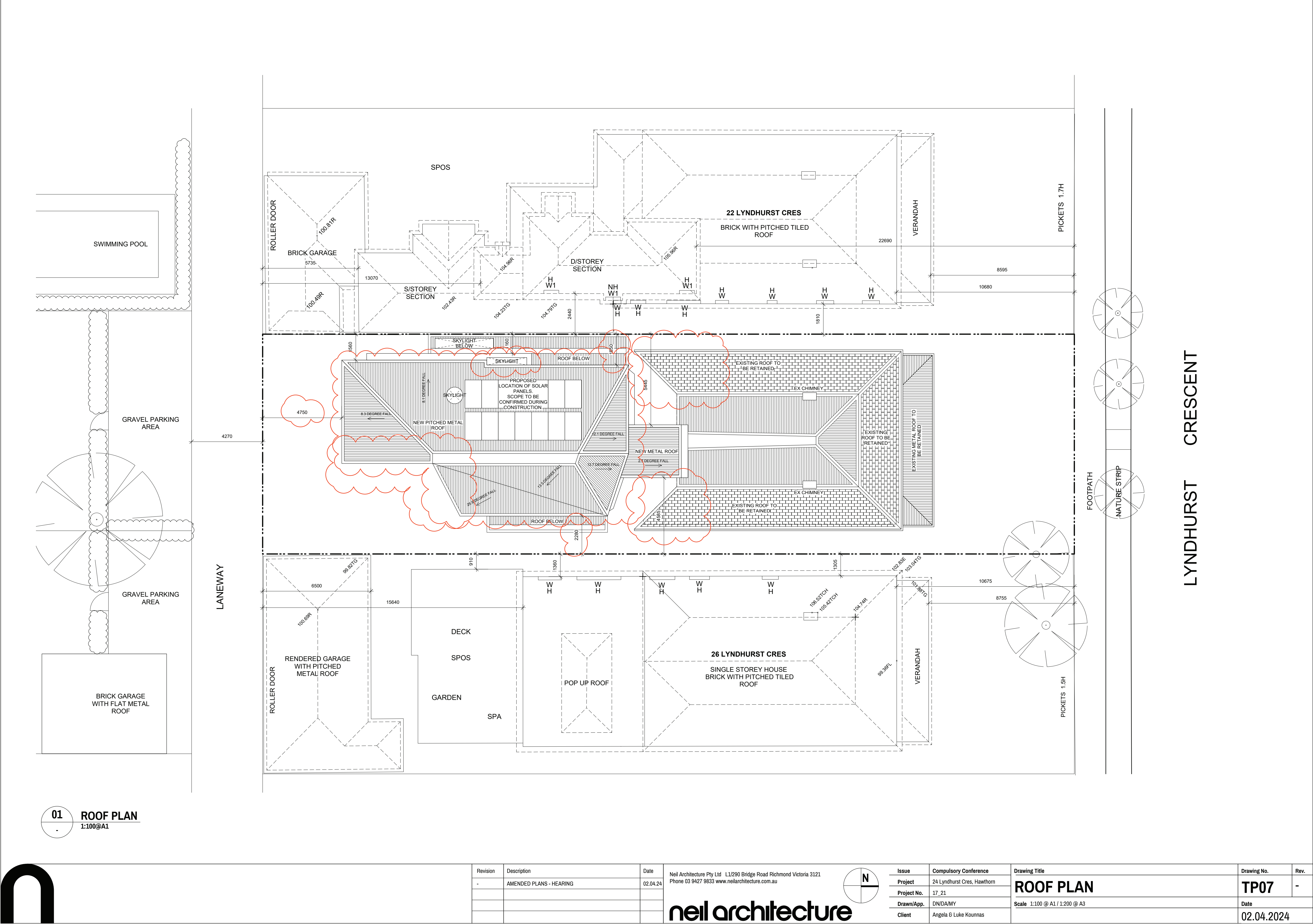


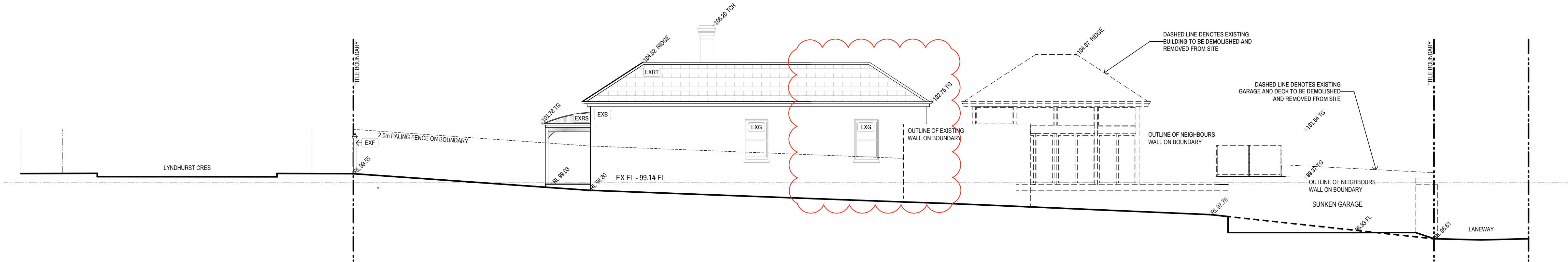




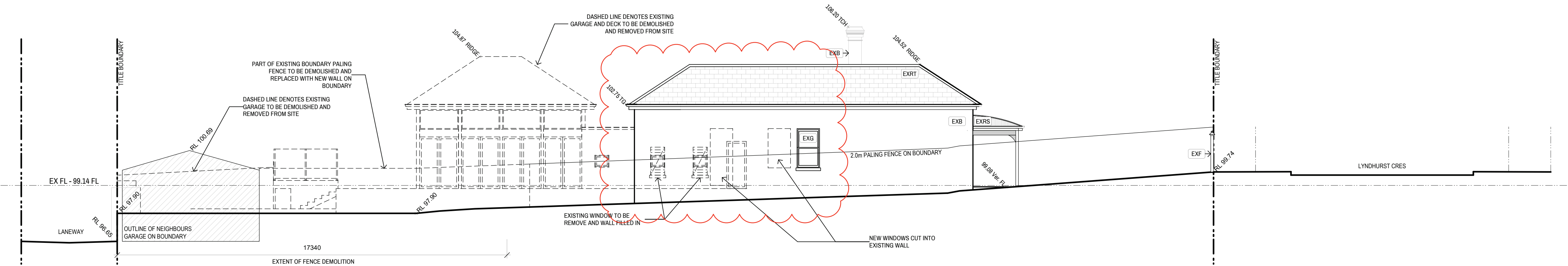




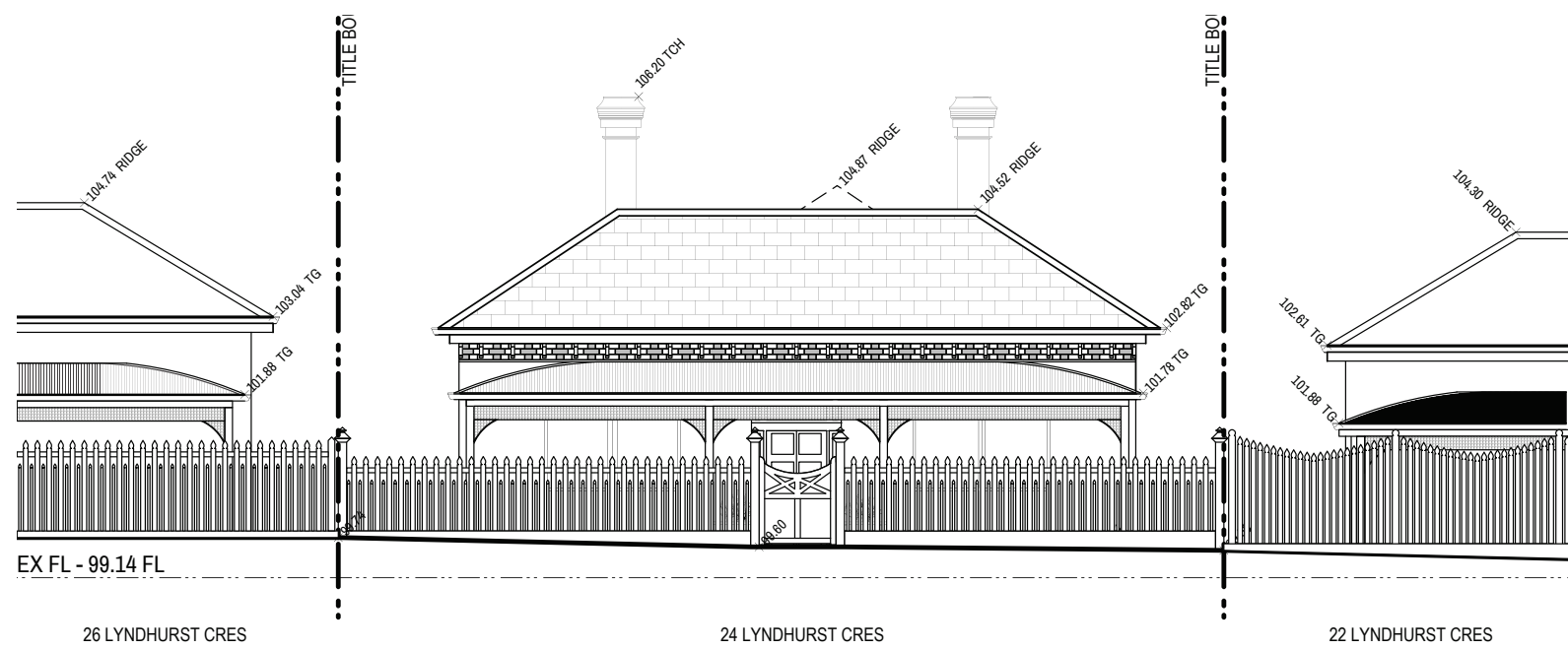




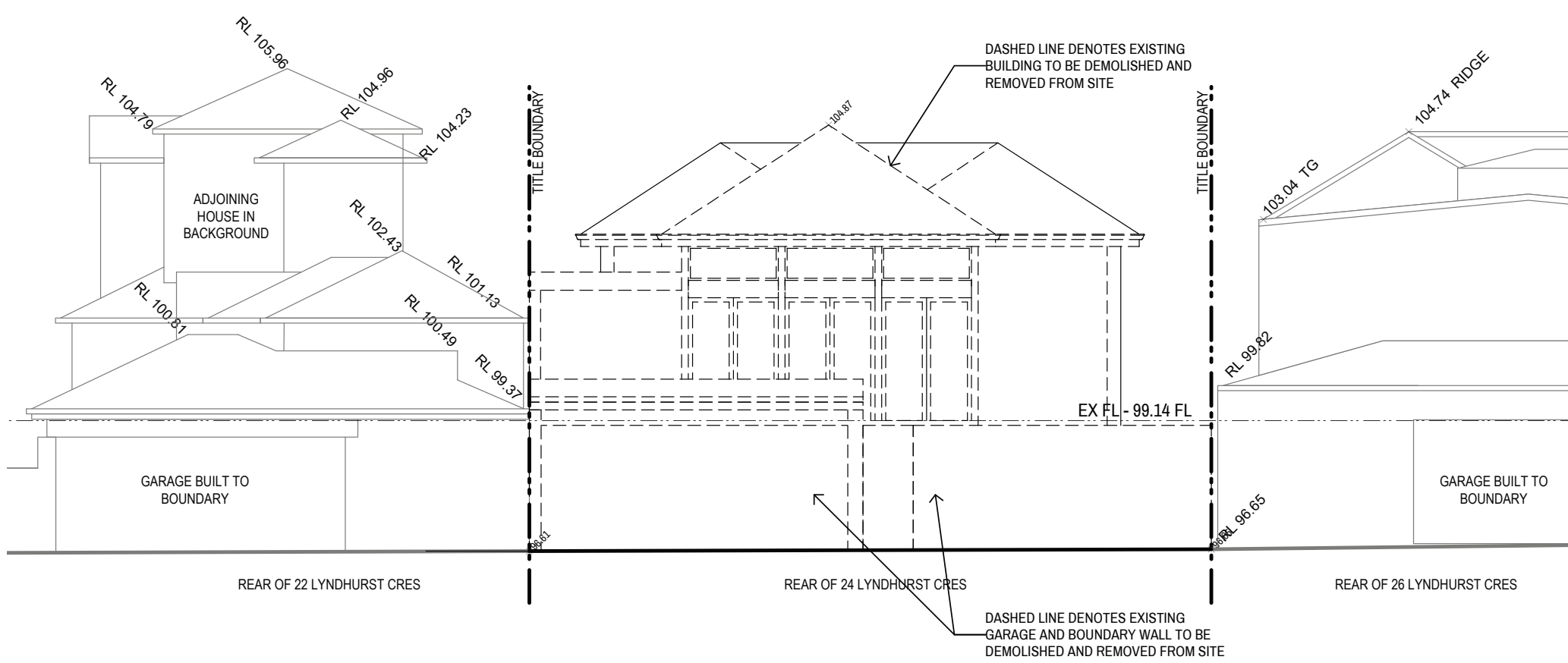
01 EXISTING WEST ELEVATION
1:100@A1



02 EXISTING EAST ELEVATION
1:100@A1



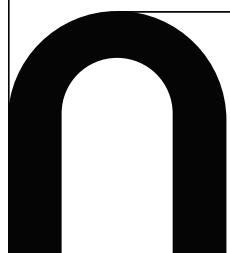
03 EXISTING NORTH ELEVATION
1:100@A1



04 EXISTING SOUTHELEVATION
1:100@A1

EXISTING MATERIAL SCHEDULE

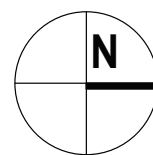
EXB	EXISTING BRICKWORK
EXF	EXISTING PAINTED TIMBER FENCE & GATE
EXG	EXISTING CLEAR GLAZING
EXRT	EXISTING SLATE ROOF TILE
EXRS	EXISTING METAL ROOF SHEETING
EXT	EXISTING PAINTED TIMBER
EXWB	EXISTING PAINTED WEATHERBOARDS



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

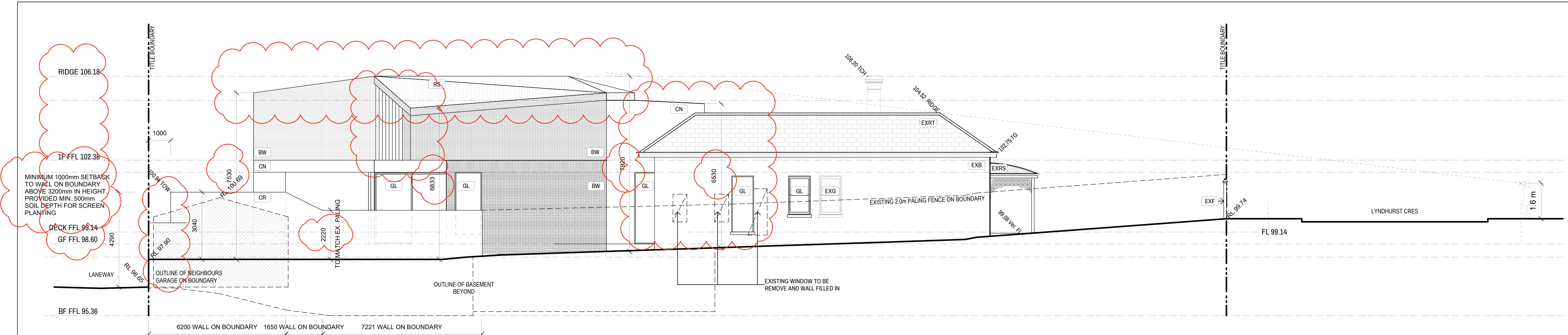
Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

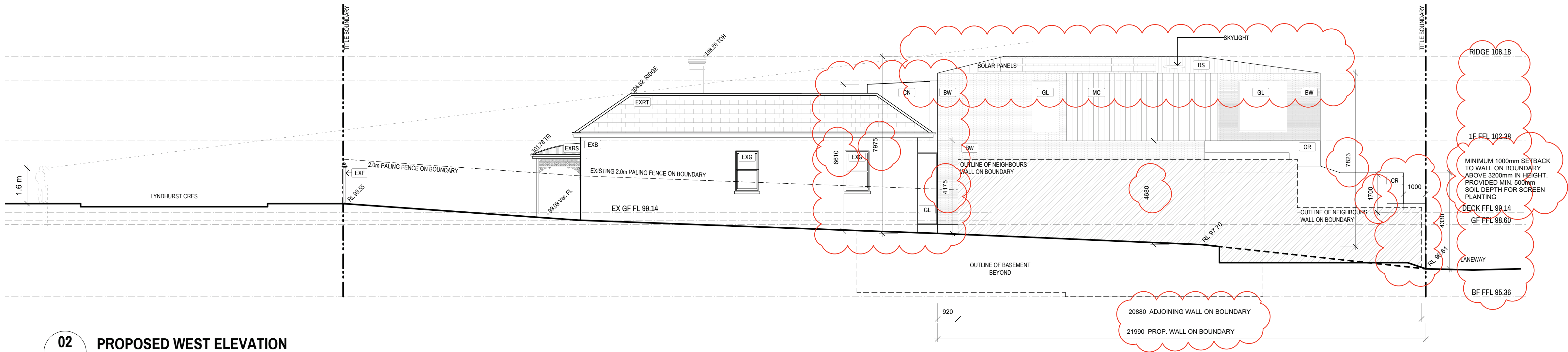


Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

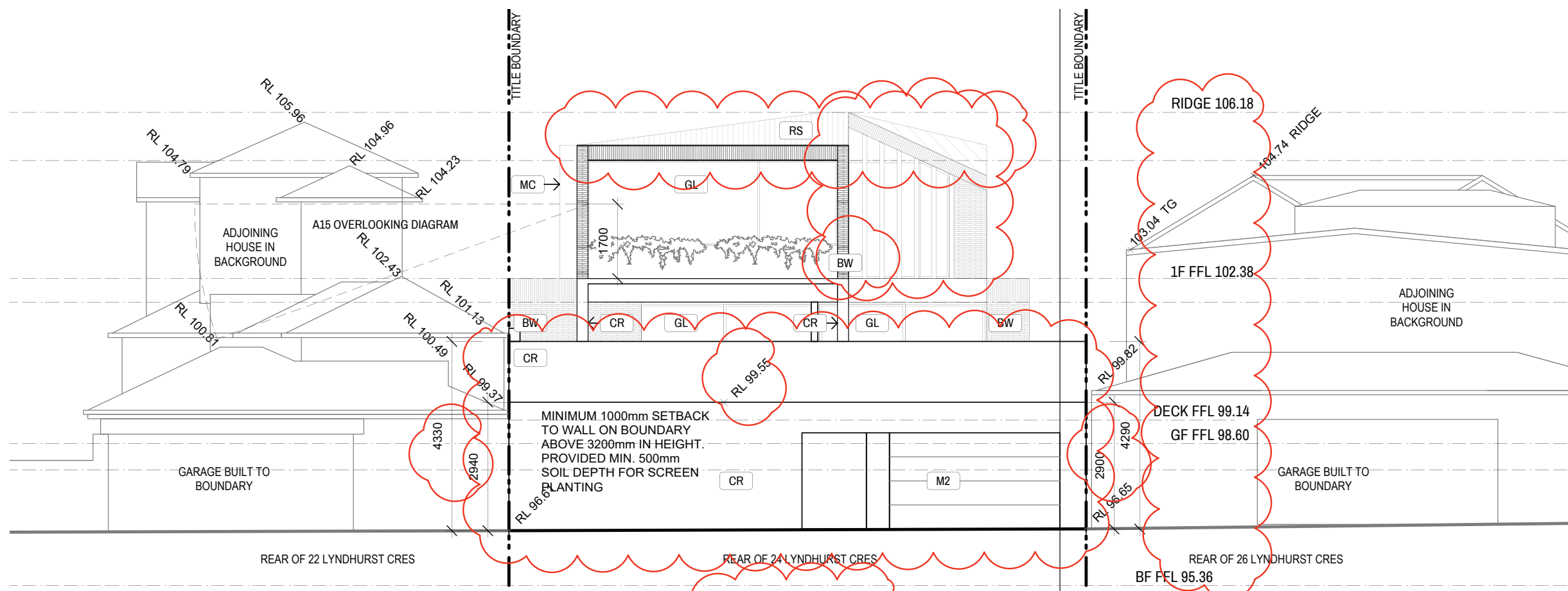
Drawing Title	Drawing No.	Rev.
EXISTING ELEVATIONS	TP08	-
Scale 1:100 @ A1 / 1:200 @ A3	Date	
	02.04.2024	



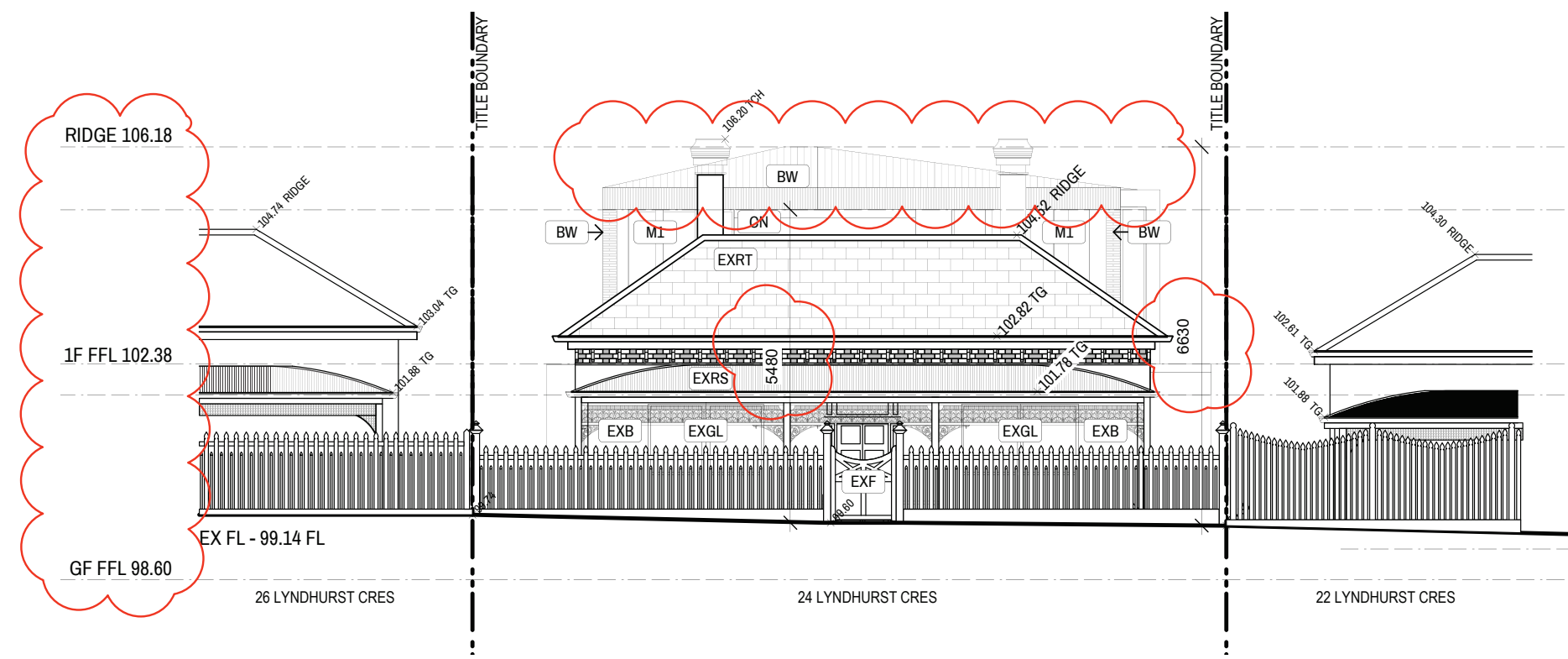
01 PROPOSED EAST ELEVATION
1:100@A1



02 PROPOSED WEST ELEVATION
1:100@A1



03 PROPOSED SOUTH ELEVATION
1:100@A1



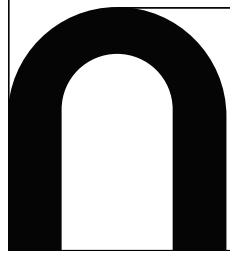
04 PROPOSED NORTH ELEVATION
1:100@A1

PROPOSED MATERIAL SCHEDULE

- BW FACE BRICKWORK
- BS BRICK SCREEN, MAX 25% TRANSPARENCY
- CN SMOOTH FINISH CONCRETE GREY
- CR CEMENT RENDER GREY
- GL CLEAR GLAZING, CHARCOAL FRAMES
- M1 METAL FRAMING, CHARCOAL
- M2 METAL CLAD GARAGE DOOR, CHARCOAL
- MC METAL CLADDING, CHARCOAL
- RS METAL ROOF SHEETING
- RT SLATE ROOF TILES TO MATCH EXISTING

EXISTING MATERIAL SCHEDULE

- EXB EXISTING BRICKWORK
- EXF EXISTING PAINTED TIMBER FENCE & GATE
- EXG EXISTING CLEAR GLAZING
- EXRT EXISTING SLATE ROOF TILE
- EXRS EXISTING METAL ROOF SHEETING
- EXT EXISTING PAINTED TIMBER
- EXWB EXISTING PAINTED WEATHERBOARDS



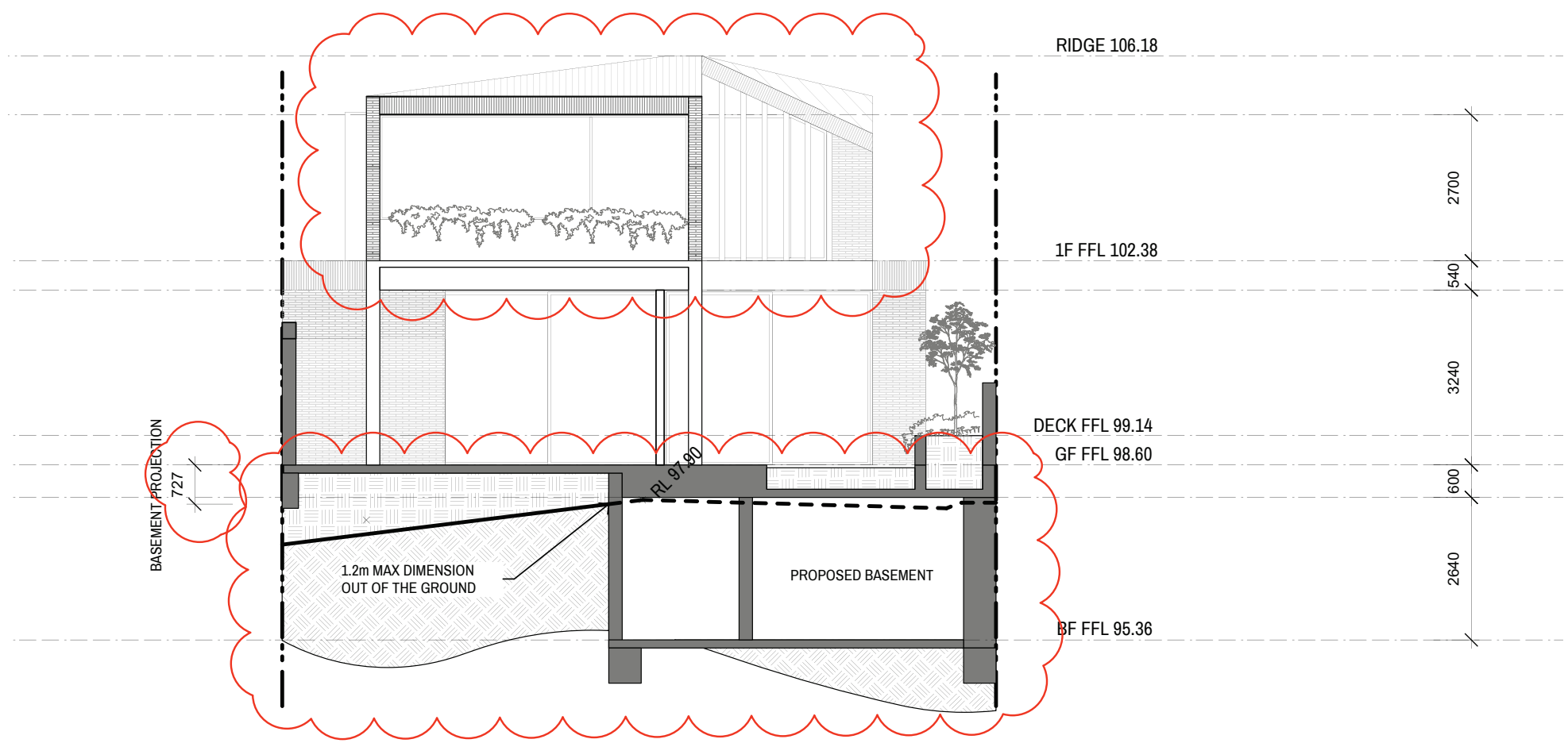
Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

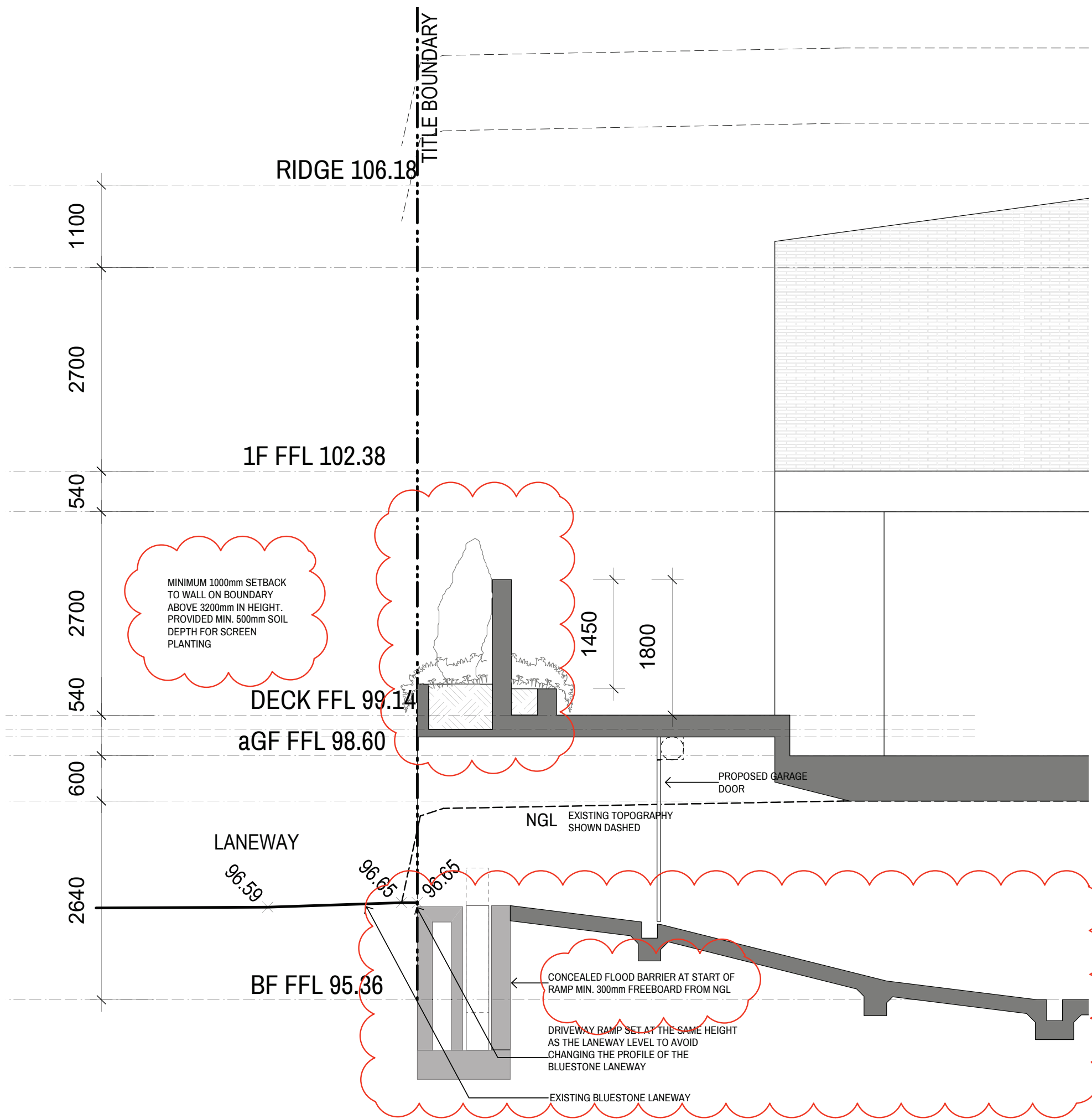
neil architecture

Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

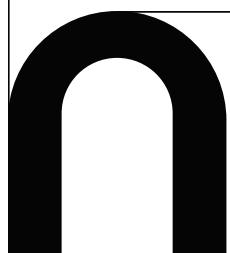
Drawing Title	Drawing No.	Rev.
PROPOSED ELEVATIONS	TP09	-
Scale 1:100 @ A1 / 1:200 @ A3	Date	
	02.04.2024	



01
-
PROPOSED SOUTH ELEVATION
1:100@A1



02
-
PROPOSED LANEWAY SECTION
1:50@A1



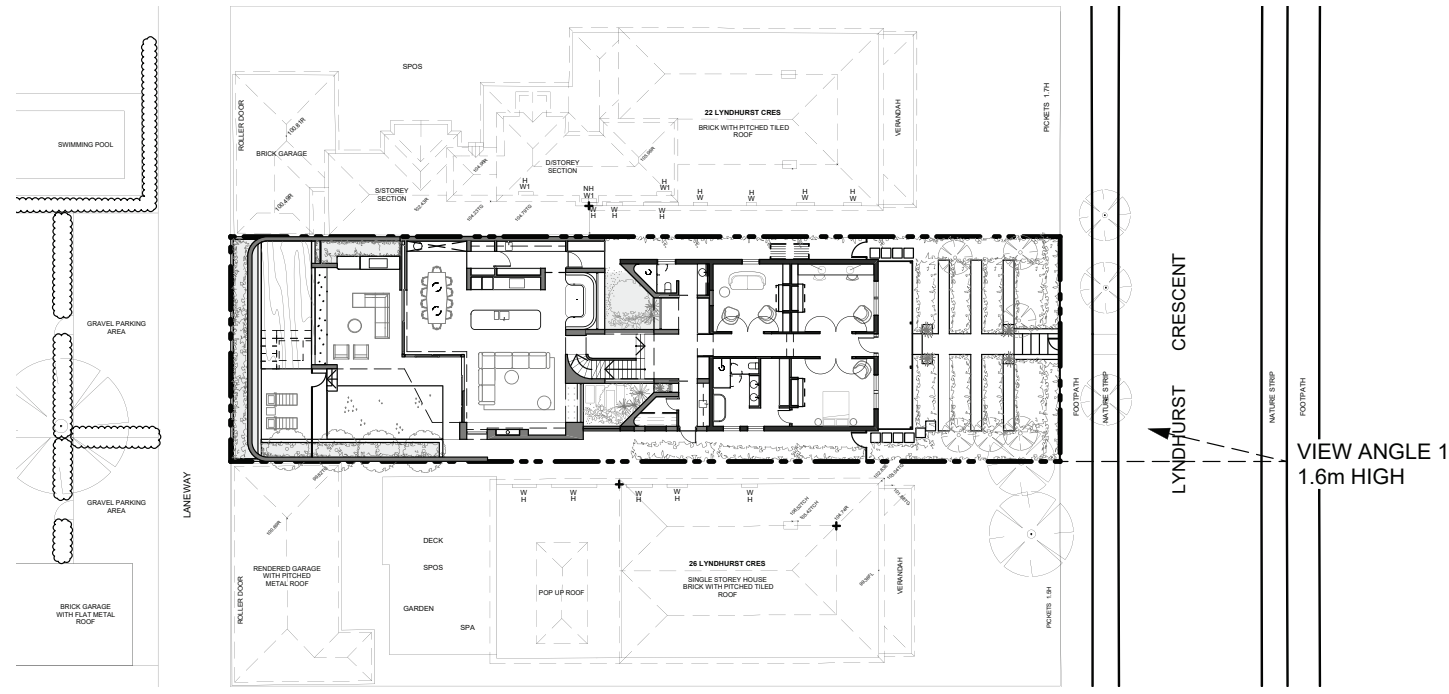
Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

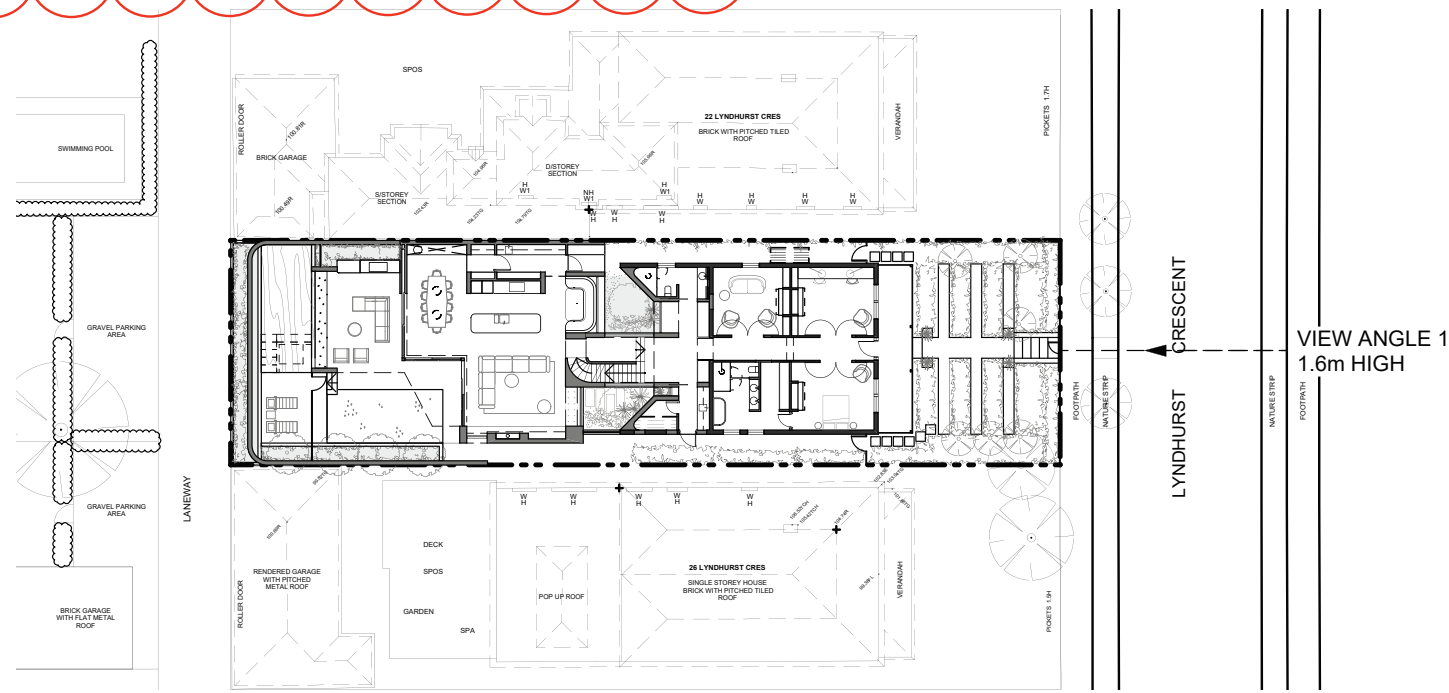
Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title	Drawing No.	Rev.
PROPOSED ELEVATIONS	TP10	-
Scale 1:100 @ A1 / 1:200 @ A3	Date	
	02.04.2024	



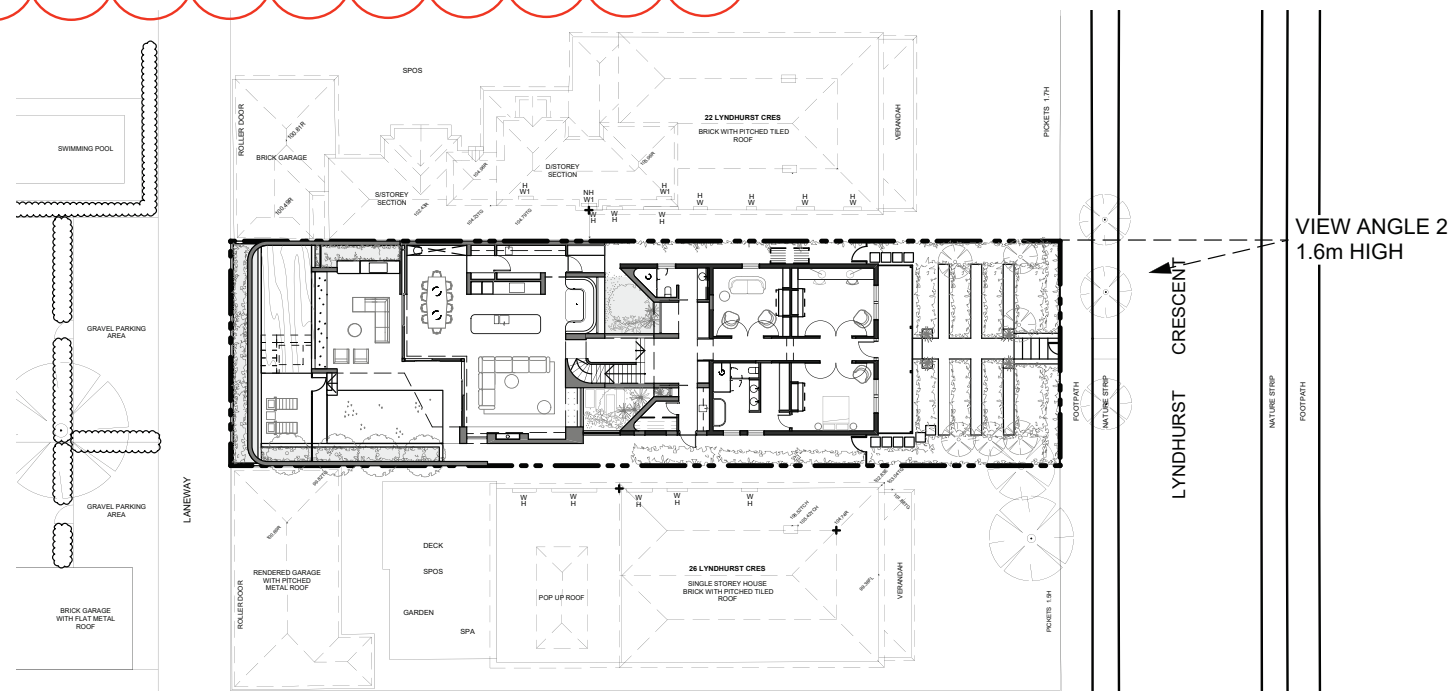
VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

01 PROPOSED PERSPECTIVE 1



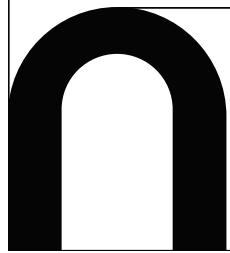
VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

02 PROPOSED PERSPECTIVE 2



VIEW HAS EXISTING LANDSCAPING WITHIN THE SUBJECT SITE REMOVED FOR CLARITY. SEE TP12 FOR VIEWS WITH INTERNAL LANDSCAPING SHOWN

03 PROPOSED PERSPECTIVE 3



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

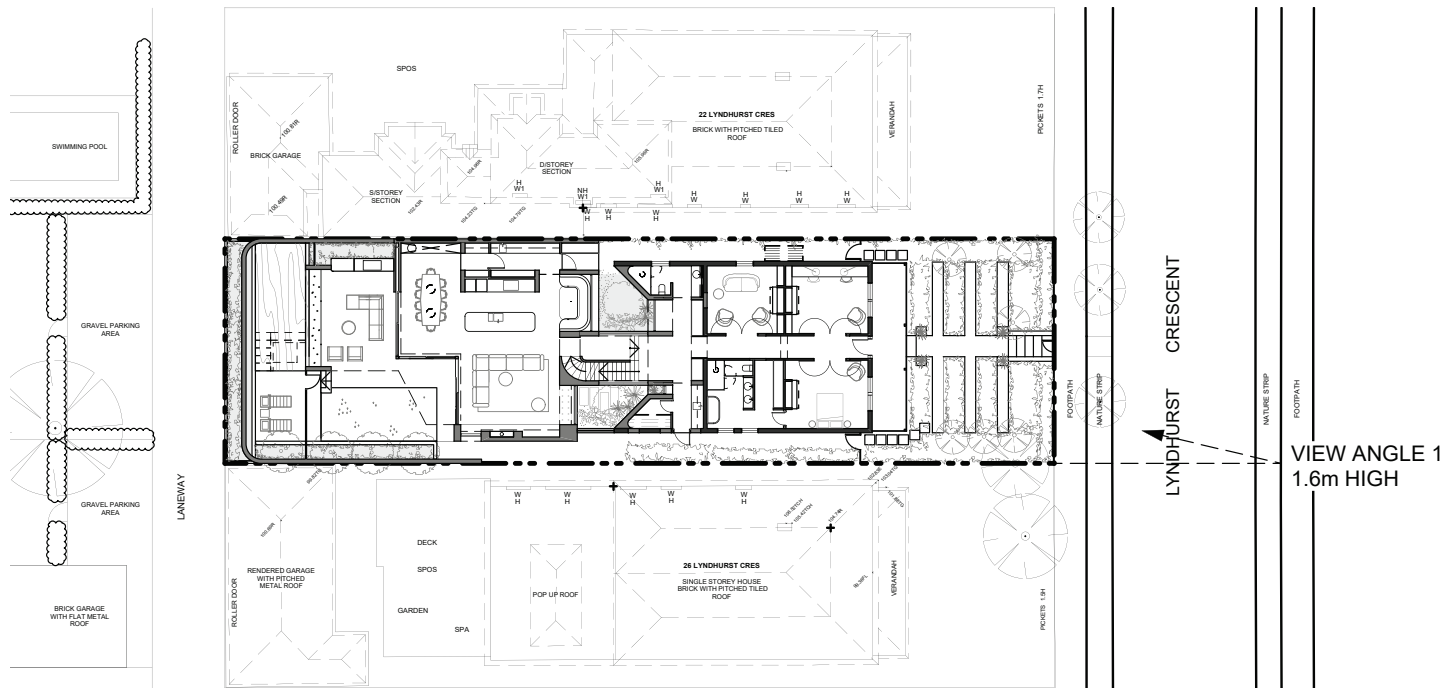
Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

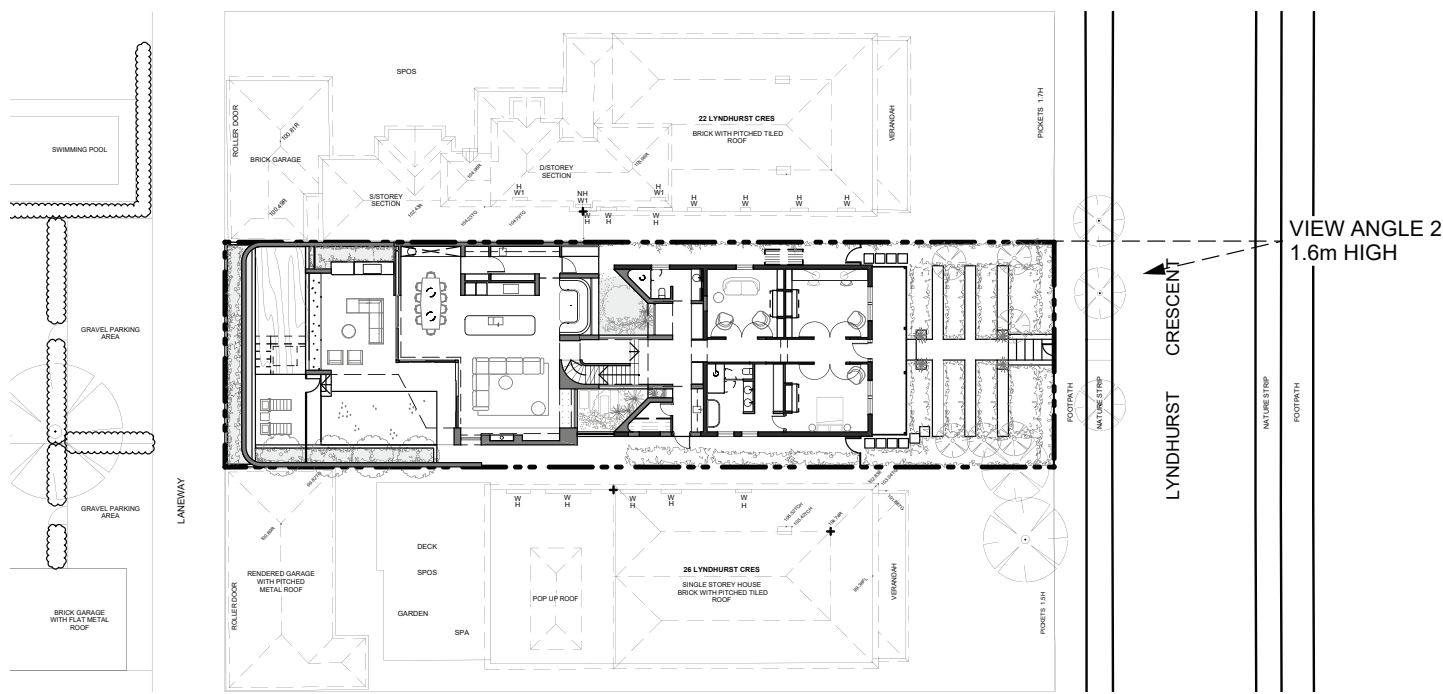
Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title
OBLIQUE VIEWS
Scale 1:100 @ A1 / 1:200 @ A3

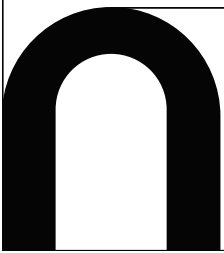
Drawing No.	Rev.
TP11	-
Date	
02.04.2024	



01 PROPOSED PERSPECTIVE 1



02 PROPOSED PERSPECTIVE 2



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title
OBLIQUE VIEWS WITH EXISTING LANDSCAPING
Scale 1:100 @ A1 / 1:200 @ A3

Drawing No.	Rev.
TP12	-
Date	
02.04.2024	



BW
'LOHAS' ROMAN HANDMADE COLLECTION
COLOUR TEIDE



MC
METAL WALL CLADDING, CHARCOAL,
COLOUR



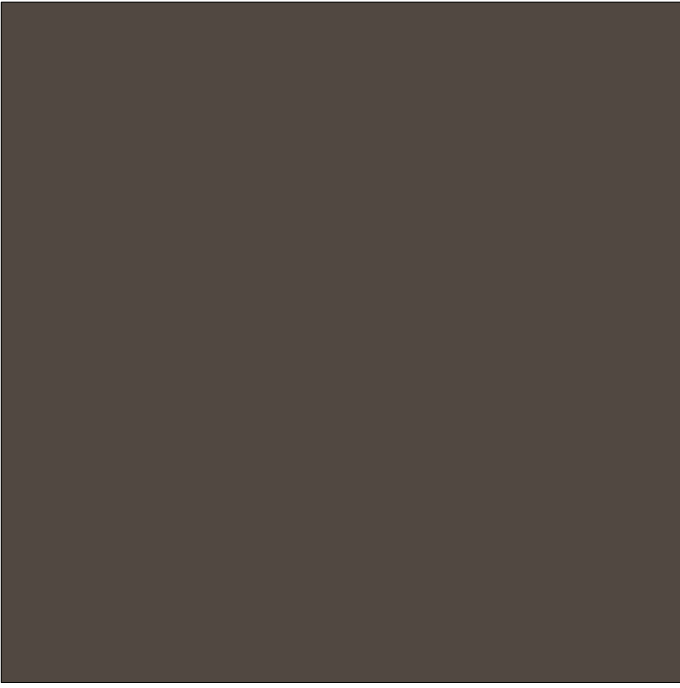
CN
SMOOTH CONCRETE FINISH, GREY



BS
'LOHAS' ROMAN HANDMADE COLLECTION
COLOUR TEIDE
MAXIMUM 25% TRANSPARENCY



RT
ROOF TILE TO MATCH EXISTING



GL
NEW WINDOW FRAMES, DARK COLOUR,
CLEAR GLAZING

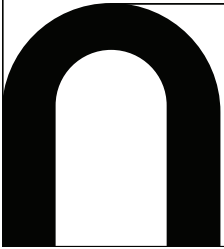


M2
METAL GARAGE DOOR, CHARCOAL,
COLOUR



IMAGE OF THE EXISTING HOUSE FACADE,
PROPOSED MATERIAL SELECTION
REFERENCES THE EXISTING MATERIAL
PALETTE

01 MATERIALS AND FINISHES SCHEDULE



Revision	Description	Date
-	AMENDED PLANS - HEARING	02.04.24

Neil Architecture Pty Ltd L1/290 Bridge Road Richmond Victoria 3121
Phone 03 9427 9833 www.neilarchitecture.com.au

neil architecture

Issue	Compulsory Conference
Project	24 Lyndhurst Cres, Hawthorn
Project No.	17_21
Drawn/App.	DN/DAMY
Client	Angela & Luke Kounnas

Drawing Title	Drawing No.	Rev.
MATERIALS SCHEDULE	TP13	-
Scale -	Date	
	02.04.2024	