

Application Referral Cultural Heritage - Response

From:	Brendan Lennard
Recommendation:	
Date Completed:	
Address:	26 SWAN STREET, NORTH HOBART
Proposal:	Partial Demolition, Alterations and Multiple Dwellings
Application No:	PLN-18-19
Assessment Officer:	Helen Ayers,

Referral Officer comments:

The proposed development involves modifications to the existing residence and construction of two residential units within the grounds of the property. Access and parking requirements for the proposed units will involve the substantial clearing of the year yard. A number of trees have been identified for retention and an arborist's report sets out proposed measures for protection of the trees.

The subject property is one of a pair of similar large brick houses (Numbers 24 and 26 Swan Street) constructed c. 1915. The house is known as 'Jellicoe' – possible a reference to First World War naval hero, Admiral John Jellicoe.

The property is individually listed (i.e. a Place of Historic Heritage Significance) and is also located within a Heritage Precinct (NH5 – Swan Street). The house is set in large grounds, which slope away from Swan Street down toward the Providence Valley Rivulet (now piped) near Newdegate Street. The mature vegetation, including a number of walnut trees, is a prominent and significant feature of the property, despite the general nature of the garden being currently overgrown.

The Heritage Precinct is significant for the following identified reasons:

1. The quality and quantity of late Victorian and Federation period houses which demonstrate its original residential nature and the boom periods of suburban expansion.
2. Individual houses that are intact representative examples of late Victorian and Federation architecture.
3. Groups of houses that are impressive examples of late Victorian and Federation architecture that make a valuable contribution to the streetscape.
4. The continuous two storey ornately decorated facades and general uniformity of form and scale together with a distinctive nineteenth/early twentieth century street pattern that creates a consistent and impressive streetscape.
5. The front and rear gardens and retaining walls are important aesthetic features which reinforce its residential character.
6. Buildings with social significance for the local and broader community because of their past and present social and religious functions.

The objective of the Historic Heritage Code is set out in E13.1.1.

E13.1 Purpose

E13.1.1

To recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

Relevant scheme provisions relating to Heritage Places are:

E13.7.2 Buildings and Works other than Demolition

Objective:

To ensure that development at a heritage place is:

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

Acceptable Solutions

A1

No Acceptable Solution.

Performance Criteria

P1

Development must not result in any of the following:

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

A2

No Acceptable Solution.

P2

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;
- (b) setback from frontage;

(c) siting with respect to buildings, structures and listed elements;

(d) using less dominant materials and colours.

A3

No Acceptable Solution.

P3

Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

A4

No Acceptable Solution.

P4

Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

A5

New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

P5

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.

A6

Areas of landscaping between a dwelling and the street must be retained.

P6

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.

Relevant scheme provisions relating to Heritage Precincts are:

E13.8 Development Standards for Heritage Precincts

E13.8.1 Demolition

Objective:

To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Acceptable Solutions

A1

No Acceptable Solution.

Performance Criteria

P1

Demolition must not result in the loss of any of the following:

- (a) buildings or works that contribute to the historic cultural heritage significance of the precinct;
- (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;

unless all of the following apply;

- (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
- (ii) there are no prudent or feasible alternatives;
- (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

E13.8.2 Buildings and Works other than Demolition

Objective:

To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

Acceptable Solutions

A1

No Acceptable Solution

Performance Criteria

P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

A2

No Acceptable Solution

P2

Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.

A3

No Acceptable Solution

P3

Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

A4

New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

P4

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.

A5

Areas of landscaping between a dwelling and the street must be retained.

P5

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

Assessment

The proposal will involve the removal of the majority of the current vegetated rear garden, to be replaced by paved access and parking. The major walnut tree will require major work, with large limbs removed. The appearance of the tree will be drastically altered, as will its setting, and the ability to appreciate the garden context of the tree. The arborist's report sets out a number of measures which attempt to ensure the survival of the various trees which will be impacted upon by the proposal. These measures provide no certainty for the survival of the trees. With the best intention and the best circumstances of care and supervision, the aesthetic qualities of the garden and its trees will be radically compromised. A substantial reduction in the number of car spaces may assist in relieving the impact upon the garden. The relocation of the proposed units away from mature vegetation would also assist the long-term survival of the trees, and appreciation of their qualities.

The rear yards between the large houses in Swan Street and the boundaries of the adjacent Newdegate Street properties along the alignment of the former Providence Valley Rivulet remain as backyards to the substantial houses, with a mixture of mature trees and large shrubs. The yards of these houses are all devoid of any development. These rear gardens have been specifically identified for their aesthetic importance to the Heritage Precinct. The gardens and mature trees are also visible from Newdegate Street to the south-east.

The critical measures against which the proposal must be assessed are:

E13.7.2 Buildings and Works other than Demolition (Heritage Places)

P1

Development must not result in any of the following:

...

(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

E13.8.1 Demolition (within a Heritage Precinct)

P1

Demolition must not result in the loss of any of the following:

...

(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;

unless all of the following apply;

(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(ii) there are no prudent or feasible alternatives;

(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

E13.8.2 Buildings and Works other than Demolition

Performance Criteria

P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

Conclusion

The proposal fails to meet these performance criteria, as the construction of the units with associated access and parking would irrevocably alter the characteristics of the curtilage of the existing house and substantially destroy the rear garden. Furthermore, the aesthetic qualities of the existing trees would be dramatically altered to such an extent that the contribution they make to the place and the overall precinct would be unacceptably compromised. No other place within this row of buildings (Numbers 4 to 30 Swan Street) has lost its rear garden in the manner proposed in the current application.

On balance, the proposal warrants refusal.

Reasons for refusal

The proposal does not meet the performance criterion E13.7.2 P1 (b), as the development will result in substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants and trees that contribute to the significance of the place.

The proposal does not meet the performance criterion E13.8.1 P1 (b), as the proposal

involves the unacceptable loss of landscape elements, including plants and trees that contribute to the historic cultural heritage significance of the precinct, without satisfying the necessary enabling provisions.

The proposal does not meet the performance criterion E13.8.2 P1, as the design and siting of buildings and works will result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.