



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 13 August 2018
Expiry Date: 26 September 2018
Application No: PLN-17-590
Address: 108 REGENT STREET , SANDY BAY
Applicant: Dominic Abbott (Design East)
153 Davey St
Proposal: Partial Demolition, Alterations and Extension
Representations: Nil (0)
Performance criteria: Inner Residential Zone Development Standards, and Historic Heritage Cod

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition, alterations and extension.
- 1.2 More specifically the proposal includes a new upper level to the existing dwelling for a bedroom, sitting room/study and rear deck.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Inner Residential Zone Development Standards - Building Envelope
 - 1.3.2 Historic Heritage Code - Heritage Precinct
- 1.4 No representations were received within the statutory advertising period between the 8th and 22nd August 2017.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The 650sqm site is within the Inner Residential zone close to the University of Tasmania.

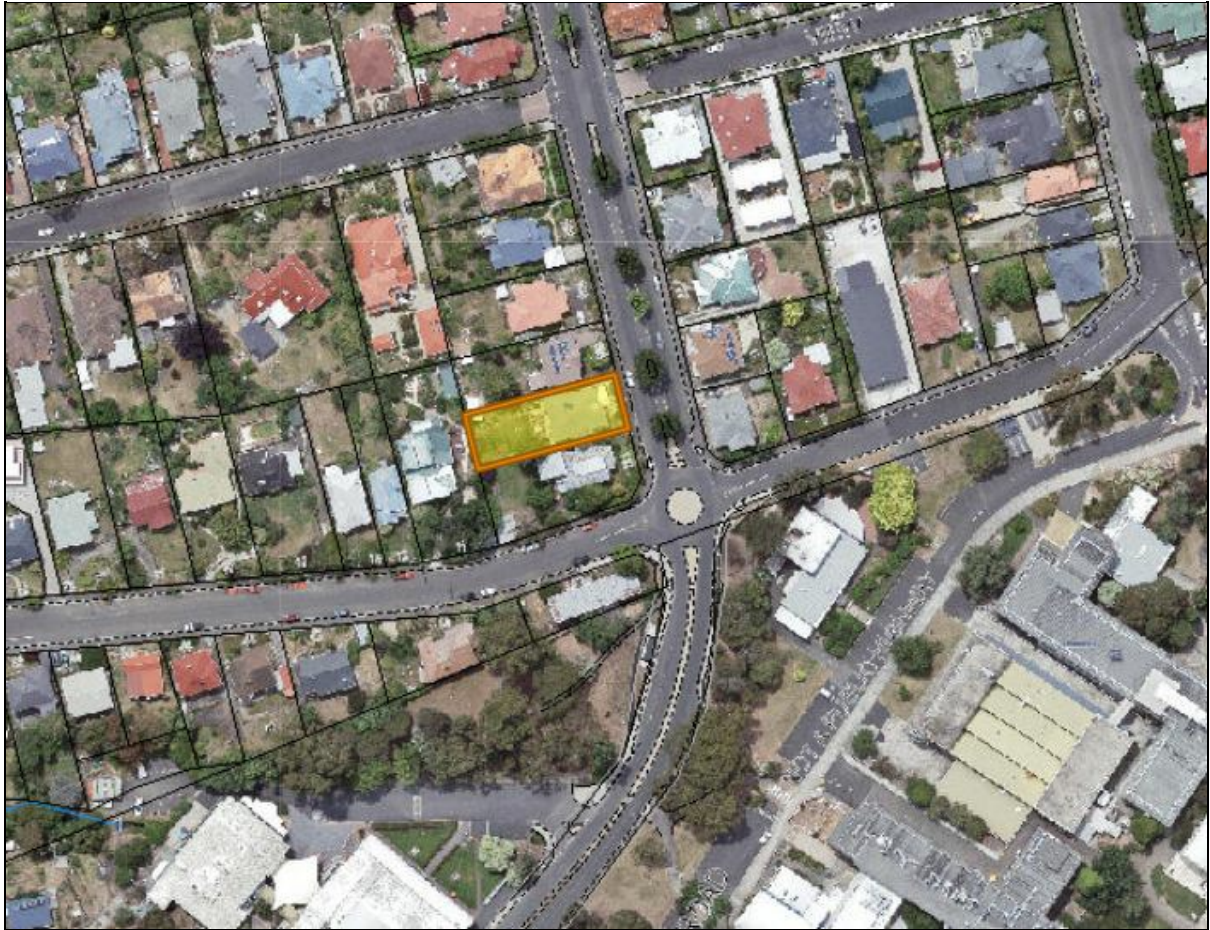


Figure 1, above. 108 Regent Street shown highlighted yellow.



Figure 2, above: 108 Regent Street in centre of image.



Figure 3, above: 108 Regent Street in centre of image, from Google Streetview.



Figure 4, above: 108 Regent Street in centre of image, from Google Streetview.

3. Proposal

- 3.1 Planning approval is sought for a partial demolition, alterations and extension.
- 3.2 More specifically the proposal is for a new upper level to the existing dwelling for a bedroom, sitting room/study and rear deck.

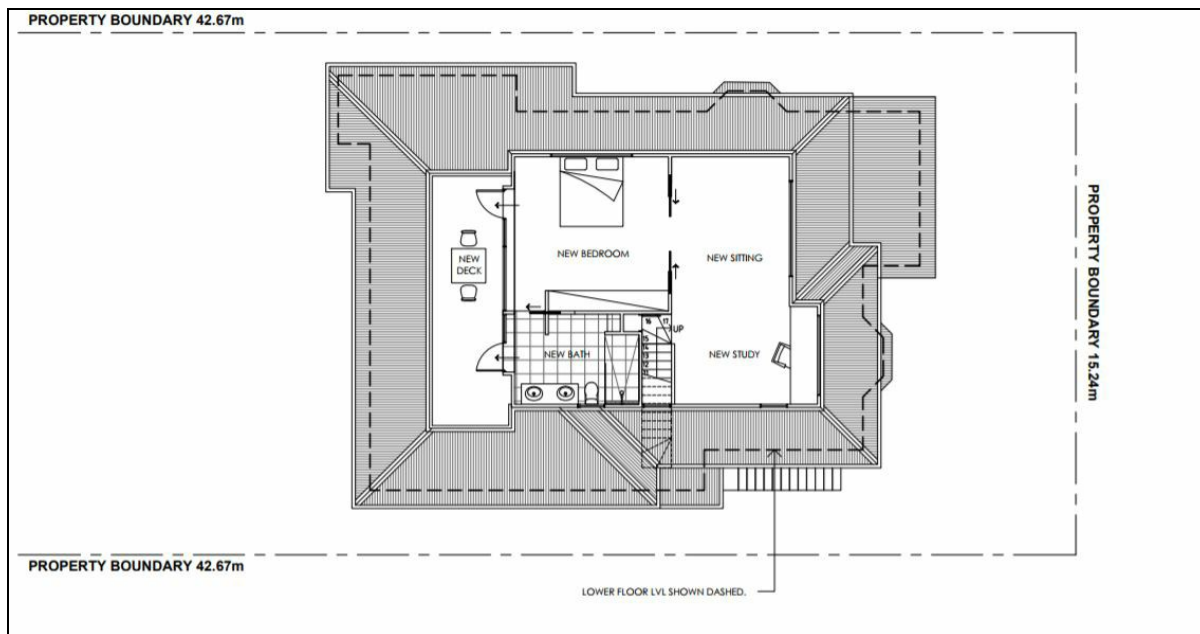


Figure 5: Proposed upper level floor plan.

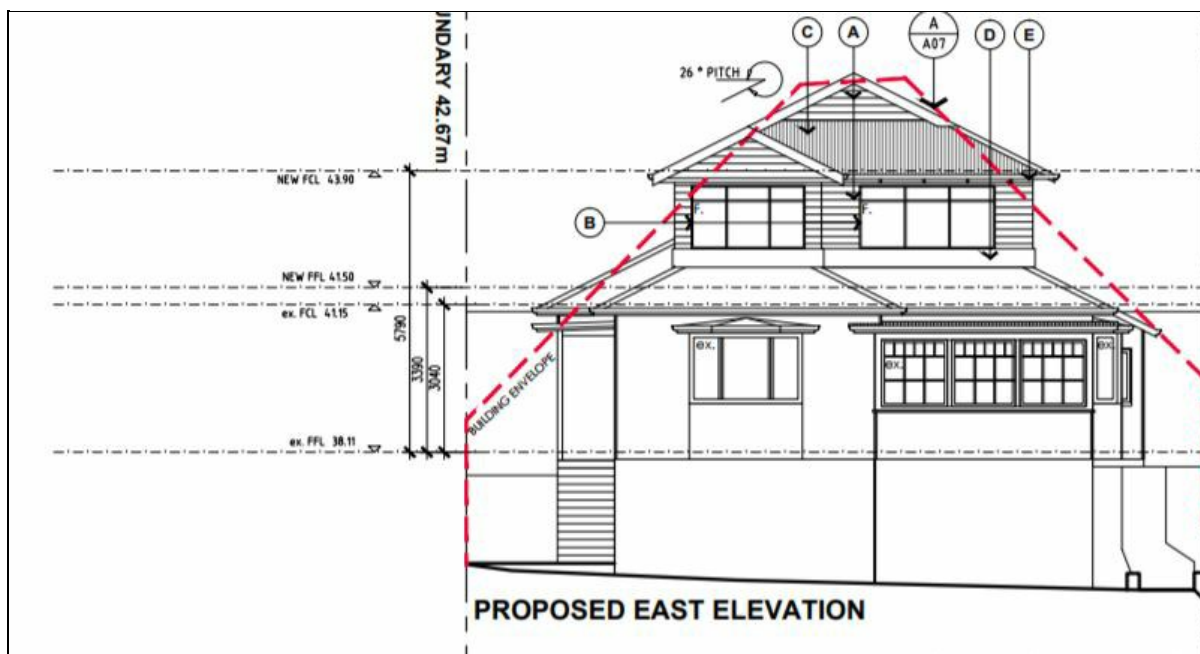


Figure 6: Proposed front elevation.

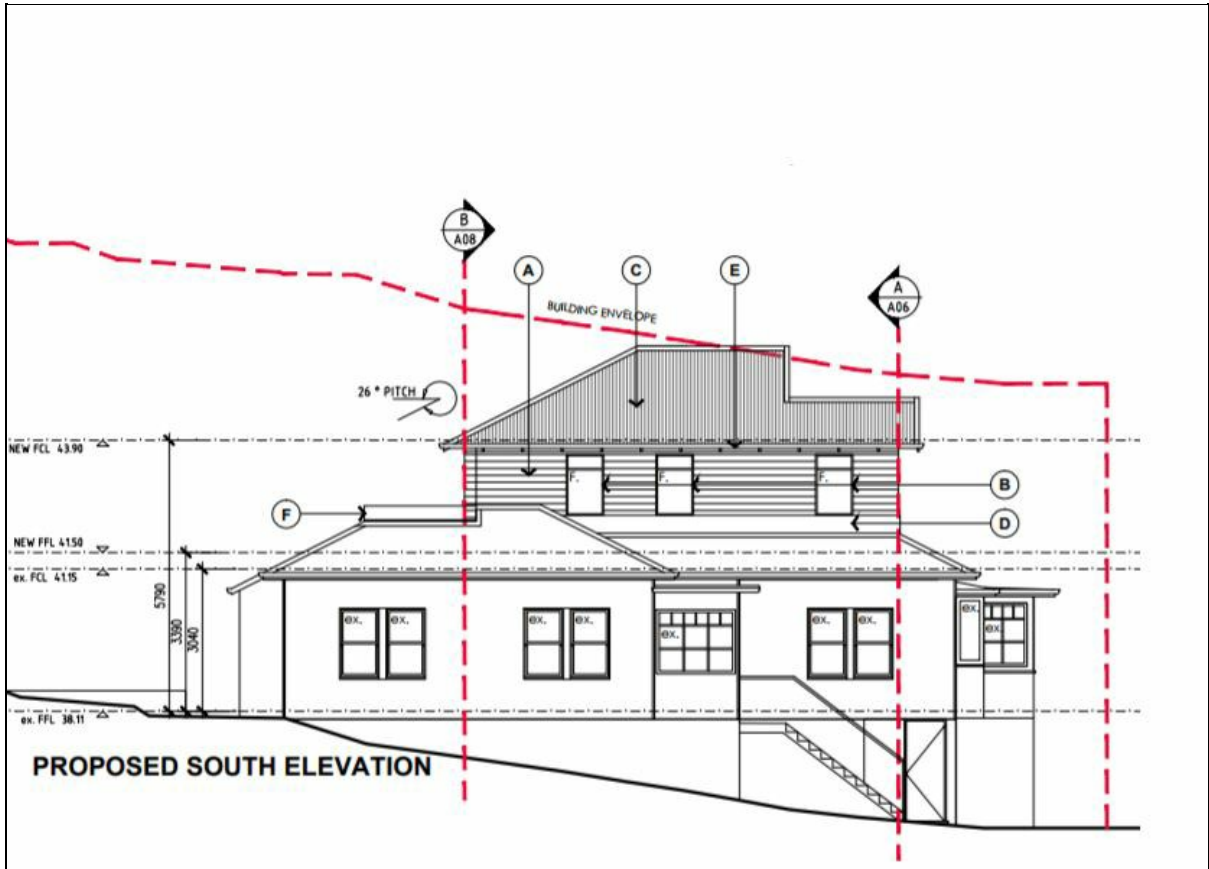


Figure 7: Proposed left hand side elevation, facing 110 Regent Street.

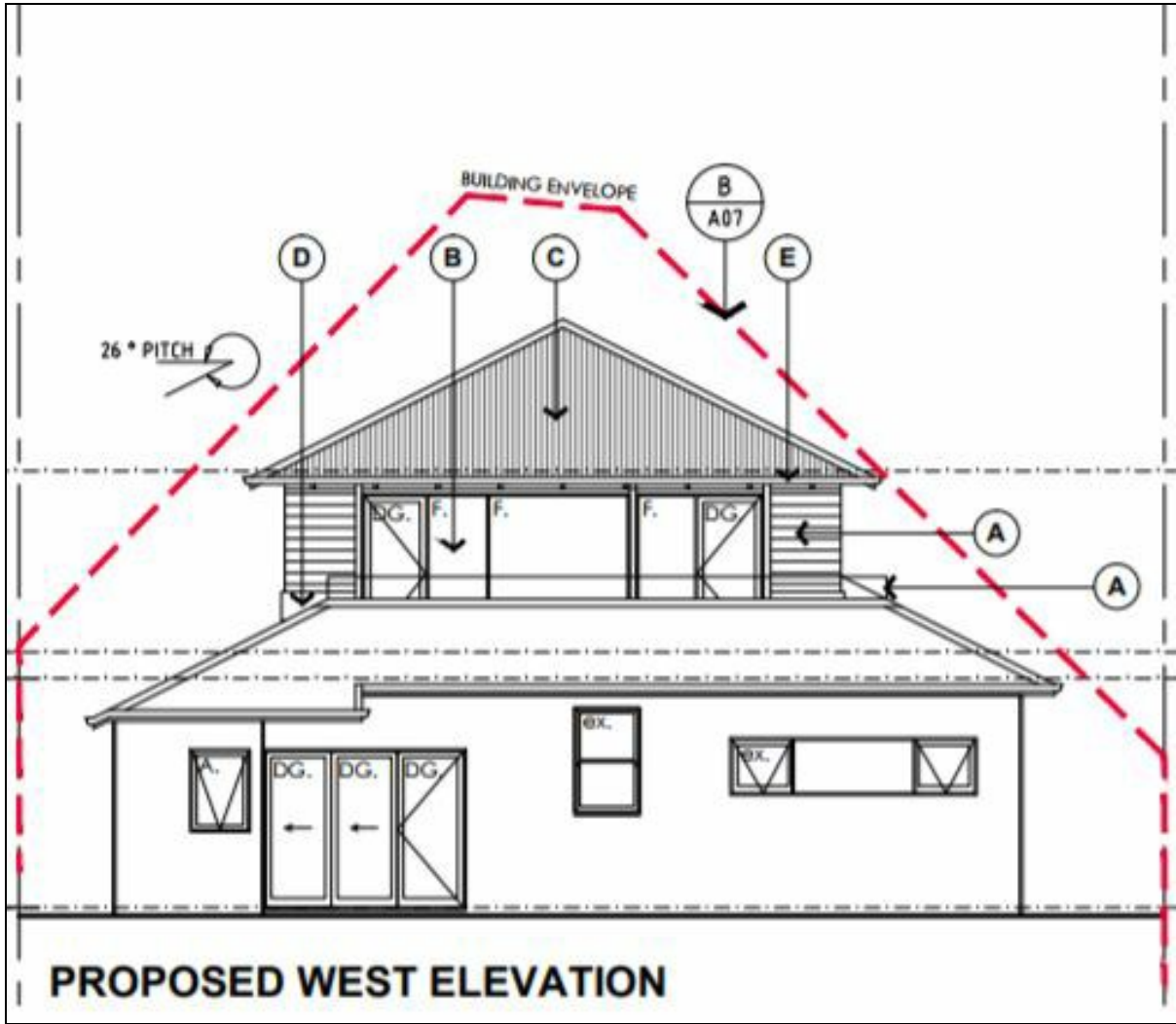


Figure 8: Proposed rear elevation, facing 11 Alexander Street.

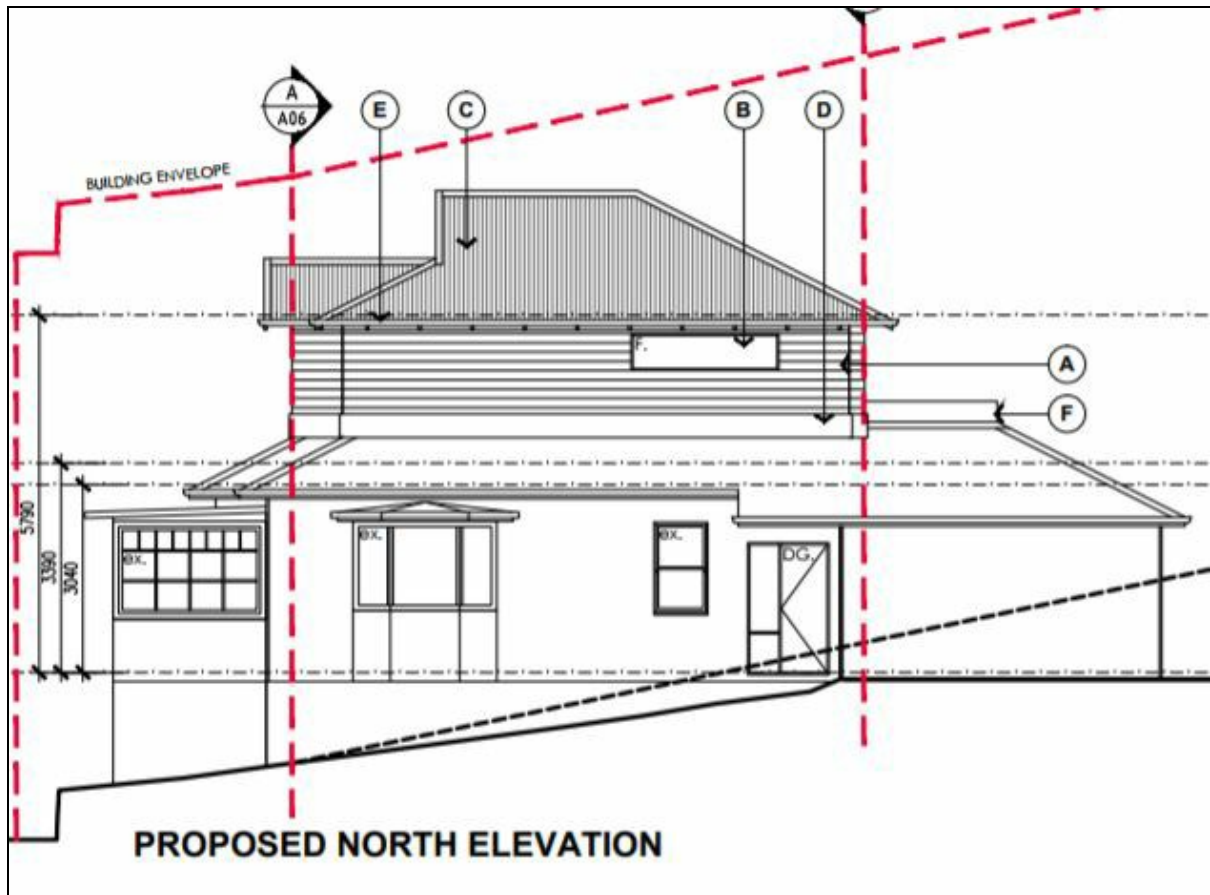


Figure 9: Proposed right hand side elevation, facing 106 Regent Street.

4. Background

4.1 There is no background to this proposal.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between the 8th and 22nd August 2017.

6. Assessment

6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.2 The site is located within the Inner Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use (single dwelling) is a no permit required use in the zone. The use is not proposed to change.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 E7.0 Stormwater Management Code
 - 6.4.3 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Setbacks and Building Envelope – Part D 11.4.2 P3
 - 6.5.2 Heritage – Part E E13.8.1 P1 and E13.8.2 P1 and P3
- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and Building Envelope Part D 11.4.2 P3
- 6.7.1 The acceptable solution at clause 11.4.2 A3 requires development to be within the prescribed building envelope.
 - 6.7.2 The proposal is partially outside of the building envelope. The extent to which the proposal is outside the prescribed envelope is shown above in Section 3 of this report, at images 6 to 9. The prescribed building envelope is shown dashed red in those images.
 - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion at clause 11.4.2 P3 provides as follows:

The siting and scale of a dwelling must:
 - (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining

lot; or

(iii) overshadowing of an adjoining vacant lot; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

6.7.5 With respect to the impact of the proposal on 110 Regent Street, which is to the south of the subject site:

- This side neighbouring property is to the south-southeast of and downhill of the applicant site and contains a dwelling.
- The submitted sunshade diagrams indicate the following.
 - No summer morning or noon impact. Some marginal side boundary overshadowing at around 3pm.
 - Spring/autumn overshadowing of the side property boundary at 9am, with overshadowing of the side of the neighbours dwelling by 12 noon, and overshadowing of the side and front of the neighbours dwelling at 3pm. The diagrams indicate the existing dwelling overshadows this neighbour at those times. Under the proposal, the extent of overshadowing would increase.
 - Winter morning overshadowing of the neighbours rear garden and side walls, extending into the front garden of 11 Alexander Street.
 - Winter 12 noon overshadowing of the neighbours dwelling.
 - Winter 3pm overshadowing of the side walls and front of the neighbours dwelling, as well as neighbours front garden.
 - With regard to winter, the diagrams indicate those parts of the neighbours property overshadowed would not change substantially from the existing overshadowing at those times. The length of the shadow would increase.
 - On balance, impact over and above the existing situation is not considered likely to be excessive.
- In terms of visual intrusion, the dwelling extension would be set back just over 4.2 metres from the side property boundary.
- The side eave overhang would be outside of the side building envelope by up to 0.85 of a metre. A portion of the roof apex would also be marginally outside of the roof envelope by up to 0.2 of a metre. There would be a degree of visual intrusion on this neighbours amenity. On the other hand, impact to a degree is unavoidable given the comparatively long narrow lots with dwellings positioned close to respective side property boundaries. It is noted that an eaves

protrusion of up to 0.6 of a metre outside of the envelope is allowed for under the the Planning Scheme.

- On balance, the impact on this neighbour is not considered likely to be excessive.
- Overall, the impact on 110 Regent Street is not considered likely to be excessive.

6.7.6 With respect to the impact on 106 Regent Street, which is to the north of the site:

- This side neighbouring property is to the north-northwest of and slightly uphill of the applicant site and contains a dwelling.
- The submitted sunshade diagrams indicate the following.
 - No impact at any time of the year.
 - The diagram shows the summer 9am shadow line as extending up to and marginally across the side property boundary.
- In terms of visual intrusion, the dwelling extension would be setback just over 3.5 metres from the side property boundary.
- Similarly to the other side, the side eave overhang would be outside of the side building envelope by up to 0.85 of a metre. A portion of the roof apex would also be marginally outside of the roof envelope by up to 0.2 of a metre. There would be a degree of visual intrusion on this neighbours amenity. As previously stated, impact to a degree is considered unavoidable given the comparatively long narrow lots with dwellings positioned close to respective side property boundaries. It is noted that an eaves protrusion of up to 0.6 of a metre outside of the envelope is allowed for under the the Planning Scheme.
- On balance, the impact on this neighbour is not considered likely to be excessive.
- Overall, the impact on 106 Regent Street is not considered likely to be excessive.

6.7.7 The proposal complies with the performance criterion.

6.8 Historic Heritage Code Part 13.8.2 P1, P2, P3

6.8.1 The proposal is for partial demolition, alterations and extension to a dwelling in a heritage precinct. The proposal has been assessed by the Council's Cultural Heritage Officer, who has provided the following comments:

The application relates to a single storey weatherboard clad late

Federation residential property. It forms part of a group of five properties of similar age built slightly elevated and back from the roadside, each with below floor storage and clearly forming a residential townscape. The proposal seeks permission for the partial demolition of the existing roof and the construction of an upper floor comprising a bedroom, en suite, study/sitting room and rear decking.

The property is not individually heritage listed but does form part of the Golf Links Estate Heritage Precinct (SB6) as set out in table E.13.2 of the *Hobart Interim Planning Scheme 2015*.

This precinct is significant for reasons including:

1. *Its value as the largest single subdivision in Sandy Bay with a very fine group of c 1920-1930 houses, the best such group in Hobart.*
2. *Its predominantly single storey Edwardian character with very intact streetscapes. The houses are all very good examples of Edwardian cottages and Californian Bungalow styles.*
3. *The predominantly intact building stock.*
4. *The connection of the site with the former golf links which is still readable in the subdivision pattern.*

The objective of E13.8.1 is *"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."*

E13.8.1 P1 states:

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.

The proposed demolition (partial demolition) of the existing roof form involves an irreversible loss of an element which contributes to the significance of the building and to the character of the Heritage Precinct overall.

E13.8.2 P1 states:

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.

The term 'detriment' means damage, harm or loss and comes from a Latin root meaning to lessen, to wear down, to rub away etc. Given that the part of the described special characteristics identified for the Precinct is its 'single storey Edwardian character with very intact streetscapes' along with the 'intact building stock', it is considered that the proposed development does not meet this performance criterion as it involves construction of an extension which lessens the significance of the Heritage Precinct as listed. This erosion of significance would be caused, in this instance, by a reduction in the quality and intactness of a single storey Federation house which contributes to the overall significance of the precinct by virtue of the demolition of the existing roof form and its replacement with a second storey addition.

E13.8.2 P3 states:

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

The proposed development does not meet this criterion as it involves loss of the existing roof form and the construction of a roof-top addition, thereby compromising the integrity and appearance of the existing residence, and the extent to which the building can

contribute to the significance of the Heritage Precinct which in part derives its characteristic from its single storey built form.

It is therefore considered that the current proposal fails to meet key provisions of the Historic Heritage Code and cannot be supported in terms of the planning scheme's requirements.

As such, it is recommended that the application be refused for the following reasons:

1. The proposal extension, by reason of creating a second storey roof addition and its associated height, size and bulk would have a detrimental impact upon those features which contribute to the historic cultural significance of the Golf Link Estate Heritage Precinct (SB6) as set out in table E.13.2 of the *Hobart Interim Planning Scheme 2015*, contrary to E13.8 Development Standards for Heritage Precincts, in particular E13.8.1 -'Demolition' P1 and E13.8.2 – 'Buildings and Works other than Demolition' P1 and P3.

6.8.6 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a partial demolition, alterations and extension.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered not to meet the Historic Heritage Code requirements for heritage precincts.
- 7.4 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed partial demolition, alterations and extension at 108 Regent Street Sandy Bay does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations and extension at 108 Regent Street Sandy Bay for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed partial demolition will result in the loss of the existing dwelling's roof form, which contributes to the historic cultural heritage significance of heritage precinct Sandy Bay 6 (Golf Links Estate).
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed second storey design of the extension will result in detriment to the historic cultural heritage significance of heritage precinct Sandy Bay 6 (Golf Links Estate).
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the proposed second storey extension to the existing dwelling will detract from the historic cultural heritage significance of heritage precinct Sandy Bay 6 (Golf Links Estate).



(Richard Bacon)

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 28 August 2017

Attachment(s):

Attachment B - CPC Agenda Documents