



Ms Laura Gerrie
Wisden Architects Pty Ltd
43 Redan Street
MOSMAN NSW 2088

D306/23
TH2 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION - Refusal**

Development Number:	306/23
Land to which this applies:	70 Bellevue Street, Cammeray Lot No.: 2, DP: 534473
Applicant:	Wisden Architects Pty Ltd
Proposal:	Alterations and additions including a first-floor addition to the semi-detached dwelling and a hipped roof to an existing garage.
Determination of Development Application:	Subject to the provisions of Section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> , the subject application has been refused for the reasons stated below.
Date of Determination:	19 March 2024

Reasons for Refusal:

1. Heritage Conservation

The proposed development inclusive of the first-floor addition and front dormer are uncharacteristic elements within the Cammeray Conservation Area and the first-floor addition detracts from the existing characteristic elements of the semi-detached dwelling not conserving the heritage significance of the conservation area. In that regard, the proposed development is inconsistent with the objective in Clause 1.2(f) 'Aims of Plan', Objective (1, a & b) in Clause 5.10 of NSLEP 2013 and the relevant objectives and controls of NSDCP 2013 relating to heritage conservation.

(a) Form, Massing and Scale

- (i) The proposal seeks a large first-floor addition which would be a dominant addition changing the form, massing and scale of the semi-detached dwelling resulting in a property which no longer presents as single-storey but two-storeys and would be significantly larger than the characteristic single-storey buildings within the Cammeray Conservation Area.

- (ii) The proposed development due to the first-floor addition results in a semi-detached dwelling which appears as two storeys contrary to the characteristic single-storey building and built element of the Cammeray Conservation Area stated within Provision P1, s4.6.5 'Characteristic buildings,' and Provision P2, s4.6.6 'Characteristic built elements' in Part C, Section 4 of the NSDCP 2013. The development is, therefore, contrary to Objective O1 and Provision P2, s1.4.7 'Form, massing and scale' of NSDCP 2013.
 - (iii) The proposed first-floor addition will not enhance the streetscape character but will detract from the street because the works will introduce a large contemporary addition that will be visible from the public domain. Moreover, the addition will not reflect the bulk, mass and scale of the attached contributory status of the adjoining semi-detached dwelling No. 72 Bellevue Street. The first-floor addition is, therefore, contrary to Objectives O1 and O2, s13.6.2 'Form, massing and scale' in Section 13 of the NSDCP 2013.
 - (iv) The proposed development will result in a dwelling that will appear as two storeys and will no longer retain symmetry with the attached semi at 72 Bellevue Street or with the matching pair at 76-78 Bellevue Street that are located immediately north of the subject site. Together Nos. 70, 72, 76 and 78 form a group of matching semis and the proposed first-floor addition and dormer will disrupt their consistent streetscape presentation. The first-floor addition is, therefore, contrary to Objectives O1 and O2 and not compliant with the examples of appropriate additions illustrated in Figures 13.39 to 13.42, Provision P2 s13.10.2 'Single Storey Attached Dwellings,' in Section 13 of the NSDCP 2013.
- (b) Built Form Character
 - (i) The first-floor addition is not located to the rear but is sited on a visually prominent southern side roof slope. Furthermore, the first-floor addition would be constructed over a characteristic hipped terracotta tile roof and include a metal skillion roof which is a roof form and material characteristically located to the rear of properties.
 - (ii) The first-floor addition is not supportable contrary to Provision P1, s1.4.8 of NSDCP 2013 because the first-floor addition is highly visible from Bellevue Street and does not contribute to nor is sympathetic to, the built form of adjoining properties.
- (c) Roofs
 - (i) The existing roof of the semi-detached dwelling comprises a terracotta tile hipped roof which is a characteristic built element identified in the Cammeray Conservation Area character statement. The proposed first-floor addition substantially alters the existing roof form and materiality proposing a large first-floor addition with a metal skillion roof which is not a characteristic roof form for prominent aspects of a building as identified in the character statement. The proposed roof form of the first-floor addition is contrary to Provisions P5 and P7, s4.6.6 'Characteristic built elements' in Part C, Section 4 of the NSDCP 2013.
 - (ii) The development essentially replaces a characteristic roof for a roof form which is neither identified in the area character statement or positively relates to neighbouring buildings, therefore, is contrary to Objective O1 and Provisions P1, P2 and P5, s1.4.10 'Roofs' in Section 1 of the NSDCP 2013.

- (iii) The extensive use of metal roof sheeting on the first-floor is not supported, not maintaining a characteristic roofing material within the conservation area which is contrary to Objective 01 and Provision P1 in s13.6.3 'Roofs' in Section 13 of the NSDCP 2013.
- (d) Dormers
 - (i) The proposed dormer to the front of the first-floor addition is not supported because it will remove the consistent streetscape presentation of matching semis at 72, 76 and 78 Bellevue Street and will, therefore, detract from the coherence of the Streetscape and presentation of the group of semi-detached dwellings. The dormer, therefore, does not satisfy Provision P2 in s13.9.2 'Dormer windows,' Section 13 of NSDCP 2013 and Provision P2(b) in s1.4.11 'Dormers,' Section 1 of NSDCP 2013.
 - (ii) The proposed dormer to the front of the first-floor addition is not supported because it will remove the consistent streetscape presentation of matching semis at 72, 76 and 78 Bellevue Street and will, therefore, detract from the coherence of the streetscape and presentation of the group of semi-detached dwellings. The dormer, therefore, does not satisfy Provision P2 in s13.9.2 'Dormer windows,' Section 13 of NSDCP 2013 and Provision P2(b) in s1.4.11 'Dormers,' Section 1 of NSDCP 2013.
 - (iii) The front dormer is not appropriate to the style of the existing building reliant on significant additions to the simple hipped roof form of the dwelling to accommodate the dormer. The dormer, therefore, is not appropriate to the style of the building, nor characteristic of the neighbourhood, which is contrary to Provision P1, s1.4.11 of NSDCP 2013.
 - (iv) The front dormer is not characteristic of the neighbourhood and is identified as an uncharacteristic element in the Cammeray Conservation Area Character Statement within Part C, Section 4 of the NSDCP 2013.
- (e) Colours and Materials
 - (i) The majority of the existing terracotta tile roof of the single-storey dwelling would be demolished to be replaced with a first-floor addition with a skillion metal roof which is not supported, having a detrimental impact on the existing roof and proposing a metal roof which is a built element reserved for the rear of properties.
 - (ii) The proposed first-floor metal roof is not a material identified in the Character statement within Provision P10 in s4.6.6, Part C of the DCP and not complying with Provision P1, s1.4.12 of the NSDCP 2013.
- (f) Chimneys
 - (i) The semi-detached dwelling has a prominent rendered chimney located on the southern roof slope which is highly visible from the street and conservation area. The first-floor addition would remove the uppermost part of the chimney removing the visual prominence of the chimney and not conserving the chimney which is a characteristic built element of the conservation area. The development does not conserve the rendered chimney which is a characteristic built element as stipulated in Provision P8 in 4.6.6, Part C of the NSDCP 2013.

- (g) Insufficient Dimensions of the Garage and Parking Area
- (i) The length of the existing garage subject to alterations and additions measures 4.8 - 4.9m. The length of the car space within the garage would not ensure adequate parking of a vehicle not compliant with the base dimension for a B85 vehicle (4.91m) referred to in the Australian Standard 2890.1:2004.
 - (ii) The garage without further amendments and design consideration is unable to accommodate vehicles other than a small car, therefore, utilising the existing garage for parking of a vehicle will require part of a car to overhang the public footpath causing a safety hazard for pedestrians using the footpath. The existing garage subject to alterations and additions currently has insufficient length to provide adequate on-site car parking and is, therefore, contrary to Objective O1 of s1.5.4 'Vehicular Access and Car Parking' of the NSDCP 2013.

2. Inadequate Information

The plans contain insufficient information to allow the proper assessment of the application contrary to Council requirements in Section 3.3.1 in NSDCP 2013 and Council's Development Application Checklist.

- (i) The Survey Plan does not detail all the buildings and structures on adjoining land including boundaries of adjoining properties. The Survey Plan prepared by ENG Land Services dated 23 June 2023, does not detail all the buildings and structures on adjoining/affected land which would assist in forming more detailed shadow diagrams. The shadow diagrams are not of sufficient detail to determine the scope of impact to either windows of main internal living areas or the principal private open space of adjoining properties.
- (ii) The development application does not include consent from all owners of the affected party wall therefore full agreement has not been obtained. It is a Council requirement that any proposed works which rely on a party wall for lateral or vertical support must be accompanied by the written consent of all owners of the party walls involved.

The requirement for all owners to declare consent to making of a planning application is detailed in Council's Owners Consent Form and also the Party Wall Consent Form.

Cl. 23 'Persons who may make development applications' in Part 3 'Development Applications' of the Environmental Planning and Assessment Regulation 2021 also stipulates a development application may be made by the either the owner of the land to which the development application relates or another person with the written consent of the owner of the land.

How community views were taken into account:

The subject application was notified to adjoining properties and the Plateau Precinct for 14 days where a number of issues/concerns were raised that have been addressed in the assessment report and generally supported. Therefore, the development has been assessed with a recommendation for refusal.

Review of determination and right of appeal:

Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later than two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

19 March 2024

DATE

Thomas Holman

Signature on behalf of consent authority
THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER