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Monday, 22 January 2024

Justification Letter | Hn. 17 (Lot 901) Melissa St, Duncraig

Dear CEO,

The purpose of this letter is to justify several variations to the deemed-to-comply (DTC) planning provisions of the applicable planning framework for a Development Application at Hn. 17 (Lot 901) Melissa St, Duncraig, henceforth known as the 'subject site.'

Introduction and Background

1. Subdivision approval was granted by the WAPC to subdivide the parent freehold lot into two green titled lots.
2. The subject site:
    a. is vacant;
    b. has a density code of R20/40;
    c. is rectangular in shape;
    d. is orientated with a north-west facing frontage;
    e. is 10m wide; and
    f. has a site area of 340m^2.
3. Physical constraints affect the subject site and include:
    a. a substantial topographical variation rising 2.2m away from the primary street frontage;
    b. lot orientation; and
    c. existing 1m high existing retaining along the rear boundary.

Development Context

In accordance with cl. 67 (2) (m) of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, in considering an application to commence development, the Determining Authority is to have due regard the compatibility of the development with the desired streetscape and the relationship of the proposed to existing development including but not limited to, the potential effect of the height, bulk, scale, orientation and appearance of the development.

The collection of subsequent figures illustrate the physical context of the proposed which has been used to assist with the preparation of the design in making justification against the relevant Design Principles.

Figure 1 Aerial view of subject site (RPData)

Figure 2 Aerial view of subject site (RPData)

Figure 3 Streetview of subject site on right (Google Maps)

Figure 4 Streetview of subject site prior to new build adjoining (Google Maps)

Figure 5 Streetview of new development immediately opposite subject site (Google Maps)

Figure 6 Elevated perspective of subject site (Core Logic)

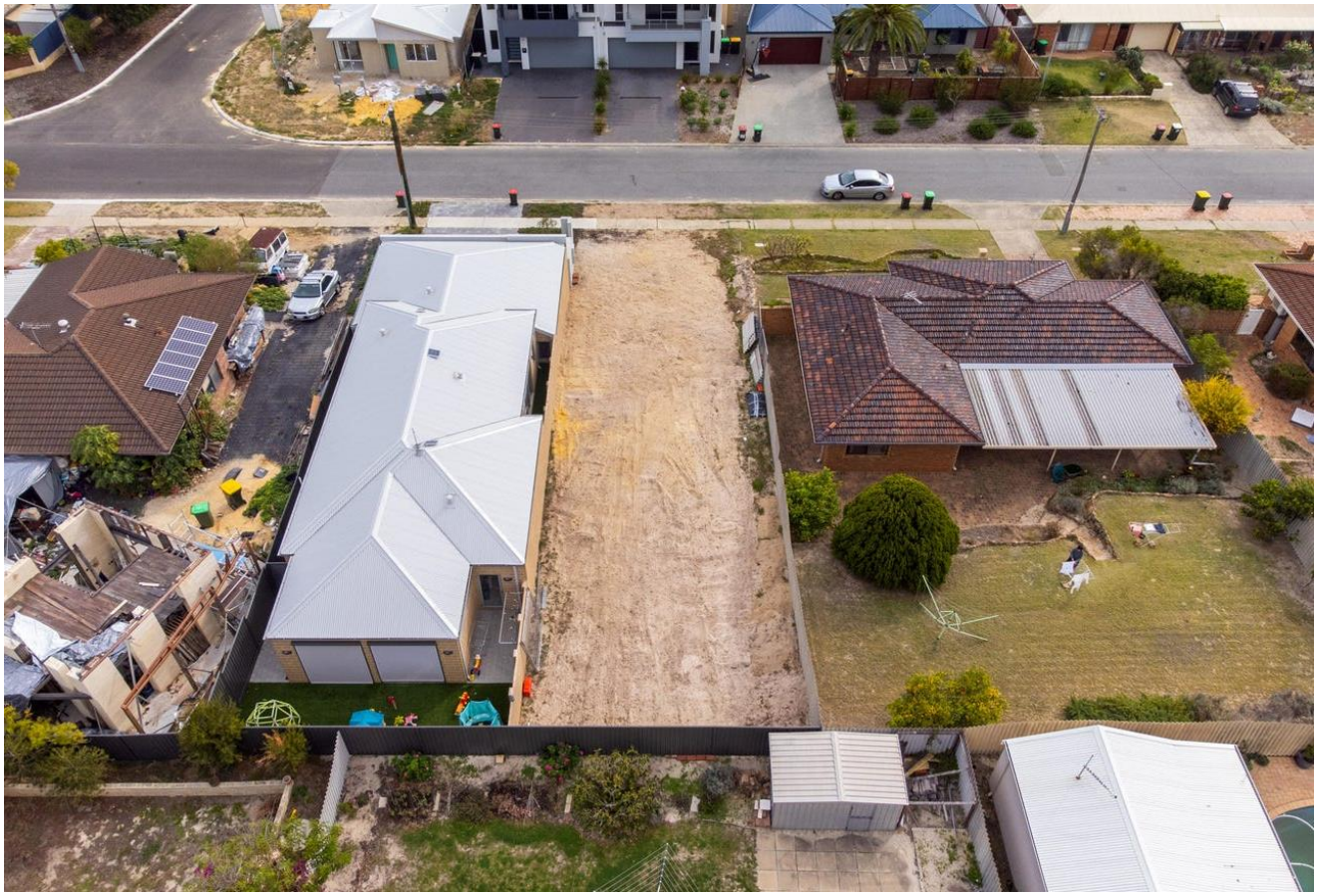


Figure 7 Elevated perspective of subject site (Core Logic)

Figure 8 Elevated perspective of subject site (Core Logic)

Figure 9 Elevated perspective of subject site (Core Logic)

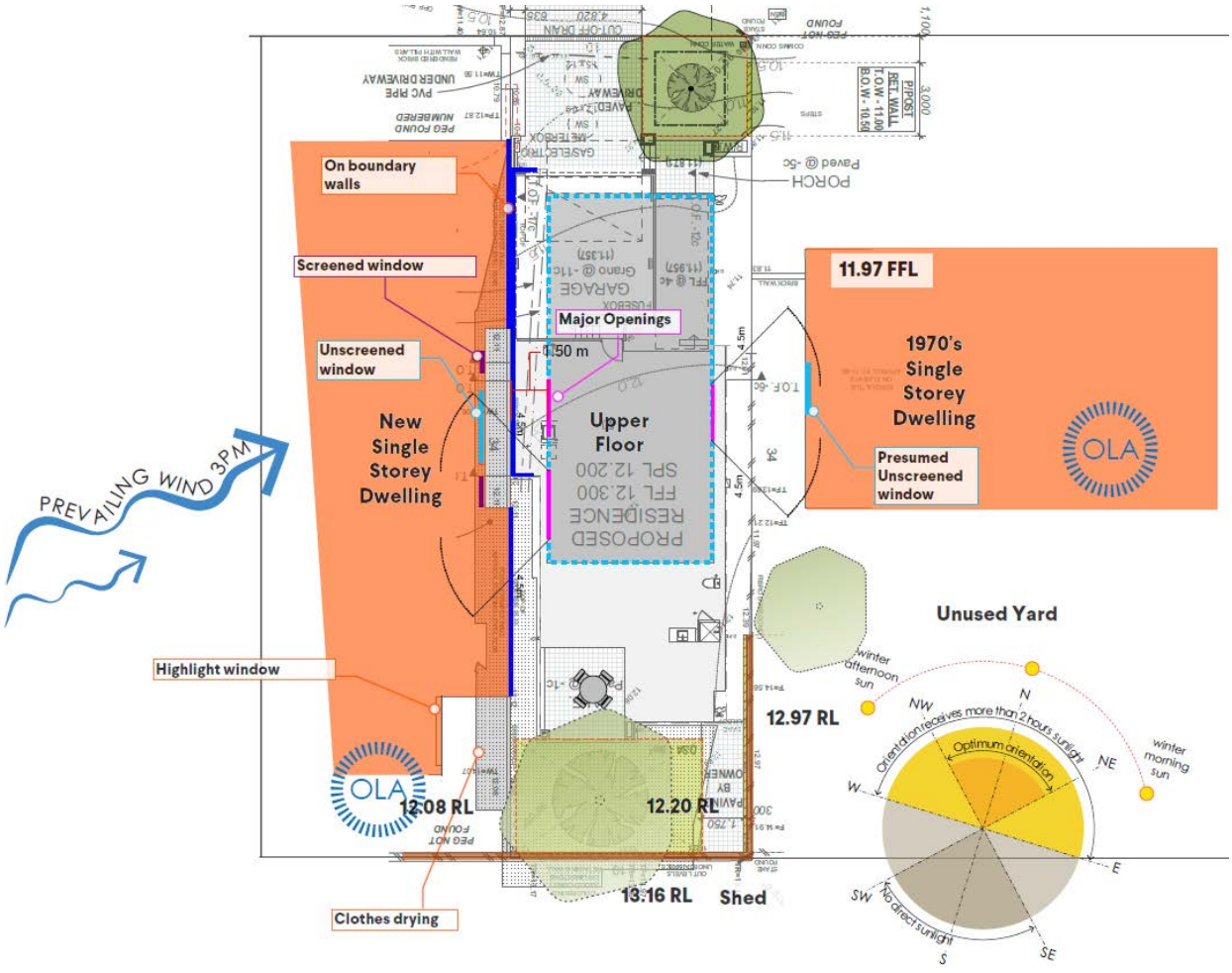


Figure 10 Context Plan extract.

Design Principle Justification

The following section outlines variations identified by the Client and provides justification against applicable design principles,

R-CODES CLAUSE 5.1.3 C3.1 LOT BOUNDARY SETBACK

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION The upper floor lot boundary setbacks require a design principle assessment as the setbacks are less than 2m (1.5m proposed). Requiring 2m side lot boundary setbacks results in a 6m wide upper floor on a 10m wide lot.	
P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:	
• reduce impacts of building bulk on adjoining properties;	The dwelling to the east is orientated to enjoy an aspect facing the opposite direction of to the proposal. This limits the perception of the impact of the UF wall setback facing north east. Recent examples of two storey development in this location have demonstrated little appetite to provide substantial upper floor side lot boundary setbacks. This is presumably on account of the narrow lot width, and a desire to avoid elongating an upper floor and causing impacts to more sensitive areas adjoining. To this end, the proposal is consistent with the emerging character.  Figure 11 Homes immediately opposite the subject site. Owing to the north south orientation of the lot, the proposal is limited in its ability to unreasonably impact access to natural light to either adjoining dwelling. With respect to ventilation, the position of the dwelling is not in any way expected to impact the ability for a permanent breezeway to be provided to promote unobstructed ventilation to either adjoining dwelling considering their preexisting configurations and the approach of the prevailing breeze.
• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and	Key to the dwelling's natural light access strategy is the significant amount of north and east facing glazing. To further enhance solar penetration into the dwelling, the design utilises the stairwell void as a natural light 'periscope' funneling daylight further into the home in a manner which is ensured to perform well in the future in a scenario where the northern adjoining dwelling is redeveloped. The additional 450mm width to either side assists in efficient gaining access to winter sunlight. The most relevant example is the light well to the stair well which faces north

DESIGN PRINCIPLE	JUSTIFICATION
	and east. The upper floor setback needs to correspond to the ground floor setback in order to makes use of this design outcome.
• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	The proposal has successfully addressed design principle with respect to variations to clause 5.4.1 as it adjoins the western property.

REFLECTIVE DAYLIGHTING EFFECT

To form the opinion that as the proposal is located due east or west of a dwelling and can only generate a negative impact on access to natural light, fails to consider the principle of reflective building geometry. This is a relevant consideration when reviewing proposed finishes and building material on an adjoining building in instances such as the proposed. The figure below illustrates that the proximity of the development can and will contribute to improved access to natural reflective sunlight. The use of light-colored masonry renders, and an eave on the upper level of the existing dwelling, rather than an eave on each level, enhances the access to natural light.

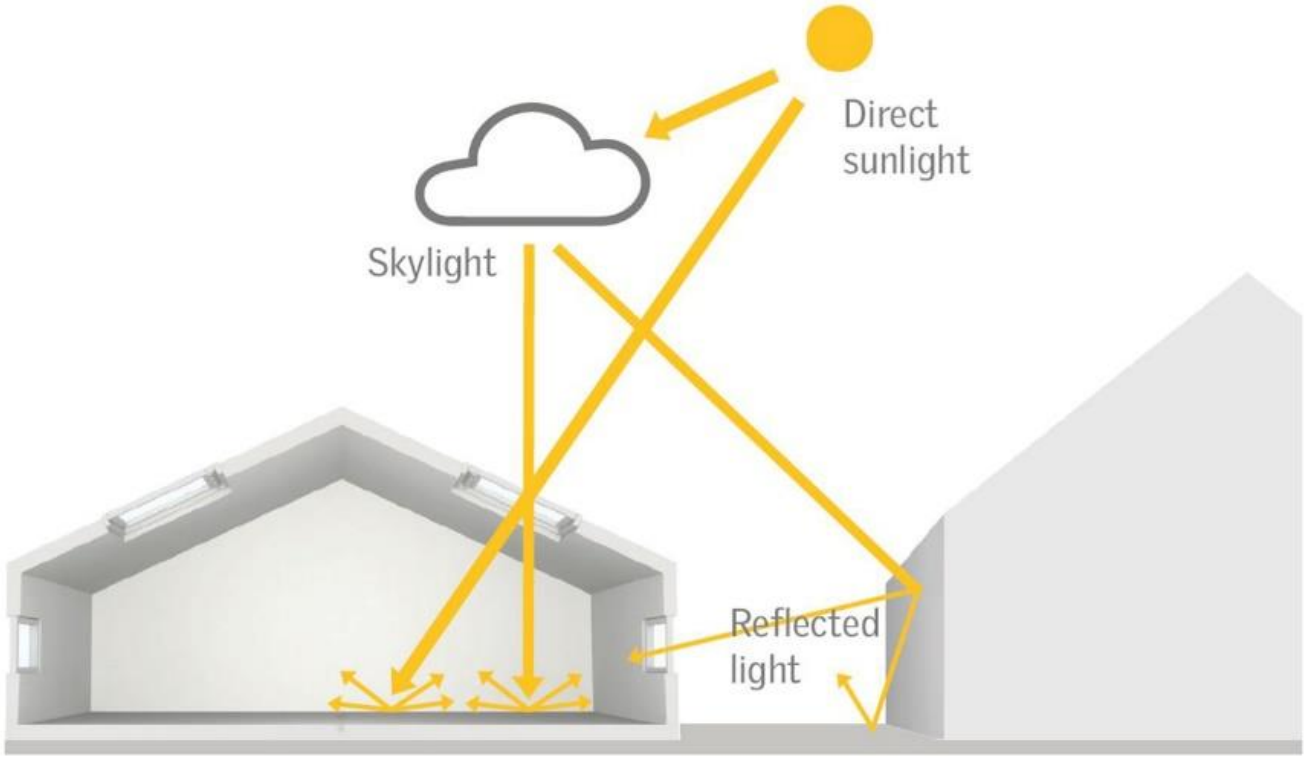


Figure 12 Reflective daylight. The design will be able to deliver reflective sunlight to the existing adjoining dwelling.

VENTILATION (18.1 HOALPP)

REQUIREMENT All rooms, with the exclusion of store rooms, shall have operable windows. Window opening design shall maximise natural ventilation.

VARIATION The scullery has no operable window.

JUSTIFICATION A scullery is part of, and subservient to the kitchen, much like a WIR is part of a master bedroom, and is not capable of any other use. No door separates the scullery from the laundry or kitchen (both area which can achieve natural ventilation through opening the window or door. It is therefore serviced by the same openings which are appurtenant to the kitchen and laundry. If desired the scullery could act as a breezeway by opening the laundry door.

R-CODES CLAUSE 5.1.3 C3.2 LOT BOUNDARY SETBACK ON BOUNDARY WALLS

DESIGN PRINCIPLE	JUSTIFICATION

VARIATION *The on boundary wall length exceeds DTC provisions and requires a design principle assessment. The on boundary wall height also exceeds 3.5m height closest to the street.*

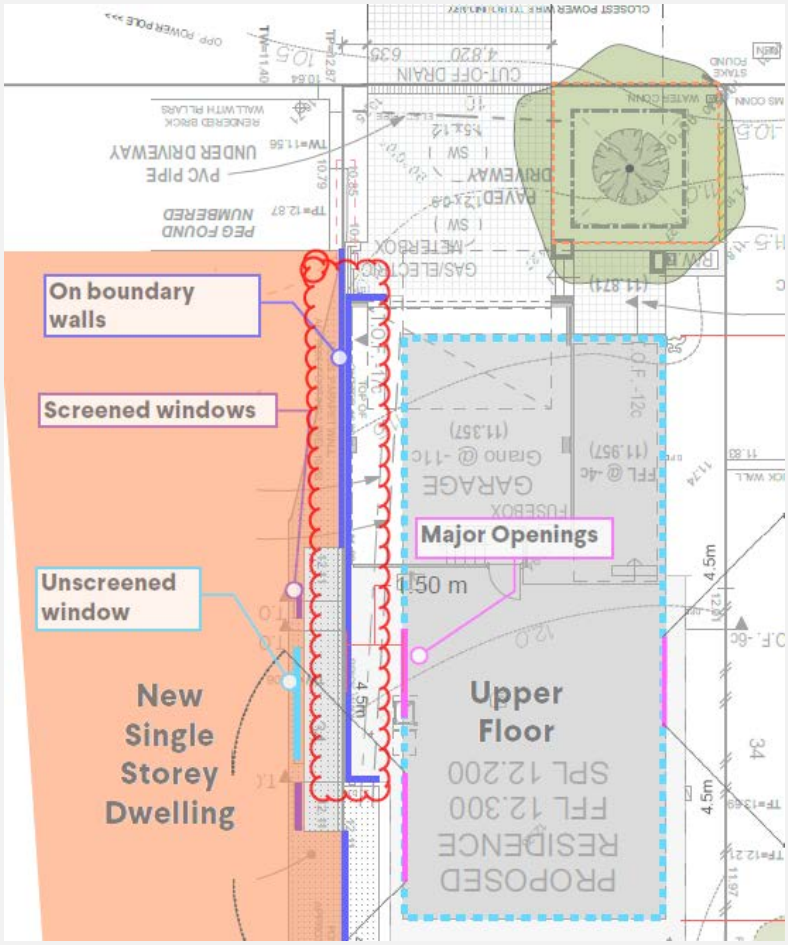


Figure 13 Visual representation of on boundary walls. (context plan extract).

DESIGN PRINCIPLE	JUSTIFICATION

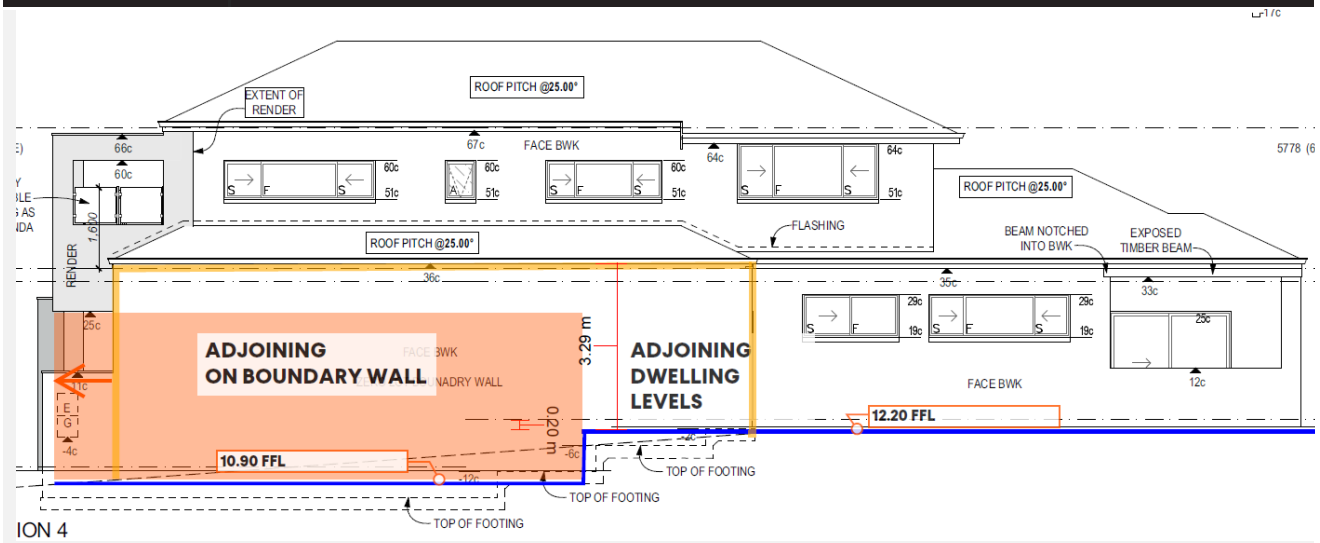


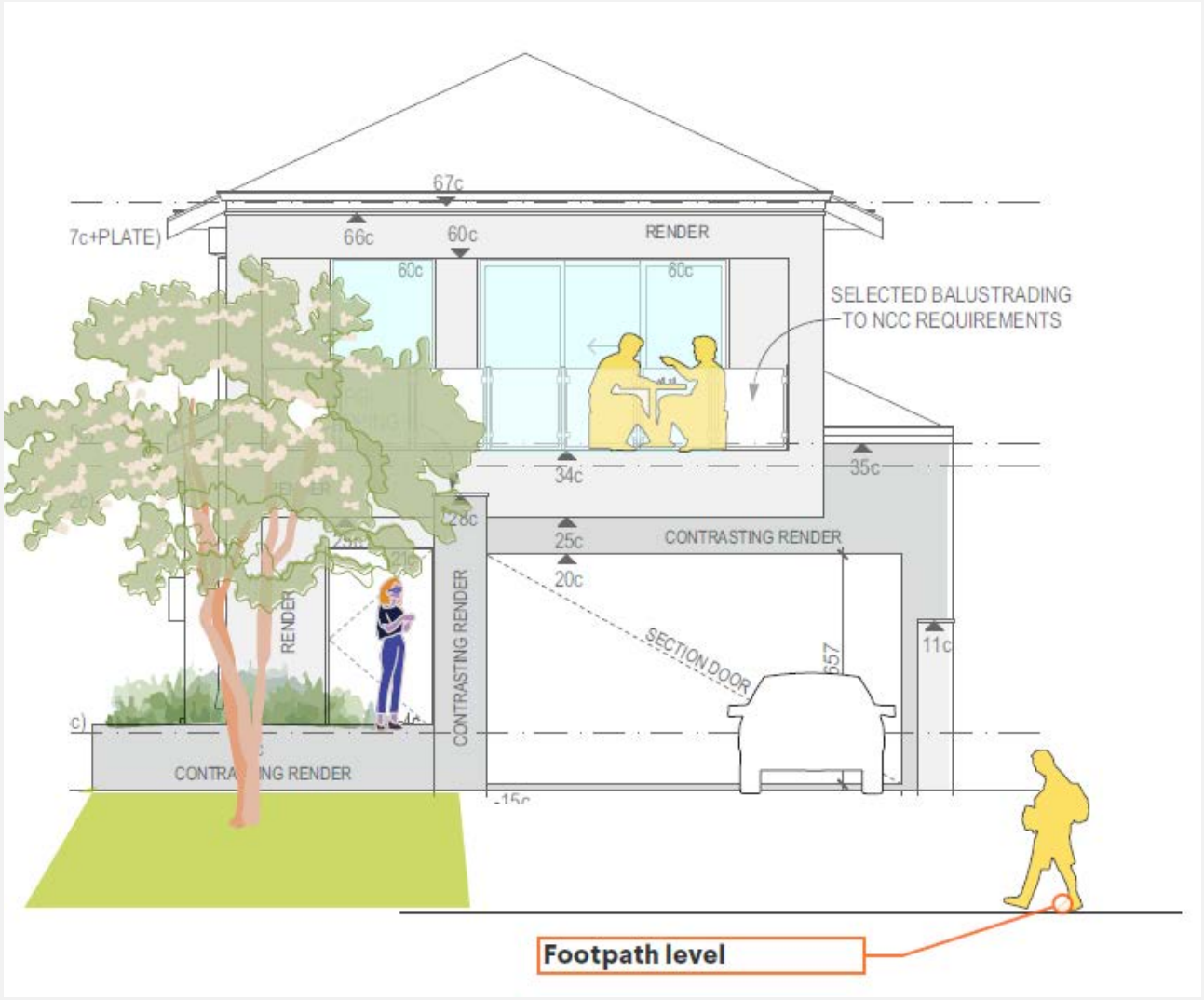
Figure 14 Visual representation of on boundary walls.

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;	The use of the on boundary walls as proposed has facilitated the creation of a larger contiguous area of open space and outdoor living area orientated to capture northern and eastern sunlight and allow direct sunlight to penetrate the habitable rooms of the proposal. The area of open space at the rear also has very functional dimensions to facilitate the planting of a mature tree within the backyard of the home.
• does not compromise the design principle contained in clause 5.1.3 P3.1;	The wall mostly adjoins an existing on boundary wall. Relative to the street, the wall commences beyond the existing on boundary wall. When the existing on boundary wall ends, the FFL of that dwelling (Hn. 17 Melissa Street) increase to a comparable 12.20 FFL. Where the on boundary wall is not generally obscured concealed by the existing on boundary wall (where the additional height is not adjacent to a wall setback off the boundary) the wall appears compliant in height.
• does not have any adverse impact on the amenity of the adjoining property;	The inability to construct a design utilising the on boundary wall as proposed would have the undesirable effect of further 'elongating' the built form or pushing the ground floor of the home or its upper floor further into the rear lot boundary and reducing the OLA. This would jeopardise both the liveability and function of the home and result in adverse outcomes for the existing adjoining dwelling.
• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and	The lot is very close to being north-south aligned, as a consequence, the ability for the home to meaningful impact on adjoining dwellings access to natural light is substantially limited. The proposal provides a strong visual connection to the street despite the obvious limitations stemming from the topography which falls significantly.

DESIGN PRINCIPLE	JUSTIFICATION
• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.	The proposal is consistent with the existing recently emerging built form immediately opposite the subject site.  Figure 15 New dwellings immediately opposite the subject site.

R-CODES CLAUSE 5.2.3 STREET SURVEILLANCE / URBAN DESIGN – (1.3 OF HOALPP)

DESIGN PRINCIPLE	JUSTIFICATION
VARIATION *Blank walls, vehicle access and building services (e.g. bin store, booster hydrant) shall not exceed 20% of the total lot frontage to the public realm, except for development with two street frontages, where no blank walls will be permitted to either street frontage*	
	
P3 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.	The garage component of the proposal enjoys a subservient role in contrast to the remainder of the dwelling as it integrates architecturally with the street elevation. The proposal provides many times over the minimum requirements for natural surveillance as required by the R-Codes deemed to comply provisions. The large floor to ceiling major openings and balcony facing the street provide 'actual surveillance' rather than simply perceived surveillance from an entry of staircase void for example. The design supplement natural surveillance by providing a feature-entry which is highly visible from the street.

DESIGN PRINCIPLE	JUSTIFICATION
	Whilst meeting landscaping objectives, the design avoids any landscaping which unreasonably obstructs natural surveillance of the street which would otherwise serve as a barrier to unimpeded views and allow potential intruders to hide. The building is designed to specifically minimise opportunities for concealment and entrapment by reducing side setback access completely. Whilst the front façade is articulated, it is done so in a restrained manner to provide visual relief and emphasizing the location of the front entry as opposed to the garage or blank walls. The subject site is elevated from the street and therefore the major openings provided to the front elevation offer a commanding view of the street. The design positively generates a connection to the streetscape in achieving a high-level of visual interest. We believe the applicant has submitted a superior design which has successfully addressed the design principles.

R-CODES CLAUSE 5.3.7 SITE WORKS

Having regard to the topography of the locality, it is reasonable to expect that siteworks, requiring fill, would be necessary on the subject site to create ground levels suitable for development.

R-CODES CLAUSE 5.4.1 VISUAL PRIVACY

DESIGN PRINCIPLE	JUSTIFICATION

VARIATIONS

The upper floor Bed 2 and Bed 1 have major openings with sill heights at approximately 1.3m in lieu of 1.6m. They each overlook side lot boundary setbacks of the adjoining dwellings.

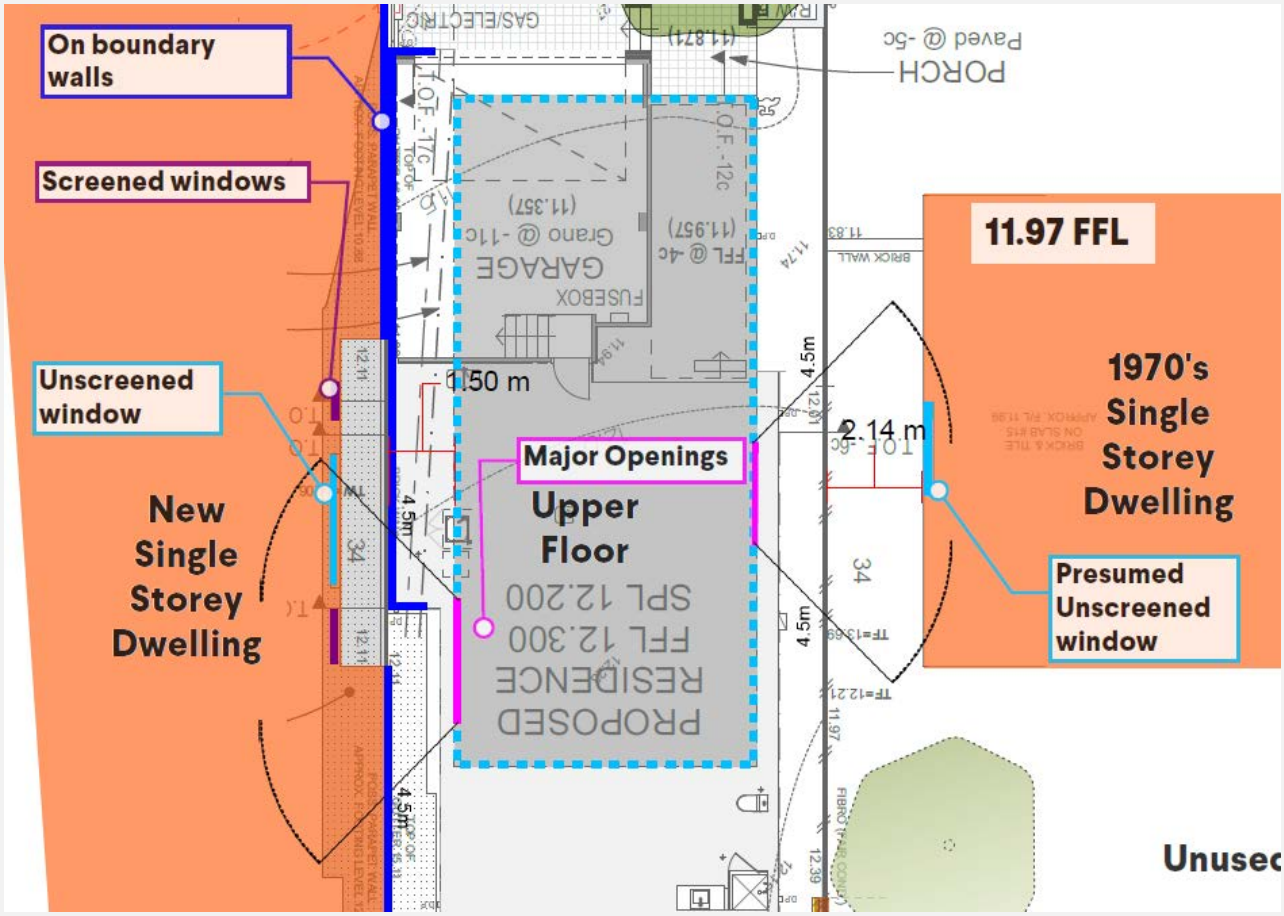


Figure 16 Context plan illustration instances of visual privacy in context.

DESIGN PRINCIPLE	JUSTIFICATION

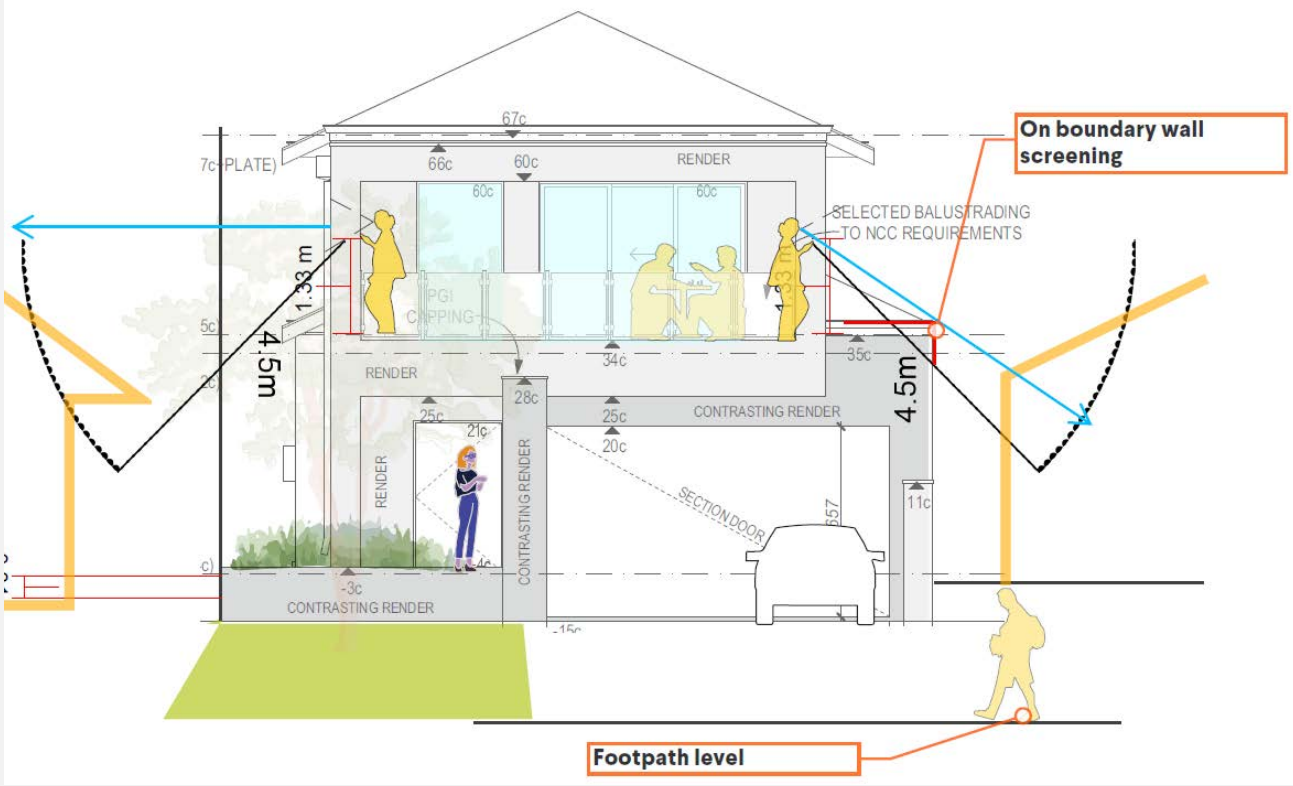


Figure 17 Cross section view illustration how eave to the east and on boundary wall to the west mostly screens a direct line of sight being achieved to sensitive areas.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:	
• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).	Generally, the proposal has located major openings to avoid instances of overlooking and to ensure the two instance of overlooking which is proposed, is oblique and indirect. Whilst screening devices would provide a DTC outcome the design has sought to access views of significances to contribute towards internal amenity of the home. We believe the addition of screening devices would be detrimental to both the architectural integrity of the design and natural access. The proposal has been designed so as to minimise the loss of privacy to the adjoining dwelling. The elevated position of the site will result in distant and attractive views towards the east west and north, which will tend to strongly focus the view of users of bedrooms 2 and 3, beyond any area outside of this aspect such that the outlook achieved will be of limited impact to the adjoining properties.

Proposal's Positive Attributes

The following aspects of the proposal are considered to positively address an assessment against the overarching objectives of each part of the R-Codes.

1. The design proposes 49% open space whereas it could provide only 45%.
2. The Outdoor Living Area is substantially larger than required.
3. The proposal only negligibly overshadows the western adjoining dwelling.
4. The design improves upon minimum natural surveillance requirements by providing floor to ceiling clear glazed windows and a full width balcony facing the primary street.

Summary

Hemsley Planning is of the opinion that the proposal is consistent with the Objectives and Design Principles of both the Residential Design Codes and local planning framework in respect of site works, setbacks, visual privacy, and streetscape contribution (natural surveillance).

The proposed development successfully responds to circumstantial (not preferential) design constraints including lot orientation, narrow lot width and a challenging topography whilst (more than reasonably maintaining existing amenity of adjoining dwellings.

The proposal has been carefully drafted by the designer to ensure that the amenity of the streetscape is not only maintained but improved, whilst also creating a functional and high-quality internal design to meet the requirements of the owner.

The proposal presents an example of good design outcomes achieved on a site with significant constraints.

Should you require clarification on any aspects of this matter, please do not hesitate to contact the undersigned on 0415 337 100 or by email at alex@hplanning.com.au.

Kind regards

Alex Hemsley

Director | Principal Planner

BA Urban & Regional Planning (Curtin) LGPA

Enc. Site Analysis / Context Plan 1:200 (1 Sheet)