

LOCAL PLANNING POLICY 123 – RETENTION OF RESIDENTIAL CHARACTER

	<p>Local Planning Policy 123: Retention of Residential Character</p>
<p>Key Focus Area: Liveability</p>	<p>Responsibility: Director Planning and Development</p> <p>Relevant Council Delegation: NIL</p>

Purpose

This policy addresses requirements for two storey residential development within single storey residential streetscapes.

The Town seeks to protect neighbourhood character and streetscape through complementary Local Planning Policies:

- Local Planning Policy 123 - Retention of Residential Character (this Policy)
- Local Planning Policy 124 – Retention of Heritage Property and Assets.

This policy is highly selective in terms of the areas of its application. It applies only to single dwelling developments in low density residential areas within the Town (i.e. those areas generally coded R25 or lower).

The protection of neighbourhood and streetscape character through the planning process is an important town planning responsibility of local government. The Residential Design Codes ('RDC') encourage local governments to prepare local planning policies to address local issues of streetscape and neighbourhood character. The RDC states that:

"In established areas there appears to be a consensus that new development should follow the characteristic patterns of housing type, street setbacks, scale, front gardens and street rhythm."

"In areas where the streetscapes are valued there appears, further, to be a general agreement that new development should 'respect' or 'fit in with', 'be in sympathy with' the predominant architectural character."

Claremont has a diverse range of housing stock set in varied streetscapes. However, most streetscapes have a relatively consistent scale and form which the community values and wishes to see protected.

Policy

Local Planning Scheme No. 3 (LPS3) (Clause 46) requires (amongst other things) that development in the Residential zone shall have regard to the following objectives:

- The continuation of the domestic scale and architectural character of the area of the proposed development, and
- The preservation of the traditional housing character of the zone.

The Claremont community has registered some disquiet with various residential development proposals, and more generally with the erosion of the established character of the district, or parts of the district. Single storey streetscapes are greatly valued within the Town, and should be retained wherever possible.

Most complaints and objections to new development have centred on the form of two storey single dwellings, both new and additions to existing dwellings. While two storey dwellings are not objected to per se, concern has been regularly expressed about the excessive bulk of two storey developments, especially as viewed from the street, and the distribution of that building bulk at the upper level. Large, slab-sided two storey developments, with the bulk of the second floor thrust forward on the lot, are regarded as out of character with Claremont's existing and traditional housing forms.

In addition, roof forms play a significant role in the urban character of a streetscape. Within the Town's traditional roof forms predominate in single dwelling development, where there is a strong representation of similar housing styles and roof forms. The Council will encourage traditional roof forms in the older residential areas where these predominate.

The protection and enhancement of streetscapes and residential character are corner stones of LPS3. The purpose of this policy; therefore, is to provide added protection for the established residential character of the areas within the Town, which are set aside for single residential development.

This Policy also provides some relevant development and design guidance for these areas, with a view to providing consistent advice and certainty to property owners with regard to what will, and what will not, be permitted in terms of new two storey development.

Where a new two storey dwelling, or the upward extension of an existing single storey dwelling is proposed, it must be demonstrated by the applicant that the impact of the new development will not unduly affect the streetscape.

Objectives

The objectives of this Policy are:

1. To ensure that new two storey, single residential development, and second storey additions/alterations to existing single dwellings, is compatible with the character, form and scale of existing residential development in the locality, and harmonises with the existing streetscape, and
2. To encourage creative design solutions of quality that meets the standards of this Policy, and which enhance the character of existing single residential areas.

Status/ Application

This policy is highly selective in terms of the areas of its application. It applies only to single dwelling developments in low density residential areas within the Town (i.e. those areas generally coded R25 or lower).

It is noted that due to the significant re-subdivision and redevelopment of the R25 located between Ashton Avenue, Alfred Road, Brockway Road and Stubbs Terrace/Judge Avenue and the evolving two storey dominated streetscape, this policy does not apply to this area.

This policy does not also apply to land within the Lakeway Drive in site or the old Swanbourne Primary School site, for which there are adopted design guidelines or rear lot battle-axe/strata developments.

Elsewhere within the Town of Claremont the RDC applies (within the context of Clauses 26, 27, 76 and 77 of LPS3.)

This policy was initially adopted under Clause 82 of LPS3 and has been reviewed under Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs).

This means that both the Town and prospective applicants are obliged to take the Policy into account. Variations and departures may be possible, however these will need to be suitably justified by the both the applicant and the Town.

This policy endeavours to complement the RDC by augmenting and further developing specific provisions with more specific policy measures pertinent to residential development within the Town. If there are inconsistencies between the provisions of the RDC and this policy, the provisions of this policy shall prevail.

Background

What is Neighbourhood Character?

Some areas or suburbs are described as having little or no character, while others may have a great deal of character. But character should not be confused with 'attractiveness' or 'amenity' or 'heritage'. All areas have a character, but some may be more obvious, more unusual or more attractive than others. Amenity is about the pleasantness and good functioning of an area, and includes such elements as overshadowing, access to daylight and private open space. On the other hand, neighbourhood character is about a sense of place, and what locally-occurring physical elements are important and have meaning to the community.

Neighbourhood character is essentially the combination of the public and private domains. Every property, public place or piece of infrastructure makes a contribution, whether large or small. It is the cumulative impact of all these contributions that establishes neighbourhood character.

The terms 'neighbourhood character' and 'character' are not specifically defined in the RDC, however, in general discussion the RDC refer to qualities such as the appearance of buildings, street setbacks, lot frontages, setbacks between buildings, driveways, fences, walls, carports and other development within the street setback area. The RDC also mention additional elements such as the layout of streets, parks and other open spaces, the mixture of land uses, the development of street trees, verges and carriageways, and the type and volume of traffic.

More succinctly, neighbourhood character has been defined by one source as:

“The qualitative interplay of built form, vegetation and topographic characteristics, in both the private and public domains that make one place different from another.”

(Ref: Planisphere with John Curtis Pty Ltd)

The Difference Between Heritage and Character?

There is an important distinction between heritage and neighbourhood character. While they are closely related and share some attributes, the two are different.

- Places or sites with heritage significance may not necessarily be attractive to look at, whereas there is an expectation that good urban character is visually attractive or pleasant.
- Heritage protection has an established philosophical, theoretical, and practical basis.
- Heritage significance is determined by recognised criteria set by Commonwealth.
- State and local agencies, with reference to the Burra Charter. LPS3 contains specific heritage control provisions. In contrast, urban character is an emerging concept, and more open to accommodating popular tastes. For example, reproduction architecture may be acceptable in terms of ‘respecting its neighbours’ (e.g. the character of the area), but is not acceptable within heritage protection areas as it demeans and diminishes the heritage values that may have been identified and recognised in that area.

This Local Planning Policy deals with the protection of existing residential character. Local Planning Policy 124 - Retention of Heritage Property and Assets deals with the development and management of places of heritage significance.

Interpretations

Surrounding development in the immediate locality means the buildings on the five properties on either side of the proposed development plus the buildings opposite to them on the street that the dwelling is oriented towards (see Figure 1). More significance will be given to surrounding development in the immediate locality that is closer to the proposed development, particularly in the case of corner lots. Where an opposite lot partially overlaps the fifth property either side of the subject site, it shall be included in the ‘immediate locality’ if the overlap is greater than 50% of its width.

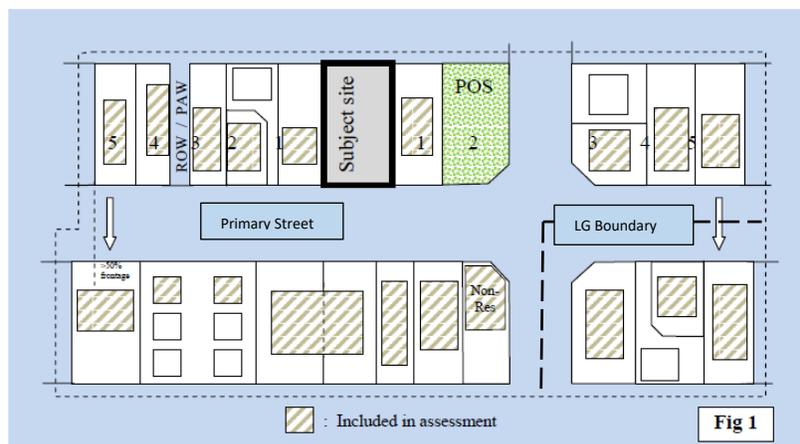


Figure 1

Policy Statement

Scale and Proportion

The form of new development is to meet the following requirements:

- a) New development or alterations/extensions to existing development are to have a comparable scale and proportion to surrounding development in the immediate locality as viewed from the street, unless it can be demonstrated that the surrounding development is not desirable or representative. Uncharacteristic, one-off examples of buildings already occurring in the immediate locality will not be considered in the streetscape assessment (e.g. single dwellings of excessive bulk, scale or height).
- b) Additions/extensions to existing dwellings including car parking structures in the front setback area should not visually dominate the original building as viewed from the street.
- c) Alterations and additions to existing dwellings should not dominate the existing building when viewed from the primary street. If the existing dwelling and streetscape is predominantly single storey, then the dwelling's single storey presentation to the street should be substantially preserved.
- d) Alterations or additions to existing houses should be designed such that the desirable qualities of the existing building are maintained, particularly as viewed from the street.

Design Standards for Two Storey Residential Development

Building bulk shall be generally distributed to ensure that a proposed two storey dwelling, or second storey additions/alterations to an existing dwelling, will not have an overpowering impact on neighbours and the streetscape.

In order to fulfil the requirements of this policy, the Council will require a single house of two storeys to be designed so as to appear as a predominantly single storey house when viewed from the primary street verge immediately in front of the development site where the surrounding development in the immediate locality is predominantly (nominally greater than 50%) single storey or appears as such. This includes a requirement for any two storey development to be located in the middle third of the lot (see Figure 2).

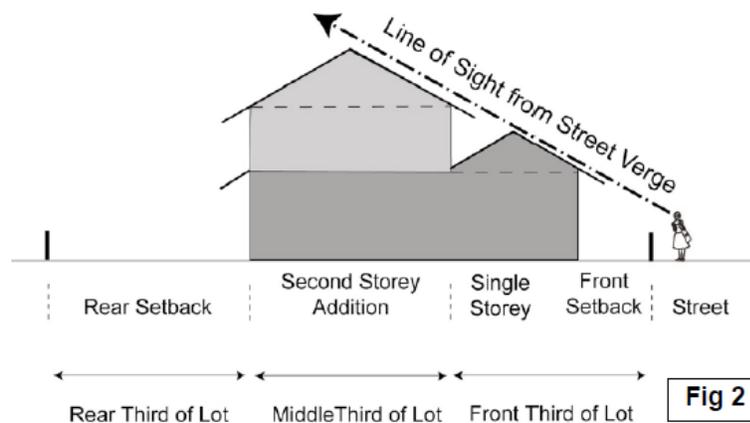


Figure 2

It is acknowledged that there may be circumstances where the lot may not permit two storey development to be located in the middle third of the lot (e.g. lots with a shallow depth). The primary concern of the Council is to maintain an attractive and harmonious streetscape. Therefore, the Council may permit two storey development located outside the middle third of the lot where there is evidence of existing developments of a similar nature on adjacent properties.

It is preferred that second level development should be contained within the roof space where the surrounding development in the immediate locality is single storey or viewed as single storey from the verge immediately in front of the development site.

The Council is unlikely to support a second storey element where the proposal is considered to be disruptive of established and valued neighbourhood character, and impact negatively on the streetscape, or on the amenity of adjoining properties. In general terms, where surrounding development is predominantly single storey or appears as such, the maximum floor area of the footprint of the second storey of the proposed development should not exceed 50% of the footprint of the ground floor dwelling.

Where surrounding development in the immediate locality is not predominantly single storey or designed to appear as such, the footprint of the second storey may be greater than 50% of the footprint of the ground floor of the dwelling and located outside of the middle third of the lot, provided the new development will not, in the opinion of Council, impact negatively on the streetscape, or on the amenity of adjoining properties.

Measurement of the ground floor footprint area may include a garage or carport, but only if it is attached to the ground floor of the dwelling.

Large expanses of flush, unrelieved walls are to be avoided on the front elevation. Elevations to the primary street are to be enhanced through horizontal and vertical articulation, by the use of at least two walling materials, and the use of elements such as balconies, awnings, verandas, terraces, windows or other architectural features.

Front Setbacks

Any new development:

- a) Is to be setback from the primary street at a distance no less than the prevailing street setback, which is the setback calculated by averaging the setback of surrounding development in the immediate locality, or
- b) Should match the setback of the houses on either side of the subject property. Where the front setbacks of the two adjoining houses vary, the setback of the proposed development should be approximately midway between those of the adjoining houses.

Roof Forms

The Council encourages traditional roof forms such as hipped and gabled roofs for those parts of a single dwelling which contribute to the immediate streetscape, unless it can be demonstrated that the alternative roof form proposed can be comfortably accommodated within the streetscape of the immediate area and not detract for the established streetscape.

Roof pitches between 25 degrees and 35 degrees are encouraged. Roofs of lower pitch may be acceptable where they can be demonstrated to be compatible with the existing streetscape and existing surrounding development in the immediate locality.

The Council recognises that in some residential areas, however, there may be opportunities for more innovative design and architectural styles, and in these instances, may consider alternative roof forms. These will be assessed on their merit at the time of application.

Development Applications

Requirements

The definition of development and requirements for submissions of Development Applications are as set out in Schedule 2, Part 8, Clause 63 of the LPS Regs..

Under LPS3 a Development Application must be submitted for any development on land zoned for residential use.

Accompanying Material

The scale and proportion of surrounding development should be demonstrated by the submission of appropriate photographs, plans and street elevations, which will accurately show the proposed development in its street context. More significance will be given to the scale and proportions of buildings that are closer to the subject property.

This information is additional to the requirement for accompanying material for a Development Application set out in Schedule 2, Part 8, Clause 63 of the LPS Regs..

Other Relevant Policies and Documents

NIL

Work Procedures

NIL

Policy Adoption and Amendment History

Reviewed/Modified	Minutes Reference	Date	Meeting Type
Adopted		17/08/2010	Ordinary Council Meeting
Reviewed		00/02/2010	SPPC
Reviewed	210/10	05/10/2010	Ordinary Council Meeting
Reviewed	360/13	10/12/2013	Ordinary Council Meeting
Reviewed	157/14	16/09/2014	Ordinary Council Meeting
Reviewed	203/14	09/12/2014	Ordinary Council Meeting
Modified	206/16	13/12/2016	Ordinary Council Meeting
Modified	228/18	18/12/2018	Ordinary Council Meeting