

28 August 2024

Town of Cottesloe
109 Broome Street
COTTESLOE WA 6011

Dear Sir / Madam

NO. 16 (LOT 11) WILLIAM STREET, COTTESLOE

PROPOSED SINGLE HOUSE

Urbanista Town Planning have been engaged to prepare and submit a Development Application for a proposed single house at No. 16 William Street, Cottesloe. In support of the proposal, please find attached the following documents:

- Town of Cottesloe Development Application Form and MRS Form 1
- Certificate of Title
- Development Plans

The following report provides an assessment against the relevant design principles and ultimately demonstrates that the proposal should be approved having regard to these provisions.

SITE CONTEXT

The subject site is located on William Street in Cottesloe and has a land area of 607m². The site has a frontage of 15.09m to William Street (south boundary) and depth of 40.23m. The subject site slopes downwards from the William Street boundary to the rear by approximately 2.2m, with the highest level in the north-east corner at 41.27 and the lowest level in the south-west corner at 39.05.

The site currently contains an existing double storey single house with a swimming pool located at the rear. Other than a carport and impermeable front fence the site has no other notable structures and does not contain any trees worthy of retention. Vehicle access to the site is currently provided by a double crossover located towards the site's western boundary. It is proposed that this access will be retained upon development.

The site is directly opposite a local reserve known as Jasper Green Reserve (R 24793) and surrounded with mix of exclusive housing stock, primarily double storey single houses situated on lots with a size of approximately 400sqm – 800sqm.

The subject site, as well as the surrounding residential area is zoned Residential R20 in accordance with the Town's Local Planning Scheme 3 (LPS 3).



Figure 1: Subject Site and Surrounds. Source: MNG Maps

THE PROPOSAL

The development application proposes a two-storey single house and roof terrace. The proposed dwelling as viewed from William Street will appear as a two-storey dwelling to be consistent with the established streetscape and the expectations of the Town's planning framework, importantly, it is compliant with the Building Height requirements in LPS3.

The dwelling proposes four bedrooms, three ensuite bathrooms, two balconies, including a roof top terrace, a two-car garage, pool house and ancillary rooms to accommodate the occupant's leisure and entertainment needs. The dwelling has a Mezzanine (split level) style first storey. Each floor has an open plan living area, with the kitchen and dining quarters situated on the first floor.

Vehicle access to the site will remain from the existing crossover via William Street. Vehicle access areas have sufficient space for the manoeuvring of vehicles and have been designed to ensure access to and from the site is in a forward gear motion.

With the exception of the following design justification for a sole element of the Residential Design Codes (**R-Codes**), the proposed single house is considered to be compliant.

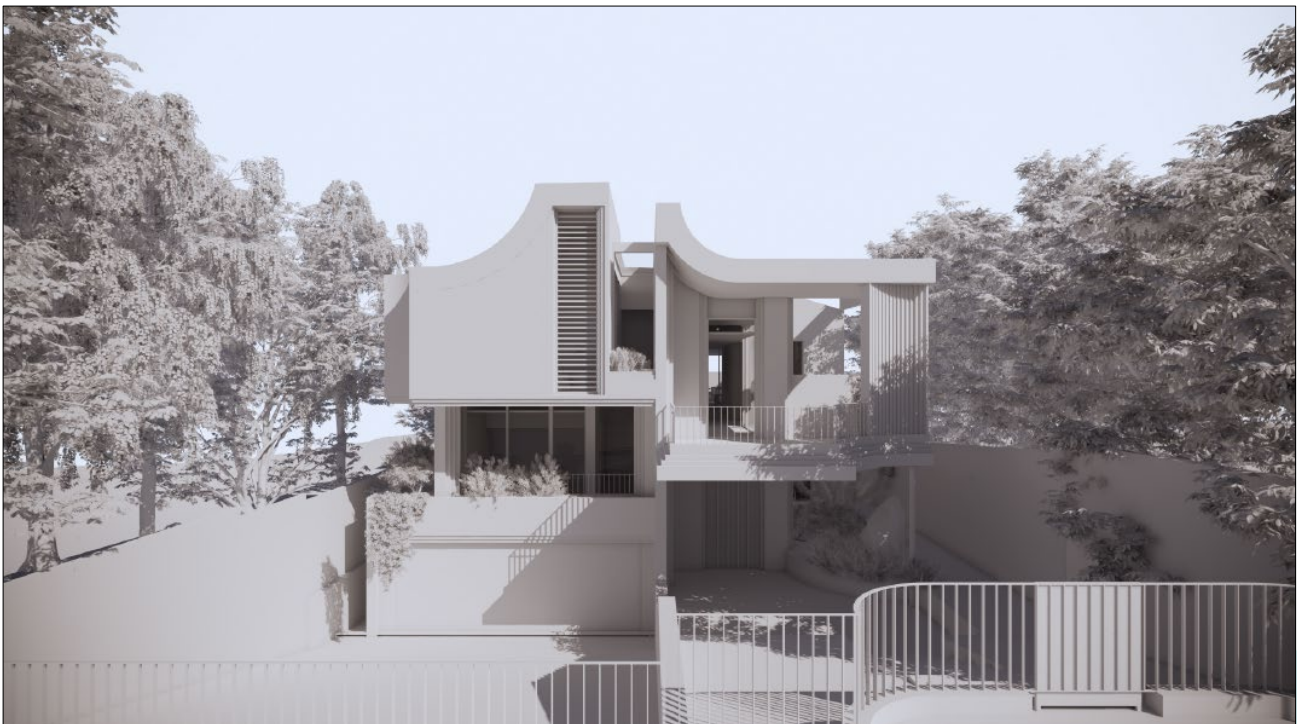


Figure 2: Render of front elevation. Source: State of Kin

ASSESSMENT AND JUSTIFICATION

APPLICABLE DEEMED-TO-COMPLY ASSESSMENT SUMMARY	
LOCAL PLANNING SCHEME 3 (LPS3)	
5.3.3 Building Height	<input checked="" type="checkbox"/>
RESIDENTIAL DESIGN CODES VOL.1 PART B (R-CODES)	
5.1 CONTEXT	
5.1.2 Street setback	<input checked="" type="checkbox"/>
5.1.3 Lot boundary setback	<input checked="" type="checkbox"/>
5.1.4 Open space	<input checked="" type="checkbox"/>
5.1.5 Communal open space	N/A
5.1.6 Building height	<input checked="" type="checkbox"/>
5.2 STREETScape	
5.2.1 Setback of garages and carports	<input checked="" type="checkbox"/>
5.2.2 Garage width	<input checked="" type="checkbox"/>
5.2.3 Street surveillance	<input checked="" type="checkbox"/>
5.2.4 Street walls and fences	<input checked="" type="checkbox"/>
5.2.5 Sight lines	<input checked="" type="checkbox"/>
5.2.6 Appearance of retained dwellings	N/A
5.3 SITE PLANNING AND DESIGN	
5.3.1 Outdoor living areas	<input checked="" type="checkbox"/>
5.3.2 Landscaping	<input checked="" type="checkbox"/>
5.3.3 Parking	<input checked="" type="checkbox"/>
5.3.4 Design of car parking spaces	<input checked="" type="checkbox"/>
5.3.5 Vehicular access	<input checked="" type="checkbox"/>
5.3.6 Pedestrian access	N/A
5.3.7 Site works	<input checked="" type="checkbox"/>
5.3.9 Stormwater management	<input checked="" type="checkbox"/>
	R-CODES VOL.1 PART D – LAND
	1.0 LAND
	1.1 Site area <input checked="" type="checkbox"/>
	5.4 BUILDING DESIGN
	5.4.1 Visual privacy <input checked="" type="checkbox"/>
	5.4.2 Solar access for adjoining sites <input checked="" type="checkbox"/>
	5.4.3 Outbuildings N/A
	5.4.4 External fixtures, utilities and facilities <input checked="" type="checkbox"/>
	5.5 SPECIAL PURPOSE DWELLING
	5.5.1 Ancillary dwellings N/A
	5.5.2 Aged or dependent person's dwellings N/A
	5.5.3 Single bedroom dwellings N/A
	5.5.4 Accessible Dwellings N/A
	5.5.5 Small Dwellings N/A

Design elements which have not satisfied the deemed-to-comply requirements are demonstrated compliance with the associated design principles below.

CLAUSE 5.4.1 – VISUAL PRIVACY

Figure 3 illustrates the proposed overlooking of the adjoining properties and the structures within the front, side and rear setback areas.

As assessed, the overlooking impacts are proposed from four different spaces on the first floor only, as all other openings are considered to meet the required cone of vision setbacks. The areas of overlooking are considered to impact non-habitable areas such as front, side and rear setback areas as follows:

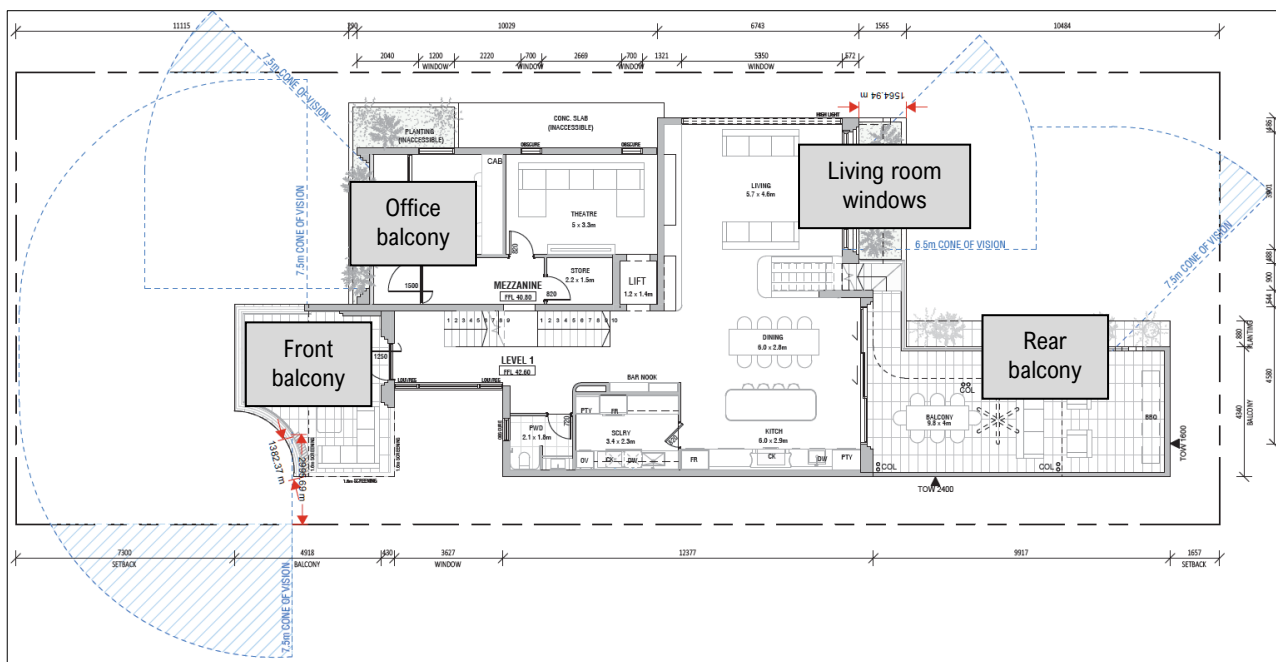


Figure 3: Non-Compliant Openings

- **Front Balcony** – the closest point of the balcony (without screening) is setback 3m from the eastern boundary in lieu of 7.5m, resulting in partial overlooking to the east adjoining lot.
- **Office Balcony** – the cone of vision to the balcony is 4.5m from the western boundary in lieu of 7.5m, resulting in partial overlooking to the east adjoining lot.
- **Rear Balcony** – the cone of vision to the balcony is 5m from the northern boundary in lieu of 7.5m, resulting in partial overlooking to the northern adjoining lot.
- **Living Room Windows** – the cone of vision to the windows is 4.5m from the western boundary in lieu of 6m, resulting in partial overlooking to the east adjoining lot.

As the proposed design seeks to vary the R-Codes requirement, a design principles response is required in accordance with the provisions outlined in the R-Codes 5.4.1.



Figure 4: Overlooking to adjoining properties

Design Principles

P1.1 *Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

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).*

Justification

Within the front façade of the dwelling are two first floor balconies. Due to the mezzanine level design, the balcony that overlooks the west is situated lower than the balcony that overlooks the east. Both areas have partial screening which forms part of the building structure as a mitigation method for direct overlooking.

Both balconies overlook the front setback area. There is a strong presumption that front setback areas can already be seen from the street and therefore are subject to overlooking from any public user of footpath and road.

Within this locality, there is a strong presence of balconies within the front setback area as they provide passive surveillance of the street and adjoining reserve.

Front Balcony

The balcony overlooking the eastern property's lawn area has established landscaping along lot boundary. the proposed dwelling has a 1.6 metre high louvered screen and existing landscaping on the respective lot boundary. The eastern property has several mature trees with canopy cover greater than 4 metres along the boundary which helps provide additional screening.

Office Balcony

The balcony overlooking the western property's driveway along the western boundary has a non-accessible planter box which acts as a buffer between the internal area and the balcony itself. The planter has evergreen species which provide additional screening of the property's driveway.

As these areas are not considered to be primary outdoor living spaces or high frequency habitable areas and are ancillary to the dwelling, the overlooking is therefore considered to be minor.



Figure 5: Front Balcony and Office Balcony with various screening methods

Rear Balcony

The bulk of the rear of the dwelling is setback over 10 metres from the rear setback which is considered a reasonable buffer between the properties. The pool house balcony above is setback 1.657 metres from the northern lot boundary. The proposed balcony has a 1.6m solid wall acting as a screen. The balcony only partially overlooks the rear setback area hardstand, it is unreasonable to expect full utilisation of this area. In addition, a section of the balcony is a non-accessible planter box which will be screened with selected species.

Therefore, the minor overlooking variation is considered acceptable. Notwithstanding, if the determining authority requires a suitable screening device to be implemented, then this could be accommodated as a condition of approval.

Living Room Windows

The living rooms partial overlooking the western property's swimming pool deck has a non-accessible plater box which acts as a buffer between the internal area and the balcony itself. The planter has evergreen species which provide additional screening of decking.

Therefore, the minor overlooking variation is considered acceptable. Notwithstanding, if the determining authority requires a suitable

screening device to be implemented, then this could be accommodated as a condition of approval.

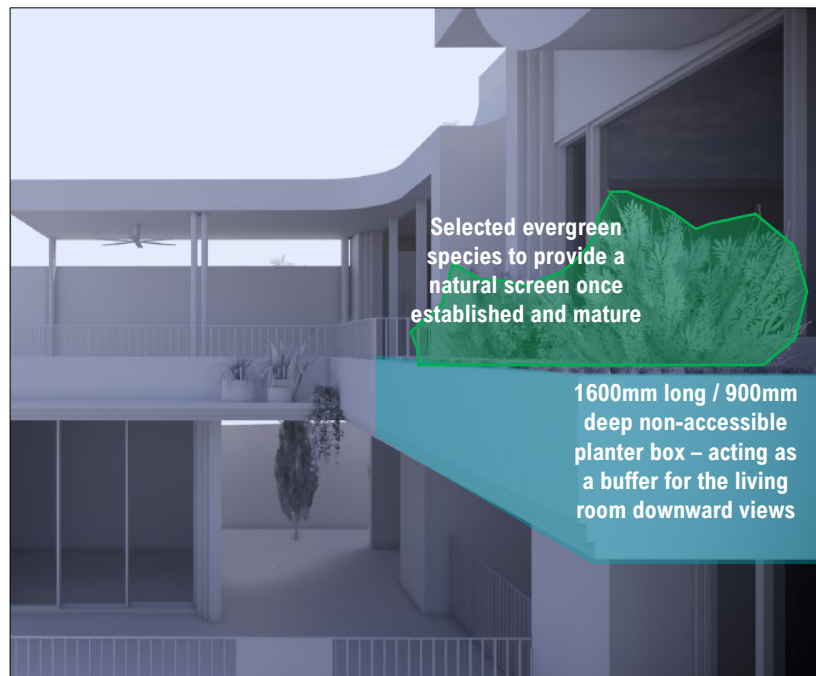


Figure 6: Living Room windows with various screening methods

CONCLUSION

The proposed development has undergone a rigorous design and review process prior to submission and aligns with the intent of the relevant local planning framework including LPS 3 and associated policies and the R-Codes.

The unique and modern architectural built form creates visual interest and contributes positively to both William Street and the Cottesloe precinct whilst respecting adjacent existing developments. The scale of the proposal closely aligns with existing buildings abutting the subject site and will fit appropriately within the local context.

We look forward to working with the Town to achieve a timely development approval.

Should you have any queries in relation to the above information, please contact the undersigned on 08 6444 9171 or michael@urbanistaplanning.com.au.

Yours Sincerely

MICHAEL STOCCO

Urban Planner | [Urbanista Town Planning](https://www.urbanistaplanning.com.au)