

11 May 2023

The Manager  
Planning Assessment  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

Dear Sir/Madam

Ref DA: D/2023/299, 181 St Johns Road GLEBE NSW 2037  
Attention: Mr Christopher Ashworth

The development application is for the demolition of a single storey free-standing mid-Victorian house (Figure 1) which is a Contributory item in the Hereford Forest Lodge Heritage Conservation Area, its replacement by a pair of conjoined three storey houses (Figure 2) and to carry out a subdivision.



Figure 1 No 181 St Johns Road on the left forms part of a row of 4 contributory buildings.



Figure 2 The proposal involves demolishing the house and replacing it by a pair of three storey townhouses

## A. The Planning Context

As stated above the house is a Contributory item located in the Hereford and Forest Lodge heritage conservation area.

The Heritage Inventory Assessment Report for the HCA identifies *the diverse social mix which is reflected in the building stock, which includes early surviving working-class cottages* as being *inherent to the character of the suburb*.

It recommends the significance of the conservation area be protected by:

- *Protecting subdivision patterns and Key Period Significant (Contributory) Development and Settings*
- *Retain 1 Storey Cottages and*
- *Retaining the pattern of forms*



Figure 3 Number 181 is the first house on the northern side of the St Johns Road and Ross Street corner

Number 181 is the first visible building on the corner of St Johns Road and Ross Street. The Heritage Inventory Assessment Report also recommends *retaining significant corner buildings*.

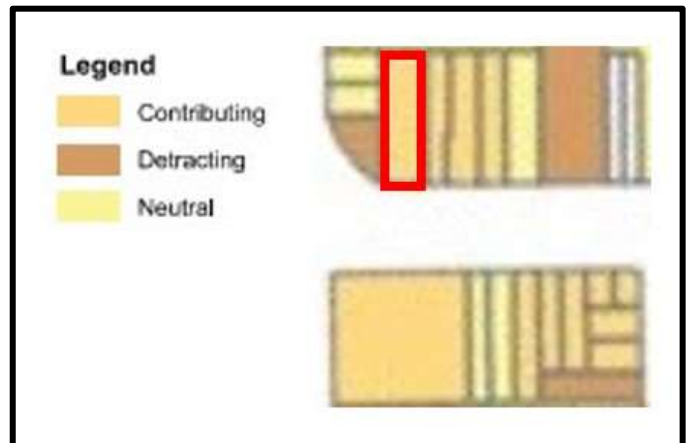


Figure 4 Number 181, highlighted in red, forms part of a precinct at the Ross Street end of St Johns Road which has 10 Contributory buildings

Section 3.9.7 of the General Provisions of the 2012 DCP states that *Contributory buildings are buildings that make an important and significant contribution to the character and significance of the heritage conservation area and that Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.*

Number 181 St Johns Road is a surviving early single storey cottage which dates from 1871. Dwellings of this type are specifically identified in the Heritage Inventory Assessment report as being important to the conservation area and described as being *inherent to the character of the suburb*.

The application proposes demolishing the house and subdividing the land. General Provision 3.8.2 of the DCP requires in respect of a subdivision affecting a heritage conservation area that:

- (1) Subdivision (including strata) is not to occur where the original subdivision pattern is still in evidence and contributes to the significance of the heritage item or heritage conservation area.
- (2) Applications for subdivision or lot consolidation are to demonstrate that:
  - (a) the setting of the contributory building on the site, or within the vicinity, is not compromised; and
  - (b) the relationship between the heritage item or contributory building and associated features such as landscaping trees, fences, and outbuildings is retained

The application which involves demolishing a Contributory item and subdividing a block created in 1869 which has been largely unchanged for over 150 years does not meet these requirements (see Section C, The Date of the House).

The Locality Statement for the area 2.6.2 Ross Street also has a bearing on the proposal, particularly the following requirements:

(b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.

(f) Maintain the lower scale of buildings on St John's Road in keeping with its role as the 'secondary axis' of the neighbourhood centre.

A development which involves the demolition of a contributory building is not responding to and complementing that building, it is destroying it. Replacing it with a three-storey building does not maintain the lower scale of buildings on St Johns Road or respect the streetscape.

## B. The Application

The application argues that these controls do not apply because:

- I. The house dates from c. 1910 and is not intact,
- II. The house is in such bad order that it must be demolished, and
- III. The design of the new houses is sympathetic to the heritage conservation area

As outlined below all three claims are without substance and the exceptional circumstances which the consent authority must be satisfied exist in order to approve the replacement of a Contributory building in a heritage conservation area do not, in fact, exist.

## C. The Date of the House

Rodney Hammet of the Society's Heritage Committee has researched land titles records and post office directories. His work indicates that 181 St Johns Road (DP 917396 – 1) was originally part of Catherine Farm, a grant of 20 acres made to Catherine King in 1795.

By the 1860s number 181 is part of Block B7 which is owned by Thomas Holt (See NSW LRS, Vol 3 Folio 201). The land transactions for Block B7 show that in December 1867 Arthur Bastable purchased a 14  $\frac{3}{4}$  perch lot. In March 1869 this was acquired by James Kidd of Forest Lodge. The Sands Directories in 1869 and 1870 show James Kidd as living in Ross Street, but in 1871 he is at St Johns Road. Kidd died in 1872. His funeral notice in the Sydney Morning Herald 17 January 1872 refers to his funeral moving from his residence at St Johns Road to the mortuary station and thence to Rookwood Cemetery.

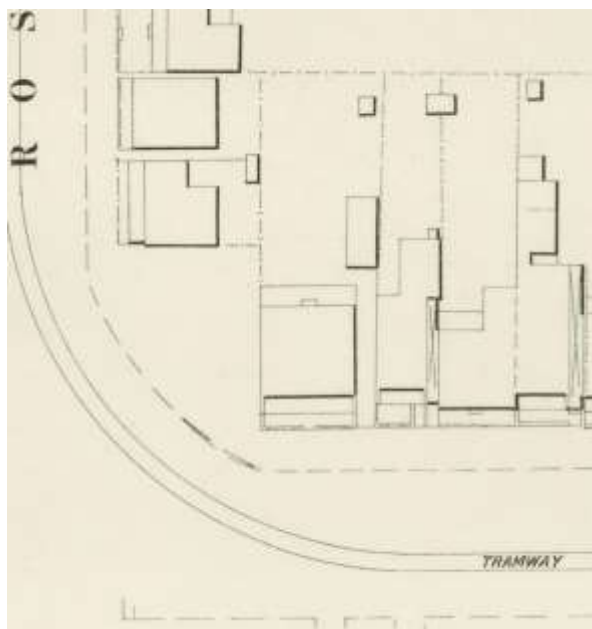


Figure 5 Section 19, The Glebe, NSW Lands Department, 1889, SLNSW, shows number 181, 179, 177 and 175 St Johns Road

Street numbering starts on St Johns Road in 1885 when the house is numbered 97 (St Johns Road commenced at Glebe Point Road at this time), In

1869 it is numbered 101 and with a change in street numbering in 1906, when St Johns Road reached its current extent, it is number 181.

The earliest map showing the house is an 1889 Lands Department map (see figure 5). Figures 14, 15 and 16 below which compare the foot print of the house in the 1889 map to the present house show that the house existed by 1889.

Based on the documentary evidence where James Kidd purchases the land in 1869, is living in Ross Street in 1870 but by 1871 is in St Johns Road, along with the style of the house (see Figs 6, 7, 8, 9, 10, 11 and 12 below) which is consistent with a house built in the 1870s, mean the house can be dated with considerable certainty to 1871.

The Heritage Impact Statement incorrectly states: *the house itself is a cottage of early 20th century construction which has few aesthetically notable characteristics. Few interior elements of significance (i.e. staircases, ceilings) remain.* The photograph of the sitting room (see Fig 6) with its intact joinery, staff moulds, chimney piece and window belies this. The house is a single storey house and as such it never had a staircase. The statement in the HIS that the staircase (which the house never had) does not survive demonstrates how the HIS is biased and unreliable and should be ignored



Fig 6, 7: the chimney piece, staff moulds, chimney and chimney pots and palisade fence (see Figure 9) are typical of a house dating from the middle of the 19<sup>th</sup> century

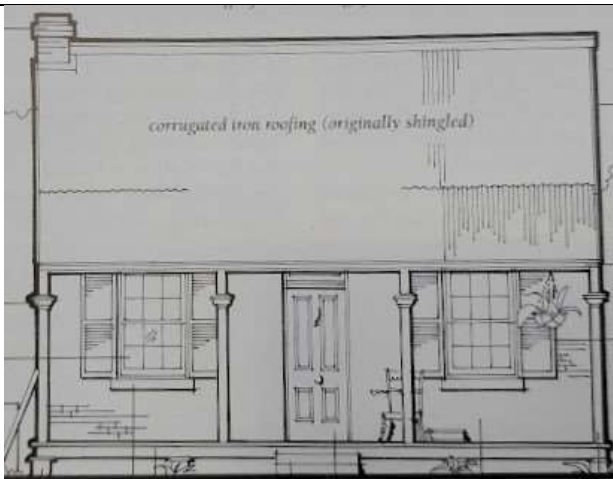


Figure 8 Maisey and Ian Stapleton in *Australian House Styles*, Flannel Flower Press, 1999, identify the typology of 181 St Johns Road as being Mid-century Vernacular (p. 25). As a late example dating to 1871 it has plate glass not glazing bars and turned columns – see Figure 9 below.

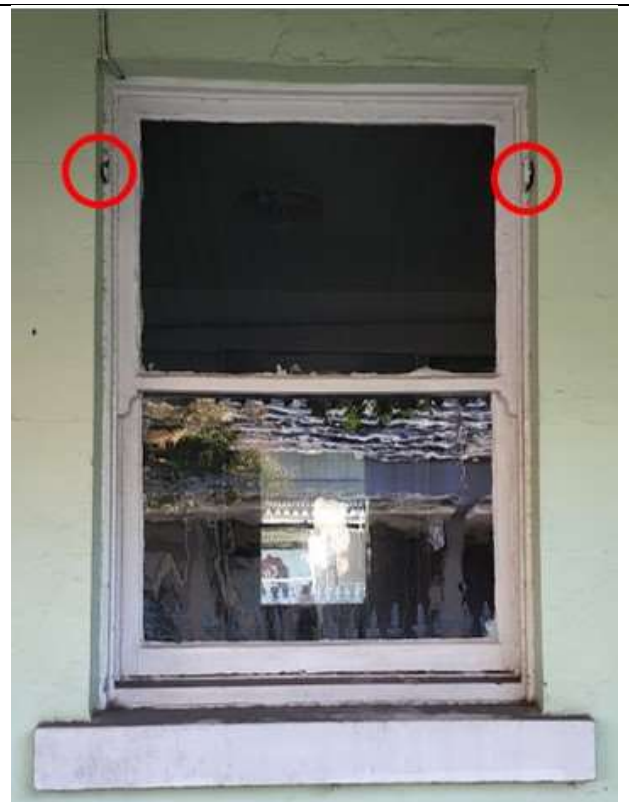


Figure 10 The sash windows on the front elevation originally had shutters. Parts of the shutter hinges survive as do the timber linings the hinges were attached to.

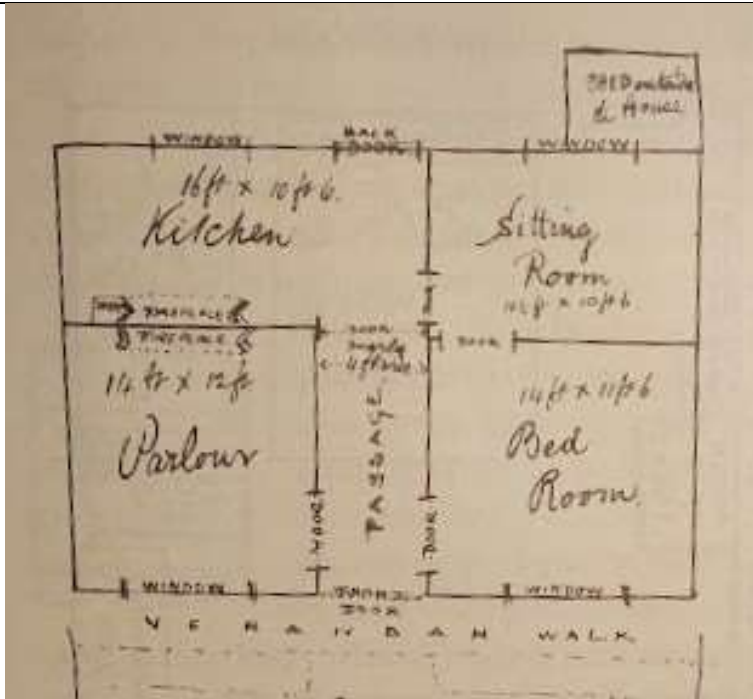


Figure 11 Plan of Joseph Elliott's House, Adelaide, 1860 (*Our Home in Australia*, Flannel Flower Press, 1984)



Figure 12 The plan of 181 St Johns Road is a standard mid-19th century cottage plan with the passage ending after the first range of rooms. It is very similar to the plan Joseph Elliott drew of his house in 1860 (see Figure 11). The room marked Bed 3 on this modern plan was most likely originally the parlour (plan courtesy realestate.com)



Figure 13 A finial on the gate

Originally the house had either a shallow skillion, or verandah at the rear and a detached outbuilding (see fig 8 below). The detached outbuilding no longer exists. The current skillion, with its concrete slab floor, is either substantially or entirely a modern addition.

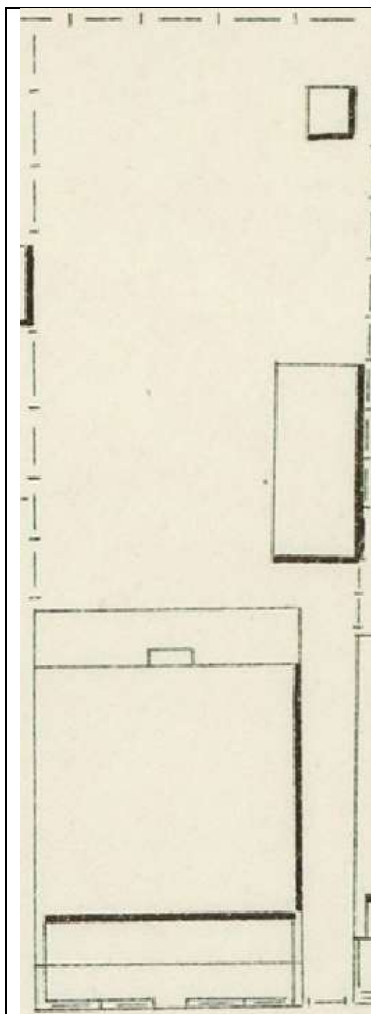


Figure 14 The building footprint in the 1889 NSW Department of Lands, plan, SLNSW



Figure 15 The current building foot print (realestate.com.au, 2021)



Figure 16 The floor plan (realestate.com.au, 2021)



- Significant
- Uncertain/less significant
- Not significant

Figure 17 The house as recorded in 1889 had a verandah or shallow skillion on the east elevation. This has been either demolished or altered a number of times. The division between the main house and the skillion is shown by the dotted line. The front verandah, main elevation including its fenestration, much of the joinery and the original floorplan of the main house survive. The rear skillion appears to be of little or no significance.



Figure 18 The western elevation of the rear skillion



Figure 19 The eastern elevation of the rear skillion



Figure 20 The studio

The elevations, form, chimney and plan of the original house are intact. The front elevation to St Johns Road with its original sash windows, verandah and palisade fence is highly intact as is the south west front room with its chimneypiece. The rear building is of no significance and the skillion at the rear of the original house is of little or no significance – see Figs 14, 15, 16, 17, 18, 19 & 20.

### Streetscape Values

The Heritage Inventory Assessment for the HCA identifies the pattern of forms in the HCA as being important. Number 181 is part of a row of four Contributory buildings which range from a single storey workers cottage (number 181) to a two-storey terrace type (number 179), a single storey workers cottage (number 177) to a three-storey terrace type (number 175). The row epitomises the *ability of the HCA to illustrate various periods of development and architectural styles and building types and its wide variety of attached and detached housing.*





*Figure 21 The articulation of the group of four houses is distinctive. Number 181 is single storey, its neighbour 179 a two-storey terrace form, number 177 another single storey workers cottage whilst number 175 is a grander three storey terrace.*

#### **D. The Structural Report**

In the 1990s as the Senior Curator of the National Trust of Australia (NSW) I worked with the international engineering firm Arup in analysing the structural problems relating to cracking, movement and bowing in the walls of the World Heritage listed Old Government House, Parramatta. I also wrote the Conservation and Management Plan for the 1840s Miss Traill's House, Bathurst, a single storey brick house which was prone to movement because it had shallow footings sited on reactive clay soil. In the CMP I analysed a number of engineering reports about the house. Although not an engineer I do have a specialist's knowledge about the design, character and management of 19<sup>th</sup> century NSW houses.

In my judgement the STRUCTURAL REPORT of 181 St Johns Rd, Glebe, MBC Engineering Pty Ltd is little more than a cursory photographic catalogue of cracking and damp. It does not identify the cause of the problems, whether they are minor or serious, whether they are located in the original part of the house or the less significant skillion or options for rectifying them. The report lacks rigour and provides insufficient evidence for its conclusion:

*that for the most part, the abovementioned cottage may be prejudicial to persons or property in the vicinity of the building. I would recommend that the Building be demolished and a new building be constructed.*

Examples of the flawed analysis in the Structural Report are set out below.

Photographic Evidence



Location	Location Comment	Impact	Impact Comment
External Wall	<input checked="" type="checkbox"/>	Condition	<input checked="" type="checkbox"/> Because of the
Internal Wall/Ceiling	<input type="checkbox"/>	Crack	<input checked="" type="checkbox"/> obvious
Internal Floor	<input type="checkbox"/>	No Crack	<input type="checkbox"/> subsidence of
Internal Other	<input type="checkbox"/>	Damage	<input type="checkbox"/> the rear part
External Other	<input type="checkbox"/>	Gap	<input type="checkbox"/> of the house,
Roof/Soffit	<input type="checkbox"/>	Settlement	<input checked="" type="checkbox"/> cracks appear
Driveway/Footpath	<input type="checkbox"/>	Overturning	<input type="checkbox"/> ubiquitously
Other	<input type="checkbox"/>	Other	<input type="checkbox"/> on the walls.

Figure 22 Structural Report, attributes the crack between the palisade fence kerb and the front of the house to subsidence of the rear part of the house



Figure 23 The crack can be attributed to a leaking down pipe. It should be noted that the palisade wall fence is not rotating but remains in the vertical. The problem could be ameliorated by fixing the down pipe and removing the paving next to the wall



Figure 23a The guttering is in poor condition



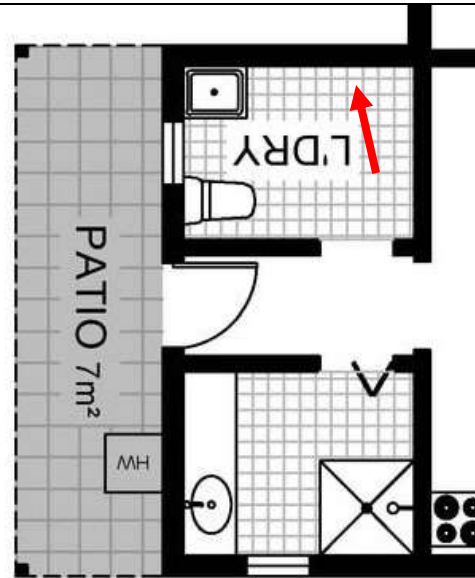
Location		Location Comment	Impact	Impact Comment
External Wall	<input checked="" type="checkbox"/>		Condition	<input checked="" type="checkbox"/>
Internal Wall/Ceiling	<input type="checkbox"/>		Crack	<input type="checkbox"/>
Internal Floor	<input type="checkbox"/>		No Crack	<input type="checkbox"/>
Internal Other	<input type="checkbox"/>		Damage	<input type="checkbox"/>
External Other	<input type="checkbox"/>		Gap	<input type="checkbox"/>
Roof/Soffit	<input type="checkbox"/>		Settlement	<input checked="" type="checkbox"/>
Driveway/Footpath	<input type="checkbox"/>		Overturning	<input type="checkbox"/>
Other	<input type="checkbox"/>		Other	<input type="checkbox"/>

Figure 24 The structural report attributes the crack in the brick wall on the western wall of the skillion to subsidence when it relates primarily to the method of construction, see Fig 25



Figure 25 The skillion wall on the western side of the house was built in two stages. The brickwork of the northern end was not tied into the earlier wall. The crack relates to the method of construction rather than subsidence

Photographic Evidence



The report does not identify the room illustrated but it appears to be the laundry which is located in the stage 2 skillion addition at the rear the main house (see the plan at Fig 16). The damp problems are being caused by the concrete slab, exacerbated by the leaking down pipes. The floors of the skillion additions appear to all be of concrete slab construction.

Location	Location Comment	Impact	Impact Comment
External Wall	<input type="checkbox"/>	Condition	<input checked="" type="checkbox"/> Rising damp is evident throughout the property, because of the low height between ground floor slab and natural ground.
Internal Wall/Ceiling	<input checked="" type="checkbox"/>	Crack	<input checked="" type="checkbox"/> Cracks on internal wall.
Internal Floor	<input type="checkbox"/>	No Crack	<input type="checkbox"/>
Internal Other	<input type="checkbox"/>	Damage	<input type="checkbox"/>
External Other	<input type="checkbox"/>	Gap	<input type="checkbox"/>
Roof/Soffit	<input type="checkbox"/>	Settlement	<input type="checkbox"/>
Driveway/Footpath	<input type="checkbox"/>	Overturning	<input type="checkbox"/>
Other	<input type="checkbox"/>	Other	<input type="checkbox"/>

Figure 26 Rising damp

The original house is surrounded by hard paving on the eastern side (see Fig 27 ), as well as the concrete slab in the northern skillion. In addition the ground level of the front garden has been raised (Fig 28). These, along with the leaking downpipes are the principal cause of the damp issues.



Figure 27 Hard paving has been constructed right up to the eastern wall of the house



Figure 28 The level of the front garden has been raised to the height of the veranda. This with leaking gutters and downpipes is likely to exacerbate damp.

The original house appears to be solidly built and structurally sound. The primary problems relate to rising damp caused by leaking gutters, failing downpipes, the slab floor of the rear skillion, the hard paving which abuts the house and the raising of the level of the front garden. All these problems could be rectified, they do not justify demolition of the house.

The skillion attached to the northern side of the house was built in stages. Whilst it may contain some early fabric it does not appear to be intact in terms of room volumes, fenestration and finishes. A proper heritage impact statement should have been part of the development application in accordance with Section 3.9.1 of the General Provisions of the 2012 City of Sydney Development Control Plan, particularly sections (3), (4) (a), (b), (c) and (d). The application is completely deficient in its analysis of the house, its evolution, its significance and its condition. Subject to a proper assessment it would appear acceptable to remove the skillion wing and replace it with a new wing.

#### E. Character of the new building

The proposal with its pair of three storey houses fronting St Johns Road and a pair of two storey ancillary dwellings at the rear of the site is a gross over development.

It is claimed that the pair of three storey houses complement the heritage conservation area. They do not. In scale form, height and materials they are obtrusive.

However, the question as to their compatibility is irrelevant because the existing house is a Contributory building in the HCA and Contributory buildings may only be demolished in exceptional circumstances.

As noted in sections C and D above the exceptional circumstance claimed by the applicant as to the significance and condition of the house do not exist.

As shown in figure 29 the site provides opportunities for additional development without demolishing the original house.

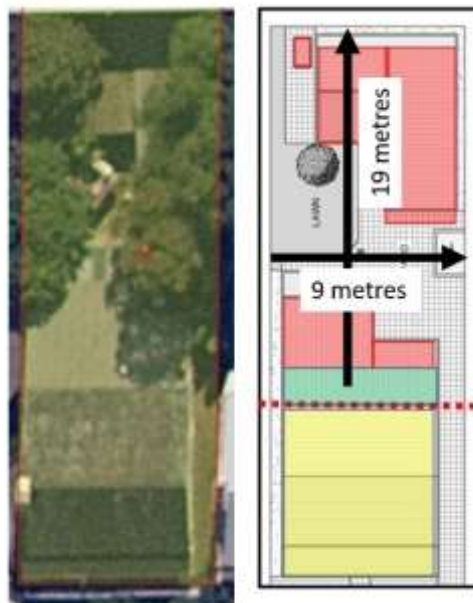


Figure 29 The site provides opportunities for development while retaining the 1871 house

#### Conclusion

The development application should be rejected because:

- I. It involves the demolition of a contributory building in a heritage conservation area:
  - The Heritage Inventory Assessment Report for the HCA specifically mentions the importance of the contribution early single storey houses make to the HCA and says they should be retained.
  - The Ross Street Locality Statement says *development is to respond to and complement contributory buildings within heritage conservation areas* (not demolish them) and development is to respond to *streetscapes and lanes*. Demolishing number 181 which is part of a row of four Contributory houses diminishes one of the identified special qualities of the HCA which is its ability to *illustrate various periods of development and architectural styles and building types and its wide variety of attached and detached housing*
  - The Locality Statement also directs to *maintain the lower scale of buildings on St John's Road*. Demolishing a single storey building and replacing it with a three-storey one does not maintain the scale.
  - The General Principles of the DCP state that Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances. No such circumstances exist.

- II. It involves a subdivision. The General Provisions of the DCP include special controls for subdivisions in Heritage Conservation Areas affecting Contributory items including that:
- Subdivision must not compromise the setting of a Contributory building. The proposed development fatally compromises the Contributory building by demolishing it.
  - Subdivision is not to occur where the original subdivision pattern is still in evidence and contributes to the significance of the heritage item or heritage conservation area. The lot on which is proposed for subdivision was created in 1869 and is largely intact,
- III. The application seeks to circumvent the heritage provisions of the DCP by arguing that the house at 181 St Johns Road is not really a contributory building at all and was actually built in 1910. The documentary and physical evidence is clear that the house was built in 1871. Its elevation to St Johns Road is highly intact. In addition its form, plan and some significant internal elements survive. It is an early, freestanding single storey cottage – a type of dwelling specifically mentioned as being important to the HCA and covered by the policy in the Heritage Inventory Assessment Report to retain single storey cottages.
- IV. The application argues that the house is structurally unsound and must be demolished. No systematic evidence and analysis is presented to support this assertion. The original house appears to be structurally sound. Issues with damp could be rectified by fixing the gutters and downpipes, removing the hard paving abutting the house and removing the slab in the later skillion at the rear of the house.
- V. The replacement building will compromise the heritage significance of the heritage conservation area.

Yours sincerely



Ian Stephenson  
President