

28 August 2024

Council of Sydney

[dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

Re: D/2024/631 32 St Johns Road GLEBE NSW 2037

Attention Kate Burton

Dear Ms Burton

The house is a Contributory building in the St Phillips Heritage Conservation Area. The conservation area is distinctive for its long rows of terrace houses which have highly intact front and rear elevations as well as a large number of surviving outhouses.

The detached building at the rear of the neighbouring house, number 30, was first approved as a garage on 12 February 2004 (D/2003/1327) 'Erection of a garage with storage loft within the roof pitch'. On 21 April 2016 consent was given to convert the garage into a two story building (D/2015/1602).



Figure 1 The garage addition at number 30 St Johns Road which was approved in 2004



Figure 2 In 2016 approval was given to convert the garage into a two storey house

The garage addition which was approved in 2004 was of too big a scale. Its conversion to a two storey house in 2016 with its large and incongruous attic window has made it an obtrusive element in the heritage conservation area. One which should not be used as a model. Number 32 is one of a row of 13 terrace houses (see Fig 3 below). Of the row of 13 only one, number 30 which is pictured above has a detached dwelling at the rear.

Ruth Daniels' statement in the HIS that *No. 30 St Johns Road has an approved and constructed two story dwelling on the adjacent site which is of similar height, bulk and scale to the proposal. As No.*

*32 and 33 [I think she means number 30] are similar houses with similar rear set backs the proposal at No 32 should be acceptable.* This completely misses the point that one of the things which the Heritage Inventory Report for the HCA identifies as significant is the high level of consistency in the front and rear forms of its terraces. To argue that the one terrace in a row of 13 with a rear lane structure, and as is demonstrated in Figure 2 above, an over scaled and obtrusive one, should become a model for development of the other 12 is illogical. The norm not the single exception should be the determinant of what is acceptable.



*Figure 3 Number 32 is one of a row of 13 terrace houses of which all but one, number 30, retain their consistent rear elevations to Denman Lane*

Both the Heritage Inventory Report for the St Phillips Heritage Conservation Area and the 2012 City of Sydney DCP Section 4.1.6 (Secondary and laneway dwellings) and in particular Section 4.1.6.2 which deals with laneway dwellings in Heritage Conservation Areas, provide very clear guidance in relation to this application and why it should be rejected.

## **The St Phillips Estate Heritage Inventory Report**

The Heritage Inventory Report includes in its management principles that:

*c) Rear Development Identify and protect consistent rear forms including rear outhouses Control changes to the established character of a terrace group Do not exceed the existing built scale Encourage low impact single storey additions Discourage visible two-storey additions Limit development to the existing building volume*

*(d) Development of Rear Lanes Identify and protect surviving stables and early structures which contribute to the historic significance of the area Retain the predominant one storey scale Retain landscaped character Retain small structures, timber paling fences and greenery of rear gardens which contribute to the landscape character Retain consistent patterns of lane development comprising original outbuilding and fences Do not allow new second storey development to any lanes*

Under development of rear lanes it says *protect early structures which contribute to the historic significance of the area. Retain small structures, timber paling fences and greenery of rear gardens which contribute to the landscape character.*

### **The 2012 DCP General Provisions for Secondary and Laneway Developments** (Sections 4.1.6)

The General Provisions for laneway developments reinforce the policies in the St Phillips Heritage Inventory Report for managing rear lane development.

They state that:

- it must be ensured that *the scale and type of development is compatible with the width of the lane and the significance of the scale of heritage conservation areas* (4.6.1 Objective (c))
- the development must be consistent with the significance of the heritage conservation area (4.1.6.2 (2))
- *significant structures that contribute to the history, character and significance of the heritage conservation area* are to be retained (4.1.6.2 (3))
- *where a rear lane is highly intact, the pattern of original outbuildings and fences must be retained* (4.1.6.2 (4))
- *development is to retain the predominant scale of the lane* (4.1.6.2 (5))

### **The St Phillips Heritage Conservation Area**

An important aspect of this part of the St Phillips estate is the survival of a large number of its rear lane outhouses. Whilst these were once common in the city they are now rare and unusual and appear to survive in greater number in the St Phillips estate than anywhere else in the city. The outhouse was intact at number 32 until relatively recently. It is understood that it was partly demolished this year. The Society is concerned that the demolition took place without consent and has written to Council seeking clarification about this.



Figure 4 The outhouse at 32 St Johns Road, Denman Lane (real estate.com 2022)



Figure 5 The same outhouse in late August 2024



Figure 6 The outhouse at 32 was one of a row of three. The remnant wall of the partially demolished outhouse can be seen at the bottom of the image

The demolition plan in the application does not mention demolition of the outhouse.

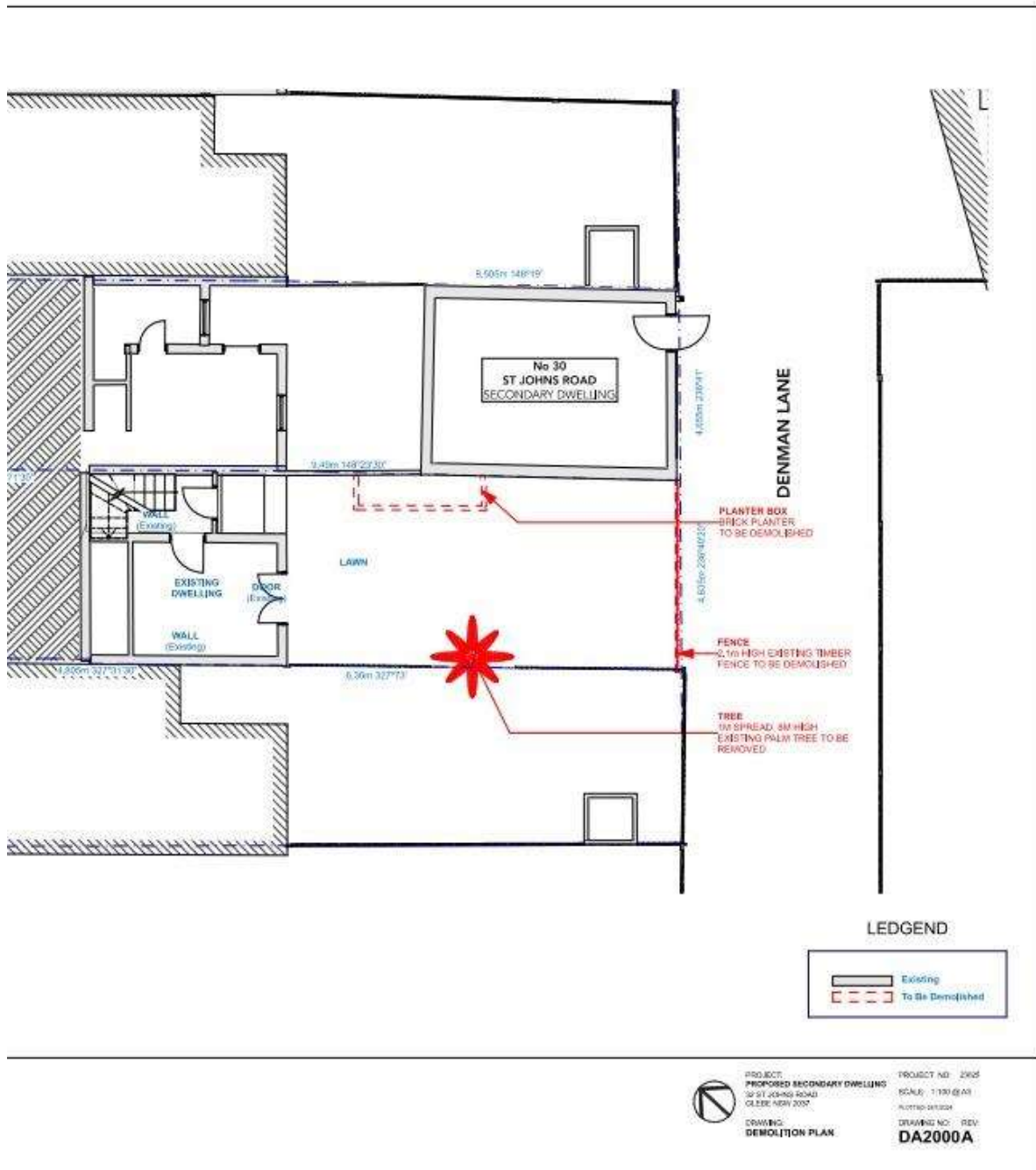


Figure 7 Detail of the Demolition Plan from the application. The plan shows the outhouse at number 28 and number 34 but not the one at number 32



Figure 8 The Denman Lane elevation of the proposed building. The General provisions of the DCP state that A one storey structure with an attic above is permissible adjacent to a rear lane (Section 4.6.1 (1)). The proposed building is effectively not a one story structure but a two storey one and therefore does not comply.



Figure 9 The above photograph shows how using the ancillary dwelling at number 30 as a model for the proposed dwelling at number 32 (see figure 8) will completely remove the consistent rear form and laneway elevation of the row of 13 terrace houses

## Summary

The application has two issues:

1. What appears to be unauthorised demolition of a structure identified in the Heritage Inventory Report and the General Provisions of the DCP as significant to the Heritage Conservation Area
2. The proposed building is too large, it is effectively two stories not single storied in accordance with the general provisions of the DCP. Its bulk and height removes the views of the intact rear elevations of the row of terrace houses and the character of the lane. A single storey building with a shallow roof, such as was added to the rear of the terraces at 36-44 Campbell Street might be compatible with the objectives of the heritage conservation area and sections 4.6.1.1 and section 4.6.1.2 of the DCP. The problem is the site is not suited to the construction of a two bedroom, two storey house and the controls do not permit it - *Do not allow new second storey development to any lanes*



*Figure 10 In the 1980s the NSW Inner City Housing Team added a shallow roofed single storey service wing to the rear of a row of terrace houses at 36-44 Campbell Street. It is seen here from Campbell Lane. In Denman Lane a small low building built on the lane frontage and retaining the outhouse could be compatible with the heritage conservation area and be a model for any further rear lane development in the row.*

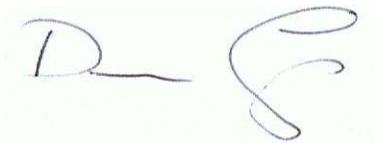
The St Phillips HCA Heritage Inventory Report provides at least seven criteria by which the proposal needs to be assessed. It fulfils none of them. The provisions are supported by Sections 4.6.1 and Sections 4.6.2 Secondary Rear Lane Dwellings.

- I. *Protect consistent rear forms including rear outhouses*
- II. *Do not exceed the existing built scale*
- III. *Encourage low impact single storey additions*
- IV. *Discourage visible two-storey additions*
- V. *Retain small structures, timber paling fences and greenery of rear gardens which contribute to the landscape character*
- VI. *Retain consistent patterns of lane development comprising original outbuilding and fences*
- VII. *Do not allow new second storey development to any lanes*

### **Recommendation**

1. The applicant be required to rebuild the outhouse.
2. The application be rejected.

Duncan Leys

A handwritten signature in blue ink, appearing to read 'Duncan Leys', is written on a light green rectangular background.

President