

52 CRICHTON AVE, PORT MELBOURNE
SUMMARY OF VCAT DECISION VCAT REFERENCE NO. P668/2010
PERMIT APPLICATION NO 638/2009

Summary of Decision:	The subject dwelling is a traditional semi-detached, two storey Garden City dwelling with hipped tiled roof and carport to the side. The proposal includes additions to the rear and side of the property and Council supported the proposal with relatively few design changes. The focus of the objectors case (notably from Nos. 50 Crichton Ave and 19 Walter Street) was on the development's interface with neighbouring back yards; they sought to argue that the additions are too large, bulky, would be visually imposing and would diminish the sense of spaciousness of the backyard realm , thus affecting an established feature of the neighbourhood. The Member opined that the importance of respecting the existing or preferred neighbourhood character is a recurrent policy theme in the planning scheme and added that <i>"there is no question in my mind that the backyard realm is an important component of neighbourhood character."</i> However, she also added that neighbourhood character objectives must also be balanced against other policy considerations such as the need to encourage the retention and construction of larger dwellings to cater for larger households and the need to retain older dwellings but allow them to be upgraded to meet current day housing standards. It was determined that the proposal will provide for improved standards of internal amenity with better access to light and a functional open plan layout, with the resultant dwelling likely to be attractive to the traditional family model. This would be achieved while retaining and preserving the valued visible heritage elements of the host building as viewed from the streetscape. The Member went on to say that although a sense of space is apparent from the backyards of neighbouring dwellings, this sense of space is not a consistent feature and is not critical to the maintenance of the area's neighbourhood character. She highlighted that <i>policy influences and heritage controls driving the state's emerging form and character arise from the objective of protecting the streetscape appearance of dwellings – an outcome that involves directing new development to the rear. As a consequence, the backyard character of this area is not static.</i> It was acknowledged that the rear extension would extend some 7-8m into the backyard space beyond the rear building line of the adjacent building at No. 50, however, the Member highlighted that between 6-7.5m remains unencumbered by buildings such that a reasonable degree of spaciousness in the backyard realm will remain. It was also accepted that this extension into the backyard realm would change the outlook from neighbouring properties, however, the Member stated that <i>"visibility alone is not the test to apply when determining the acceptability of proposals like this."</i> A permit was granted.
	This decision highlights that backyard realm can be a neighbourhood character feature of an area, however, the primary objective is to protect heritage buildings as they present to the principle street, and the consequence of such policy is that development must be directed to the rear of site.