

**9.2 PLANNING PERMIT APPLICATION PLP310/18 DEMOLITION OF 2 CHIMNEYS ATTACHED TO A SINGLE-STOREY DWELLING AT 4 PROGRESS STREET SEYMOUR**

**Author:** Enes Bilgic - Statutory Planner

**File No:** PLP310/18

- Attachments:**
1. Plans for Review
  2. Planning Policy Framework and Local Planning Policy Framework
  3. Images from Site Inspection

<b>Property No.:</b>	102448
<b>Title Details:</b>	Lot 107 on PS 012230 Volume 05928 Folio 541
<b>Applicant:</b>	Brett Gordon
<b>Zoning:</b>	General Residential Zone - Schedule 1
<b>Overlays:</b>	Heritage Overlay – Schedule 307
<b>Objections Received:</b>	No objections received
<b>Cultural Heritage Management Plan Required:</b>	No, not required
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

**SITE MAP**



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PLANNING PERMIT APPLICATION PLP310/18 DEMOLITION OF 2 CHIMNEYS ATTACHED TO A SINGLE-STOREY DWELLING AT 4 PROGRESS STREET SEYMOUR (CONT.)

## SUMMARY

The subject site is located at 4 Progress Street in Seymour and contains a single dwelling. The site is affected by the Heritage Overlay forming part of the Seymour Progress Precinct. The dwelling is listed as a contributory building for the precinct. The subject site is located within the General Residential Zone – Schedule 1.

The application is seeking approval to remove two chimneys to allow access for vehicles and trailers to the rear of the dwelling. It has been identified that the chimneys in question have heritage value. The main considerations relating to the application will be the heritage value of the chimneys within the Seymour Progress Precinct.

The application was advertised via letters to adjoining landowners and occupiers along Progress Street and The Avenue. Additionally, a notification sign was placed on the subject site facing Progress Street, no objections were received.

It is recommended to refuse the application based on the purpose and guidelines Heritage Overlay, Heritage Citation Report and contributory value listed in the Seymour Progress Precinct.

## SITE AND SURROUNDS

### Subject Site Description

The subject site is located at 4 Progress Street, Seymour and is legally described as Lot 107 on Plan of subdivision 012230 Volume 05928 Folio 541. The subject site is irregular in shape and has an area of approximately 950 square metres. The subject site has frontage onto Progress Street of approximately 15.2 metres and an overall lot depth of approximately 60 metres. Vehicle access to the site is Progress Street.

The subject site currently contains a dwelling, a swimming pool and some vegetation centrally located on the site. The site also contains two brick chimneys along the eastern elevation of the dwelling amongst other contributory heritage values.

### *Planning Background*

A search of Council's electronic record management system indicates that there have been no previous planning permit applications lodged on the site.

### *Title/Restrictions/Agreements*

The title of the site is not encumbered by any covenants or agreements that prevent the proposal, nor do any easements traverse through the property. Covenant 1561723 was registered to the title on 12 November 1934 which is in place to prevent excavation or removal of earth sand clay soil or minerals.

### Surrounding Area

The surrounding context is as follows:

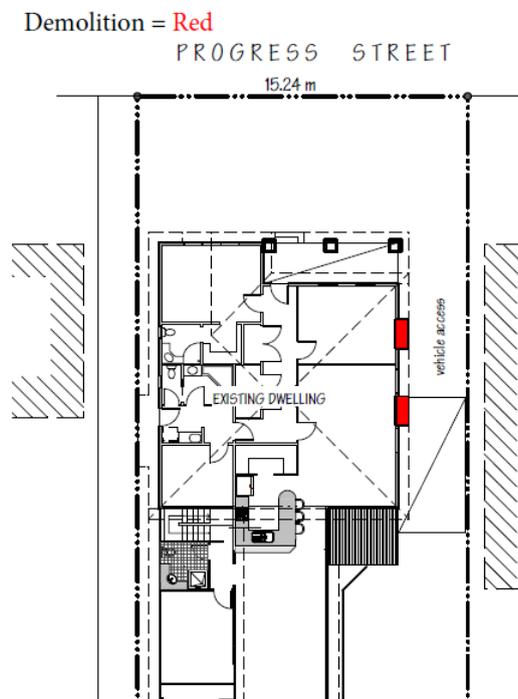
- To the north, east and immediate west of the subject site are residential lots of similar nature with single detached dwellings and patches of scattered trees. Each lot is also listed as part of the Seymour Progress Precinct.
- South of the subject site is a Caravan Park which is adjacent to the Goulburn River.

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## PROPOSAL

The applicant is seeking Council's approval to demolish two chimneys and replace the two chimneys with weatherboards and baseboards to match the dwelling. Details of the proposal are as follows:

- Demolish the two existing brick chimneys located on the eastern elevation of the dwelling to facilitate vehicle and trailer parking access to the rear of the subject site.
- Replace the two brick chimneys with Primed Baltic Round Edge Weatherboards for the external wall and LOSP Structural Primed Radiata Pine for baseboards.
- The weatherboards and baseboards will be painted to the same colour to match existing weatherboards and baseboards.



## APPLICATION HISTORY

The application was received by Council on 19 November 2018. Further Information was requested on 17 December 2018, which was received in full on 2 January 2019.

The application was referred to Council's Heritage Advisor whom conducted a site inspection and who did not support the demolition.

The applicant was informed of the heritage advice and concerns on 14 March 2019 and responded to confirm their intention of proceeding with application.

Advertising commenced on 10 May 2019 and concluded on 24 May 2019.

## PLANNING SCHEME PROVISIONS

### Zoning

*General Residential Zone – Schedule 1*

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The site is affected by the General Residential Zone which does not trigger a planning permit to construct a building, or construct or carry out works normal to a dwelling.

### Overlays

#### *Heritage Overlay – Schedule 307*

The site is affected by the Heritage Overlay pursuant to Clause 43.01 of the Scheme. Pursuant to Clause 43.01-1 a permit is required to construct a building, or to construct or carry out works.

### Particular Provisions

There are no Particular Provisions relevant to this application.

### Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

A number of policies are relevant to this application and a full list is included at attachment 2. The most relevant policies are discussed below.

## **PUBLIC NOTIFICATION (ADVERTISING)**

Formal notification of the application was given by means of letters to adjoining property owners and occupiers and a notification sign was placed fronting. No objections were received.

## **REFERRALS**

### External

No external referrals were required but the application was notified to the Department of Environment, Land, Water and Planning as a neighbouring landowner (crown land to the south) who had no objection.

### Internal

The application was discussed with Council's Heritage Advisor who raised concerns due to the significance of the heritage value. This is addressed in the following sections of the report.

## **DISCUSSION**

### Response to Policy Framework

The application is required to be assessed against the relevant Planning Policy Framework, the relevant Local Planning Policy Framework, the Heritage Overlay-Schedule 307 and the General Decision Guidelines of Clause 65.

### Removal of Chimney

The subject site contains a well-maintained California Bungalow style dwelling in a prominent and elevated position with weatherboard walls and two prominent brick chimneys alongside to the eastern side of the house. The current owner wishes to remove the chimneys to facilitate parking and vehicle access to the rear yard.

PLANNING PERMIT APPLICATION PLP310/18 DEMOLITION OF 2 CHIMNEYS ATTACHED TO A SINGLE-STOREY DWELLING AT 4 PROGRESS STREET SEYMOUR (CONT.)

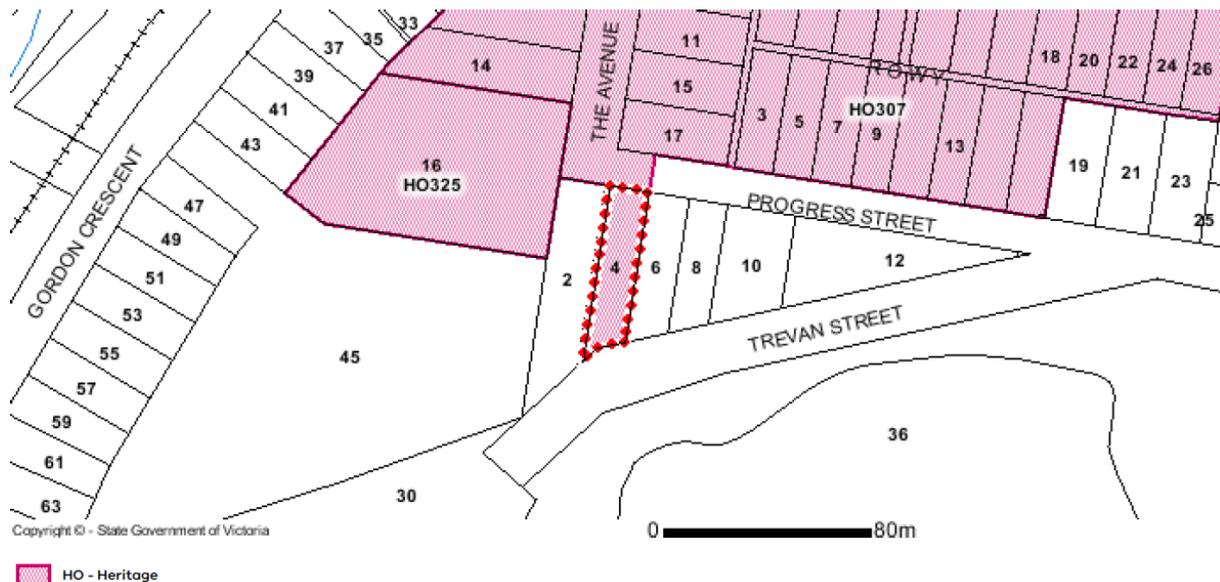
Clause 22.02 (Heritage Policy) specifically states to:

*discourage the demolition of original chimneys, verandahs, shopfronts, fences and other elements that contribute to the significance of the heritage place.*

4 Progress Street is the only property covered by the Heritage Overlay on the south side of Progress Street and is identified as being of local significance.

[HERITAGE OVERLAY \(HO\)](#)

[HERITAGE OVERLAY SCHEDULE \(HO307\)](#)



The heritage Precinct Citation clearly refers to design qualities of horizontal weatherboards, wide eaves and brick chimneys (among others). The Precinct is of architectural, aesthetic, historical and social significance and the Citation report includes the following:

*“The Seymour Progress Precinct is architecturally significant at the LOCAL level (AHC criteria D.2, E.1). It demonstrates many original and early design qualities associated with the residential development of the area south of the 1872 Seymour Railway Station, between the 1870s and the 1930s. It is a stylistic mix of Victorian, Edwardian, Federation and predominantly interwar Californian Bungalow and interwar Bungalow houses that have been built and maintained throughout most of the precinct. These qualities include their horizontal weatherboard or rendered brick wall construction, hipped or gabled galvanised corrugated iron or tiled roof forms, one storey heights, **brick chimneys**, lead lighted windows, timber framed double hung windows (predominantly residential buildings), wide eaves, with picturesque skylines created by the pitched rooflines and chimneys, accented by a backdrop of sky and trees, and gardens visible over low wire fences.”* (emphasis added)

The proposal is not supported for the following reasons is as follows:

- The proposed works would detrimentally affect the significance of Heritage Overlay 307, and in particular its design qualities of horizontal weatherboards, wide eaves and brick chimneys.

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- The proposal would diminish the picturesque skylines referred to within the heritage citation given the prominent elevated position of the site and chimneys
- The chimneys are constructed of stretcher bond brick work, which appears to be used throughout the verandah and piers at the house, unifying the elements helping to present the building as a California Bungalow
- The removal of the chimneys would result in the need to patch eaves and roofs. The patching of the works would impact the visual presentation of the property.
- Allowing demolition or removal of the lower part of chimneys at 4 Progress Street may be seen to set a precedent for such works. Removal of the chimneys would negatively impact the architectural presentation of the property, and also preclude the option for fireplaces to be reused in the future.

The applicant states that access to the rear of the dwelling for vehicle and trailer as the primary reason to remove the two chimneys. The below photo from a site inspection to the subject site demonstrates that a family vehicle can be parked under the carport which is located past the brick chimneys.

Therefore, it is considered not necessary to remove the chimneys and further that their removal would have a significant negative impact upon the heritage significance of the dwelling and wider precinct.



## CONCLUSION

The application has been assessed against the relevant Planning Policy Framework, the relevant Local Planning Policy Framework, the Heritage Overlay – Schedule 307 and the General Decision Guidelines of Clause 65. It is considered that the two chimneys have contributory value to the subject site and Seymour Progress Precinct, therefore, a Refusal to Grant a Permit should be issued.

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PLANNING PERMIT APPLICATION PLP310/18 DEMOLITION OF 2 CHIMNEYS ATTACHED TO A SINGLE-STOREY DWELLING AT 4 PROGRESS STREET SEYMOUR (CONT.)

### RECOMMENDATION

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Refusal to Grant a Planning Permit in respect of Application No. PLP344/18 for partial demolition (removal of 2 chimneys) for a single story dwelling at Lot 107 on PS 012230 Volume 05928 Folio 541, known as 4 Progress Street Seymour, on the following grounds:

1. The proposal does not meet the relevant objectives and strategies of Clause 15.03-1S (Heritage Conservation) of the Mitchell Planning Scheme.
2. The proposal does not meet the relevant policy of Clause 22.02 (Heritage Policy) of the Mitchell Planning Scheme
3. The proposal does not meet the relevant purpose and decision guidelines Clause 43.01 of the Mitchell Planning Scheme.
4. The proposal is contrary to Clause 65 (Decision Guidelines) of the Mitchell Planning Scheme.

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# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DEVELOPMENT AND INFRASTRUCTURE**

**19 AUGUST 2019**

**9.2**

**PLANNING PERMIT APPLICATION PLP310/18  
DEMOLITION OF 2 CHIMNEYS ATTACHED TO  
A SINGLE-STOREY DWELLING AT 4  
PROGRESS STREET SEYMOUR**

**Attachment No: 1**

**Plans for Review**

**4 Progress St Chimney removal and replacement plan**

Existing brick chimney's (x2) to be demolished. Chimneys are not structurally attached to the house and therefore are not bearing weight, other than themselves. An image of the chimneys is below:



**Cost of demolition**

Labour - ~ \$4000

**Cost of replacement**

The chimney's will be replaced with weatherboards and baseboards, painted in the same colours as existing weatherboards and baseboards Roofing iron will be used to fill the eve in the same colour as existing roofing iron.

Weatherboards – Primed Baltic Round Edge. 55 m @ \$3.20 per linear metre from Bunnings Warehouse = \$176

Woodhouse 138 x 42mm x 4.8m F7 FJ H3 DAR LOSP Structural Primed Radiata Pine for baseboards (below weatherboards) @ \$88.66 each – 7 lengths required for 30m coverage = \$620.62

Paint - ~ \$40

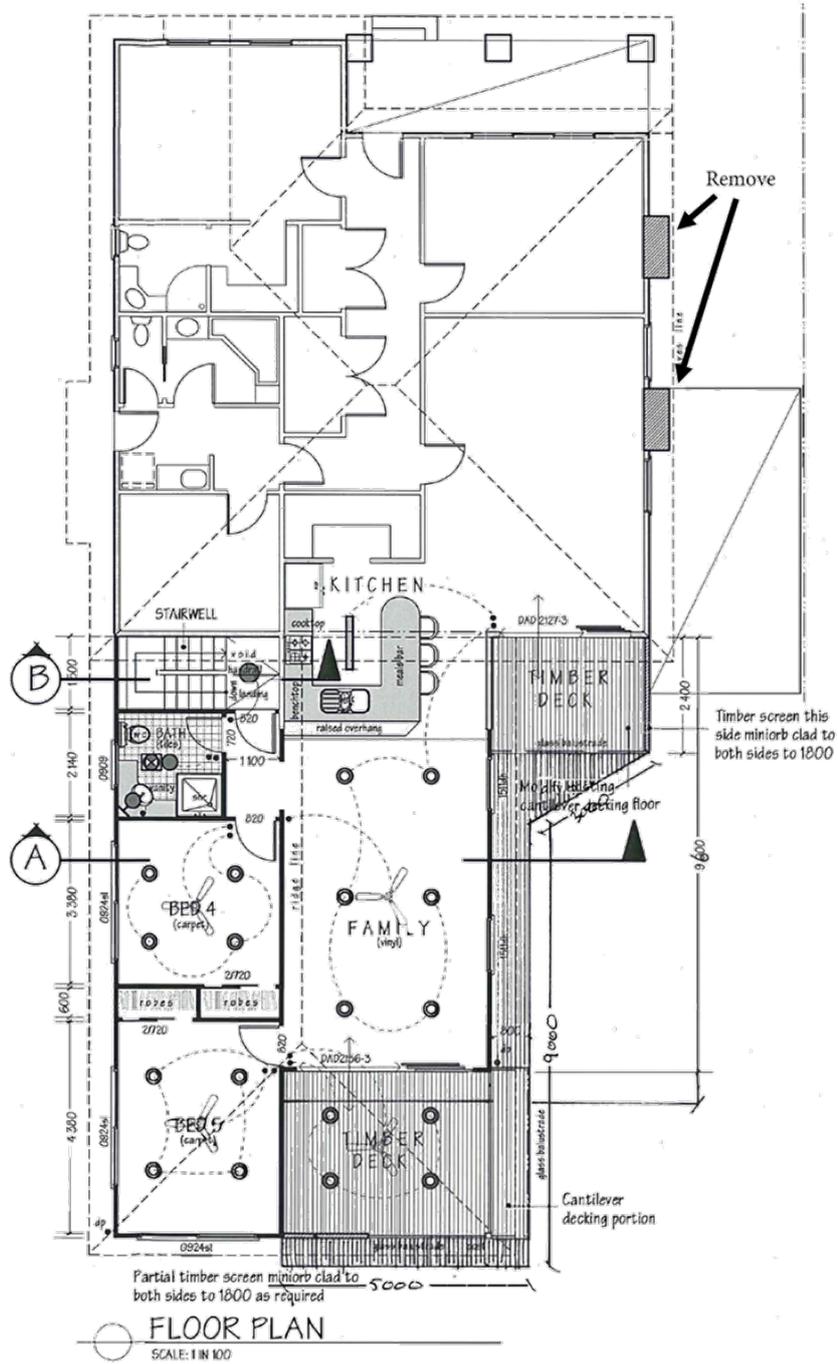
Colourbond Roofing Iron – 1 sheet @ \$13.20

Labour - ~ \$500

**Cost of replacement - \$1349.82**

The property is currently in a Heritage overlay area. The removal of the two chimneys on the eastern side of the property is required to allow sufficient space for cars and trailers to access the rear of the garage and yard via the driveway. We believe the heritage value in the home lies within the design and the use of weatherboards, not in the chimneys. Replacing the chimneys with weatherboards of the same style and colour as used for the remainder of the home will retain any heritage features of the house.

**Total cost of work = \$5,349.82**





24 McGregor Avenue, Nagambie. 3608  
 Ph. 03 57942213  
 Mob. 04 14438467  
 e-mail : seca02@bigpond.com  
 Fax. 03 57942213

**ENGINEERS REPORT  
 CHIMNEY REMOVAL  
 4 PROGRESS STREET  
 SEYMOUR**

This inspection report has been prepared by:

**ENGINEERS DETAILS:**

**Job No. B4 - 920**

**Name:**.....David Saunders.... **BPB Number.** EC 1968  
**Address:**.....24-26 McGregor Avenue.....  
 .....Nagambie..... **Postcode**.....3608.....  
**Telephone**... (03) 57942213...0414438467..... **Email**..... seca02@bigpond.com...

**CLIENT DETAILS:**

**Name:**... Brett Gordon  
**Address** ....4 Progress Street  
 Seymour. **Postcode** 3660  
**Telephone** ...0419524376..... **Email:** b.gordon@latrobe.edu.au

**PROPERTY DETAILS:**

**Address of Property:** 4 Progress Street.  
 Seymour **Postcode:** 3660  
**Date of Report** .....10/10/2018 **Date of Inspection** 5/10/2018  
**Weather Conditions at time of inspection** .....Fine, mild.....

**1. INSPECTION DETAIL.**

The report has been completed to assess the structural implications of the removal of a brick chimney located on the east side of a weatherboard dwelling.

**2. LIMITATIONS OF INSPECTION.**

The inspection was based on all reasonable investigations of visible components solely and specifically for the removal of the chimney and possible effects to the dwelling structure.  
 The report is limited to an assessment of dwelling in the immediate vicinity of the chimney and does not include the overall dwelling construction.

**3. INSPECTION FINDINGS.**

From an inspection and photographs taken on the 5<sup>th</sup> of October 2018, the following was noted:-

- 3.1 The chimney does appear to have been constructed after the house was built as the weatherboard cladding continues between the brickwork and wall studs;
- 4.2 The roof and wall frame are independent from the roof and wall frame (see photo 2);
- 4.3 The sub floor is supported in part by the chimney base. This section may be retained. See photo 3;
- 4.4 The fire box base and hearth has been poured on sacrificial formwork that sagged during construction. This base may be retained or removed without affecting the floor as the surface level was maintained after the concrete cured.



**PHOTO 1.** Chimney independent of dwelling depicted by continued weatherboards.



**PHOTO 2.** Existing rafters supported on wall frame with added eave jack rafters,



**PHOTO 3.** Subfloor frame supported by fire place bricks to be retained. Note hearth formwork sag and support bricks that may be removed.

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