

Local Planning Panel

22 February 2023

Application details

16-18 Meagher Street, Chippendale

D/2022/274

Applicant: Mr Robert Keldoulis

Owner: BARA Nominees Pty Ltd

Architect: Smart Design Studio

Proposal

Alterations and additions to an existing building comprising:

- fit out and use of the ground floor as a commercial art gallery with ancillary retail and two car spaces
- fit out and use of level 1 & 2 for an art studio
- alterations and additions to level 2, including demolition of existing roof, construction of a new vaulted roof structure and outdoor terraces with landscaping

Recommendation

Approval

Notification

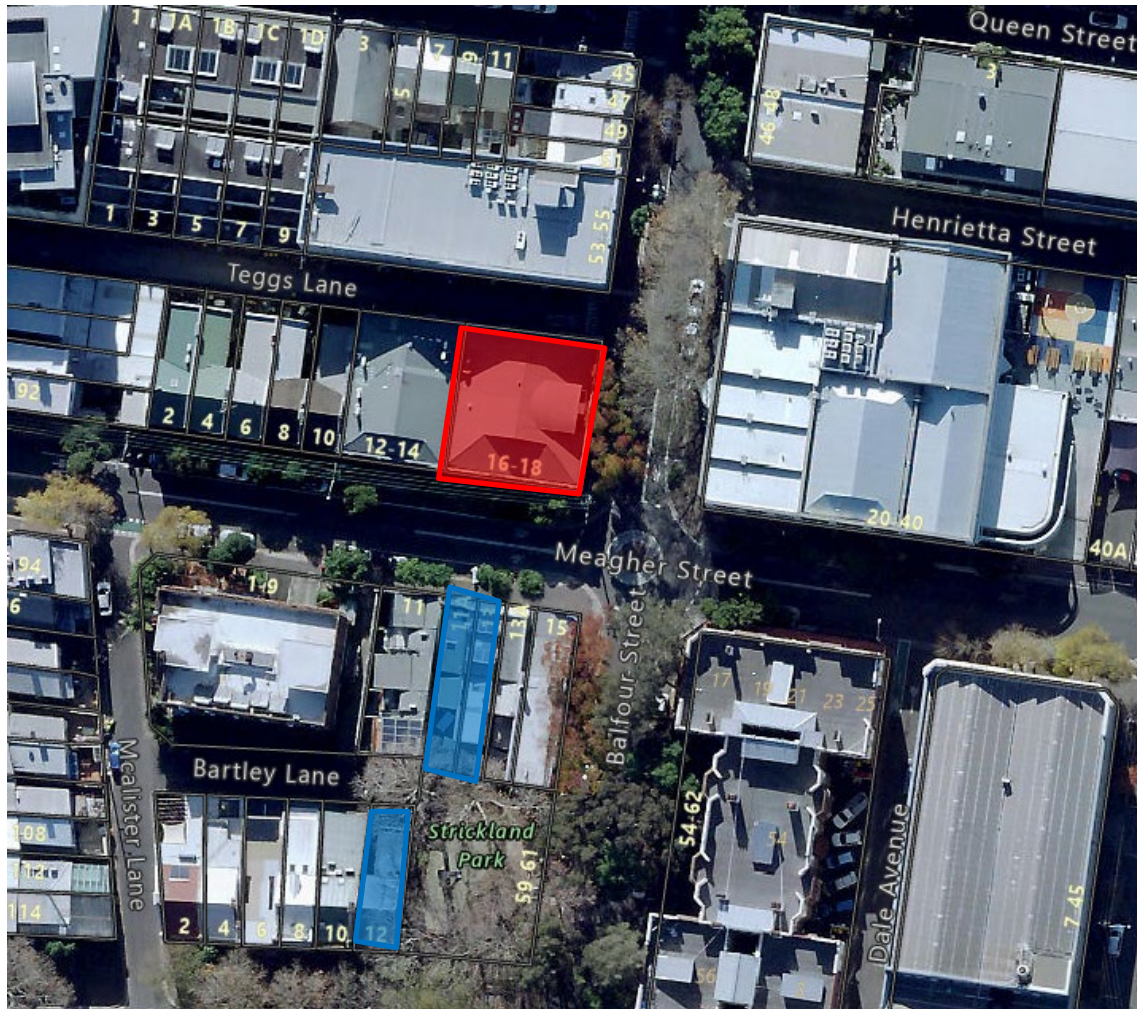
- notified 5 April 2022 to 19 April 2022
- 278 owners and occupiers notified
- 3 submissions received

Submissions

Issues:

- bulk and scale of third storey additions to the existing building
- amenity impacts to neighbouring residential properties to the south – overshadowing, overlooking, noise and loss of views and outlook
- appropriateness of proposal within the heritage conservation area

Site





12-14 Meagher St

Site
16-18 Meagher St

intersection of Meagher Street and Balfour Street



12-14 Meagher St

Site
16-18 Meagher St

Meagher Street - looking north



Balfour Street - looking west

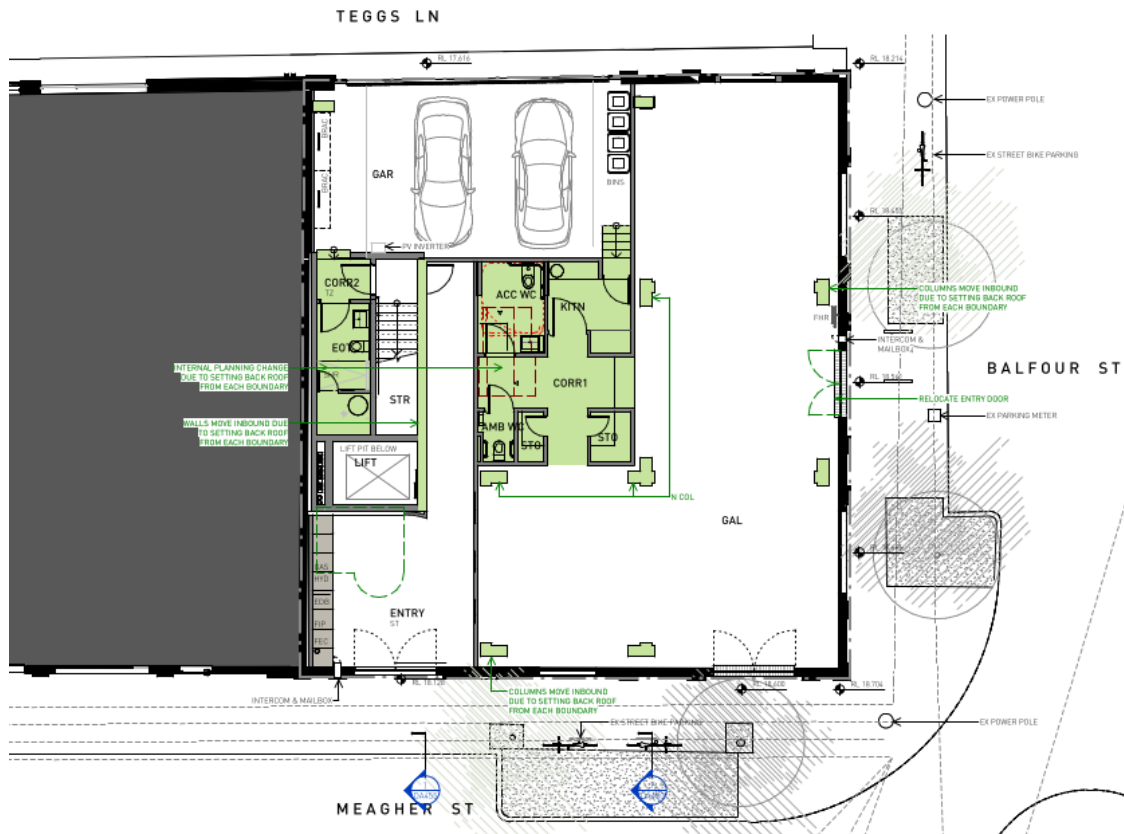




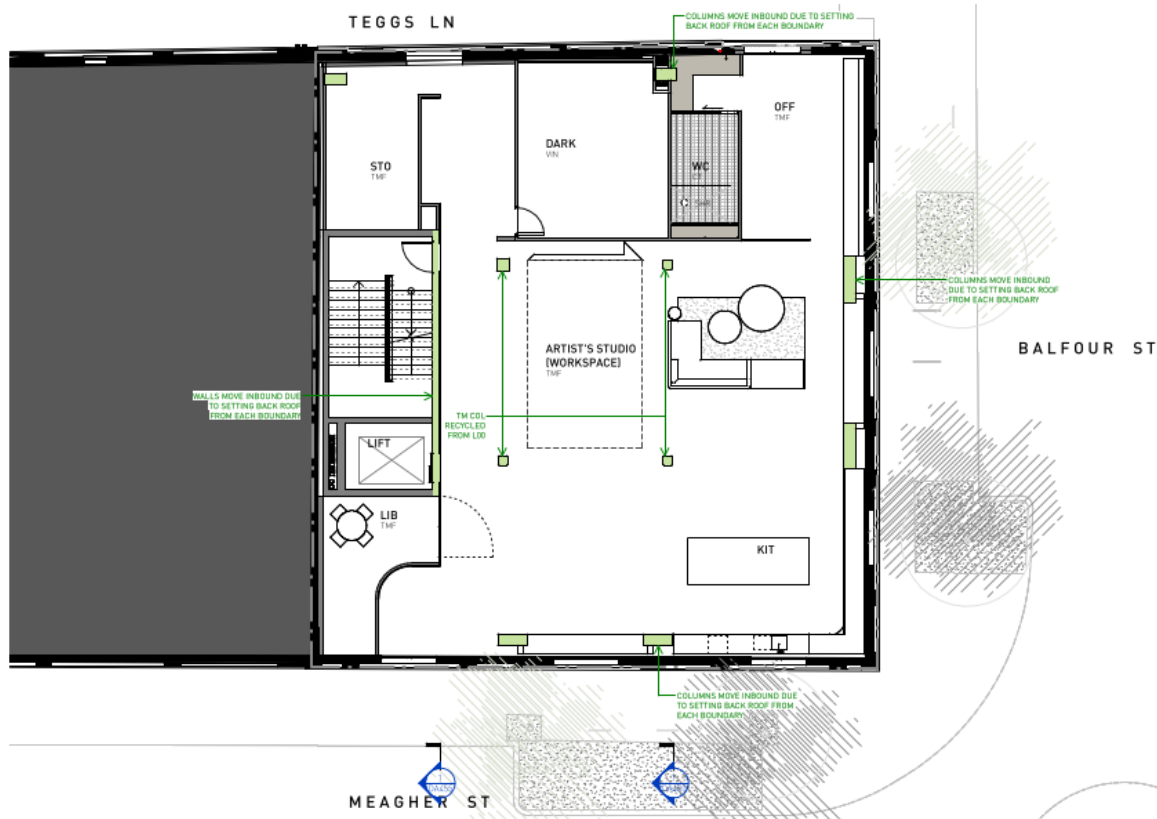
Site 12-14 Meagher St

Teggs Lane - looking east

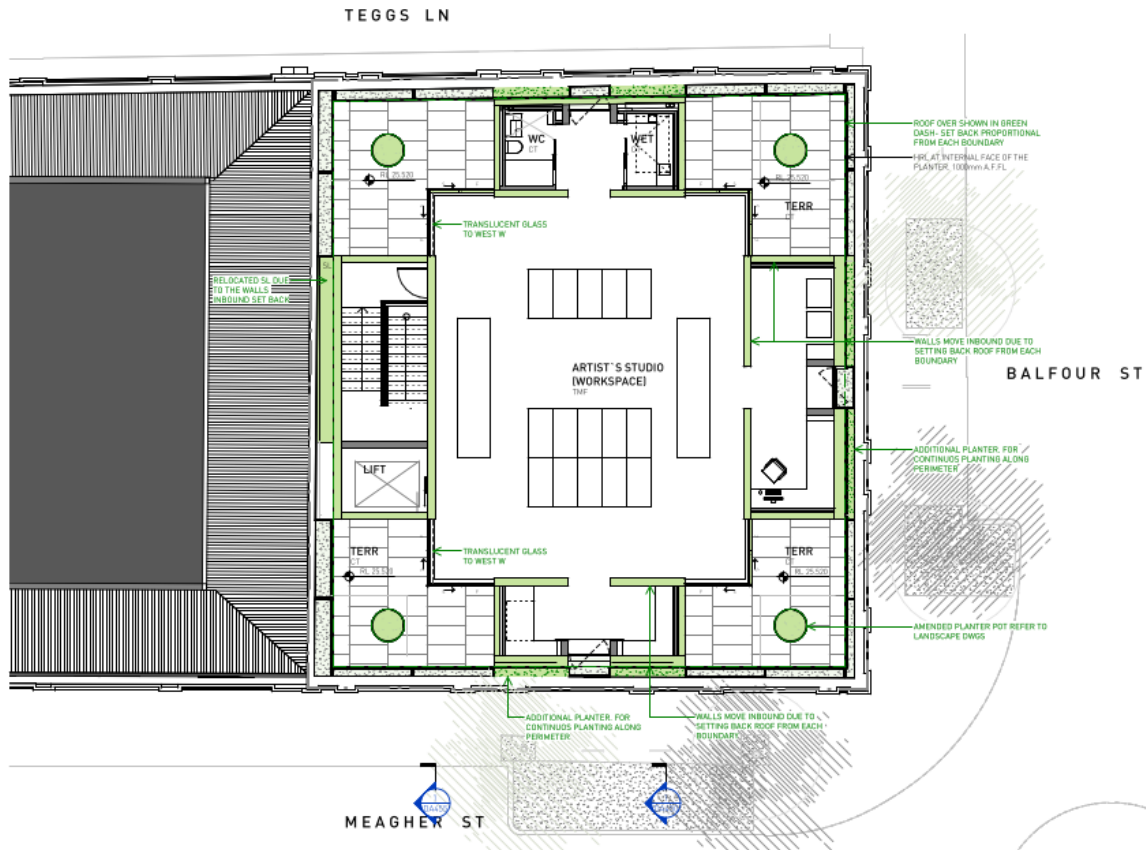
proposal



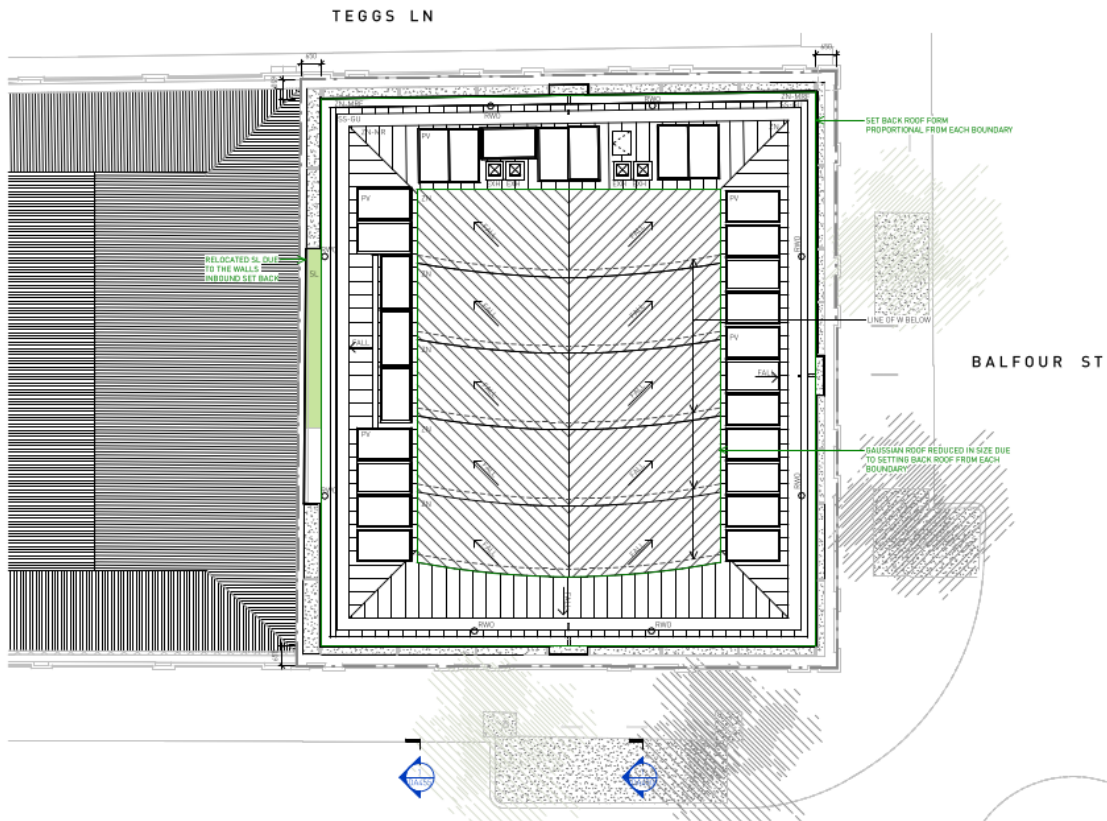
ground floor plan



first floor plan



second floor plan

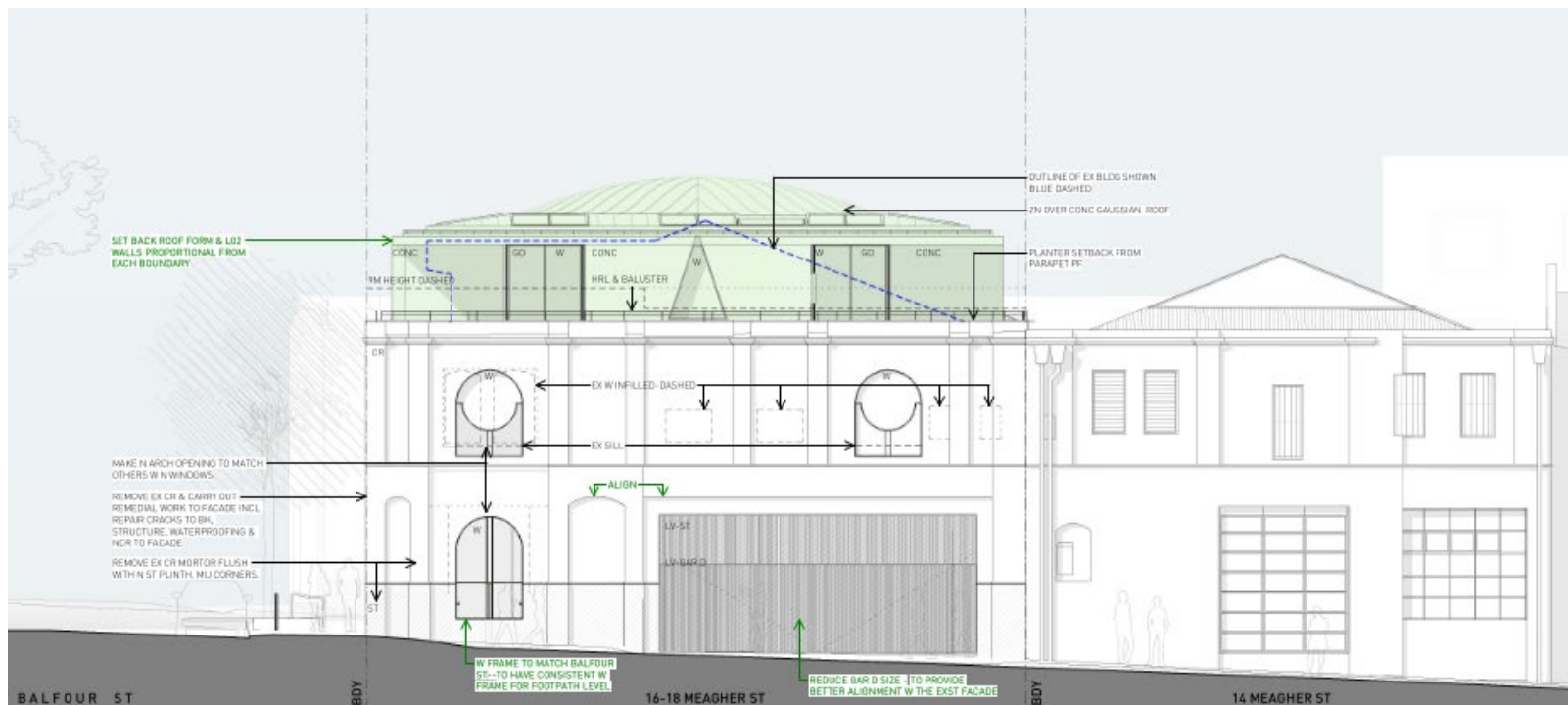


roof plan

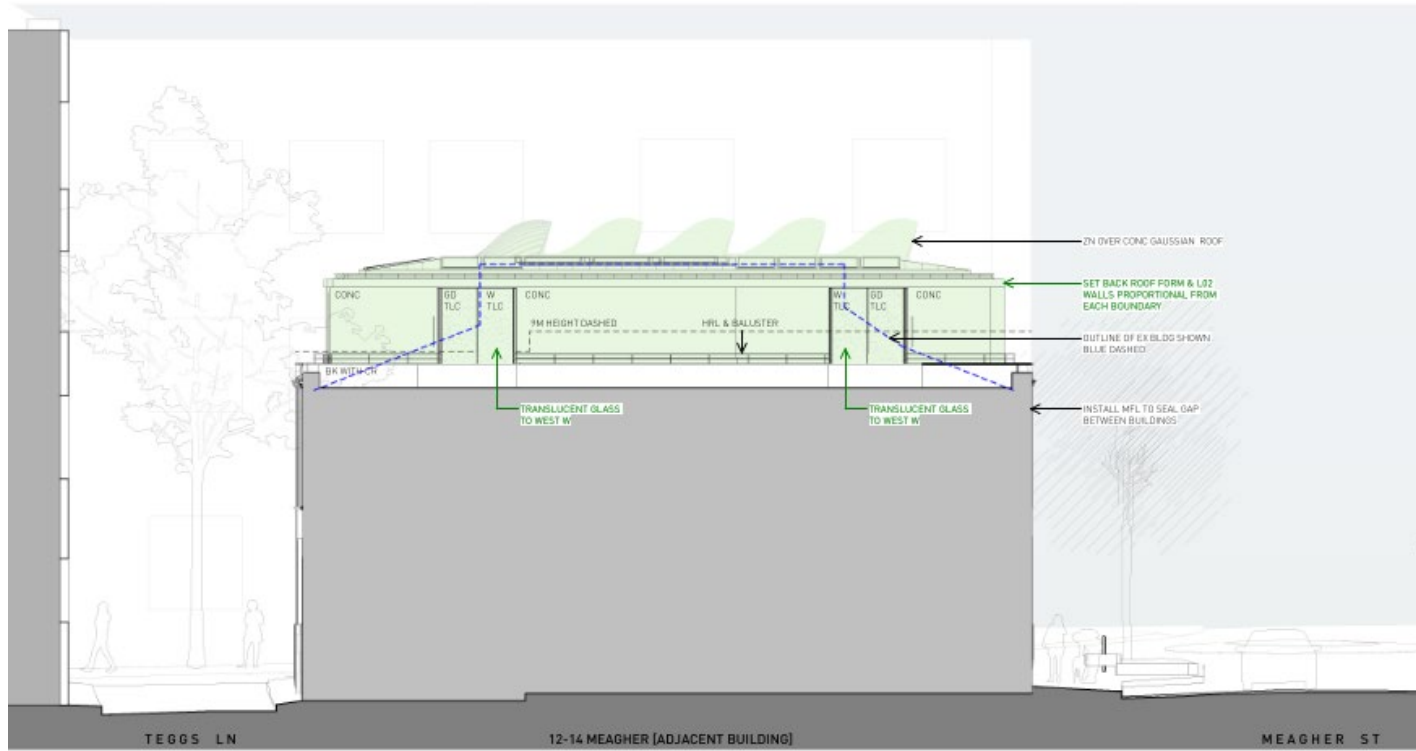




east elevation



north elevation

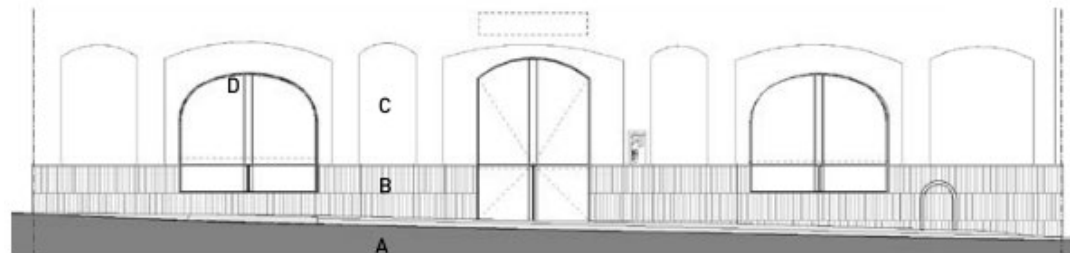


west elevation





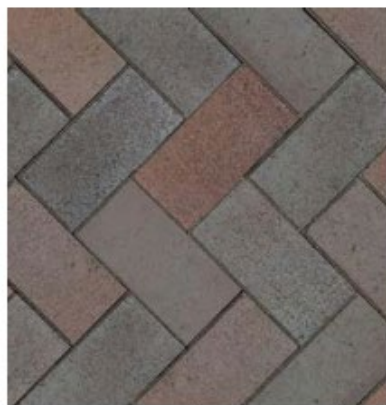
perspective within the context of the streetscape



Elevation



Indicative Visual



A- Existing pavers (photo from site)



B-Plinth stone
Granite, palette to connect the light colour render with existing pavers



C- Render
Pigmented cement render to ensure long lasting consistent colour



D- Window frame
Rusty red colour
steel window frame

materials and finishes

Compliance with key LEP standards

	control	proposed	compliance
height	9m	12.395m (37.7% variation)	no - Clause 4.6 variation request supported
floor space ratio	2:1 (631.2 sqm)	1.97:1 (622 sqm)	yes
car parking	maximum 4 car spaces	2 car spaces	yes

Compliance with DCP controls

	control	proposed	compliance
height in storeys	two	three	no
late night trading	permitted base indoor hours between 7am to 12pm midnight	7am to 10pm, Monday to Sunday	yes

Compliance with DCP controls

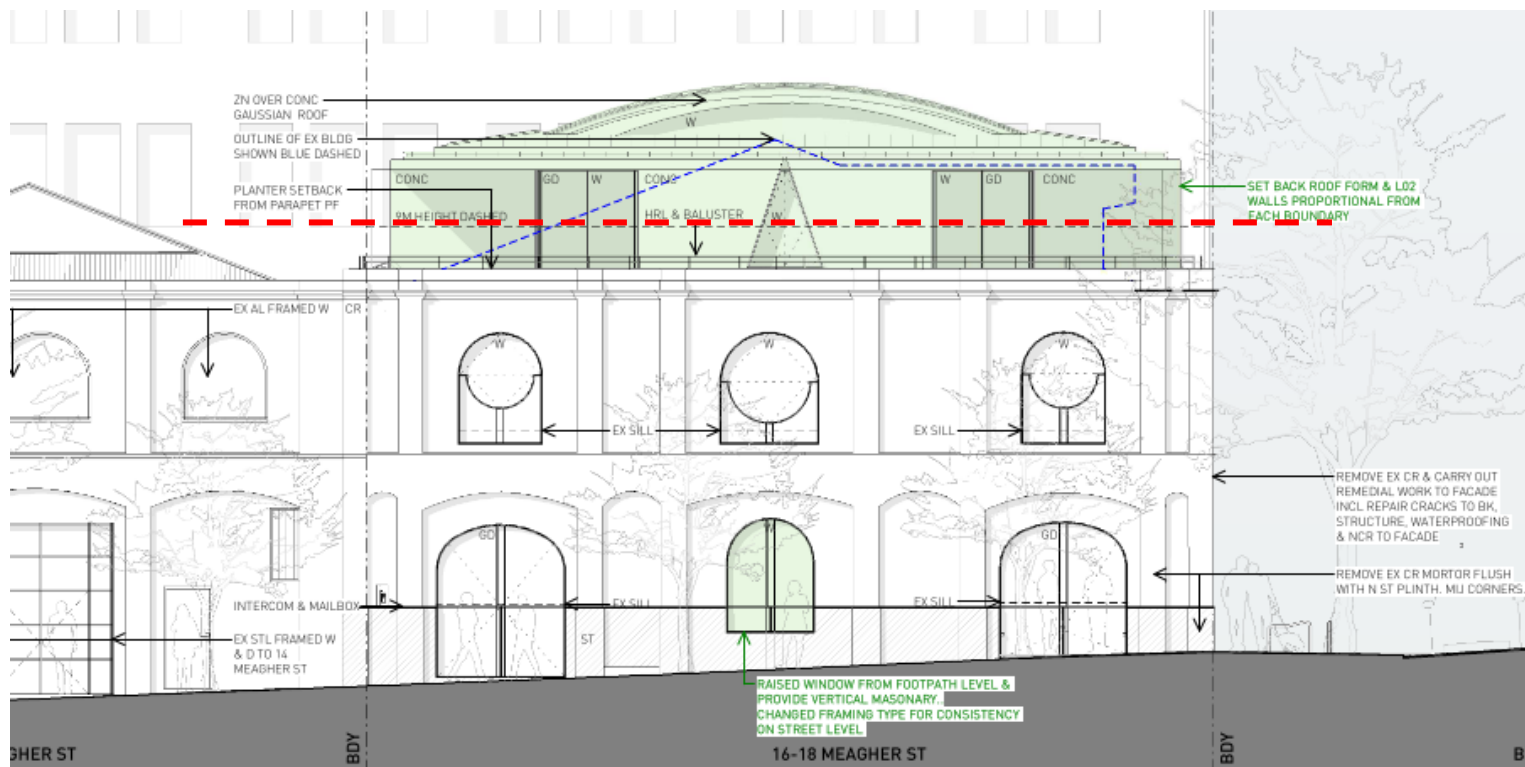
	control	proposed	compliance
solar access	minimum 2hrs between 9am and 3pm on 21 June to living rooms and private open space	greater than 2hrs to subject site and neighbouring properties	yes
deep soil	10% of site area to be dedicated to deep soil	no deep soil (roof top planters do not meet definition of deep soil)	no

Issues

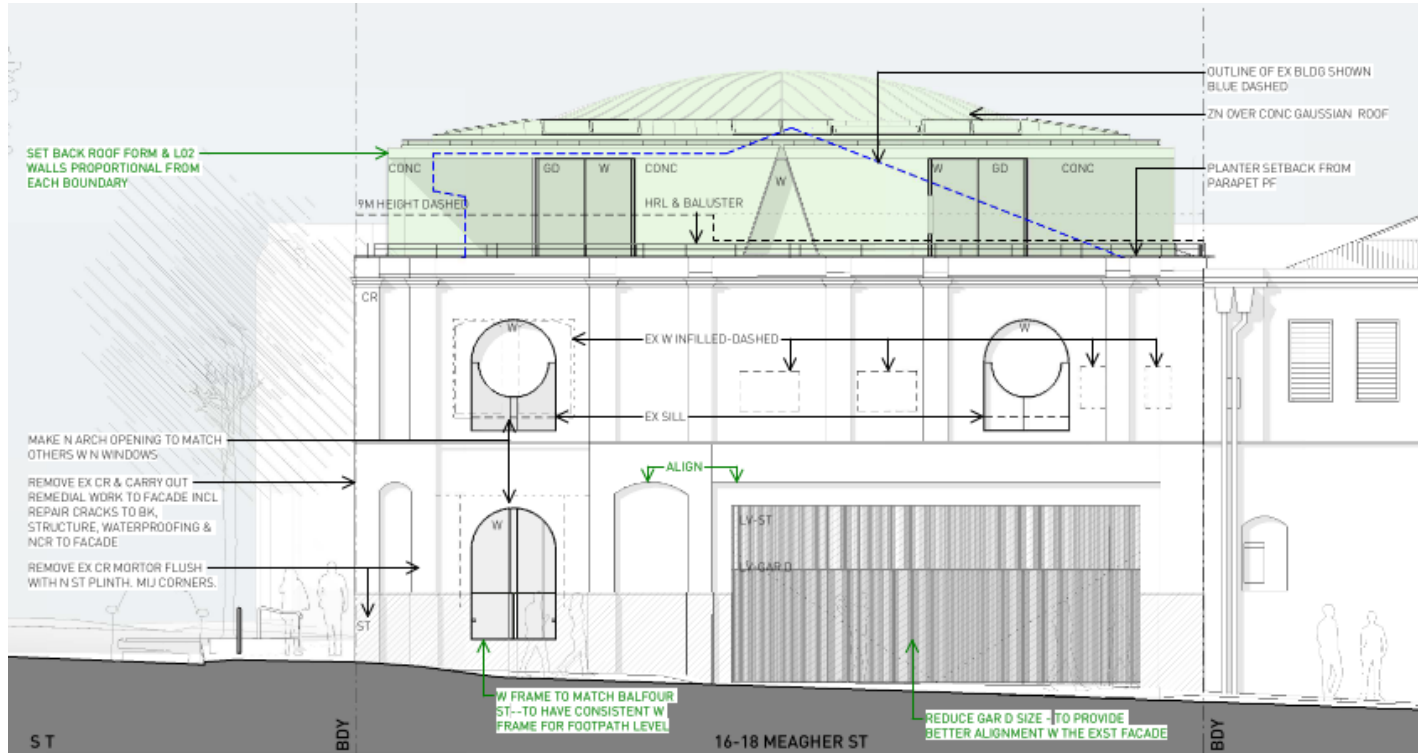
- height, bulk & scale
- heritage
- amenity impacts – overlooking, overshadowing, noise impacts

Height

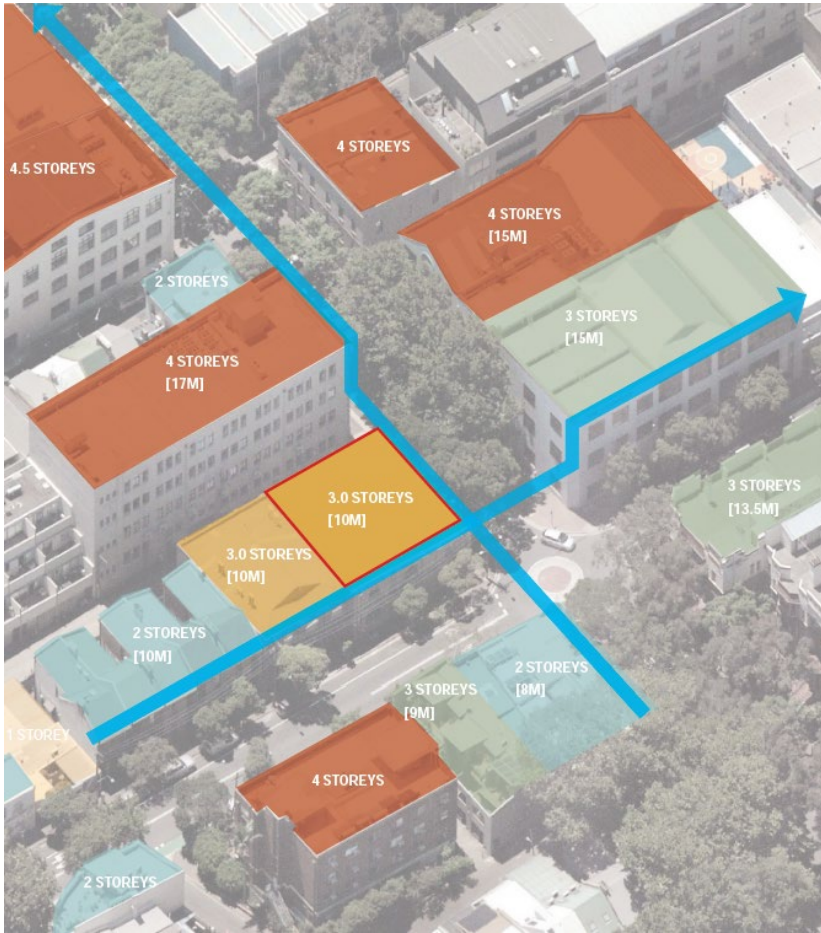
- non-compliance with 9m LEP height control and 2 storey DCP control
- proposal is 12.4m (37.7% variation) and 3 storeys
- existing building exceeds the height controls
- non-compliance with height/storeys control results from alterations and additions to new third storey and new roof form



second floor and roof additions relative to 9m height control



Second floor and roof additions relative to 9m height control



context indicating height of surrounding buildings

Height

- existing building exceeds the height controls
- height is appropriate within the context of surrounding three and four storey buildings to the east and north, and provides appropriate height transition
- new third storey has been amended to be setback 650mm from all site boundaries and incorporates landscaping/planters around the perimeter and open terraces to break up massing
- no unreasonable overshadowing or overlooking to neighbours resulting from non compliance
- cl 4.6 variation request is supported

Heritage

- site is identified as a contributory building within the Chippendale heritage conservation area and is part of a architecturally similar pair with No.12-14 Meagher Street
- external brickwork facade is in poor condition and existing openings have been modified
- restoration works and replacing existing windows with more contemporary windows is supported by Council's Heritage Officer

Heritage

- upper level addition is supported on heritage grounds given:
 - there is an existing roof top addition
 - the historic character of the area is partly typified by the contrast in scale between one to three storey terraces and the larger cubic forms of warehouses
 - critically poor condition of the footings and brickwork of the building for which the proposal provides a structural resolution
 - the architectural merit of the proposal
 - the potential for 12-14 Meagher St to be developed in the future to support a similar third storey addition

Overlooking

- separation distance of 16m from first floor openings and roof terraces to nearest habitable rooms of neighbouring residential properties (greater than ADG requirements)
- new first floor windows are designed for additional light and ventilation rather than views
- parapet with planters around the perimeter of Level 2 provides additional screening and separation to the terraces
- terraces are modest in size
- condition recommend use of terraces to before 8pm

Overshadowing

- compliant solar access maintained to residential properties to the south
- additional overshadowing to ground floor north facing windows of 11-13 Meagher St from 9am to 10:15am mid-winter
- 11-13 Meagher St retains at least 2hrs of direct sunlight to ground floor north openings from 10:30am to 1pm mid-winter
- from 10:30am onwards shadows fall over the side-walk

View and outlook

- potential impact on views/outlook from ground floor living room and first floor bedroom of 11A Meagher St to the south
- as per Tenacity principles a view of top of buildings, trees and open sky is outlook rather than view and is not rated highly
- extent of impact is not considered significant (rated as minor under Tenacity)
- although impact is partially a result of non-compliance with height control the impact is considered acceptable given the view is mainly from upper level bedroom, existing view is partially obstructed and outlook will be retained to neighbouring buildings and the sky



view from the second floor bedroom of 1A Meagher St

Recommendation

Approval subject to conditions