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OBJECTION  
DA D/2020/54  
75 Hereford Street, Forest Lodge

Locally Listed Heritage Item 1637

The Glebe Society Inc (TGSI) OBJECTS to the proposals contained within this Development Application given the significant impact it will have on this Locally Listed Heritage Item and the Heritage Conservation Area C33.

The Statement of Significance within the Local Heritage Listing 1637  
The City of Sydney Local Environmental Plan (LEP) 2012

The Statement of Significance highlights two issues very relevant to the Listing. The first is that the property contains a rare Victorian Regency Style villa and the second is that the site provides evidence of the subdivision and development of Crown Land initially allocated as Church and School land. Therefore both the villa and the land make a contribution to the heritage significance of the entire property, The Statement of Significance reads in part:

*"75 Hereford Street contains a rare surviving Victorian Regency style villa within Forest Lodge and Glebe. The site provides evidence of the subdivision and development of Crown Land initially allocated as Church and School Land. It is associated with Michael Chapman, a prominent Forest Lodge resident, property owner and politician, and his family..."*

*...The site contains a single storey Victorian Regency Style house on a large allotment of land. The 1998 subdivision of the lot resulted in three townhouses fronting Hereford Street built in front of the house, with a small right of way between 75A and 75B Hereford Street to allow the house to be partly viewed from the street. The front verandah of the villa is now only 2.5m from the southern boundary of the reduced area of the subject lot. There is a large rear yard with a roller door and fence to Alfred Road.*

*The front part of the villa has external sandstone ashlar walls whilst the rear section has rendered walls on a sandstone base. There is a multiple hipped corrugated metal roof with two front rendered*

and corbelled chimneys with terracotta chimney pots and a smaller chimney on the eastern side towards the rear. The front elevation of the house has four French doors and a front door, which are not original, opening onto the front verandah which has been reconstructed. The flooring of the front verandah has been relaid mainly with concrete, although the area adjoining the front door retains original terracotta tiles, as does the side verandah. There is sandstone edging to both the front and side verandahs.

At the rear there is a contemporary skillion roofed verandah.

*The layout of the building, with a central corridor is largely intact although there has been changes to the building fabric. There are some surviving early plaster ceilings, as well as later pressed metal ceilings. Much of the early timber flooring and joinery have been replaced. Most of the original chimney breasts survive but not the chimney pieces...*

The RECOMMENDED MANAGEMENT for this Locally Listed Heritage Item reads:

*"The building should be retained and conserved. A Heritage Assessment and Heritage Impact Statement, or a Conservation Management Plan, should be prepared for the building prior to any major works being undertaken. There shall be no vertical additions to the building and no alterations to the principal façades of the building other than to reinstate original features. The principal room layout and planning configuration as well as significant internal original features including ceilings, cornices, joinery, flooring and fireplaces should be retained and conserved. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls. A Schedule of Conservation Works should be prepared by a suitably qualified heritage practitioner, and these works carried out to enhance the significance of the property. This should include reconstruction of more sympathetic front and side verandah roofs, based on documentary and physical evidence. The curtilage of the villa has been compromised by 1998 subdivision of the property and there should be no further changes within or adjoining the site that adversely impacts on the setting, curtilage and significance of the item."*

It is noted that the Developer has little regard for the points made in the final 3 sentences of the Recommended Management plan for this Locally Listed Heritage Item.

- The preparation of a Schedule of Conservation Works – the proposed Schedule has only been offered to support the Development Application(s) for the site.
- The reconstruction of more sympathetic front and side verandah roofs, based on documentary and physical evidence. The proposal to undertake this work is only offered to support this Development Application.

It is noted that this Developer did not undertake the restoration of the front verandah as was proposed in it's application DA575/96 in respect of the 3 new terrace like dwellings that have since been constructed in front of this Heritage Listed Item.

It is further noted that in 2000, the Developer was ordered to restore the front verandah following its removal and replacement without Council consent.

Source: Heritage Impact Statement dated 30 January 2019 by Urbis in respect of 75 Hereford St Forest Lodge

- *"The curtilage of the villa has been compromised by 1998 subdivision of the property and there should be no further changes within or adjoining the site that adversely impacts on the setting, curtilage and significance of the item."*

The Developer ignores this aspect of the Recommended Management plan with its proposals to develop the rear of the property.

TGSI agrees with the Recommended Management statement that the Heritage Listed Item was compromised by the 1998 subdivision facilitating the construction of 3 new terrace like dwellings across its frontage.

TGSI further asserts that no further compromises should occur.

### Earlier History in support of the Significance of *Yelvertoft*

TGSI has undertaken further research of the property, evidencing its construction prior to 1859.

The following photograph is extracted from the Sydney University Photographic Archives G3-224-0525-5 C.1860. *Yelvertoft* is shown in front of bushland and behind the larger 2 storey *Briarbank* in the middle of the photograph.



Sydney University Photographic Archives G3-224-0525-5 C.1860

The following article published in the Sydney Morning Herald, 28 June 1859 in relation to the advertising for sale of 2 villa sites, including Lot 2, and described as "that newly erected handsome villa".

## GLEBE.

TWO HANDSOME  
COTTAGE RESIDENCES  
AND GROUNDS,  
HEREFORD STREET, GLEBE.

Also, TWO VILLA SITES adjoining, surrounded by the well-known properties of Messrs. J. W. WOOD, A. ASHDOWN, and E. H. POLLARD, Forest Lodge, and divided by a road from TOXTETH PARK, the seat of GEORGE ALLAN, Esq., M.L.C.  
FOR POSITIVE SALE.

**R.** P. RICHARDSON has received instructions from J. R. HARRISON, Esq., to sell by public auction, at the Rooms, Bank-buildings, George-street,

On MONDAY, 4th JULY,

At 11 o'clock,

The following valuable properties, situate in HEREFORD-STREET, GLEBE.

**LOT 1.**—That remarkable neat Cottage, now occupied by the proprietor (who is removing to the country,) built of hardwood weatherboards, on stone foundations, containing verandah on three sides, 110 feet by 8½ feet; hall, 14 x 6; drawing-room, 16 x 14, dining-room, 16 x 12 (both these rooms are finished with massive marble mantelpieces, register stoves, and tastefully papered), 3 bedrooms, kitchen, with range, &c. The garden contains about one-third of an acre, having 66 feet frontage to two roads, with a depth of 231 feet, and is planted with valuable and choice shrubs, flowering plants, and fruit trees.

**LOT 2.**—That newly erected handsome villa, adjoining Lot 1, built of brick, cemented with fine picked stone front, with rusticated quoins, containing wide verandahs on two sides; hall, 14 x 6½; dining and drawing rooms, each 18 x 14, with French casements, library, 3 bedrooms, kitchen, &c.

The grounds consist of about one-third of an acre, and are laid out as a garden, and planted.

**LOTS 3 and 4.**—Two beautifully situated sites adjoining lot 2, containing each about one-third of an acre, having 66 feet frontage to two roads, with a depth of 231 feet. They are securely fenced, and are now under cultivation.

The whole of these properties are leaseholds direct from the Church and School Estate (with distinct leases for each lot), having about 95 years to run, and are subject to the following nominal ground rents:—

Lot 1, £3 per annum

Lot 2, £5 per annum

Lots 3 and 4, £5 10s. per annum each.

They are romantically situated in the most delightful and retired portion of this favourite suburb, on the high ground commanding extensive picturesque views of Toxteth Park, the University and grounds, Johnson's Bay and surrounding scenery.

These properties are in the market for bona fide sale, and Mr. Richardson would direct the particular attention of those in search of choice suburban residences

Both Villas were sold. The first buyer of what was later named *Yelvertoft*, was William Buchanan who became one of the colony's three Postal Inspectors. He named his house *Camber Cottage*. It was renamed *Midhurst* by its next owner, James Giles whose family firm Thompson and Giles owned a leading department store with a mail order business for country customers. It was given its final name, *Yelvertoft*, by professional photographer Wykes Norton, son-in-law of Michael Nason Chapman, a Sydney Mayor and long serving Glebe Alderman.

## Curtilage

TGSI refers to the NSW Heritage Office Publication "Heritage Information Series – Heritage and Development: A Lawyer's Perspective" and more particularly Section 3, Curtilage – How much is enough?

<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infolawyer.pdf>

Clause 3.1 defines Heritage Curtilage as *"the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance"*

Clause 3.2 notes *"Reduced heritage curtilage is where the heritage curtilage is less than the property boundary. The challenge is to identify the heritage curtilage which is sufficient to maintain the property's heritage significance"*.

This clause further notes that Heritage experts can disagree strongly on how much is enough.

There can be no doubt that the full curtilage included the whole of the rectangular allotment upon which the handsome Villa was erected.

The unfortunate 1998 subdivision depleting the southern and front garden curtilage should not be cause for precedent for further reduction of the curtilage (of the rear garden).

TGSI asserts very strongly that the remaining curtilage is essential for retaining and interpreting the heritage significance of the property.

That assertion is further reinforced within the RECOMMENDED MANAGEMENT plan, particularly the statement, *"there should be no further changes within or adjoining the site that adversely impacts on the setting, curtilage and significance of the item."*

Whilst the rear garden has not been maintained, and the existing high paling fence to the rear prevents observation and appreciation today, both circumstances are still reversible.

This Development Application proposes that the new fence separating the existing heritage dwelling from the proposed new dwelling, shall create two irregular shaped allotments with a distance from the new fence to the heritage dwelling ranging from 1.98m to 5.50m, a huge reduction in the rear curtilage of the heritage dwelling which is situated some 21.47m from the rear boundary to Alfred Road laneway. Refer Stamped Plans titled "Plan Ground Proposed", Drawing No A2301.

## City of Sydney LEP 2012 – (Heritage)

Clause 5.10(1) includes the following objectives:

- (a) *to conserve the environmental heritage of the City of Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

As stated above, the Statement of Significance within the Local Heritage Listing for this item references (and is evidence of) the subdivision and development of Crown land originally allocated as Church and School land.

TGSI asserts that any further subdivision of the allotment will contravene the above objectives, particularly (b) further weakening the significance of the item as a result of yet another subdivision of the original site.

Clause 5.10(4) reads:

*Effect of proposed development on heritage significance* The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

TGSI asserts that the City of Sydney as consenting authority, must acknowledge the Statement of Significance within the Local Heritage Listing and its reference that the allotment is evidence of the subdivision and development of Crown land originally allocated as Church and School land and further that the RECOMMENDED MANAGEMENT plan provides that *“there should be no further changes within or adjoining the site that adversely impacts on the setting, curtilage and significance of the item.”*

The property is located within the Hereford and Forest Lodge Conservation Area (HCA) C33.

The following is the current Statement of Significance for the Hereford and Forest Lodge HCA taken from the NSW Heritage Inventory:

*Hereford and Forest Lodge Conservation Area has historic significance for its rare surviving early residential development Swiss Cottages (c. 1842) and Glenwood (c. 1837). The area possesses the ability to evidence early villa estates; Hereford (c. 1829), Rosebank (c. 1832) and Forest Lodge (c. 1836) and their incremental subdivision.*

*The conservation area is also of historic significance for a number of important civic and institutional buildings such as St James' Church and School, Forest Lodge Public School, Glebe Fire Station and Glebe Town Hall. Considerable social significance arises out of the presence and use of these buildings for over 100 years. The Town Hall also provides evidence of the incorporation of the Municipality of Glebe in 1859.*

*Hereford and Forest Lodge Conservation Area has aesthetic significance for its ability to illustrate various periods of development and architectural styles and building types (some of a very early*

date), and its landscape qualities. Residential development, encouraged by the tram extension in Hereford/ Forest Lodge, reflects the varied character of historic subdivisions, divided by the historic and aesthetically important Bridge Road. The predominant Victorian character is supported by several other important historic layers. The diverse social mix that is reflected in the building stock and inherent to the character of the suburb.

The area contains a number of aesthetically significant and prominent buildings such as the Glebe Town Hall, Glebe Fire Station, St James' Church, the former Glebe Presbyterian Church as well as a number of villas particularly in Bridge Road such as Reussdale.

The area has rarity value for the survival of early pre-1860s residential development so close to the city centre.

### City of Sydney Heritage Development Control Plan (Heritage DCP) 2006

Clause 1.3 of the Heritage DCP states that the DCP is based on the underlying principles that

- *Change should be based on an understanding of heritage significance; and*
- *The level of change should respect the heritage significance of the item, building site, streetscape and/or area.*

Clause 1.4 confirms that the DCP applies to Locally Listed Heritage items and to buildings and sites within heritage conservation areas.

Section 2 relates to Vicinity Controls. Clause 2.2(2) reads:

*Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:*

- (a) providing an adequate area around the building to allow interpretation of the heritage item;*
- (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);*
- (c) protecting (where possible) and allowing the interpretation of archaeological features; and*
- (d) retaining and respecting significant views to and from the heritage item.*

The proposal fails to meet objectives (a), (b) and (d) in particular. The unfortunate subdivision of the southern section of the original allotment should not be cause for precedent for further disregard of these objectives. The proposed Landscape Plan has no relationship with or direct links to the heritage item. The proposal requires the removal of 7 established trees around the perimeter of the rear of the allotment, removing completely any links with the original landscaping. All except one are Australian natives, and all are considered to be in adequate health. Refer Aborist's report included within the Development Application.

Section 3 relates to Controls for heritage items. Clause 3.1 lists the objectives, which include amongst others, sub clause (v)... *"maintains the setting of the heritage item including the relationship between the item and its surroundings"*

The proposal does not maintain the relationship between the heritage item and its surroundings.

Section 5 relates to Lot Boundary Changes.

Clause 5.1 Objectives read:

*The objectives of these provisions are to:*

- (i) retain the significant characteristics of the existing subdivision and building pattern for heritage items, and in heritage conservation areas and heritage streetscapes;*
- (ii) ensure that new development does not interrupt building patterns where a subdivision pattern has resulted in a distinctive built form; and*
- (iii) allow for the interpretation of the original subdivision pattern in new development.*

The proposals fail to meet any of these objectives. The unfortunate subdivision of the southern section of the original allotment should not be cause for precedent to further disregard these objectives.

Section 10 relates to Development on Lanes

The rear of the property faces Alfred Road, a road in name only. Alfred Road laneway has all the characteristics of the many rear lanes in Forest lodge and Glebe. The predominant development in this lane is rear garages to the road boundary servicing residential properties facing Hereford Street to the South and more particularly Wigram Road to the north. The only real exceptions are the Town Houses at 13 Alfred Road, and an Apartment Block at no 77-85 Hereford Street with absolute frontage to Hereford Street.

The 10.1 Objectives reads:

*The objectives of these provisions are to ensure that development to rear lanes in heritage conservation areas and heritage streetscapes:*

- (i) is of a scale and type that is compatible with the width of the lane;*
- (ii) does not dominate the lane or other properties that front the lane; and*
- (iii) retains and respects significant rear development and original built form.*

The proposals fail to meet any of these objectives. It is noted that the development at 13 Alfred Road is set well back, facilitating a wider road and footpath provision so that the scale of this development and the streetscape are more compatible.

City of Sydney Development Control Plan (DCP) 2012

Clause 4.1.6 relates to Secondary and Laneway Dwellings. As stated previously Alfred Road is considered a road in name only. Alfred Road laneway has all the characteristics of the many rear lanes in Forest lodge and Glebe.



Although the Developer intends to subdivide the allotment, the location of the new dwelling is characteristic of a secondary dwelling. It will most certainly be a laneway dwelling. The objectives of clause 4.1.6 are:

- (a) *Ensure secondary dwellings activate lanes and address the public domain.*
- (b) *Maintain a reasonable level of amenity to the principal dwelling, the site, surrounding properties, and any adjoining lane.*
- (c) *Ensure the scale and type of development is compatible with the width of the lane, the significance and the scale of heritage items and heritage conservation areas.*

TGSI asserts that the proposed Development fails to meet objectives (b) and (c) in particular.

It is noted that the development at 13 Alfred Road does not display the characteristics of a rear lane development. However it is acknowledged that this Development is at the end of a no through lane, and has facilitated the widening of Alfred Road by some 3 meters and set the buildings well back within the site so that the building frontage more or less aligns with the rear verandah of the subject heritage dwelling.

Clause 4.1.6.2 reads:

*Heritage items and heritage conservation areas*

- (1) *Despite provision (1) in Section 4.1.6.1, a two storey structure to the rear lane may be appropriate where there is an existing pattern in the laneway.*
- (2) *Where a property is a heritage item or is located within a heritage conservation area, development to the rear lane is only possible where it is consistent with the heritage significance of the property, particularly:*
  - (a) *the ability to appropriately accommodate additional development at the rear of the property; and*
  - (b) *in terms of its scale and configuration.*
- (3) *Retain stables or significant structures that contribute to the history, character and significance of the heritage item or heritage conservation area.*
- (4) *Where a rear lane is highly intact, the pattern of original outbuildings, fences and laneway widths must be retained.*
- (5) *Development is to retain the predominant scale of the lane, particularly where that scale is single storey, and any landscape features including mature trees.*

TGSI asserts that the proposed development fails to satisfy subclauses (4) and (5) in particular. The pattern of rear buildings is not being retained, and the predominant scale of the lane is being ignored.

## Design Excellence

Clause 6.21(4) of the City of Sydney LEP 2012 reads as follows:

*In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—*

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the proposed development detrimentally impacts on view corridors,*
- (d) how the proposed development addresses the following matters—*
  - (i) the suitability of the land for development,*
  - (ii) the existing and proposed uses and use mix,*
  - (iii) any heritage issues and streetscape constraints,*
  - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
  - (v) the bulk, massing and modulation of buildings,*
  - (vi) street frontage heights,*
  - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
  - (viii) the achievement of the principles of ecologically sustainable development,*
  - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
  - (x) the impact on, and any proposed improvements to, the public domain,*
  - (xi) the impact on any special character area,*
  - (xii) achieving appropriate interfaces at ground level between the building and the public domain,*
  - (xiii) excellence and integration of landscape design.*

TGSI asserts that the requirements of subclause (a) have not been achieved. TGSI is of the opinion that the new building design is out of context with its location within the Heritage Conservation Area C33, and the laneway to which it fronts.

Similarly TGSI asserts that the requirements of subclause (b) have not been achieved in that the design is completely out of character with the existing form and appearance of the dominant character of the buildings fronting Alfred Road laneway.

With regard to subclause (c) TGSI asserts that the proposed development detrimentally impacts on the view corridor to the heritage dwelling, noting that the current paling fence need not be a permanent fixture to the extent that the proposed new dwelling will be.

TGSI is of the view that the proposed development does not address the heritage issues raised elsewhere in this document, noting the requirement to do so in subclause (d)(iii).

The environmental impacts of the proposed development include the removal of 7 healthy mature trees, severely impacting the tree canopy of the location, and at a time where there is extreme pressure to reduce on-ground temperatures via strategies that include increasing the tree canopy of the urban environment. The substitute x 2 *Tristania laurina* "Luscious" (Water Gum) are small trees and not considered anywhere near comparable.

The visual and acoustic privacy to the heritage dwelling is substantially impacted by the proposed balcony to the eastern upper level of the new dwelling with sight lines directly onto the small rear yard to be provided to the heritage dwelling.

TGSI therefore asserts that the proposed development does not address the requirements of subclause (d)(vii).

TGSI asserts that the proposed development to include the new dwelling impacts on the character of Heritage Conservation Area C33 and the requirements of subclause (d)(xi) have therefore not been met.

The landscape design adopts a contemporary theme that is more appropriate to the architecture of the proposed new dwelling. It completely ignores a relationship or interpretation of a garden style that should integrate with the heritage dwelling. The requirements of subclause (d)(xiii) have therefore not been achieved,

### Conclusion

TGSI asserts that the proposed development ignores the significance of the Heritage Listed Item 1637 as it relates to both the heritage dwelling and the evidence of the original subdivision of Church and School land.

The Statement of Significance for the Hereford and Forest Lodge Heritage Conservation Area C33 strongly recognises the area has aesthetic significance for its ability to illustrate various periods of development and architectural styles and building types (some of a very early date), and its landscape qualities. The proposed development seeks to mask or hide it.

The proposed development does not adequately address the heritage controls as contained within the City of Sydney LEP 2012, The City of Sydney Heritage DCP 2006, nor the laneway or secondary dwelling controls within the City of Sydney DCP 2012.

Further, the proposed development does not sufficiently address the heritage, laneway, local character, environmental and landscape controls of Section 6.21(4) of the City of Sydney LEP 2012 in relation to design excellence.

TGSI therefore OBJECTS to the Application and submits that the City of Sydney has no option but to refuse it.

Yours faithfully



Janet Wahlquist  
PRESIDENT