

I am the Principal of John Briggs Architects Pty Ltd, Architect and Conservation Consultant at 331A Bay Street, Port Melbourne. This Statement of Evidence addresses the heritage implications of the proposed construction of a ground floor car park with three levels of apartments above. The proposal requires pedestrian access and a frontage through the grounds of the 'A' graded, late interwar apartment blocks in Garden Avenue.

I am a Registered Architect, No. 4972, a member of the RAlA and hold a Bachelor of Architecture, University of Melbourne.

Of the 25 years that I have worked in the practice of Architecture, the last 21 years have been predominantly in the field of Conservation Architecture. For 8 of those years I was employed by the firm Allom Lovell and Associates and was the Project Architect responsible for the heritage works at both the Regent Theatre and the Gothic Bank at 380 Collins Street. I left Allom Lovell and Associates in 1998 to pursue practice in architecture and as a heritage consultant.

My work has provided me with broad experience in all aspects of heritage architecture including historical research, preparation and production of conservation reports and conservation plans for projects at all scales, as well as the preparation and presentation of submissions to Councils, Heritage Victoria, Planning Panels and to the Victorian Civil and Administrative Tribunal. I am a heritage advisor to the City of Melbourne. I have significant experience in the design, documentation and administration of restoration works, works to reconstruct missing historic elements and works to facilitate the adaptation of historic buildings for new use.

In preparing this statement I have been instructed by Maree Kline, a Planning Officer of the City of Melbourne.

I have made all the inquiries that I believe are desirable and appropriate, and no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Tribunal.



John Briggs
John Briggs Architects Pty Ltd

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Introduction and Summary of Opinion

This application has involved an iterative process of over a year's duration commencing with inadequate documentation and design. Over that time I have provided three written heritage comments and attended meetings with the applicant team to convey the heritage concerns attendant upon the development of this site. It is clear that the site is one on which development is both possible and, for a range of reasons beyond heritage concerns, desirable. From the heritage perspective the challenge is to define a building envelope and architectural expression such that it is in keeping with, and does not detract from, the characteristics of the original Garden Avenue apartment blocks and their setting. The proposed development should not attempt to contribute the original inter-war character but as new infill with a frontage to the heritage place should complement that valued character whilst being suitably separated and differentiated from that character. In my assessment this delicate but important balance has not yet been achieved and further modification is yet required.

I have previously recommended a reduction in the height of the western frontage of the development to a height that was previously, if mistakenly, presented in the photomontage view from Garden Avenue as some 1.2 metres lower than now proposed. The additional height of approximately 1.7 metres above the height of the existing flats in combination with the increased number of floors, of squatter dimension, and an architectural expression overly imitative of the original, is in my view likely to produce an intrusive disruption to the heritage place and to diminish the value of the heritage place through comparison with the new building that will present as a recent, inadequate, and distorted copy of the original.

I have recommended that the brick should be chosen to distinguish the development from the heritage place whilst avoiding stark contrast. The revised design has reduced the fussiness of the top of the rising element of the stairwell and this has reduced one concern previously raised. The revised fenestration of that element is however, in my view, less successful than that proposed in the January submission. This is because the squat proportions of the fenestration highlight the mean expedience of the floor to ceiling heights by comparison to those of the original flats. The windows of the January submission avoided direct reference to the original windows by adopting a different form and the vertically connected glazing. Following that proposal I recommended that, if the problem of height and bulk could be resolved, the detail of the architectural expression could be addressed with permit conditions. Set with its frontage to, and access from, the heritage place the architectural expression

needs to achieve a sensitive balance between reference to, and differentiations from, the heritage place. The choice of brick type requires the presentation and assessment of a range of samples rather than a jump to a conclusion based on limited choice. I suggest the choice of brick therefore requires the imposition of a condition requiring submission of options to Council's satisfaction, unless the applicant can present an inspired selection to the Tribunal at the hearing. The current selection is in my view too close to the original and is likely to be taken to be a poor attempt to match the original brickwork of the host heritage place. I recommend that in the sensitive circumstance of the proposed insertion into this place of homogeneous and particular architectural expression, the Tribunal ought to pursue reasoned analysis of how the proposed design is in-keeping with the host place without risking mockery of it, or risking the distortion or confusion in the appreciation of the place.

With the significant setback to the north at the upper levels and the revision of the treatment of the balconies I am concerned that the architectural treatment of the north and south sides of the building notably lack any sense on integrity but appear to be driven by an ad hoc, and poorly resolved need to satisfy issues of overlooking. Although largely hidden from view from Garden Avenue the issue of the architectural integrity of the building in the round remains an issue of concern. As a similar matter the retention of the small laundry structure at the southern corner of the site make no sense in the context of this development.

In preparing this statement of evidence I have had regard to the revised plans and particularly have reviewed these plans against the January submission including the 3D imaging, photomontages and the Heritage Assessment prepared by Graeme Butler in December 2010. The revised documentation has not extended to a revision of the 3D imaging and in making my assessment I have had recourse to the January imaging to evaluate the visual impact of the current proposal.

The heritage grounds of refusal of the previously submitted application received by Council 6 January 2011 are as follows:

The design of the proposed building, including its height, bulk, setbacks and appearance, would compromise the valued characteristics of the Garden Avenue heritage buildings and their setting, which is contrary to the objectives of the MSS, Clause 22.05, Clause 22.17 and the purpose and objectives of Clause 43.01.

The design of the proposed development runs the risk of being confused with the original A graded heritage apartments, with reproduction of details and form, contrary to Clause 22.05 and Clause 43.01.

It remains my assessment that the above grounds continue to apply to the development as currently proposed. Accordingly I recommend that a further round of iteration and refinement of the design is required and that if the design cannot be resolved through conditions at the hearing then an interim order might be issued directing the applicant to attempt resolution of the design on the basis of the direction provided by the Tribunal.

Heritage Constraints

The direction and guidance regarding visible new work within a heritage place are most pertinently set out in the decision guidelines of Clause 43.01 the objective and policy of Clause 22.05, Heritage places outside the Capital City Zone, and more generally the Burra Charter and should have regard to accepted heritage practice.

Clause 43.01-4 Applicable Decision Guidelines

DP1 The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

DP2 The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.

DP3 Any applicable statement of significance, heritage study and any applicable conservation policy.

*DP4 Whether the **location, bulk, form or appearance of the proposed building will adversely affect the significance** of the heritage place.*

*DP5 Whether the **location, bulk, form and appearance** of the proposed building **is in keeping with the character and appearance** of adjacent buildings and the heritage place.*

DP6 Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

DP7 Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

DP8 Whether the proposed subdivision will adversely affect the significance of the heritage place.

DP9 Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

DP10 Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

DP11 Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

Relevant Objectives of Clause 22.05:

*To ensure that new development, and the construction or external alteration of buildings, make a **positive contribution** to the built form and amenity of the area and are **respectful to the architectural, social or historic character and appearance** of the streetscape and the area.*

Relevant Policy of Clause 22.05 of pertinence:

*Respectful and interpretive refer to design that honestly admits its modernity while **relating to** the historic or architecturally significant character of its context. 'Respectful' means a design approach in which **historic building size, form, proportions, colours and materials are adopted**, but modern **interpretations are used instead of copies of historic detailing and decorative work**. 'Interpretive' means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials.*

Form

The external shape of a new building, and of an addition to an existing building, should be respectful in a Level 1 or 2 streetscape, or interpretive in a Level 3 streetscape.

Facade Pattern and Colours

The facade pattern and colours of a new building, and of an addition or alteration to an existing building, should be respectful where visible in a Level 1 streetscape, and interpretive elsewhere.

Materials

The surface materials of a new building, and of an addition or alteration to an existing building, should always be respectful.

Details

The details (including verandahs, ornaments, windows and doors, fences, shopfronts and advertisements) of a new building, and of an addition or alteration to an existing building, should preferably be interpretive, that is, a simplified modern interpretation of the historic form rather than a direct reproduction.

An articulate explanation of the relationship between a contemporary proposal and the characteristics of the heritage setting may not make the relationship a successful one, however detailed analysis and explanation is likely to provide a basis for objective assessment of the extent of successes and shortcomings of a proposal and may instruct/stimulate an improved response to the heritage place.

The Burra Charter

Article 1, Definitions

*1.2 Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, **setting**, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.*

*1.12 **Setting means the area around a place**, which may include the visual catchment.*

Article 22, New Work

*22.1 New work such as additions to the place may be acceptable where it does **not distort** or obscure the cultural significance of the place, **or detract from its interpretation and appreciation**.*

*New work may be **sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided**.*

22.2 New work should be readily identifiable as such.

At issue is judgment of whether the design is 'in keeping' with the heritage characteristics of the streetscape, adjacent buildings and the heritage place. To this notion may be added the

terms “enhance” and “complement”, the appearance and character of the place as borrowed from Clause 22.04.

The notion of ‘enhance’ relates to the visual primacy in the streetscape of characteristics exhibited by the heritage buildings. Through reference to such characteristics, new infill might enhance the focus and awareness of the viewer upon that heritage character and the infill will ‘complement’ that valued character. It is not however possible for new work, other than reconstruction, to ‘contribute’ to the heritage character of a place.

To the extent that new divergent character is introduced into the heritage setting, the new architectural expression and form should offer a meaningful ‘dialogue’ with the heritage characteristics of the place. Such a dialogue should recurrently return the attention of the viewer to the valued heritage character rather than distract from it.

The extent of fit between the infill and host context should be assessed in terms of the extent to which the infill presents a level of visual interest, hierarchies of detail, and architectural expression and design integrity that is commensurate with those characteristics exhibited by the host heritage context. This fit, the extent to which the infill is in-keeping with the host place, should be explicitly expressed with reference to the terms discussed above.

As the Garden Avenue apartment buildings are graded A and the streetscape is graded Level 1, any new development intruding into the place should be expected to exhibit the utmost sensitivity to its heritage context.

Significant Characteristics

Whilst the modern expression of the apartments in Garden Avenue are relatively simple in their façade treatment, they nonetheless exhibit a range of hierarchies and have an integrated suite of detail in their brickwork, render and fenestration that prevents the presentation of a dumb or bland modern expression.

The five main blocks of flats in Garden Avenue exhibit some 27 distinctive details in the use of brick and render to articulate what might otherwise be rather bland constructions. As well as these details, the use of vertical forms, taking advantage of, and expressing entry and stairs, as well as the use of curved elements provide visual interest to the apartment blocks. Whilst subtly varied in the use of detail and form, the architectural expression has integrity

across the group of buildings and provides homogeneity to the group that is impressive without being repetitive.

The flats do not have excessive site coverage and have a spacing that provides for planting and a sense of garden setting that is an important part of the conception of the original group of apartments. This is particularly so in the case of the section that will now provide the access to the proposed development. The wider spacing between the red brick pair and the view through to the Peppercorn Trees and the open space along the rail cutting appears to have been a specific choice in this excellent design by the architect I.G. Anderson. The space or setting around the buildings is a significant characteristic of the place and although the trees that complement this setting are not a part of the subject property, the long standing nature of the character of the space between no. 6 and no.12 Garden Avenue should be respected.

The statements of significance provided by the National Trust and the description of the notable features of the Garden Avenue Precinct have been provided in the Heritage Assessment by Graeme Butler and so have not been again repeated here.

Assessment

There are two critical aspects of the proposed development that need to be assessed to ensure the proposed is in-keeping with the original. The first is the height and bulk of the development closing off the open space between the existing apartments thus markedly altering the setting of the apartments and the visual appreciation of their original conception and so their significance. The second is the architectural expression of the new building.

Envelope size, height and bulk

The professional analysis of the 3d views of the context and the infill building at the height proposed in the January submission, and as maintained in the current proposal, confirmed that the parapet level of the proposed would be in much the same line of sight as the top rear parts of the heritage apartments of Garden Avenue. The views provided were set from a location close to the opposite kerb in Garden Avenue. Although the north side of the proposed building has now been set back at the upper levels to address amenity issues, the more sensitive issue of heritage has not been addressed by a similar set back or reduction of height.

Because of the effect of parallax, it will be entirely evident that the actual height of the proposed new development is greater than that of the heritage apartments. Although being a little over 9 metres beyond the rear of the heritage flats, the additional approximately 1.7 metres in the height of the proposed to its parapet, and with additional presence in the form of the roof top planter boxes and access, will provide a built form of evidently larger size than the original buildings. Our eyes and brains have evolved to readily process relative distance of objects through parallax and through perspective scale such as will be obvious in the comparative size of the more distant and the closer brickworks of the walls. Bricks are largely of a standard size and most people subliminally, if not explicitly, understand this.

Returning to the issue of the perceived scale of the development I retain the concern that as viewed from Garden Avenue with the top of the proposed seen in the same line of sight as the top of the rear of the existing flats, and evidently at a greater distance and with compressed floor heights, the proposed will be perceived larger and crowding of the existing. As the existing apartments present a consistent scale this new additions, if in keeping, would be expected to register as slightly below the site line through the rear corner of the existing flats, particularly a continuum of the original development without separation. The revised montage shows that trees planted between the proposed and the rear of the heritage flats in the land associated with the Garden Avenue flats, do help to produce the perception of separation. This sense of separation is however compromised at the upper level. Also confusing is the lowered floor heights of the proposed in comparison with the original. With adoption of architectural treatment that is essentially a 'reproduction' of the host style the lowered floor heights produce a distorted perspective effect with four floors in the perceived height of the three levels of the existing buildings. As the viewer approaches closer to both the original flats and into the open garden area between the flats, which is to provide the entry way to the new development, the buildings are experienced and seen in three point perspective rather than the two point perspective shown in the more elevated photomontage as viewed from across Garden Avenue. In closer proximity to both the original and the proposed buildings the proposed extra height of the new will become very evident and intrusive in this streetscape of the highest heritage grading.

To achieve a reasonable level of assurance that the proposal would not intrude upon the appreciation of the heritage place and adversely affect its significance, I continue to recommend that the height of the development be reduced by at least 1.2 metres to achieve the scale shown in the earlier (if inaccurate) montage provided by the applicant on 11/05/10. Applying photogrammetry to that image provided I determined that the level of the building as represented was RL38.12. As the ceiling heights of the proposed are already at a lower end

of a marketable range it would seem that to achieve the height previously supported at RL of 38.12, the upper floor would have to be deleted at least to the depth of some 10 metres behind the west facade. This would allow the retained floors to be provided with a floor to ceiling height more in keeping with those of the original flats. It should also be possible to retain some additional height in the pediment element to the stairwell to provide access to a fourth level apartment on the east of the block. At the currently proposed approximately 1.7 metres higher than the existing heritage flats and set behind the flats a distance of 10 metres, filling the space between the existing flats, there remains a significant concern that the new development will dominate the existing open setting that is an important characteristic of the original development.

Architectural Expression

Approval of the proposal even with the imposition of a set back of the top floor and with floor heights more commensurate with the original would continue to run the risk of a poor reproduction being perceived as a mockery of the original. To this end I had previously recommend that if determination could be made with regard to the appropriate envelope of the build and the floor heights then detail of the pediment element, roof planting, vertical fin, balustrades, windows, brick type and detail should all be made subject of a condition requiring further consideration and the submission of further detail and approval prior to the commencement of any construction.

The development as currently proposed is likely to be perceived as an attempt to reproduce a range of detail from the heritage flats, particularly those at 12 Garden Avenue. This approach, without any notable transformation or re-interpretation of that detail, does run the risk of being confused with the original, and would demean the original by presenting a distortion with partial reproduction of the detail and form. It is my view that the expression of the January proposal with amendments to simplify the upper termination of the stairwell element and with a brick selection that differentiates the new development from the original host buildings, without producing a stark contrast, would be notably more successful than that currently proposed.

As a minimum the brickwork selected for the development would need to be subtly distinct from, but related to, those used in the heritage flats. The existing brick selection remains too close to the brick colours of the original flats to either side of the open space of the approach. As a result it will appear that there has been attempt to match that original brick but a poor attempt that has failed or that near enough has been considered acceptable. I do not doubt

that the proposed could not be mistaken for a block developed along with the original blocks in Garden Avenue. This would however not be because there are subtle variations in the materials and detail placing the building as recent but rather because the variance from the characteristics of the new in comparison to the original are likely to be seen as variance in qualities. Squatter floor heights emphasised by the fenestration pattern, poor match of brick colour, coarser detailing, poor composition and general absence of the integrity of design found in the subtle variation in the detail and design of the originals.

Conclusion

In this heritage place with the highest grading of the host buildings and the streetscape it is reasonable to demand of any infill that it would be very broadly appreciated as in keeping with the valued characteristics of the heritage place. Some sense of separation and differentiation through position and with reliance on the evident character of contemporary construction detail is inadequate to ensure that the proposed will not adversely affect the significance of the place. The capacity to understand that a visually prominent element in the heritage place is an introduction, and not original, to the place does not prevent it from being intrusive. Appreciation of the place extends beyond intellectual understanding. The disruption produced by a visually prominent introduced new element can only be averted if the element is also in keeping with the place. In a heritage place of the consistency and quality of the subject place, visual disruption is sufficient to be sure that the appreciation of the place and hence its significance will be adversely affected. The test does not need to be as crude as overt dominance by new built presence for the heritage place and its significance to be demeaned.

In the event that a supportable proposal can be determined I also recommend that a condition requiring the construction documentation of the exterior of the building be submitted to Council for ratification that the intent of the detail envisaged in the permit and any associated conditions will be achieved.



John Briggs