

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P552/2018
PERMIT APPLICATION NO. TPA/48111

CATCHWORDS

Section 77 of the *Planning and Environment Act* 1987; Monash Planning Scheme, General Residential Zone; design of medium density development in context of site.

APPLICANT	Colin Cheng
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	41 Coleman Parade. Glen Waverley
WHERE HELD	Melbourne
BEFORE	Christina Fong, Member
HEARING TYPE	Hearing
DATE OF HEARING	21 September 2018
DATE OF ORDER	8 October 2018
CITATION	Cheng v Monash CC [2018] VCAT 1536

ORDER

- 1 In application P552/2018 the decision of the responsible authority is set aside.
- 2 In planning permit application TPA/48111 a permit is granted and directed to be issued for the land at 41 Coleman Parade, Glen Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction of four dwellings.

Christina Fong
Member

APPEARANCES

For applicant	Mark Waldon, town planner, St-Wise Pty Ltd. He called John Patrick, landscape architect, to give evidence.
For responsible authority	Sally Moser, town planner, Moser Planning Services.

INFORMATION

Description of proposal	Construction of four three storey dwellings. Each dwelling provides three or four bedrooms (counting studies) and a double garage. The development is a reverse living arrangement, with the living rooms on the first floor with balconies as private open space on the first floor.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme
Zone and overlays	General Residential Zone (GRZ2), and Vegetation Protection Overlay.
Permit requirements	Clause 32.08-6 for construction of two or more dwellings on a lot
Relevant scheme policies and provisions	Clauses 11, 15, 16, 21.01, 21.04, 22.01, 22.05, 55 and 65.

Land description

The land is located on the southeast corner of Coleman Parade and Dunscombe Avenue, Glen Waverley. It is described as a 'kite' shape, with a frontage of 21.67 metres to Coleman Parade, 15.75 metres to Dunscombe Avenue, 38.25 metres across the rear, and an area of 735.4 square metres. It has a fall across the site from east to west of approximately 1.6 metres and from north to south of approximately 0.5 metre.

The land contains a single storey detached dwelling. Adjoining the land to the south is a two storey single dwelling at No. 2 Dunscombe Avenue, and to the east a single storey single detached dwelling at No. 43 Coleman Parade.

The north side of Coleman Parade is the Glen Waverley Railway Line, with the section directly opposite the review site as the open car park of the Syndal Station.

The immediate area is an established residential area, except for the shops opposite the train station, and a multi level car park associated with the train station. The house on the west side of the site on the opposite of Dunscombe Avenue (No. 2 Dunscombe Avenue) has been converted to a medical centre.

The area is undergoing redevelopment, in the form of medium density development and replacement single dwellings which are often larger and two storeys.

Tribunal inspection

21 September 2018, not accompanied by the parties.

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 This is a review against the responsible authority's refusal to grant a permit to develop the land for four triple storey dwellings. The grounds of refusal relate to the proposal not consistent with the housing, character and tree conservation policies of the planning scheme; not satisfying adequately the objectives of clauses 55 and 52.06; adverse impact on adjoining dwellings; adverse impact on neighbourhood character and streetscape; and over development.

WHAT ARE THE KEY ISSUES?

- 2 The key issues of this review are whether the design of the development is an acceptable response to the housing and character policy of the planning scheme, an acceptable response to the particular context of the site; and whether the other outstanding design details relating to clause 55 standards can be resolved.

DESIGN RESPONSE TO HOUSING AND CHARACTER POLICIES AND PARTICULAR CONTEXT OF THE SITE

- 3 The land is in the General Residential Zone (GRZ2). The purpose of this zone, for residential development, is for a design to respect neighbourhood character and provide for housing diversity and housing growth, particularly in locations offering good access to services and transport.
- 4 The site is well located, being opposite a train station and close to shopping and community facilities. The land also has an advantage of being a corner site.
- 5 The schedule (Garden City Suburbs) to the zone specified the following neighbourhood character objectives:
 - To ensure development is consistent with the desired future character statement for the area as set out in clause 22.01-4.
 - To ensure that development enhances the existing garden city character.
 - To ensure development has generous and consistent setbacks and respects the height, scale and massing of existing dwellings in the neighbourhood.
- 6 The schedule contains several variations to ResCode Standards, which are:
 - B6 minimum street setback: front 7.6 metres, and garages or carports to be setback a least 1 metre from the front facade;

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

B8 Site coverage: 50%

B9 Permeability: 30%

B13 Landscape: Provision and/or retention of at least one canopy tree plus 1 canopy tree per 5 metres of site width – to reach a mature height at least equal to the height of the proposed development.

B17 Side and rear setbacks: A minimum 5 metre setback from the rear.

B28 Private open space: Either an area of 75 sq m, with a secluded part at the side or rear of the dwelling with a minimum area of 35 sq m with a minimum dimension of 5 metres; or a balcony or roof top area of 10 sq m with a minimum width of 2 metres (the latter option should only be available for apartment developments).

B32 front fence height: A front fence within 3 metres of a street not to exceed 1.2 metres.

- 7 In terms of policies, clause 21.04 (residential development) sets out 7 residential character types. The review site is in Character Type C in this policy.
- 8 In clause 22.01 (Residential Development and Character Policy), the stated desired future character for Character Type C is:

The neighbourhood character of this area will develop within a pleasant leafy framework of well-planted front gardens and large canopy trees.

Architecture, including new buildings and extensions, will, in the majority of cases, be secondary in visual significance to the landscape of the Character Type from the street. However, in neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.

Setbacks will be generous and consistent within individual streets.

Building heights will vary between neighbourhoods. Those neighbourhoods where the diverse topography and well developed mature tree canopy provide a framework within which redevelopment can occur will have a larger proportion of two storey houses. In the lower, less wooded areas, buildings will be mainly low rise unless existing vegetation or a graduation in height softens the scale contrasts between buildings.

The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting.

Neighbourhoods that are influenced by the naturalistic landscape of the creek valleys or on highpoints and ridges will have a predominance of native trees in both the public and private realm.

Tree within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character.

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- 9 Council has recently introduced Amendment C125 to the planning scheme. Part 1 of the amendment., which has been gazetted, amongst changing the zoning of a number of areas, has included the *Monash Housing Strategy* as a reference document. In this document, the site is in an ‘accessible’ area. The future character of an accessible area is meant to be a transition between activity centres which are intended for higher density development and the Garden City suburbs. Such an area is expected to provide for a diverse range of housing types while retaining key aspects of the existing built form and landscape character.
- 10 Against such a policy context, council’s concerns of the proposal are in the areas of setbacks, built form, massing and scale, and a lack of landscaping in key locations in the site, and as follows:
- The proposal presenting as an apartment style building with continual built form and a three storey scale. Such an intense form and extensive excavation are not found in this area;
 - The site, although close to an activity centre, is not within one but within an established detached built form environment where housing has spaces in between;
 - The development presenting one three storey building mass to Coleman Parade clearly visible from the public realm;
 - The amount of pedestrian pathways in the front setback area reducing the level of landscaping possible;
 - Design details bearing no relationship with existing housing stock;
 - Ground floors are inactive due to excavated ground floor, cantilevered projections into the side street setback and a 22 m long driveway with abutting garages from Dunscombe Avenue;
 - The uppermost level lacks graduation;
 - No break in built form to the street;
 - The minimum front setback in standard B6 not met at places;
 - The southern wall presenting as a continuous wall of around 30 metres at first floor level;
 - The southern elevation presenting four double garages with the first floor cantilevering over the driveway; and
 - Excessive hard standing area.
- 11 However, Mr. Waldon’s submission is that council’s planning policies on residential character are all met, which he identified to be a garden character, minimisation of crossovers, energy efficient and sustainable housing, an open character at street edge, and an appropriate scale and a variety of housing types. He argued that:

- A 2-3 storey scale is appropriate where surrounding development include considerable 2 storey form;
 - The design is well-articulated by balconies at the middle level, a mix of materials and subtle changes in planes;
 - Building spacings and setbacks off side boundaries, maintaining the spacing and rhythm of existing dwellings along each streetscape;
 - External materials are a combination of traditional and modern;
 - Roof form respectful of roof form in the area;
 - There is currently no dominant or unified architectural built form theme in Coleman Parade or Dunscombe Avenue; and
 - Only one crossover is proposed, which is the existing crossover.
- 12 He tabled a set of plans (revision D) showing how the design can be further improved by increasing façade articulation and car parking layout.
- 13 My inspection of the site confirms the particular unusual subdivision pattern of lots facing Coleman Parade and redevelopment by replacement single storey and medium density developments in the area where on-site landscaping is lacking and the built form generally more substantial and at two storeys.
- 14 The design of the development is for a three storey building. This is at odds with the single and two storey detached house built form in the immediate area.
- 15 However, taller buildings are found in the general area, particularly opposite and near the train station, such as a three storey mixed development opposite the train station and a multi-level car park for the Syndal station. Mr. Waldron advised that there are four storey buildings at the eastern end of Coleman Parade in a retirement village/aged care development.
- 16 I am not persuaded that much weight should be placed on that building which is near the Glen Waverley Station. Coleman Parade is a rather long street, stretching the length of the Glen Waverley Train Line from Blackburn Road to Springvale Road. The eastern end of Coleman Parade is part of the Glen Waverley activity centre, one of the premier activity centres of Monash and where intensive development and multiple land uses are encouraged. Those buildings do not form the context of the site and are not visible from the review site.
- 17 The site has an odd shape, described as a ‘kite’ shape. It is a corner lot. It is opposite a train line, with an open car park directly opposite. The site is not in the traditional hinterland, in which case where its context is informed by homogenous dwellings in a quiet suburban setting. Rather, there are non-residential use and built form on the opposite side, and is in an area that is

undergoing redevelopment with replacement buildings that is more substantial, and where a distinct lack of landscaping is the norm.

- 18 The height of the building, despite a three storey building, involves substantial excavation that it presents as a mostly two storey and in parts a two and a half storey built forms to Coleman Parade and neighbouring properties.
- 19 To Coleman Parade, it presents a two storey building at its eastern end to 2.5 storeys at the western end. The length of this elevation is around 27 metres, which is a substantial proportion of the width of the land. From a streetscape point of view, this northern elevation contains recesses and balconies, despite the second floor in Bed 1 of Units 2 and 3 are forward of the living rooms below and cantilevering over the balconies below.
- 20 Given the context of the site, with a train line to the north, being a corner, and a design that is to minimise the height of the building by setting it into the ground, I find the proposed scale an acceptable fit in the eclectic style and substantial two storey-built form in the area. The more important consideration is the interface with adjoining buildings.
- 21 To the west of the site and on the opposite side of Dunscombe Avenue is a single storey former house converted to a medical centre. It is not a sensitive use. There is no direct interface between the two properties. The development presents a three storey building to the medical centre.
- 22 To the west is the single storey dwelling at No. 43. That house is setback a minimum of 9 metres. The development presents a single storey building (living and dining room of Unit 4) and the next floor is stepped back a minimum of 2.04 metres (Bedroom 2) increased to 2.23 metres (Bedroom 3). The ground floor facing this dwelling is below the natural ground level. The setbacks of this elevation meet standard B17.
- 23 To the south is a two storey single dwelling at No. 2 Dunscombe Avenue. There is a single storey brick garage near the common boundary. The secluded private open space of this dwelling is mainly at the rear of that dwelling. Against the common boundary with 2 Dunscombe Avenue is the ground floor in the development which is excavated in various degrees into the ground, from mostly above ground at the western end to completely below ground at the eastern end. This floor has a minimum setback of 6.3 metres from the common boundary within which is the common driveway to all the double garages in the development. Due to the excavation of land, this level presents a nearly three storey building at its western end to a single storey building towards the eastern end facing 2 Dunscombe Avenue.
- 24 Against 2 Dunscombe Avenue, the two upper floors above the ground floor have a reduced setback than the ground floor (set back a minimum of 6.3 metres), and are setback around 5 metres for the first floor with marginal increases on the second floor. These two floors therefore cantilevered over the ground floor driveway.

- 25 The design shown in Revision D tabled at the hearing shows an additional recess on the first floor and more articulation on the second floor.
- 26 I am satisfied that the increased articulation of the southern elevation shown in Revision D, together with the proposed landscaping, is an acceptable and the graduated increase in scale and building mass in response to the garage and two storey built form of 2 Dunscombe Avenue.
- 27 The proposal is submitted with a landscape plan. Mr. Patrick, the landscape architect who prepared this plan, was called to give evidence.
- 28 The proposed landscaping is for the planting of 6 canopy trees along the Coleman Parade frontage. These trees have nominated mature height of 8-10 metres for the Magnolias, and 7-9 metres for the Water Gum. These heights are comparable to the height of the building above natural ground level.
- 29 Based on Mr. Patrick's verbal evidence, there can be further improvement to the proposed landscaping. These are:
- Further softening of the front setback landscaping by reducing the extent of paved surfaces in front of the entrances of Units 1 and 2;
 - The proposed 1.8 metre high fence that is a continuation of the north-south garage wall of Unit 1 to be deleted and the area on both sides of the fence redeveloped as a communal open space. If that is the case, Mr. Patrick suggests another canopy tree in that space.
- 30 In all, I am satisfied that the scale and extent of built form is an acceptable fit to the existing streetscape and neighbourhood character of the area. Subject to the further improvement in the design shown in Revision D and further landscaping of the site, I agree with Mr. Patrick that it is capable of softening the development.

RESCODE PERFORMANCE

- 31 Council's submission is that the design of the development cannot meet Standard B6 (front setback, the corner of study of Unit 2, and setback of balcony for Unit 1), B28 (private open space where the varied standard for the GRZ2 zone is to allow balcony as private open space for apartment development only), B22 (overlooking from the roof deck of Unit 4 to adjoining private open space and habitable room windows of No. 2 Dunscombe Avenue and 43 Coleman Parade), and B29 (lack of solar access to the secluded private open space of Unit 4 which is located on the south side of the unit.)
- 32 In terms of Standard B6 where part of the corner of the study of Unit 2 encroaches into the 7.6 metre minimum front setback, and the balcony structure of Unit 1 encroaching into the setback from Dunscombe Avenue, I am of the view that in the absence of an analysis why the proposed setbacks are appropriate, I am not inclined to conclude that the decision guidelines have been met or the objectives for front setback achieved. For example,

the balcony for Unit 1 facing Dunscombe Avenue has a heavy frame around it. This accentuates a sheer two storey built form and a three storey scale close to Dunscombe Avenue. This is not a comfortable transition to the single storey garage at No. 2 Dunscombe Avenue.

- 33 There will be a permit condition requiring the front elevation of the development and the height of the balcony of Unit 1 facing Dunscombe Avenue readjusted to meet standard B6 of ResCode.
- 34 A second standard in question is varied standard B28, which recommends balcony or roof top terrace as private open space for apartment development only. The proposal is not an apartment development, but of a 'townhouse' typology. The secluded private open space, according to the varied standard should be on the ground level.
- 35 The site condition is such that I accept a balcony as an appropriate alternative. The orientation of the land is north-south. Unless the dwellings are designed so that they do not face Coleman Parade, that on-ground secluded private open space of the dwellings are to be located on the north side of the dwellings in order to obtain adequate solar access according to standard B29, such a layout would not be acceptable to the streetscape, because it means higher front fence to protect privacy of the secluded private open space, and a development that turns its back on the primary street frontage, not including the adverse impact from vehicular and train traffic and noise from Coleman Parade.
- 36 I am satisfied that in this case, given the orientation of the land, it is an acceptable provision of private open space by a balcony which faces north rather than a ground floor courtyard which is likely to suffer from a lack of solar access, apart from the adverse impact on streetscape of high privacy screens on the street frontage.
- 37 The secluded private open space of Unit 4 is on the natural ground level (the first floor of the dwelling). Part of it is on the first floor of the dwelling. It is on the south side of the dwelling. As a result, the deck on the south side of the kitchen (the roof of the garage on the ground level) will be unable to meet Standard B29. However, this is not the only part of secluded private open space for that dwelling. The other part on the south side of the dining room and near the common boundary with No. 43 Coleman Parade are able to meet this standard.
- 38 In terms of overlooking, it is possible that the deck of Unit 4 (roof of the garage of this dwelling) may be marginally over 800mm above the natural ground level at the boundary against 43 Coleman Parade and 2 Dunscombe Avenue. There will be a permit condition requiring the deck of Unit 4 to meet standard B22, if necessary.

WHAT CONDITIONS ARE APPROPRIATE?

- 39 Council's submitted 'without prejudice' conditions were discussed. I have adopted most of these conditions, and those offered by Mr. Waldron based

on a set of plans marked as Revision D, except his recommendation to remove condition 1b) requiring pedestrian sightlines. These conditions also require improvements to the parking and accessway layout of the development.

CONCLUSION

40 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Christina Fong
Member

APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/48111
LAND	41 Coleman Parade, Glen Waverley

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of four attached dwellings

CONDITIONS

Amended Plans

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and be approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) The front façade of the development (not including the first floor balcony) modified to meet standard B6.
- b) The frame around the first floor balcony of Unit 1 facing Dunscombe Avenue removed.
- c) The double garage to Unit 3 recessed to over 10 metres from the southern boundary to ensure access and egress in a forward direction.
- d) Reduce the extent of hard paved area near the entrances to Units 1 and 2 within the front setback area with a view to increase area for landscaping.
- e) The 1.8 metre high fence within the front setback area of Unit 1 removed, and the area at the northwest corner of the site converted to a common area. The amenity of this area is to be improved by the provision of a bench or seats and the planting of an additional canopy tree.
- f) Modifications to accessway grades and garage doors in accordance with the letter of 28 June 2018 and associated swept paths prepared by One Mile Grid – Traffic engineering.
- g) Additional recessing of the upper levels of Units 2 and 3 for the south façades in accordance with modified plans tendered at the hearing, being Revision D and dated 29 May 2019.

- h) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on site or in compliance with Council's 'Guide to Electricity Supply Meter Boxes in Monash'.
- i) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- j) Bin storage within the garages or other location close to each respective residence.
- k) Access/garaging to the car parking spaces of Dwellings 1 and 2 is to be modified so that multiple manoeuvres are not required to enter and exit these spaces.
- l) Screening treatments to ensure compliance with Standard B22 of Clause 55 of the Monash Planning Scheme. This includes the garage roof deck of Unit 4 overlooking into 43 Coleman Parade and 2 Dunscombe Avenue.

No Alteration or Changes

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued, completed and maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

- 4. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - measures to control noise, dust and water runoff;
 - prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - the location of where building materials are to be kept during construction;
 - maintenance of safe movements of vehicles to and from the site during the construction phase;
 - on-site parking of vehicles associated with construction of the development;
 - cleaning and maintaining surrounding road surfaces;

- a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

unless otherwise approved in writing by the Responsible Authority.

5. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Landscaping

6. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan, generally in accordance with the Landscape Plan prepared by John Patrick, marked as Landscape Plan for VCAT and dated August 2018 must show the proposed landscape treatment of the site and as modified by Condition 1.

When approved the plan will be endorsed and will then form part of the permit.

7. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Drainage

8. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveway onto the footpath.
9. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.
10. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Council pit in the nature strip of the property on Dunscombe Avenue to Council standards. If the point of discharge cannot be located then Council's Engineering Division is to be notified immediately.
11. Any new connection into a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing.

12. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).

Common Boundary Fences

13. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

Protection of Street Trees

14. Tree protection fence must be erected around the Tree Protection Zones of street trees and to the satisfaction of the Responsible Authority. There must be no storage of materials within this zone and to the satisfaction of the Responsible Authority.

Traffic

15. The existing crossing is in a poor condition and is to be fully reconstructed in accordance with City of Monash Standards with a minimum width of 3 metres.
16. The layout of the development shall follow the Design standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - i. Maximum grade of 1 in 4
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% sag grade change).

Expiry

17. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development is not started before 2 years from the date of issue.
 - The development is not completed before 4 years from the date of issue.In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

– End of conditions –