DEVELOPMENT APPLICATION ASSESSMENT
Alterations and Additions to a single dwelling

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<th>Application No:</th>
<th>D/2017/951</th>
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<tr>
<td>Date of Lodgement</td>
<td>17 July 2017</td>
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<tr>
<td>Applicant</td>
<td>Mrs M A Armstrong</td>
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<tr>
<td>Architect</td>
<td>Design Plus Drafting</td>
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<td>Application Site:</td>
<td>68B Angel Street, Newtown</td>
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<td>Proposal:</td>
<td>Alterations and additions to dwelling house including first floor rear extension.</td>
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SITE VISIT

A site visit was carried out on 2 August 2017.

SITE AND SURROUNDING DEVELOPMENT

The site is rectangular in shape with area of approximately 145.6m². It has a primary street frontage to Angel Street and a secondary street frontage to Gowrie Lane. The site is located north of the intersection of Angel Street and Harold Street. A two storey house is contained within the site.

Surrounding land uses are predominately residential. To the north are single storey terrace houses, to the east on the other side of Gowrie Lane are the rear yards of two storey terrace houses that front Gowrie Street. To the south is the semi-detached pair of the subject dwelling and to the west on the other side of Angel Street is Lilian Fowler Reserve.

The site is not a heritage item. The site is located within the Gowrie Street Conservation Area (CA 40).

Photos of the site and surrounds are provided below:
Figure 1: Aerial image of subject site and surrounding area

Figure 2: Site viewed from Angel Street
Figure 3: Looking west to rear of site from Gowrie Lane

PROPOSAL

The application seeks consent for alterations and additions to the existing dwelling on the site consisting of:

- The construction of a first floor addition to the rear to accommodate a new bedroom. The addition will feature one rear window and two rear skylights within the rear roof.

Amended plans were received to set in the first floor addition from 70 Angel Street to ensure the first floor addition is not in conflict with the easement for the neighbouring roof overhang. The applicant has advised that they are seeking to extinguish the easement however, for the purpose of this application amended plans were submitted for approval for a revised first floor addition.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

The following applications are relevant to the current proposal:

- On 5 June 2017 development application D/2017/734 was lodged for alterations and additions to neighbour dwelling at 70 Angel Street, including roof additions, ground and first floor rear additions and new front fence. This application is still under assessment and is yet to be determined.

Development Application

Compliance Action

The site is not subject to a current compliance action.
ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX Certificate A285474 was submitted with the development application.

The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Sydney LEP 2012

The site is located within the R1 – General Residential zone. The proposed development is permissible.

The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

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<tr>
<th>Development Control</th>
<th>Compliance</th>
<th>Comment</th>
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<tbody>
<tr>
<td>4.3 Height of Buildings</td>
<td>No</td>
<td>A maximum height of 6m is permitted. A height of 6.8m is proposed. See discussion under the heading Issues below.</td>
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<tr>
<td>4.4 Floor Space Ratio</td>
<td>Yes</td>
<td>A maximum FSR of 1:1 is permitted. A FSR of 0.89:1 is proposed.</td>
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<td>4.6 Exceptions to development standards</td>
<td>Yes</td>
<td>The proposal seeks to vary the height development standard prescribed under Clause 4.3. See discussion under the heading Issues below.</td>
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<tr>
<td>5.10 Heritage conservation</td>
<td>Yes</td>
<td>The site is located within the Gowrie Street conservation area and is therefore subject to the relevant heritage provisions in the LEP. The proposal generally complies with the relevant aims and objectives of the LEP.</td>
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<tr>
<td>Division 4 Design excellence</td>
<td>Yes</td>
<td>The design achieves a high standard of architectural design, with materials and detailing appropriate to both the existing dwelling, surrounding residential</td>
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Sydney DCP 2012

The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Erskineville neighbourhood south

The subject site is located in the Erskineville neighbourhood south locality. The proposed first floor rear addition is considered to be in keeping with the unique character of the area and design principles in that it would respect the scale and proportion of the dwelling and original roof pitch to the rear.


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<tr>
<td>3.5 Urban Ecology</td>
<td>Yes</td>
<td>The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.</td>
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<td>3.6 Ecologically Sustainable Development</td>
<td>Yes</td>
<td>The proposal satisfies BASIX and environmental requirements.</td>
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<td>3.9 Heritage</td>
<td>Yes</td>
<td>The existing building is identified as a neutral building within a conservation area.</td>
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<td>Council’s Heritage Specialist has reviewed the proposal and raises no objection to the proposal.</td>
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4. Development Types

4.1 Single dwellings, terraces and dual occupancies

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<th>Development Control</th>
<th>Achieved</th>
<th>Discussion</th>
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<tr>
<td>4.1.1 Building height</td>
<td>No</td>
<td>A maximum of one storey is permitted. The proposed development is two storeys in height. See discussion under the Issues heading below.</td>
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<td>4.1.2 Building setbacks</td>
<td>Yes</td>
<td>The subject dwelling is one of two dwellings on Angel Street which feature a</td>
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unique dual pitched first floor. The proposed rear extension will result in a rear building line that is inconsistent with the pair at 70 Angel Street. However, it is noted that there is an application under assessment for a rear first floor addition at No. 70 of similar proportions to that proposed at No 68B.

Additionally, the first floor building line would extend no further than the rear building line of the pavilion addition at No. 72 to the south.

The proposed building line is considered to be generally consistent with the pattern of development of larger dwellings within the surrounding area.

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<th>4.1.3 Residential amenity</th>
<th>Yes</th>
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The proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.

**Solar access**

The proposed principle dwelling will meet the required solar access for the site.

The proposed development will have a reasonable impact on the solar access of adjoining sites and will not cause adjoining sites to lose the minimum required solar access.

**Deep soil planting**

There are no proposed works at ground floor.

**Private open space**

There is no proposed change to existing private open space to rear.

**Visual privacy**

One rear window is proposed. The proposed window will be clear glazed and will have a sill height of 0.7m from finished first floor level. The window would allow for outlook to the rear and would not have a sill height or screening up to a height of 1.4m to comply with this provision. However, it is considered that
the proposed window has similar proportions to the existing first floor rear window and the loss of privacy to neighbours is not considered to be unreasonable or unacceptable given the existing situation.

| 4.1.4 Alterations and additions | Yes | The proposal includes a first floor addition to the rear. The addition will not result in an increase in the total height of the existing dwelling and is considered to be of an appropriate scale and appearance with minimal impact on the scale and character of the existing building, streetscape and heritage conservation area. |

| 4.1.5 Roof alterations and additions | Yes | The proposed roof design is in keeping with the character of the existing dwelling and streetscape and is considered to be acceptable. |

**ISSUES**

**Exception to development standard**

Clause 4.3 of the Sydney LEP 2012 stipulates that the maximum building height of the site is 6m. The proposal will result in a non-compliance with the height control of 0.8m or 13%. The proposed development relies upon Clause 4.6 – Exceptions to Development Standards of the Sydney LEP 2012, to vary the maximum height pursuant to Clause 4.3.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the building height development standard has been considered against the objective and provisions of Clause 4.6.

**Applicant’s submission**

The applicant submits that:

- **The proposed building is located over land that is zoned R1 General Residential.** The residential lot is situated between other residential lots that are also zoned R1 General Residential. The existing residence and the adjoining residence already exceed the maximum building height guideline.

- **The subject site is a residential dwelling and has been historically used for residential purposes.** The proposed extension will form a logical extension of the existing dwelling in a form that enhances the existing and future character of the development within the locality. It is considered that the extension forms an appropriate transition of built form on approach along Angel Street.

- **It is considered that the proposed extension has been carefully designed in a location which forms a logical extension to the existing built form.**
The subject site at 68B Angel Street, Newtown is located on the eastern side of the street which is opposite Lillian Fowler Reserve and has rear lane access via Gowrie Lane. There are a number of two storey dwellings within close proximity to the site fronting Angel and Harold Street.

The existing dwelling exceeds the control of 6m by 800mm due to the natural fall of the site towards the rear on which the house is built, the proposed first floor extension maintains the same pitch and ridge line of the existing roof. It is deemed that the extension will not have any significant impact on adjoining properties in regard to overshadowing or loss of privacy.

Council's Assessment:

The proposal is appropriate in the context of the site and the surrounding heritage conservation area. The subject site and neighbouring dwellings to the south currently exceed the 6m height limit. In this context, the proposed variation to the height control is supported, particularly noting the following:

- The existing building height when measured from the ridgeline is 6.8m from ground level and does not comply with the 6m height control.

- The extension to the first floor level will not comply with the single storey height control in the DCP. However, it is considered that the addition would have reduced side walls to be consistent with the existing roof ridge and eaves and to reduce the bulk and scale of the rear addition. The addition is considered to be acceptable in terms of bulk and scale and will not result in negative amenity impacts to neighbouring properties, views from the public domain or to the heritage conservation area.

- The revised proposal would not be inconsistent with the objectives of the zone and the development standard.

- Compliance with the development standard is unreasonable and unnecessary in this instance as the revised proposal will result in an acceptable form of development and there are sufficient environmental planning grounds to justify the contravention.

Easement for neighbouring roof overhang

There is an easement for the neighbouring roof overhang and this is clearly identified on the submitted survey plan. This easement pre-dates the construction of the dwelling at 68B Angel Street however, is still on the title of land. The proposal development originally sought to extend the existing rear roof and gutters to the rear which would be in conflict with the overhang easement. Amended plans were submitted to set in the first floor from the southern boundary and satisfy the conditions of easement.

(b) Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is considered to be suitable for the site. The premises are in a residential surrounding and amongst similar uses to that proposed.
(d) **CONSULTATION**

**Internal Referrals**

The application was discussed with the Heritage and Urban Design Specialist; Building Services Unit; and Surveyors who raised no objections subject to conditions of consent. The conditions of other sections of Council have been included in the proposed conditions.

**Advertising and Notification**

The proposed development is required to be notified. As such the application was notified for a period of 14 days. As a result of this notification there was one submission received.

The submission raised the following matters:

- All new guttering must take place within the boundary of No 68B, with no further overhang or encroachment and no extension to the burden of easement (DP857800).

- Response – Amended plans were submitted for a first floor rear addition set away from the neighbouring property and overhang easement.

(e) **Public Interest**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**CONTRIBUTIONS**

The development is not subject to a Section 94 contribution because alterations and additions to an existing single dwelling are exempt under Sydney Development Contributions Plan 2015.

**CONCLUSION**

Having regard to all of the above matters, it is considered that the proposal for a first floor rear addition generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is Approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

<table>
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<tr>
<th>Report Prepared by:</th>
<th>Application determined by:</th>
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<tbody>
<tr>
<td>Sheena McGuire</td>
<td>Alistair Smith</td>
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<tr>
<td>Planner</td>
<td>Area Planning Manager</td>
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