DEVELOPMENT APPLICATION ASSESSMENT

Application No: D/2017/1191
Date of Lodgement 30-Aug-2017
Applicant PNB ARCHITECTURE
Architect PNB ARCHITECTURE
Developer UNKNOWN
Application Site: 62 ANGEL STREET, NEWTOWN NSW 2042
Proposal: Alterations and additions to existing residential dwelling including the reconfiguration of the internal rooms, conversion of the attic, removal of the existing bathroom and removal of two trees.

SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 13 September 2013.

The site is rectangular, with an area of approximately 122 sqm. It has a primary street frontage to Angel Street and a secondary street frontage to Gowrie Lane. A one storey terrace house is contained within the site.

Surrounding land uses are residential to the eastern side of Angel Street. To the western side is the Lillian Fowler Reserve. The site is the middle of a residential terrace which runs from Newman Lane to the north to Harold Street to the south.

The site is not a heritage item but is located within the Gowrie Street Conservation Area (CA40). The terraces are part of the Lilly Terrace built in 1889-1890. The building is identified as a contributing building within the Conservation Area.

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
PROPOSAL

The application seeks consent for internal and external amendments to the existing property, these are outlined in turn below:

Front Elevation

The alterations and amendments proposed to the Angel Street elevation of the property are as follows:

1. Roof sheeting, gutters and downpipes to be replaced with sheet profile to match existing;
2. Make good or replace doors and windows to match existing;
3. Make good to all walls and paint;
4. New picket fence to match the neighbouring fence in height. Finish to match external walls;
5. New gate; and

**Rear Elevation**

The alterations and amendments proposed to the Gowrie Street elevation of the property are as follows:

1. New painted FC or rendered masonry wall at a height to match neighbouring garage at No. 64 Angel Street;

2. New roller shutter;

3. New kerb layback cross over;

4. Rear extension of 2m from existing rear extension;

5. Louvred shading device attached to rear French doors;

6. New wall to southern elevation to be modified and to be painted FC or rendered masonry;

7. Existing paling fence to northern elevation to be modified if required;

8. Proposed deck and stairs;

9. Proposed rear dormer extension;

10. Existing northern elevation door to be replaced;

11. Replacement of windows on northern extension with reduction of one;

12. Roof sheeting, gutters and downpipes to be replaced. Sheet profile to match existing;

13. Permeable driveway for motorbike/bicycle parking; and

14. Removal of tree in rear garden as well as existing hedging and landscaping.

**Internal Amendments**

The following internal changes are proposed:

1. Demolition of internal walls and construction of new rooms to provide two bedrooms, bathroom, study and living/dining room;

2. New staircase to attic; and

3. New attic room with toilet.

The application was presented to the Urban Design and Heritage Panel on 14 September 2017. A number of concerns were raised which were detailed to the client
in a letter on 4 October 2017. These are detailed in the table below. The applicant provided a response and amended plans on 17 October 2017.

<table>
<thead>
<tr>
<th>Council Comments (dated 4 October 2017)</th>
<th>Applicant response (dated 17 October 2017)</th>
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<tbody>
<tr>
<td>The rear extension of the neighbouring properties have maintained a consistent building line to the rear. We do not consider that the property should extend further than the existing building line. Similarly, the height of the rear extensions is consistent along the row of dwelling houses, with a main extension from the dwelling house which then steps down further to the smaller extension. As such the current proposal would be out of keeping with the surrounding dwelling houses. This is contrary to Provision 3.9.6 and 3.9.7 of the DCP.</td>
<td>We accept the Council's request for removing the rear extension and retaining the existing rear building line, which removes the bulk as well as the vast majority of overshadowing (over 80% reduction). The Council has suggested that we retain the existing ridge height of the smaller extension (existing bathroom). The smaller extension does not have adequate internal height to comply with the building code requirements for habitable spaces. The current ceiling height at its lowest point is 2.08 meters, which is 320mm lower than the minimum ceiling height of 2.4 meters for at least 2/3 of the ceiling area as required in the building code. Furthermore, the existing smaller extension, does not lend itself to designing a functional layout as it is on a lower floor level (-470mm) than the existing living areas and is only 2.46m in length. We are also unable to drop the existing floor level of the middle wing as this would end up putting large sections of the building below the external natural ground level and not viable for this site. Based on the above we have proposed to remove the additional rear extension, but keep the proposed ridge height, which matches the existing ridge of the middle wing on site. Our proposal would match what has been completed in number 58. As you can see in our updated plans and shadow diagrams this removes the majority of the overshadowing and other impacts on the neighbouring sites.</td>
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<td>The DCP 4.1.3.1 'Solar Access' states that buildings are to be designed and sited to provide solar access to private open space within the site and to adjoining dwellings, as well as habitable rooms within the development and in adjoining development. Provision 1 states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space. We are aware from undertaking a site visit at the neighbouring property, 64 Angel Street that the living room is not at the rear of the property, and would not be impacted by the proposal. However from reviewing the Shadow Diagrams provided in the application submission, we are aware that 64 Angel Street already has poor solar access to the rear garden throughout much of the day. The addition of the rear extension will remove any further solar access to the rear garden and is therefore not acceptable.</td>
<td>We have accepted the Council’s request and removed the proposed extension, hence eliminating the vast majority (over 80% reduction) of the over shadowing that was affecting the back yard. There is now almost no additional over shadowing between 9-11am. Our amendments ensure that the neighbouring back yard at 64 Angel street will maintain the majority of their existing solar access. Please also note that the proposed tree removal in the back yard as detailed in the arborist report, will allow for additional natural light and increase the direct solar access that is currently available to number 64. We have demonstrated both the overshadowing in the previous proposal and the new one in the updated shadow diagrams.</td>
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<td>The proposed deck extends along the length of the dwelling and protrudes approximately 2 metres into the rear garden. The deck will be at the same level as the proposed rear extension, which would be significantly elevated above the existing ground floor level of the garden. Provision 4.1.8 ‘Balconies, verandahs and decks’ states that decks above ground floor level are to be located and designed to minimise overlooking of surrounding properties. The existing decking would not achieve this objective and would overlook both 60 and 64 Angel Street. It is not considered that privacy screens would be acceptable to overcome this, as this would further reduce the solar access to 64 Angel Street.</td>
<td>We have accepted the Council's request and have removed the deck to create a courtyard at the natural ground level as demonstrated in the new plans, elevations and section. We have included a stair landing to comply with the BCA requirements under clause 9.9.1.5, Figure 3.9.1.3 of ‘NCC 2016 Volume 2’.</td>
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<td>On plan 17012 DA 200 it states that the roof of the dormer extension will match the exiting ridge height of the dwelling house. It should be confirmed by the provision of a 1:50 or 1:20 detail that the rear roof extension will not project above the existing roof ridge so that it would be visible from Angel Street.</td>
<td>1:50 detail has been provided as per council request. Refer to Drawings ‘17012 DA 350 A – Sectional Detail’. We can also confirm in writing that the attic ridge height is to match the existing roof ridge.</td>
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<td>The new roofing to both the rear roof extension and the rear ground floor extension is to be constructed from a corrugated metal profile, to match the existing.</td>
<td>All the new roofs will be constructed from corrugated iron, except for the section covering the attic will match the existing in profile. All roofs including the attic roof will be the same colour.</td>
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<tr>
<td>The reason we cannot match the existing roof profile over the attic are related to the minimum height requirements in the building code, which have been detailed below. Nonetheless the shallow pitch of this section of the roof ensures that the roof sheeting it is not visible from the backyards, Gowrie Lane or Angel Street. The BCA requirement for the minimum height in an attic room 2.2 meters for at least 2/3 of the ceiling area and 2.4 meters for the bedroom below as indicated in Figure 3.8.2.1 of of ‘NCC 2016 Volume 2’. The overall height of the building to the existing ridge is only 5.56 meters, hence we are restricted in height. To achieve the minimum ceiling height, we propose using a sheeting profile named “Colorbond – Klip-lok”, which allows you to have a roof with a minimum pitch of 2°, hence allowing the attic room to achieve the BCA complaint ceiling height.</td>
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<td>The replacement of the front windows are supported. However these should be replaced on a like for like basis and detailed on the plans accordingly.</td>
<td>We accept the Council’s request. Our intention is to keep the windows and match the existing if replacement is required. This is noted on the western elevation.</td>
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<td>The Urban Design and Heritage Specialist has stated that the front fence, which is currently proposed as a brick wall, should not be solid. This is uncharacteristic of the period and a traditional timber picket fence would be more appropriate. This is as stated in the DCP Provision 4.1.7.1 'Fences' which states that the height, materials and architectural design and styling of new fences must be consistent with fences that were typical of the period in which the street was predominately developed.</td>
<td>We accept the Council's request even though this is not consistent with the neighbouring fences. Numbers 54, 58, 60, 64 and 66 all have mostly solid brick fences. Our proposed picket fence will look out of place in this setting. Nonetheless, we have amended the design to a picket fence as requested by council.</td>
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<td>The Urban Design and Heritage Specialist has specified that any replaced floor is to be of timber construction to the existing building, concrete should not be used.</td>
<td>We accept the Council’s request. We can confirm that the existing floors to be replaced will be of timber construction. Steel may be used for reinforcement if required by the structural engineer.</td>
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<td>A full schedule of the materials, colours and finishes to be used on the building is required or will be conditioned.</td>
<td>We accept the Council’s request and the specific finishes have been outlined in the finishes schedule.</td>
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<td>Clarification is required as to the works to both the boundary fences. The plans currently state that these will be modified if required. Any works to the fences should be included within this application. Please provide details of the height and material in any amended plans.</td>
<td>We can confirm that there will be no modifications made to the height, location or structure of the neighbouring fences. Plans have been updated to reflect this.</td>
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<td>We require details of the proposed kerb</td>
<td>Concrete kerb layback cross over to match</td>
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<tr>
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<td>Applicant response (dated 17 October 2017)</td>
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<td>layback cross over if you are seeking for this to be approved as part of this development application.</td>
<td>the neighbours at 64 and 66. Details of the crossover has been included in drawings ‘17012 DA 520 A – Driveway Detail’.</td>
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<td>On both the eastern elevation drawings shown on drawing 17012 DA 200 Rev A, the building line appears to project over the site boundary onto the neighbouring property, 64 Angel Street. This may be due to the uneven property boundary but this should be clarified. If the building is to extend onto the neighbouring land, owner’s consent is required. Otherwise the proposal should be amended to ensure the development is wholly within the applicant’s ownership. From reviewing the survey plan, we understand a boundary survey has not been undertaken. The survey plan shows a change in the boundary line with 64 Angel Street at the location of the smaller extension. This is shown on the floorplan but it indicates that there is a gap between the extension of No.64 and the proposed extension. This gap would not be acceptable and the walls should be built up to each other.</td>
<td>We confirm that all the works are within the subject land and not the neighbouring properties. The boundaries are irregular and that is why some elevations seem to show the building work on the neighbours land. A note has been added to drawing ‘17012 DA 20 B – Elevations’. The boundary survey has been completed and was submitted to council. Please refer to the red note in the bottom left corner of the survey confirming this. We understand that there is a contradictory note in the table below, but this is only a drafting mistake. Nonetheless, we have included an updated survey with the drafting mistake removed. We can also confirm here will be no gap between the buildings.</td>
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Following receipt of these plans the revised scheme was presented to the Urban Design and Heritage Panel on 26 October 2017. The following comments were provided to the applicant:

<table>
<thead>
<tr>
<th>Council Comments (dated 27 October 2017)</th>
<th>Applicant response (dated 31 October 2017)</th>
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<tbody>
<tr>
<td>In light of the surrounding context a slight variation to the DCP rear roof addition controls (DCP Provision 4.1.5) can be considered, subject to the pitch of the roof being amended sufficiently to allow for a corrugated metal roof. The provision of a Klip Lok roof will be visible from the rear lane and is not appropriate in a heritage conservation area. The design is not to involve any increase in the existing ridge height of the dwelling. A 1:10 or 1:20 detail of the ridge intersection with the rear roof extension is to be submitted. The BCA requirements for floor to ceiling heights in an attic room are 2.2m, applying to two thirds of the room. The room currently achieves 2.2m across the entirety of the room. Therefore there seems to be sufficient space to allow the angle of the roof to be</td>
<td>We have accepted the Council’s request and have increased the pitch the roof pitch to 5° in order to be able to use the Custom orb corrugated iron profile roof sheeting to match the existing. After discussion with the client and our consultants we were able to reduce the floor / ceiling zone by around 200mm in order to achieve the BCA compliant heights in the attic and satisfy the Council’s request. Furthermore a 1:20 detail of the ridge intersection has been included as per your request. Please refer to drawings 17012 DA 521 A – Ridge Detail.</td>
</tr>
</tbody>
</table>
Council Comments (dated 27 October 2017) | Applicant response (dated 31 October 2017)
---|---
adjusted as outlined above. | 

The applicant’s final amendments, received on 31 October 2017, have taken into consideration the comments raised by the Urban Design and Heritage Team. This scheme has been assessed below against the relevant legislation and guidance.

**HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**

There is no relevant development application history.

**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**

The BASIX Certificate has 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 use is defined as a terrace dwelling and continues to be permissible.

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

**Compliance Table**

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<thead>
<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>Yes</td>
<td>A maximum height of 6m is permitted. The existing building is 5.56m in height</td>
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</table>
and the proposed attic extension will not exceed the existing ridge height. A roof section at 1:10 has been provided by the applicant which confirms that the roof extension will not be raised above the existing roof height however we note that these plans are to be confirmed by a structural engineer. Therefore the Heritage and Urban Design Panel has requested a compliance condition which states that the existing ridge of the main roof is not to be raised to accommodate the rear roof extension.

<table>
<thead>
<tr>
<th>4.4 Floor Space Ratio</th>
<th>Yes</th>
<th>A maximum FSR of 1:1 is permitted. A FSR of 0.48:1 is proposed (57.3 sqm).</th>
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<tbody>
<tr>
<td>5.9 Preservation of trees or vegetation</td>
<td>Yes</td>
<td>The proposal requires the removal of two existing trees, one in the rear garden and one in the front garden of the property. The application has been referred to the Council's Arborist for comments. The proposal is acceptable, see discussion under Internal Consultation.</td>
</tr>
<tr>
<td>5.10 Heritage conservation</td>
<td>Yes</td>
<td>The subject site is located within a heritage conservation area and is considered to be a contributory building. See discussion under the heading Issues.</td>
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<tr>
<td>Division 4 Design excellence</td>
<td>Yes</td>
<td>The amended proposal achieves all of the matters for consideration to achieve Design Excellence.</td>
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</table>

**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. The proposed internal and external alterations and amendments are considered to be in keeping with the unique character of the area and design principles in that it maintains the low
scale residential area, with its cohesive built form within a small lot subdivision pattern. The locality statement indicates that the consistency of terrace and cottage rows; their scale and proportion, roof design, materials palette and intact rear laneways is important to the quality of the streetscape and will be retained. This has been achieved through the amended proposals submitted by the applicant.

### 3. General Provisions

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<tr>
<th>Development Control</th>
<th>Compliance</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td>3.5 Urban Ecology</td>
<td>Yes</td>
<td>The proposed development involves the removal of two trees, which has been discussed with the Council's Arborist and has been considered to be acceptable. The remaining two trees must be protected throughout the development and thereafter, as reflected in the proposed conditions. It is considered that the proposal will not adversely impact on the local urban ecology.</td>
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<tr>
<td>3.6 Ecologically Sustainable Development</td>
<td>Yes</td>
<td>The proposal satisfies BASIX and environmental requirements.</td>
</tr>
<tr>
<td>3.9 Heritage</td>
<td>Yes</td>
<td>The existing building is located within a Conservation Area, see discussion under the heading Issues.</td>
</tr>
<tr>
<td>3.11 Transport and Parking</td>
<td>Yes</td>
<td>The proposal allows for the provision of a bicycle or motorcycle space within the rear garden which meets the required standards. No vehicle parking is proposed. Access to the site is proposed through a new vehicle access door, the design of which mirrors the adjacent property at 64 Angel Street. The applicant is proposing a 3.1m vehicle crossover from the rear lane. The width of the roller shutter will be 3m. This is in line with Provision 3.11.11 and is considered acceptable.</td>
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<tr>
<td>3.14 Waste</td>
<td>Yes</td>
<td>A condition has been recommended for the proposed development to comply with</td>
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the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types

4.1 Single dwellings, terraces and dual occupancies

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<tr>
<th>Development Control</th>
<th>Achieved</th>
<th>Discussion</th>
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<tr>
<td>4.1.1 Building height</td>
<td>Yes</td>
<td>A maximum of 1 storey is permitted. The proposed development is 1 storey in height. To ensure that the roof ridge does not exceed this limit when constructed, a condition has been included on the Notice of Determination stating that the existing ridge of the main roof is not to be raised to accommodate the rear roof extension.</td>
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<tr>
<td>4.1.3 Residential amenity</td>
<td>Yes</td>
<td>The proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties. The following elements have been discussed further in the Issues section: Solar access and Privacy.</td>
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<tr>
<td>4.1.4 Alterations and additions</td>
<td>Yes</td>
<td>The alterations and additions to the building have been discussed further in the Issues section.</td>
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<tr>
<td>4.1.5 Roof alterations and additions</td>
<td>Yes, in part.</td>
<td>The proposed roof design is in keeping with the character of the existing dwelling and streetscape and is considered to be acceptable. This has been discussed further in the Issues section.</td>
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<tr>
<td>4.1.7 Fences</td>
<td>Yes</td>
<td>The applicant has confirmed that there will be no amendments to the side boundary fences. Following receipt of comments from the Urban Design Team, the applicant has proceeded with a wooden picket fence,</td>
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rather than a masonry fence along Angel Street. The picket fence will be 1.2m in height which is in line with Provision 4.1.7. The fence will be painted to match Colorbond Windspray.

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<tr>
<th>4.1.8 Balconies, verandahs and decks</th>
<th>Yes</th>
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<td>The amended deck has been provided at ground level. This was recommended by the Council as it was considered that the provision of a deck at the same level as the extension would result in adverse privacy impacts on the neighbouring properties. The proposed deck will not result in adverse privacy impact. The size, location and design is appropriate to the proportions of the building and does not overlook the surrounding buildings.</td>
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**ISSUES**

**Heritage**

The site is located within a Conservation Area and is therefore subject to the heritage provisions of this DCP. The proposal generally complies with the relevant aims, objectives and controls of the DCP.

Provision 3.9.6 provides criteria against which to assess development in a heritage conservation area. The development has ensured that it has responded sympathetically to the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining contributory buildings. The applicant has made amendments to ensure that the proposed extension has been reduced in its form and bulk by setting the building line back 2 metres so that it continues the rear building line. The roof of the rear extension will continue at the same pitch of the existing extension. This was a suggested amendment by the Urban Design and Heritage Panel and is considered acceptable.

The rear dormer has been designed to be a continuation of the ground floor rear wall up to roof level. Though this design is not in line with Provision 4.15 it is considered acceptable in this location. A number of buildings on this road have rear extensions of a similar design due to the low roof height. This ensures that the room is useable. Please see the further discussion under ‘Roof Alterations and Additions.’

Provision 3.9.6(f) states that colour schemes should have a hue and tonal relationship with traditional colour schemes. It is proposed to paint the external walls in Dulux Antique White U.S.A.
The corrugated roof sheeting will be in Colorbond Windspray. It should be noted that the roofing above the attic extension has been amended to be Custom Orb corrugated iron profile to match the existing. The gutter, downpipes, door and front fence will be painted to match Colorbond Windspray. The Council’s Heritage Specialist has confirmed that this is acceptable.

Provision 3.9.7 ‘Contributory Buildings’ provide guidelines for any alterations and additions to buildings considered to contribute towards the setting of the Conservation Area. The amended design achieves the requirements of Part 3 which states that alterations and additions should respect significant original or characteristic built form, retain fabric, use appropriate materials, finishes and colours (subject to Condition 5) and respect the pattern, style and dimensions of original windows and doors.

**Alterations and Additions**

The proposal includes a wing addition to the rear. In line with the objectives of Provision 4.1.4 this 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 no impact on the scale and character of the existing building. The amendments are to the rear of the dwelling and these will not be visible from the streetscape and heritage conservation area. The development is sympathetic and maintains the fabric of the existing terrace.

Provision 4.1.4.3 ‘Wing Additions’ seeks to ensure that the roof pitch respects the roof pitch and gutter line of the existing building, sloping to the side. This design has been achieved by the applicant. The continuation of the existing wing ensures that the addition respects the characteristic detailing of the existing building. The wing addition is therefore considered to be acceptable.

**Roof Alterations and Additions**

The proposal has been considered against Provision 4.1.5.5 ‘Rear Roof Extensions’:

<table>
<thead>
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<tr>
<td>2a) Rear roof extensions are to be set back a minimum of 500mm from side walls as measured from the inner edge of the buildings side or party walls</td>
<td>The proposed dormer is designed to be a continuation of the ground floor rear elevation. This gives the building the appearance of a two storey building within an area with a one storey height control. The Council is not normally supportive of a dormer of this design as it is not in line with the Provisions of the DCP. However the Council is aware that there is a precedent within the area for this design of dormer, please note Figure 4 and 5. Though we would also acknowledge that having reviewed the</td>
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<td>2b) Rear roof extensions are to be set back a minimum of 200mm from the rear wall as measured along the roof plane from the outer face of the rear wall.</td>
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planning history for these neighbouring properties, these were all granted prior to the current planning controls in 2000-2002. The design of the dormer does not satisfy these controls however it has been accepted in this instance as the design is required in this location to allow the roof space to be useable.

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<tr>
<th>2c) Rear roof extensions are to be set down a minimum of 200mm below the ridge line as measured along the roof plane from the ridge.</th>
<th>The proposed dormer is not set down 200mm from the ridge line as required by the DCP. Following the initial assessment of the application it was noted that on plan 17012 DA 200 it stated that the roof of the dormer extension would match the existing ridge height of the dwelling house. It was subsequently confirmed by the applicant that the rear roof extension would not project above the existing roof ridge so that it would be visible from Angel Street. The proposed degree of the roof would be angled at 2 degrees lower than the existing roof height. Further design iterations have occurred which has lowered the pitch of the roof to 5 degrees and, in order to obtain certainty from the applicant that this would not be amended during construction, a 1:10 plan was provided. We would note that this states that it is to be confirmed prior to construction with a structural engineer. Therefore the Council’s Heritage Officer has requested that it is conditioned that the existing ridge of the main roof is not to be raised to accommodate the rear roof extension.</th>
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<tr>
<td>3) Rear roof extensions are to use skillion or single pitch roofs sloping down from the ridge towards the rear elevation of the property.</td>
<td>The initial proposal showed a skillion roof which would slope down from the roof ridge towards the rear elevation of the property at an angle of 2 degrees. This was to achieve maximum height in the attic space through using Klip Lok roofing. The Urban Design and Heritage Panel are not supportive of this material being used and as such a design amendment was sought so the roof was</td>
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provided at a 5 degree angle so that a corrugated roof profile could be used. The revised design of the roof is considered acceptable.

| 4) The design of the rear roof dormer window is to be vertically proportioned with suitable proportioned timber frames. | The design of the rear roof dormer is vertically proportioned and the design is considered acceptable. |
| 5) The external width of the roof attic including side walls and roof is not to exceed 4000mm. | The width of the roof attic is 3800mm and is considered acceptable. |
| 6) Flashing or waterproofing of rear roof extensions must not span the roof ridge and are not visible from the street to the front of the building. | The applicant has confirmed that the rear roof extension will not be visible from Angel Street. This has also been conditioned. |
| 7) Windows are to be traditionally proportioned, timber frame, double hung or casement windows. | The window material has not been provided by the applicant this has been conditioned. |
| 8) Windows located on rear roof extensions must contain fixed, opaque glazing, up to a sill height of 1.4m above the floor level. | The proposed windows have a height of 0.9m from the floor level to the window sill. Due to the limited height of the roof it is not possible to provide a sill height of 1.4m. However, given the extent of the rear ground floors of the terraces in the row in this instance, the sill height and clear glazing is considered acceptable. |
Figure 4 – 58 Angel Street – The property was granted consent on 18 April 2000 for alterations and additions to existing residence including attic conversion at the rear (Note the rear roof extension is full width).

Figure 5 – 66 Angel Street – The property was granted consent on 29 July 2002 for alterations and additions to heritage item including attic conversion with rear upper level balcony (D/2022/405) (Note the rear roof extension is full width).
Solar Access

The DCP 4.1.3.1 ‘Solar Access’ states that buildings are to be designed and sited to provide solar access to private open space within the site and to adjoining dwellings, as well as habitable rooms within the development and in adjoining development. Provision 1 states that neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.

A site visit was undertaken to 64 Angel Street to review the internal layout and the current solar access to their private amenity space. It was noted that the living room is not at the rear of the property, and would not be impacted by the proposal. However from reviewing the Shadow Diagrams provided in the application submission, we were aware that 64 Angel Street already has poor solar access to the rear garden throughout much of the day. The original rear extension removed any further solar access to the rear garden and was therefore not acceptable.

Following the receipt of the Urban Design and Heritage Panel comments, the applicant removed the proposed extension and this eliminated the majority of overshadowing that was affecting the amenity space of 64 Angel Street.

The rear addition is considered acceptable in relation to Solar Access and fulfils the requirements of Provision 4.1.3.1.

Privacy from rear decking

The proposed deck extends along the length of the dwelling and protrudes approximately 2 metres into the rear garden. The deck will be at the same level as the proposed rear extension, which would be significantly elevated above the existing ground floor level of the garden. Provision 4.1.8 ‘Balconies, verandahs and decks’ states that decks above ground floor level are to be located and designed to minimise overlooking of surrounding properties. The existing decking would not achieve this objective and would overlook both 60 and 64 Angel Street. It is not considered that privacy screens would be acceptable to overcome this, as this would further reduce the solar access to 64 Angel Street.

The applicant accepted the Council’s request and removed the deck at an elevated level, placing the proposed decking at ground floor level instead. This is considered acceptable as it achieves Provision 4.1.8, as well as Provision 4.1.3.6. ‘Visual Privacy’ which seeks to maximise visual privacy to side and rear boundaries.

(b) Other Impacts of the Development

The proposed development is capable of complying with the BCA. It is Class 1a.

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 conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Heritage and Urban Design Specialists who advised that the proposal is acceptable subject to the recommended conditions.

1. Ridge height is not to be increased
2. New roofing is to be of a corrugated metal profile
3. The front replacement windows are to be done on a like for like basis
4. The fence should not be solid as this is uncharacteristic of the period and a traditional timber picket fence would be appropriate
5. Any replaced floor is to be of timber construction to the existing building
6. The roof of the rear addition is to continue at the same ridge height and pitch as the existing rear wing roof.
7. Materials, colours and finishes schedule is to be required.

The application was referred to the Council’s Internal Tree Management Officer. An inspection of the site identified that the trees were in good to fair health and good to fair condition. Collectively the trees provide a positive contribution to the amenity of the immediate area. The plans indicated that one tree in the front yard is proposed for removal. This tree has been identified as an Oleander which is approximately 5 metres in height. This particular species is known for being poisonous and should be removed for safety reasons regardless of the proposed works.

The plans also indicated that one tree in the rear yard is proposed for removal. This tree has been identified as a Black Locust tree which is in poor condition. The tree provides minimal amenity to the area. The removal of this tree is supported. However modification to the front veranda and construction of the new deck in the rear yard could potentially impact the trees. Therefore to ensure the trees remain viable and are not damaged during construction works, the below tree protection measures are recommended for inclusion into the DA consent.

1. **Trees approved for removal** – Tree removal must not occur until the Construction Certificate has been issued;

2. **Trees that must be retained** – Trees must be retained and protected throughout the proposed development;

3. **Tree Protection Zone** – All trees must be protected in accordance with the Australian Standards AS4970;
4. **Tree Protection Management** – All documentation submitted for the Construction Certificate shall show the retention of the trees;

5. **Tree Root Protection** – Measures shall be undertaken to protect tree roots during construction;

6. **Tree Pruning** – Consent must be obtained prior to undertaking any tree pruning works; and

7. **Site Supervision and Reporting** – An Arborist must oversee various stages of works within the Tree Protection Zone.

**NOTIFICATION, ADVERTISING AND DELEGATION (2 Submissions received)**

In accordance with Schedule 1 of the Sydney DCP 2012, 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 were two submissions received on behalf of two objectors.

**Impact on sunlight and natural light to adjoining property**

*Submission:* Concerns have been raised regarding the loss of light to the rear of the property. The properties currently align at the rear which would be removed by the two metre extension to the rear. In addition the roofs of the existing rear extensions currently slope downwards as a result of the natural land form which is considered to create an imposing bulk at the rear of number 62.

*Planner Response:* A site visit was undertaken to neighbouring properties to assess the potential impacts of the rear elevation on solar access. We are aware from undertaking a site visit at the neighbouring property, 64 Angel Street that the living room is not at the rear of the property, and would not be impacted by the proposal. However from reviewing the Shadow Diagrams provided in the application submission, 64 Angel Street already has poor solar access to the rear garden throughout much of the day. The addition of the rear extension will remove any further solar access to the rear garden and is therefore not acceptable. The applicant has responded by removing the two metre extension and ensure it does not extend beyond the existing building line. The roof of the extension has been retained but it is not considered that this would result in unacceptable solar access concerns.

**Incongruous character of the proposed development**

*Submission:* It is not considered that the design of the rear extension respects the character of the area. The houses on this street are broadly aligned to the rear and the extension would create an anomaly which would be detrimental to the character of this heritage area. This extension could be used as precedent for future development proposals.

*Planner Response:* The Council provided comments to the applicant stating that the rear extension of the neighbouring properties have maintained a consistent building line to the rear and the property should extend further than the existing building line. The proposal was contrary to Provision 3.9.6 which stated that within Heritage
Conservation Areas development is to be compatible with the surrounding built form and pattern and respond sympathetically to the type, siting, form, height, bulk, roofscape and scale of adjoining or nearby contributory buildings. In addition, Provision 3.9.7 states that alterations and additions to contributory buildings should respect the original or characteristic built form. The applicant has removed the rear extension so that the building line is in line with the neighbouring properties. This is considered acceptable.

**Impact on Privacy**

**Submission:** There are concerns regarding privacy to the rear gardens of neighbouring properties. The proposed deck will be flush with the raised ground and this could create overlooking and privacy concerns. The objector would like privacy screens avoided as this would impact on solar access to the property.

**Planner Response:** The proposed deck extends along the length of the dwelling and protrudes approximately 2 metres into the rear garden. The deck would be at the same level as the proposed rear extension, which would be significantly elevated above the existing ground floor level of the garden. Provision 4.1.8 ‘Balconies, verandahs and decks’ states that decks above ground floor level are to be located and designed to minimise overlooking of surrounding properties. The existing decking would not achieve this objective and would overlook both 60 and 64 Angel Street. It was highlighted to the applicant that privacy screens would not be acceptable to overcome this, as this would further reduce the solar access to 64 Angel Street.

The applicant has provided amended plans which removes the deck and instead ensures that this is at ground level. This reduces potential for overlooking.

**(e) Public Interest**

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

**FINANCIAL IMPLICATIONS**

**S94 CONTRIBUTION**

The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as the works consist of alterations and additions to an existing dwelling.

**CONCLUSION**

Having regard to all of the above matters, it is considered that the proposal for internal and external alterations and amendments 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.

Report Prepared by:

Rebecca White
Planner

Application determined by:

Alistair Smith
Area Planning Manager