

Appendix 1 – View Loss Analysis

Tenacity Consulting v Warringah Council (2004) NSWLEC 140. The Planning Principle established a four-step process for considering the impact of a development on views.

Step 1. An assessment of the value of views to be affected by reference to their nature, extent and completeness.

The views subject to this assessment are from No. 3 Cambridge Avenue Narrabeena. The nature of the views under assessment are water views to Dee Why Lagoon and Dee Why Beach to the east.



Figure 1: Aerial Image of the subject site and views subject to this assessment

Step 2. A consideration of how views are obtained and what part of the property the views are obtained from.

A site visit to No 3 Cambridge Avenue was undertaken where it was observed that 45 degree water views are obtained from the open plan dining and living room and from a deck. Water views are available from both a sitting and standing position.

Step 3. A qualitative assessment of the extent of the impact in terms of severity particularly as to whether that impact is negligible, minor, moderate, severe or devastating.

As a result of the diagrammatic views provided in the architectural plan set and the visual assessment in figures 2, 3 and 4 below, it is considered there will be a negligible impact on the views obtained from the dining and living room and a moderate impact on views obtained from the rear deck.



Figure 2: View from No. 3 Cambridge Avenue dining room.



Figure 3: View from No. 3 Cambridge Avenue living room.

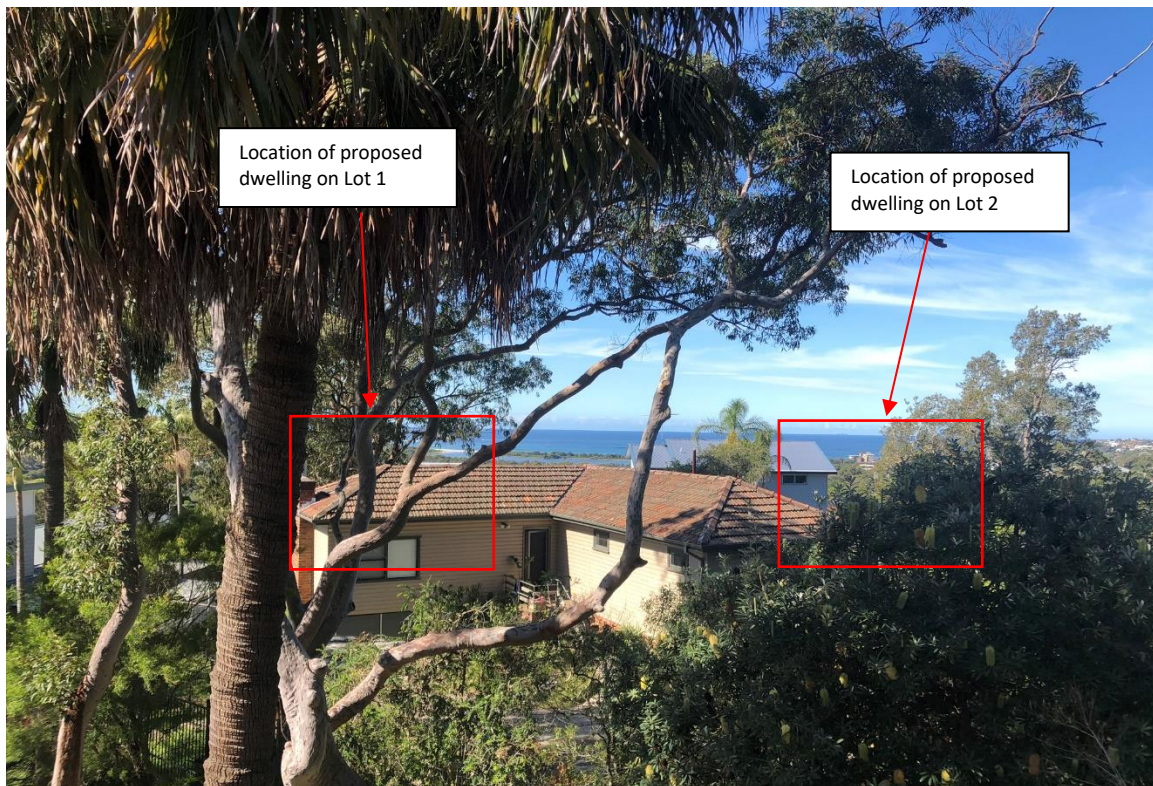
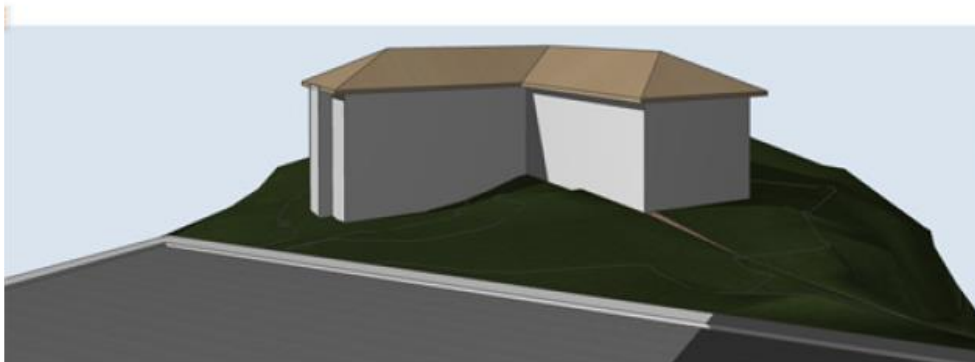


Figure 4: View from No. 3 Cambridge Avenue deck.

Existing view from #3 Balcony



Internal View showing New Residences

Internal View showing demolished house and New Residences

Figure 5: Extract: Diagrammatic Views Showing Corridors From 3 Cambridge Avenue – Existing and Proposed

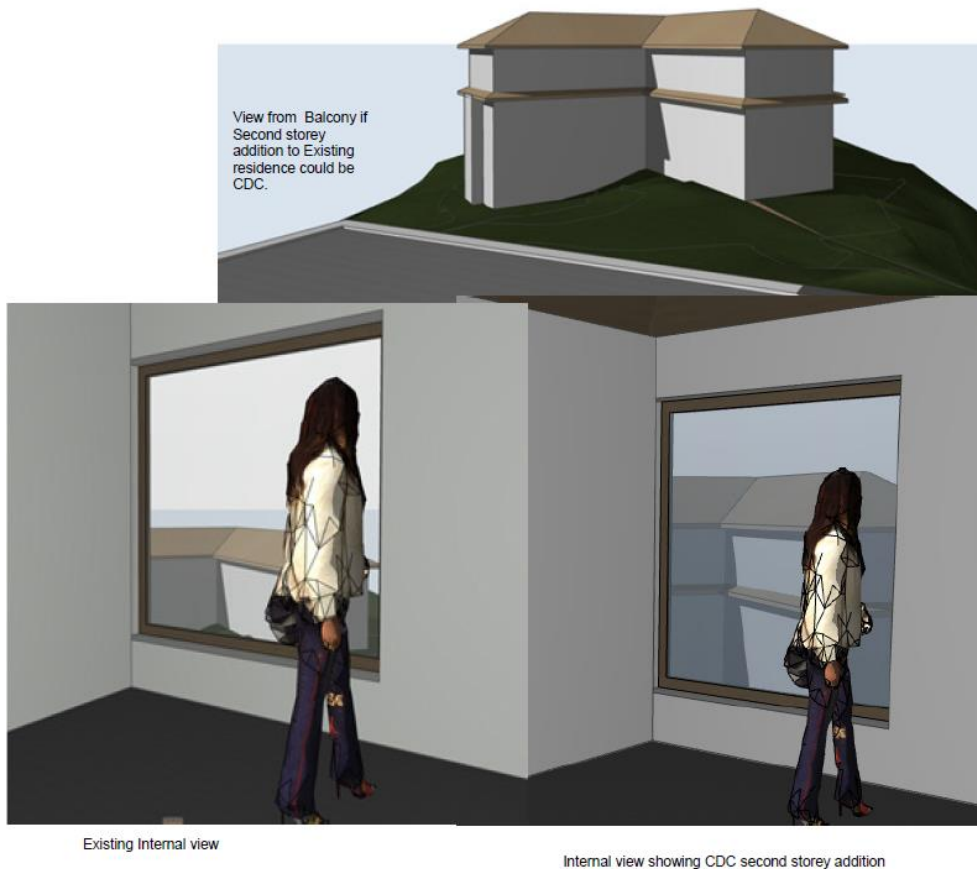


Figure 6: Extract: Diagrammatic Views Showing Corridors From 3 Cambridge Avenue – CDC Second Storey Addition

Step 4. An assessment of the reasonableness of the proposal causing the impact particularly in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

It is considered that the negligible and moderate impact on water views from No. 3 Cambridge Avenue are reasonable, as the development has been designed to ensure that a significant viewing corridor is maintained for the enjoyment of the residents at No.3 Cambridge Avenue.

The proposal presented in this application applies the principles of view sharing, by allowing all properties to enjoy fair and equitable access to water views. It is considered unreasonable that the subject site should forego any opportunity for water views, while

one single dwelling house maintains full, uninterrupted water views from the dining room, living room and a deck.

The dwelling proposed on Lot 1 easily complies with the maximum permitted building height control and maximum wall height control for the site and is of a consistent scale and form to surrounding properties. A maximum ridge height of RL 70.83 on Lot 1 and RL 70.99 on Lot 2 is proposed, which is a variation to the maximum ridge height restriction to user of RL 69.070 applied to the site. Council have the authority to vary this restriction to user.

It is important to note that a much larger second storey addition can be constructed on the existing lot by way of a Complying Development Certificate. Figure 6 Extract and the diagrammatic views provided with this application, demonstrates that a second storey addition CDC development would have a greater negative impact on the views from No. 3 Cambridge Avenue, than the proposed modest 2 dwellings.

It is considered the proposed development, presented in this application, achieves a better planning outcome for all residents and allows Council to maintain some input and control over the final built form.