

18 March 2021

General Manager  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Anne-Marie Young

Dear Ms Young,

**Re: 316 Hudson Parade, Clareville – DA2020/1591**

I refer to your letter dated 22 February 2021.

The proposal has been redesigned to address the concerns raised in your letter. The amendments can be summarised as follows:

- Soft landscaped area increased by 34.5m<sup>2</sup> to 885.5m<sup>2</sup> (46.5%).
- Extent of retained detached garage structure increased.
- Offset of detached garage from southern boundary increased to 900mm for all new walls (existing wall at 815mm setback retained).
- Rooms over detached garage changed from secondary dwelling to studio.
- Roof pitch of detached garage lowered from 20° to 19°.
- Ridge of detached garage lowered by 575mm.

With regards to each of the specific concerns raised in your letter:

**Building height primary dwelling:**

A new sectional drawing has been prepared through the ridge of roof over the level 3 master bedroom to show the maximum building height proposed (see Drawing DA 30.05, Issue 4). It confirms that the proposal exceeds the building height control by a maximum of 840mm. The only part of the building that exceeds the wall height is a small portion of the western gable end of the roof over the master bedroom.

With regards to the “*existing ground level*” that has been adopted for the purposes of measuring building height, advice has been sought from geotechnical engineers, White Geotechnical Group. Their advice is attached to this letter and concludes:

*We have reviewed the assumed natural ground line shown by a dashed line on the plan by Ba[x]ter and Jacobson, drawing number DA 30.05, issue 3, and dated 3/3/21. In our op[in]ion the interpreted natural ground line shown on the plans is a very close approximation of where the natural ground surface was and is suitable as a base to measure the “8.5 met[re] building height limit” from.*

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The clause 4.6 variation request submitted with the development application specified a variation to the building height control of 831mm and the further information identifies that the variation is an additional 9mm. Despite this difference being imperceptible, it is considered prudent to update the clause 4.6 variation request to specify a variation of 840mm instead of 831mm. The updated clause 4.6 variation request is attached.

With regards to the roof over the third balcony, detailed consideration has been given to your suggestion of changing this part of the roof form to a hipped roof rather than a gabled roof. For the following reasons, the gabled roof is considered to provide a better planning outcome:

1. The roof form of the existing dwelling house is gabled. It forms a strong and unifying element of the building design when viewed from the west. Changing the roof over the master bedroom to a hipped roof would have a negative impact on the aesthetic and architectural appeal and consistency of the building.
2. The proposed gable roof over the master bedroom does not result in overshadowing of neighbouring properties so changing it to a hipped roof form results in no amenity improvements in this regard.
3. The proposed gable roof over the master bedroom does not result in the loss of views from any neighbouring or nearby properties so changing it to a hipped roof results in no amenity improvements in this regard.
4. A careful analysis of the visual impact of the proposed roof over the master bedroom when viewed from the adjacent waterway has been undertaken. The following photographs show the existing view that is obtained to the subject site from various distances in Pittwater:



*Photograph 1: Close distance view*



*Photograph 2: Medium distance view*



*Photograph 3: Long distance view*

These photographs demonstrate that the dominant elements of the view are the tree canopy and that views of building are filtered. In particular, there is a large

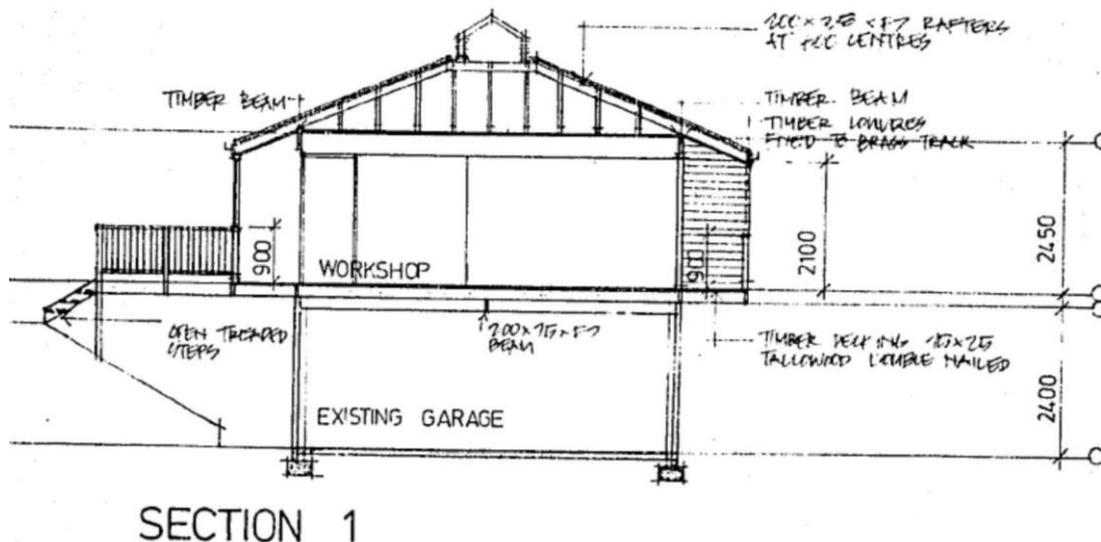
canopy tree located in front of the proposed master bedroom that screens the view of the proposed roof.

The photographs also demonstrate that the subject site is viewed from a position that is substantially below the level of the proposed master bedroom. From this position, whether the roof is a hipped roof or a gabled roof has no visual impact.

Even as one moves around on the waterway to the north and south the views to the master bedroom are largely filtered and the difference in the roof form between a hipped roof and a gabled roof in terms of bulk and scale is imperceptible. The roof only becomes easily visible from within the property itself and, in this position, the gabled roof is preferred as it is consistent with the roof form of the rest of the dwelling house.

### **Secondary dwelling**

The proposal has been amended such that the room over the detached garage will be used as a studio. The kitchen has been removed from the proposal. The room over the garage was previously approved for use as a workshop in BA 924/84:



*Extract from approved plans for BA 924/84.*

Because the proposal no longer constitutes a secondary dwelling concerns relating to clauses 4.3(2FA) and 5.4 of PLEP 2013 and Part C1.11 of P21 DCP are not relevant and have been addressed.

The visual bulk of the detached garage and studio has been reduced by:

1. Lowering the height of the building by 575mm. The level of the proposed roof ridge matches the level of the existing roof ridge (RL 25.510) and is approximately 1.0m below the highest point of the existing building (being the existing rooftop feature).
2. Reducing the roof pitch from 20° to 19°.
3. Increasing the minimum side setback of the structure from the southern side boundary to 900mm.

4. Reducing the width of the garage (by retaining the existing western wall of the garage).

In terms of the relationship to the neighbouring site to the south it was observed when we met on site that the retaining structures are located on the neighbour's land, indicating that there has been historical excavation of that land and that the natural (interpolated) ground level on that site is higher than is shown by the contemporary survey information.

Additional shadow diagrams have been prepared which demonstrate that the neighbour retains reasonable levels of solar access and that the proposal complies with the requirements of P21 DCP in this regard. The shadow diagrams show:

With regards to the neighbour's northern terrace (midwinter solar access):

- 9.00am: Additional shadow (0.8m<sup>2</sup>) offset by additional sunlight (1.0m<sup>2</sup>)
- 10.00am: Additional shadow (2.3m<sup>2</sup>) offset by additional sunlight (2.3m<sup>2</sup>)
- 11.00am: Additional sunlight (4.7m<sup>2</sup>) greater than additional shadow (2.9m<sup>2</sup>)
- 12.00pm: Additional shadow (0.9m<sup>2</sup>) offset by additional sunlight (0.5m<sup>2</sup>)
- 3.00pm: No additional overshadowing

With regards to the neighbour's north-facing living room windows:

- 9.00am: No change (currently in shadow)
- 10.00am: No change (kitchen currently in shadow, dining room in full sunlight)
- 11.00am: No change (kitchen retains partial sunlight as per existing, dining room retains full sunlight)
- 12.00pm: No change (kitchen and dining room retain full sunlight)
- 3.00pm: No change (kitchen and dining room retain full sunlight)

The shadow diagrams demonstrate that the proposal satisfies the numerical requirements of Part C1.4 of P21 DCP to provide 3 hours of sunlight to the main private open space and windows to the principal living area of adjoining dwellings.

It is unclear from my inspections from the subject site exactly what part of the neighbouring land the residents currently use for clothes drying. However, the shadow diagrams demonstrate that clothes drying can be done on the neighbouring terrace. Other areas that receive at least 3 hours midwinter sunlight exist on the neighbouring land and are also available for clothes drying purposes.

With regards to privacy, you will recall from our site inspection together the existing situation where there is a balcony on the western side of the existing workshop that overlooks the neighbour's property. The proposal improves this situation by enclosing the balcony, which will reduce noise transmission, and providing a return on the southern wall of the studio at its western end, which reduces sight lines to the neighbouring property. No windows exist in the southern wall of the existing workshop, and none are proposed in the southern wall of the proposed studio.

In summary, the proposal will result in an improvement to the neighbour's privacy.

With regards to building envelope, the proposal has been amended to retain a substantially greater proportion of the existing garage and workshop structure.

Where new walls are proposed on the southern side (ie: part of the studio wall) these are provided with a minimum setback of 900mm.

Strict application of the building envelope and building setback controls in parts D3.7 and D3.9 of the P21 DCP will lead to a poor planning outcome in the circumstances of this case because the majority of the proposed structure adopts the same building envelope as the existing structure. The western extent of the proposed studio matches the western extent of the existing southern balcony southern balcony wall. The majority of the southern wall of the existing workshop and garage is retained. It is only the eastern extent of the southern wall that is increased and, in this location, the existing ground level is higher and the proposed new wall is generally in compliance with the building envelope control and the non-compliance with the 1.0m side boundary setback control is minimal and has no negative environmental impacts.

### **Landscaped area:**

The proposed soft landscaped area has been increased by 34.5m<sup>2</sup> to 885.5m<sup>2</sup>. Calculation details are shown on Drawing DA 2.01 (Issue 3). It is noted that the calculation of soft landscaping in your letter of 22 February 2021 differed substantially from the calculation shown on the submitted drawings and, if there are errors in the calculation in those drawings, it would be appreciated if those errors could be brought to our attention so that they can be corrected.

Detailed consideration has been given to increasing the soft landscaped area by reducing the area of driveway, as suggested in your letter dated 22 February 2021. However, those areas are required for the manoeuvring of vehicles in and out of the approved and proposed garages and their conversion to soft landscaped area would have a negative impact with regards to vehicular access, particularly considering the length and steepness of the shared access driveway and the desirability to enter and leave the site in a forward direction.

As discussed in detail in the Statement of Environmental Effects, the proposal is considered to satisfy the objectives of Part D3.11 of the P21 DCP.

### **Conclusion:**

Thank you for providing the applicant with the opportunity to respond to your concerns regarding this proposal. You will appreciate that the amendments that have been made are significant and will have an impact on the amenity of the dwelling house and the owners' aspirations for their home but have been made to ensure that an appropriate planning outcome is achieved that meets the objectives and, to a reasonable extent, the numerical requirements of the planning controls.

If you have any questions please feel free to contact me.

Yours sincerely,



Geoff Goodyer  
**Symons Goodyer Pty Ltd**

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