
Sent: 3/06/2019 1:37:58 PM

Subject: Late Submission to DA2019/0395 dwelling on Lot 3 at 7 Trentwood Park,
Avalon

Attachments: Objection to DA2019 0395 Construction of dwelling on Lot 3.pdf;

Dear Sir/Madam,

Reference is made to the above DA for

Please find our letter of objection to the above DA, attached.

Thank you,

Kind regards,

Elizabeth and Inge Sodahl

The General Manager
Northern Beaches Council
Mona Vale NSW 2103

Attention: Ms Claire Ryan,

DA2019/0395 – Lot 3 Construction of a dwelling house

Subdivided under Lot 1 DP 202857,
7 Trentwood Park AVALON BEACH NSW 2107

Reference is made to the Land and Environment Court ruling under Appeal No. 2017/00202349 under DA N0530/15 approved for subdivision of one lot into 3 lots and the construction on Lot 3 of a new 2/3 storey dwelling, to be sited on the westerly side of the lot at the highest elevation, oriented north west, towards our house.

We are the owners of 43c Chisholm Avenue, Avalon, a split-level timber house on a 1250 sq. meter sloping block, situated next to the proposed dwelling for Lot 3 at No. 7 Trentwood Park. Our home features open windows, which were designed to take in filtered light between trees, and the lovely treed surroundings, which provide great amenity. Also, large and currently private rear deck areas, which service our bedroom, and living areas.

Incompatible height and scale facing our property and privacy loss:

The site plan and site analysis for the build does not clearly show the actual relationship between the houses and the impact it will have on neighbouring dwellings. The overly large dwelling will change the existing character of the area. It is noted that “windows” are indicated on the site plan of our house but fail to impart the full negative impact of privacy loss.

The proposed height and scale of the dwelling is amplified due to its position on the higher level of a very steep slope. The orientation of the new dwelling and its design, which contains elevated deck areas, is angled towards us. Due to their close proximity, these outdoor open space areas will have the potential to view directly into our private and living area windows.

In this regard, it is noted that the orientation is not sympathetic to the established pattern in the street and adjacent blocks and contributes to unacceptable and unreasonable loss of amenity and privacy as is described below. An east/west orientation similar to neighbouring properties would still allow district views and sun without turning the house towards us and would lessen direct overlooking. The siting, which looks towards us, is unreasonable and does not adequately off set windows and balconies so as to prevent impacts to our windows.

Pittwater 21 DCP for Avalon Beach Locality, D1.9 Side and Rear Line advises that the bulk and scale of built form be minimized. However, the built form at 290 sq. meters with five bedrooms and studio is far larger than most houses and surrounding development. It dominates the setting. Due to the scale and close proximity to our windows, it will cause significant visual impact and will unreasonably impact upon the privacy and amenity of our living areas and on our decks.

We are concerned that the applicants are varying the Conditions of Consent by a different scale and type of development. The LEC consent included conditions, which specified the size of the footprints that would be acceptable for this land Condition F10. The new dwellings should be expected to comply with these conditions, which have formed the basis for the type of development, which could be considered appropriate and supportable for this site (in recognition of its setting).

We would also like to request Sectional drawing of the house be made available to confirm the building height.

Due to its orientation, both its northwest side view as well as the front of the dwelling overlooks our house at 43c Chisholm Avenue. Pittwater 21 Development Control Plan, Section C1.5 Visual Privacy specifies that direct views from upper level of a dwelling shall be designed to prevent overlooking - to diminish the impact of direct overlooking and harm to visual privacy. Although the side of the dwelling is located 12 metres from our south facing rooms, it does not diminish the fact that there is a clear view into our private living spaces due to removal of trees and vegetation.

We value our privacy and feeling of separation and we wish to preserve the privacy and amenity of our house. In line with planning controls we expect a considerate and reasonable design response to our windows and internal and external living spaces as well as appropriate spatial separation in this location, which has long enjoyed well-spaced homes.

The height of the proposed house above ours will exacerbate the impact and would be inadequate for any effective landscaping to reduce these unreasonable impacts.

We submit that in accordance with the LEC adopted Privacy Planning Principles (*Meriton V City of Sydney Council (2004) NSWLEC 313*) that Council consider the following in the assessment of privacy impact on our property:

Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration density, separation, use and design. The following principles may assist.

The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.

Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)

The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.

Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.

Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.

Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.

Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.

In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.

The External Plans in the DA from the northwest side section of the dwelling show there will be a full, direct view from the following areas:

- (a) The large floor to ceiling right angled bedroom windows on the upper level;
- (b) The kitchen window (while seated and standing) on the upper level;
- (c) The large elevated circular wraparound deck that extends from one side of the house to the northwest side of the house, facing our house and
- (d) Lower level windows.

There is an unacceptable level of impact on privacy and amenity to our south facing private living areas as follows:

- Upper floor study with wide south facing window size 2.40cm x 1.05 cm. Visibility flows into an open upstairs area adjoining bedrooms;
- Upper floor bathroom, floor to ceiling window size 210 x 85 cm;
- Lower level art room with large/wide south facing window size 2.80 x 1.45 cm. Visibility flows into kitchen area;
- Both our upper and lower outdoor living deck;
- Entrance to house via front entrance deck.

Please refer to the attached photographs, which detail the areas of the impact and the closeness of the elevated areas to our windows.

The proposed dwelling is considered to be located too close to allow reasonable privacy amelioration (irrespective of numeric setbacks) and the orientation of areas towards us is not considered responsive or equitable. There is not considered to be any amount of landscaping which could mitigate these physical/spatial/scale impacts.

Our private open space/living areas should be given the highest level of protection and the design and Site Analysis should consider and respect our windows and ensure that windows do not interface and that deck areas are also offset to protect privacy. The proposed elevated windows, doors and decks will allow views between the houses.

It is considered that insufficient separation is provided to mitigate impact and that this impact could be resolved via a more compliant and considerate design, potentially with improved landscaping and less decks/glazing to impose. The privacy impact is not considered to be at a level, which is reasonably expected by the design guidelines (appropriate height, style and envelope).

To ensure a reasonable level of privacy and amenity we request:

- The kitchen windowsill height to be raised to 1.7m and depth increased to avoid overview.
- The right-angled bedroom window facing our side to be redesigned to avoid overview and louvers are installed.
- The large wraparound elevated deck be front facing only. The elevated circular wraparound deck impacts on our outdoor living area. Decks to incorporate privacy screens. It is noted that views from the proposed front and wraparound side decks overlook our upper level study and open space, bathroom, and the lower level art room from which has a view into our kitchen.
- The orientation of the dwelling is altered to sit east/west to reduce impact on loss of privacy to our living areas.

Visual Impact and preservation of equitable area views: There has always been a large, spacious and 'treed' natural setting area between 43C and 43D Chisholm Avenue. This open and landscaped setting is special and unique to this area. It contributes to the Avalon Beach area character. As long-term residents, we love the feeling of space and the trees and greenery we have enjoyed and the substantial space between homes. This spatial separation has drastically changed having regard for the 3 lot subdivision and stands to be further adversely impacted by the proposed additional lot and larger proposed dwellings.

The area (now Lot 3) was natural bushland and previously provided complete privacy due to high number of trees and vegetation, which did not allow visibility of another house. However, the habitat has since changed allowing for clear visibility. The court approval was clear on the scale of houses, which would be considered acceptable and was clear that the site should be re-landscaped to protect the character and to manage vegetation removal and to replenish landscaping. We are of the view that the current proposal is inconsistent with the conditions of the court approval and should not be approved given the cumulative negative impacts (also considering the other DAs and Mod), which were not envisaged. We value and wish to preserve the amenity and the privacy of our living areas.

Visual harm from Driveway to Lot 3: There is a high probability, given angle and slope of driveway that vehicles entering into Lot 3 at night will shine their headlights directly into all our private/south facing windows and deck. There is lack of amenity in the design of the driveway in relation to the neighbouring property. Shining of headlights into our private areas is an unacceptable loss of privacy and harm to amenity.

Tree removal and replacement: The court consent requires replacement planting at a ratio of 3:1 for every tree removed due to civil works, including construction of the access driveway and services to be located outside construction zones and building envelopes to ensure survival. Location of new trees should also be in accordance with the Bushfire requirements of the site. The trees are to be retained for the life of the development. Please advise how this will be monitored given these new applications.

Fencing: Colour bond fence is to be placed at the side boundary, Pittwater DCP D1.15/16 states fencing is to be constructed of open, see through, dark coloured materials to avoid impact to wildlife. Colour bond fencing at the height of 1.7 m in close proximity to our house will cause loss of natural light in lower level south facing rooms.

Built form: We consider that the proposed footprint for Lot 3 is larger than approved and would appear to encroach further into tree protection area. There appears to be variation to the conditions of consent plan approved under N0530/15 by replacing what was approved with a new set of conditions. The SEE does not address issues associated with very large excavation works, ecology, impact on trees, changes to water flow, visual impact from digging into the ground, sediment and soil erosion. It does not address the built form on its relationship with neighbouring properties including the overview and its bulk form.

To better understand the impact of this house which will present as a high structure from our perspective, we request that a building profile be provided using height poles to demonstrate the impact of the finished development view lines to affected neighbours.

Thank you for considering our points. We request that to clearly understand the development from our perspective that Council's Planning Officer(s) come for site inspection. We would be happy to facilitate this and to discuss any of these matters.

Yours sincerely,
Elizabeth and Inge Sodahl
43c Chisholm Avenue
Avalon



View from lower level art room looking at 43 D Chisholm. Overlooked by Lot's proposed 2/3 storey dwelling.



View from study on upper level. Will be overlooked by Lot 3's dwelling.



View from study on upper level towards proposed Lot 3 dwelling. House seen is Lot 2 dwelling. Overlooked by Lot 3's proposed dwelling.



View from art room towards proposed 2/3 storey Lot 3 dwelling. 43D is at top of photo. Overlooked.



View across block towards proposed Lot 3 dwelling and its driveway + proposed boundary Lot 4.



View from study towards lower part of proposed Lot 3's proposed 2/3 storey dwelling and its driveway. This view also reflects the top of additional subdivision of Lot 4 boundary .



View to 43D Chisholm from study. Overlooked from Lot 3's proposed 2/3 storey dwelling.



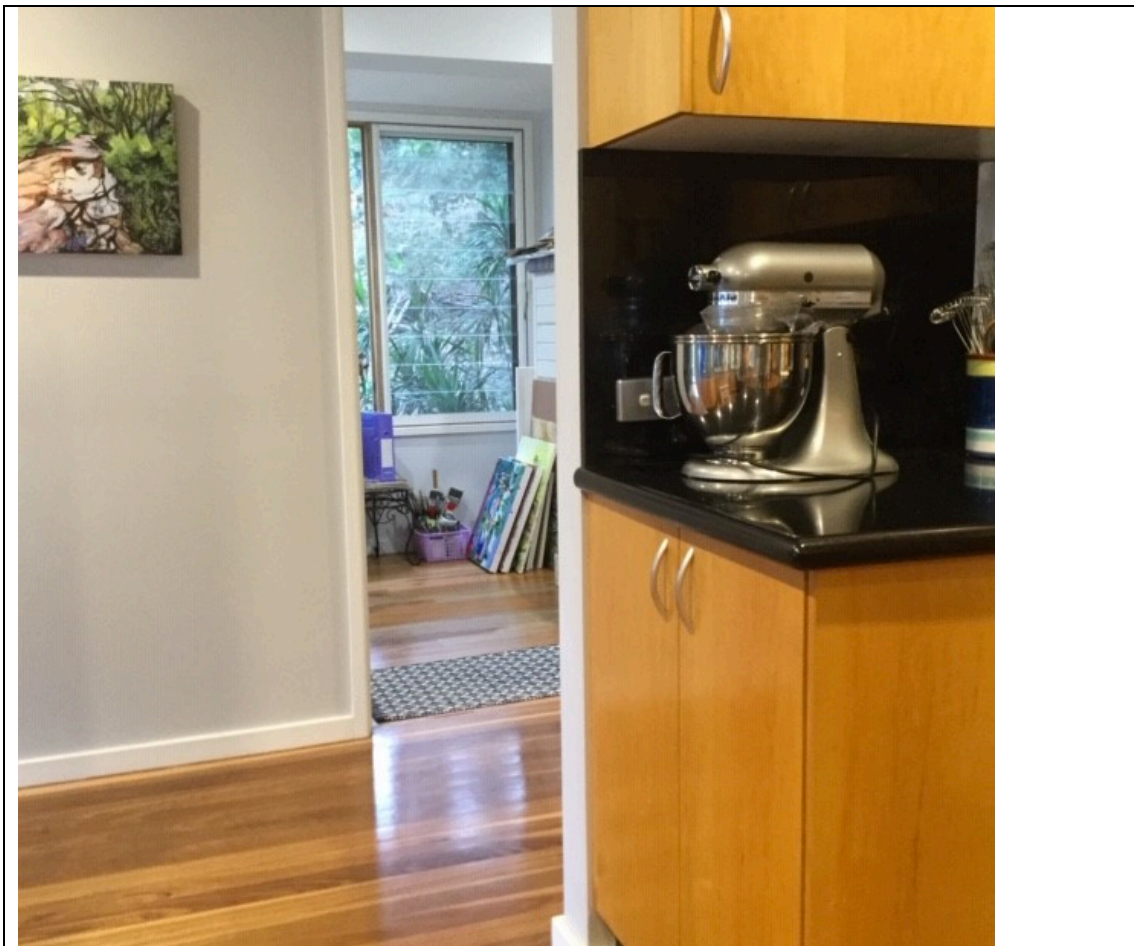
View from art room. Proposed Lot 3's elevated deck, kitchen and bedroom window will view directly into room, (reddish angophora in middle is indicative of deck)



43d Chisholm front deck and entrance. Overviewed from proposed Lot 3's dwelling.



View of study from the open area next to bedroom door. Overview into study and this area from Lot 3's proposed dwelling.



View from kitchen to windows in art room. Overview into kitchen from Lot 3's dwelling



View from study towards proposed Lot 3's elevated deck and angophora. Overview into this room from Lot 3's proposed dwelling



Bedroom deck. Overlooked by Lot 3's proposed dwelling's elevated wraparound deck. Proposed subdivision's Lot 4's top boundary starts just past this point. Refer to notification plan DA2019/0395



View 2 from our main deck. Lot 3's elevated wraparound deck will overlook our deck due to orientation of proposed build. This view looks towards proposed subdivision Lot 4's top boundary



View from outside art room; angophora in middle of photo is indicative of where build will reach. Lot 3's elevated wraparound deck, kitchen window and large bedroom windows will look directly into this area.



Side view of Proposed Lot 3 's dwelling. Image does not reflect actual orientation towards our house