

Malyar & Jella Dehsabzi  
12 Linkmead Avenue,  
Clontarf NSW 2093

Mr Benjamin Price  
Development Assessment  
Northern Beaches Council  
PO Box 1336,  
Dee Why NSW 2099

*Via email only:* [benjamin.price@northernbeaches.nsw.gov.au](mailto:benjamin.price@northernbeaches.nsw.gov.au)

Dear Mr Price,

**RE: Proposed Development, Application No. DA2018/1459 at Lot 64 DP 7532 10  
Linkmead Avenue CLONTARF**

We wish to make you aware of a number of strong objections that we have with regard to the above proposed Development Application made to council by Mr Simon and Elena Burchett.

As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have an unmitigated adverse impact on the basis of views, natural light and valuation of our property. Our specific objections are as follows:

1. Detrimental impact upon residential amenities

The proposal would demonstrably harm the comforts enjoyed by residents of our household which are the following:

- Natural light (see point 2);
- Obstructing iconic waterviews of middle harbour;
- Obstruct the spit bridge view;
- blocking sunset views (see point 2);
- cast shadows over our property, particularly living spaces and bedrooms;
- Will exceed height restrictions (see point 5); and
- The right to enjoy a quiet and safe residential environment free from apprehensions of privacy

2. Loss of natural light

The proposed development application is at such an elevation that the primary amenity area of our living area, master bedroom. Pool, terrace and deck area would be severely affected by shadow casting particularly in the winter solstice. Unfortunately our house is designed in a manner that we get minimal sunlight during the winter

months. The proposed height will cast a greater shadow on our property, consequently affecting our energy bills.

Furthermore, the design of the proposed development does not afford adequate consideration for natural light on our main outdoor seating area. The height elevations will affect winter sunlight as well as evening sunlight throughout the year. Subsequent to the development our property will not have any sunset views from the first two floors and the top floors view and natural light will also diminish.

occupants of our household take genuine benefit of the southwestern sunlight throughout the year as our prime decking and terrace areas are on that side of the building. Currently we only get a few hours of sunlight on and around our pool decking area. If the proposed development is permitted our natural light will be severely affected as even a couple hundred millimetres will crucially minimize our sunlight. We would urge you to consider our rights and the responsibilities of the council in this regard.

### 3. Damaging impact on our views and consequently the value of our property

In December 2015, we purchased our property with great admiration of the water views in particular on entrance, from the living area, master bedroom and poolside; all these views will be profoundly affected.

Our primary water views throughout our household and especially our living room come from looking over the top of 10 Linkmead avenue, even the slightest of elevations of its roof top will be detrimental to our iconic waterviews of middle harbour. Most of the hours our family spend at home are in our main living area with all our furniture and seating arrangements facing the water. As we normally sit down looking at the views a large part of our views are already obstructed by 10 Linkmead Ave and we only get partial water views looking over the roof of the adjacent property.

since the height poles have gone up we have realised the diminishing extent of the proposed developments. From our master bedroom we have slight views of middle harbour, also through looking over the adjacent property. A large reason why we paid a premium for our property is due to its living room and master bedroom water views. Unfortunately, if the proposed developments gets accepted our living area views will be affected severely and we will have little to no water view from the any bedroom

when we first inspected our property in 2015 we had a large admiration for the first impression that it makes, as you enter through the right side of the foyer area u can see a tiny amount of the glistening middle harbour, also over the neighbouring properties roof. The proposal will completely get rid of this view.

Ultimately, we believe if the proposed plans for 10 Linkmead avenue are accepted it will unsympathetically influence the value of the house. Our property value and allure is greatly accentuated by its views of middle harbour and spit bridge. Any adverse effect to these views will disturb not only our residential environment but our financial condition.

#### 4. Loss of privacy and overlooking

The proposed bridge of the property does not afford adequate privacy for the occupants of the building particularly with regard to three of our bedrooms which all have windows facing our foyer. The proposed bridge will give the neighbouring property a greatly raised viewing angle of our foyer, which will very easily allow the neighbours to have a very clear view of the inside of our master bedroom, daughter's bedroom and studio.

We would like to add that although we don't have major hesitations that the current neighbours will be breaching our privacy. however, despite our pleasant relationship with Simon and Elena, it's our desire to feel safe and maintain our private space.

#### 5. Non-compliance with rules

*Manly Local Environmental Plan 2013, Clause 4.3, Height of buildings*

*(1) The objectives of this clause are as follows:*

*(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

*(b) to control the bulk and scale of buildings,*

*(c) to minimise disruption to the following:*

*(i) views to nearby residential development from public spaces (including the harbour and foreshores),*

*(ii) views from nearby residential development to public spaces (including the harbour and foreshores),*

*(iii) views between public spaces (including the harbour and foreshores),*

*(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

*(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

We believe that the proposed development is a direct contravention of the above-mentioned Clause 4.3, as it exceeds the height restrictions. As illustrated in the table below, the maximum building height proposed is 9.25 meters which is a violation of Clause 4.3.

CLAUSE	CONTROLS	PROPOSAL	COMPLIANCE
<b>4.3 Height of Buildings:</b>	Maximum Building Height = 8.5 metres	Maximum Building Height: 9.25 metres No	No

We request that due diligence be observed during construction to ensure that our home is not impacted by any building work and additional structure being added to our neighbour's home.

We would be grateful if the council would take our objections in particularly for the height of the property into consideration when deciding this application. We would also welcome the opportunity to meet with the architect or other representative of the planning department at our home to illustrate our objections at first hand.

We are available at any time of your earliest convenience.

Yours faithfully,

Malyar and Jella Dehsabzi

*CC: Mr Simon and Elena Burchett  
10 Linkmead Avenue,  
Clontarf NSW 2093*