
Sent: 31/03/2020 4:39:49 PM
Subject: Objection letter to DA2020/0214 - 20 Palm Beach Rd, Palm Beach
Attachments: DA2020-0214 - 20 Palm Beach Rd - Objection.pdf;

Good afternoon,

please find attached our objection letter submitted on behalf of the owners of no.16 Palm Beach Road to development application DA2020/0214 - 20 Palm Beach Rd, Palm Beach, within the notification period that end on 1/4/20.

Thank you.

Kind regards,

Ines Klein
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PO box 28
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+ The General Manager
Norther Beaches Council
GPO Box 82, Manly NSW 1655

31 Mar 2020

council@northernbeaches.nsw.gov.au

**Re: Objection to the proposed redevelopment of 20 Palm Beach Road, Palm Beach
(DA2020/0214)**

I have been asked by the owners of no.16 Palm Beach Road, Palm Beach to lodge an objection on its behalf to the above development application.

The proposed development will have a substantial impact on the amenity of the residents of 16 Palm Beach Road, which adjoins the proposed development. It is submitted that the proposed development does not comply with the statutory controls for the site, or Council's own planning controls, and is not in the public interest. The proposal will create unacceptable amenity issues for the residents of 16 Palm Beach Road in terms of further loss of privacy and a further reduction in solar access to habitable areas of the adjoining dwelling.

Proposed Development

The development is local development and Northern Beaches Council is the consent authority.

The main elements of the proposed development, which is in the E4 Environmental Living Zone of the *Pittwater Local Environmental Plan 2014* (WLEP) and of the Pittwater DCP, is described in the SEE in the following terms:

- *The demolition of the skillion roof form which sits over the south eastern corner of the building;*
- *The replacement of this section of the roof with a vaulted roof form which will be carried through from the front of the dwelling at the same ridge height. It will complement the existing roof of the building;*
- *A small area of new roof within the centre of the building*
- *The creation of habitable floor area within the roof area due to increased head heights within the roof space;*
- *Some changes to openings*

In 2007 a development application was lodged for a development which also included a vaulted roof that extended over the terrace. The roof height in the 2007 application also exceeded the height control and was subsequently refused by Council.

Reasons for Refusal

The reasons why Council should refuse this application are as follows:

1. The development departs significantly from Council's planning controls;
2. The proposal is an overdevelopment of the site; and
3. The proposal is not in the public interest.

In the PLEP there is a development standard at clause 4.3 for the maximum height of a building, which for the subject site and the surrounding lands, is 8.5m. The accompanying SEE indicates that the proposal is not compliant with this development standard. The proposed height of the development is 10m, which is a significant departure from the standard.

The application contains a written justification at Appendix A for the departure from the development standard. The written justification mentions that the site is steeply sloping and a reason for the departure from the standard; however, the departure from the standard has the effect of increasing the height, bulk and scale and hence impact of the development. This is not a valid reason to vary the standard. Indeed, one of the objectives for the imposition of the standard is to encourage buildings that respond sensitively to the natural topography.

The justification contains the following assertion in section 4 of Appendix A that the proposal:

does not result in adverse impacts to any surrounding property

This assertion is patently incorrect. The development will have adverse impacts on the adjoining property in terms of loss of privacy and a reduction in solar access as demonstrated in the following diagrams.

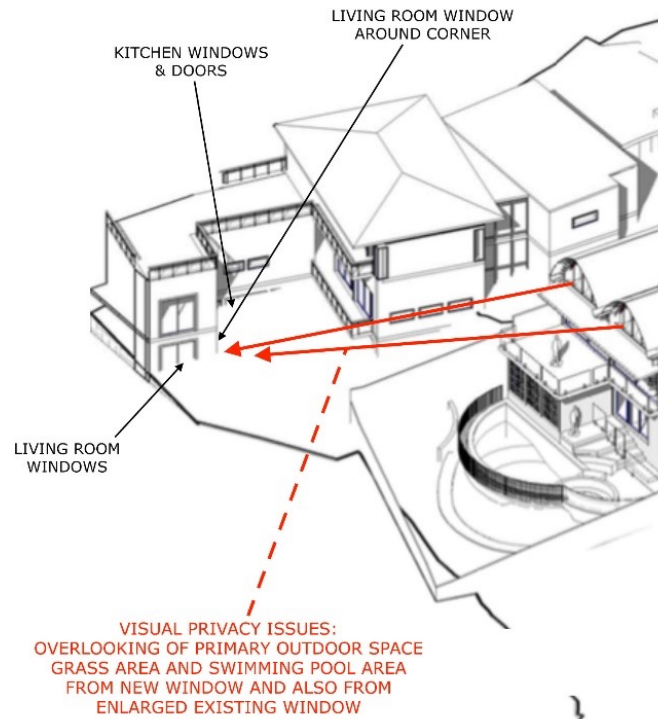


Figure 1 Loss of Privacy

As shown in Figure 1 there will a loss of privacy to the adjoining living room and outdoor living area from the proposed enlargement to existing windows and from the new windows.

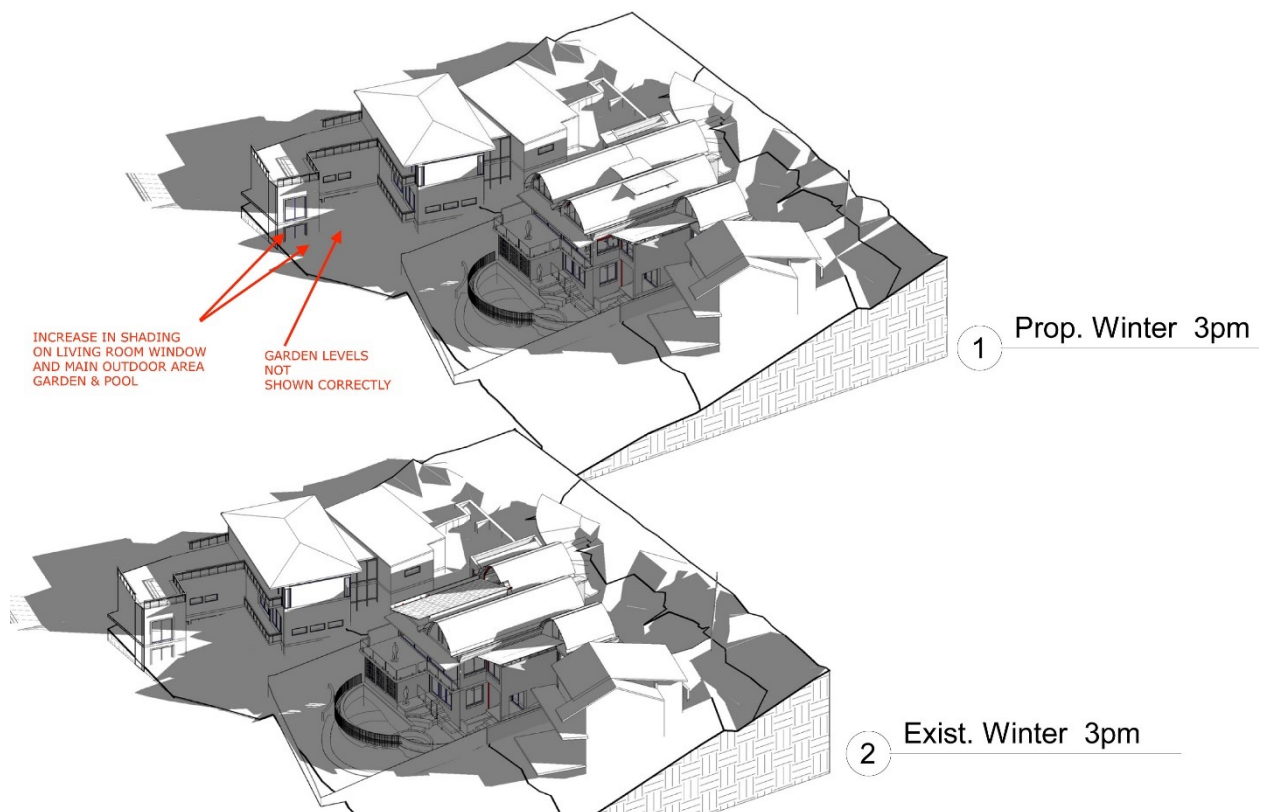


Figure 2 Loss of solar access in Winter

As shown in Figure 2 the ground floor living room and the adjoining areas of open space (garden grass area & swimming pool) will experience a substantial reduction in solar access in winter when it is most needed.

It is submitted that the justification provided does not provide a valid reason for Council to vary the development standard because of the extent of the variation and the adverse impact it will have on the amenity of the adjoining residents.

The SEE also contains an assessment of the requirements of Council's development control plan (PDCP). It is conceded by the applicant that the proposed building envelope is non-compliant in terms of height and roof pitch. However, the departure is not justified in any way. While it may be argued that the departure from Council's planning control is relatively small, the cumulative impact is significant in terms of amenity impacts on the adjoining resident and the visual impact on the locality. This clearly demonstrates that the proposal is an over development of the site.

In general, the modification of a dwelling in a residential area is clearly in the public interest. However, it is not in the public interest to create an over development of the site and which departs significantly from Council's own development standards and planning policies. It would be a perverse planning decision to allow the development when it departs from a major planning control in the PLEP and PDCP.


Summary

In summary, it is submitted that Council should refuse this development application on the following grounds:

1. The proposal fails to achieve Council's well established planning principle for height. Council has a responsibility to support its own controls to ensure the protection of the environment and amenity of adjoining residents. Council has previously refused an application for the redevelopment of the site that exceed the height control with similar impacts and should therefore be consistent in its determinations; and
2. The departure from the height control also increases the floor space – thereby increasing both the scale and bulk of the building. This represents an over development of the site; and
3. The proposal is not in the public interest.

Should clarification be required on the above submission please do not hesitate to contact the undersigned on 0424-602461 or email to: ines@uibuildingstudio.com

Yours sincerely



Ines Klein

Director
U+I Building Studio