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To: DA Submission Mailbox
Subject: Online Submission

14/07/2022

MR Gary and Araxie Sghomonian
3 Cadow ST
Frenchs Forest NSW 2086
[REDACTED]

RE: DA2022/0959 - 5 Cadow Street FRENCHS FOREST NSW 2086

Assessing Officer Kye Miles,

A few key concerns we have regarding the proposed development (DA2022/0959), outlined below.

1. Rear setback non-compliance (2.762m instead of 6m)

The proposed first floor, which is in breach of the 6-metre setback called for in the DCP; adversely impacts our home by way of:

- Creating excessive overshadowing into our otherwise sunny north facing private open space (yard) as well as our public and private living spaces along the North facing façade of our home,
- Results in excessive bulk and scale seen on the 'South Elevation' by Action Plans, dated 7 April 2022,
- Does not enhance privacy between buildings, and
- Excessive view loss over the valley and beyond, with very minimal (if any) view sharing opportunities leftover.

While Watermark Planning's SOEE (dated May 2022) notes existing patterns of 46 and 48 The Esplanade, these are corner blocks and cannot be used as fair comparables given the nature of setback controls applicable to corner lots (differing and not applicable to 5 Cadow Street).

We request the proposed development be redesigned to comply with the 6-metre rear building setback stipulated by Council's DCP to reduce the adverse impacts noted above, caused by the current demonstrated non-compliance.

2. Bulk and Scale of the Development

The bulk and scale of the development, predominantly due to the rear setback non-compliance, adversely impacts our home by:

- Not providing equitable access to light, sunshine and air movement,

- Does not facilitate view sharing of which we will lose most of over to the valley towards Ku-ring-gai Chase National Park (photographs can be provided for a photomontage be created),
- Does not maintain adequate space between 48 The Esplanade, 5 Cadow Street and 42 Dundilla Road, impacting views and vistas from our private bedrooms, as well as public living and backyard spaces.
- Reducing the sense of openness in our rear yard, with the non-compliant landscaped open space area further exacerbating the proportions of built form vs vegetation/open landscaped space.

Again, we request the proposed development be designed within the setbacks permissible by Council's DCP, instead of breaching them - to minimise the bulk and scale of the proposed development - an objective of setbacks rules.

3. Overshadowing

The proposed shadows, as seen on drawings, 'DA12, DA13, DA14' by Action Plans, dated 7 April 2022, will see:

- The majority of sunlight to our private open space (backyard) be in shade,
- Our living spaces in shade, with no provisions for direct sunlight for 3 hours of the day (between 9am-3pm, Winter Solstice).
- The Shadow Diagram drawings do not accurately portray the extent of 'proposed shadows' on our house/roof - but rather stop at the building line.

We would like to see more accurate shadow diagrams, 3D perspectives and/or a North Elevation of our house, that demonstrates the impact the proposed addition will have on solar access to our north-facing windows as well as our backyard and clothesline area, our only private open space. This would preferably be done once the first-floor addition has been redesigned to be within the 6-metre rear building setback permitted by Council's DCP.

4. View Loss

'Watermark Planning' note the following in their Statement of Environmental Effects, dated May 2022:

"A site inspection of the subject site has been undertaken and it is considered that no views will be impacted as a result of the proposed development."

We do not believe the statement above to be true and accurate. To fully understand the impact of the first-floor addition, one must understand we currently have distant views over to and beyond the valley to Ku-ring-gai Chase National Park. We welcome Northern Beaches Council, Watermark Planning, and/or the Applicant visit our home to best understand the impact the proposed will have in the way of view obstruction - the rear setback non-compliance further reducing our rights to view sharing and loss the development will have on our property. We are happy to provide photographs to best assist Council in making their informed decision and recommend height poles be erected to best understand the impact the addition will have, firsthand.

One of the key reasons for purchasing and building our house in 1984, was for the distant views the site and its geography lends itself to. Indeed, we are happy to share some of those

views, however we do believe we have a right to have them shared/maintained in return. The proposed development will see most of our views lost - and Council permitting a non-compliance to the setback requirements will see this right inequitably compromised.

In conclusion, we kindly request a close review on the adverse impacts the proposed development will have on 48 The Esplanade (also known as 3 Cadow Street), in respect to the rear setback non-compliance proposed, the bulk and scale of the development, overshadowing and view loss. Should you require additional information supporting that mentioned, please feel free to contact me on the mobile.