
Sent: 24/09/2021 7:48:15 AM

Subject: DA2021 1408 - 16 Addison Rd, Manly - Objection

Attachments: DA2021 1408 – 16 ADDISON RD, MANLY – NEW DWELLING - OBJECTION
130921.pdf;

Dear Sir or Madam:

Please see attached our submission in response to the notification of
DA2021/1408 prepared on behalf of the owners of 14 Addison Rd, Manly.

Regards

Tony Robb
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7 September 2021

General Manager
Northern Beaches Council
1 Belgrave Street
MANLY NSW 2095

Dear Sir or Madam:

RE: DA2021/1408 – 16 ADDISON RD, MANLY – NEW DWELLING - OBJECTION.

We have been engaged, in a town planning advisory capacity, by the owners of 14 Addison Road, Manly, located to the immediate south-west of the development site.

Our services have been requested to review the Development Application (DA2021/1408); to assess any likely impacts the proposal may have on their property and amenity; and, to prepare a planning submission on their behalf to Council.

HEADS OF OBJECTION

1. Accuracy of Plans

The “Existing building outline” shown as a yellow dashed line on the submitted plans does not appear to accurately correspond to the actual existing building configuration. This has the misleading effect of how the proposed footprint relates to the existing footprint and we request that Council staff review the accuracy of how the existing building is delineated on the plans when conducting a site inspection.

The photomontage shown on the cover page of the architectural drawings is considered to be misleading since it shows a solid wall on the south-western side of the three-storey rear portion of the proposal which is in effect a glazed box without any solid walls.

The wall shown in the photomontage may be the wall adjacent to the internal stairs which is setback ~2.5m from the rear glazed elevation but the angle of the perspective gives the impression of a solid wall for the entirety of that elevation. This is not the case. Refer to Figure 1 below.



Figure 1: Extract submitted photomontage Source: Patterson Architects

We also bring to the attention of Council an annotation on the proposed Ground Floor Plan which is either incorrect or misleading. Refer to Figure 2 below.

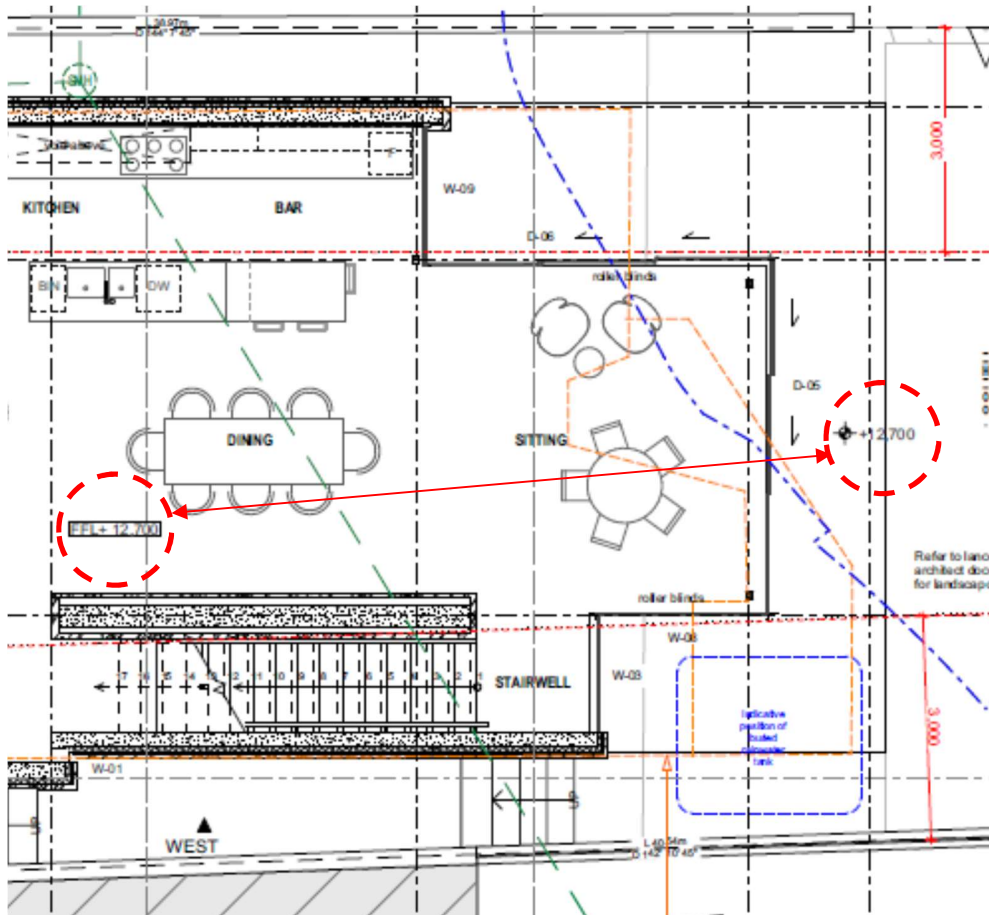


Figure 2: Extract proposed Ground Floor Plan

Source: Patterson Architects

The proposed ground floor plan shows a floor level within the building of RL12.7 and another level to the east of the building footprint of RL12.7. This indicates that the floor level extends to the east beyond the Sitting Room but no balcony is proposed. This anomaly needs to be corrected to ensure the plans are consistent with the elevations and the annotation is not used to support the construction of a balcony which does not appear on the elevations and sections.

This confusion related to a foreshore facing terrace at ground level is further compounded by the Diagram in the SEE at Section 7.1.6 used to discuss view impacts. The plan extract used is shown to be at ground level and shows a terrace facing the foreshore. This is inconsistent with the Ground Floor Plan and the elevations and sections. Refer to Figure 3 below.



Figure 3: Extract Diagram 1 Section 7.1.6 SEE

Source: Symons Goodyer Pty Ltd

Further anomalies exist in terms of the description of the development in the SEE as having two terraces at this level and that the windows facing east are sliding windows (Windows D5 and D6). A terrace at this location would be entirely unacceptable in terms of privacy impacts and inconsistencies with the objectives of the foreshore building line.

2. Privacy

The proposed rear three storey entirely glazed element and the side window at first floor level will impose significant privacy impacts to the principal living area and family room within 14 Addison Road and is of great (and understandable) concern to our client.

We understand the desire of the proponent to maximise views, but this should not be at the expense of neighbouring residents. The proposed location and design of the three-storey glazed element at the rear of the new dwelling is considered to be entirely unacceptable in terms of privacy impacts.

The principal living room at 14 Addison Road has a glazed roof window/skylight in proximity to the boundary interface of 14 Addison Road and the development site. Refer to Figures 4 and 5 below.



Figure 4: Roof window 14 Addison Road

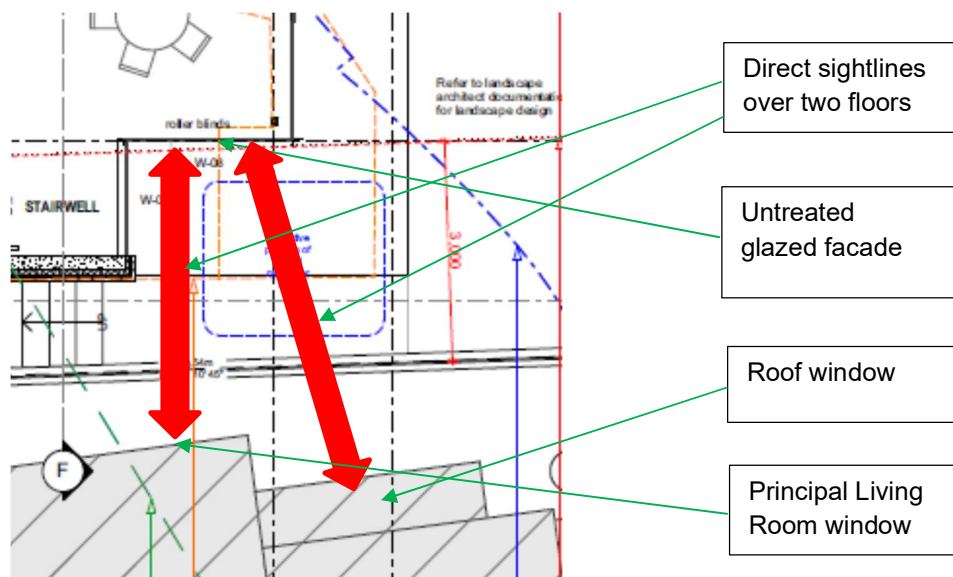
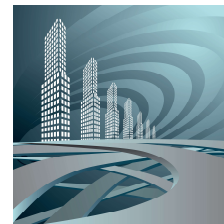


Figure 5: Relationship between glazed façade and neighbouring windows. Source: Patterson Architects



Due to the facades of the rear portion of the proposal being comprised entirely of glazing there will be direct, unscreened sightlines between the proposed master bedroom and living room and the principal living space, and family room within 14 Addison Road – an unacceptable outcome for both parties.

A significant view available from my client's property is the outlook towards Little Manly from the rear terrace areas at ground floor and first floor levels. Overlooking to the proposed master bedroom from the rear first floor terrace at 14 Addison Road will be unavoidable when enjoying the existing view to Little Manly.

The distance between the proposed glazed façade and the affected windows at 14 Addison Road is ~5m which is not adequate.

We disagree entirely with the statement in the Executive Summary of the submitted SEE: *"Improving privacy has been a primary consideration in the design of the dwelling house and side-facing windows are minimised."* The three-storey element at the rear of the proposal comprises floor to ceiling glazing on both sides and does not "improve privacy" On the contrary it introduces significant privacy impacts.

The Executive Summary of the SEE also states: *"The proposal will provide excellent amenity for the future residents of the dwelling whilst maintaining the neighbours' amenity"*. This is not considered to be the case. The proposed development will indeed provide excellent levels of amenity for the future residents but this will be at the expense of the owners of 14 Addison Road due to the significant privacy impacts the non-compliant (wall height and no. of storeys) rear glazed element will introduce.

3. Foreshore Building Line

The proposed encroachment beyond the foreshore building line does not satisfy the objectives of this provision in terms of impacts on amenity and the compatibility of the structure in terms of appearance.

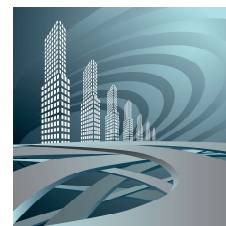
Clause 6.10 allows for the *"extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area"*.

The existing development encroaches beyond the foreshore building line for an area of ~1sq.m over 1 storey. The proposed development encroaches beyond the foreshore building line for an area of ~2.5sq.m over 3 storeys.

Clause 6.10 of the LEP states that consent must be granted unless the development will:

- *"contribute to achieving the objectives for the zone in which the land is located, and*
- *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, ..."*

The proposed development is considered to be inconsistent with the objective of the zone which seeks to *"ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses"*, due to the height and bulk of the rear portion of the building breaching both the no. of storeys control and the wall height control and by introducing significant privacy compounded by these non-compliances.



The proposed development, specifically the entirely glazed rear component is not considered to be compatible with the surrounding area in terms of appearance and in light of the privacy related impacts it will introduce. It is accepted that the part of the building which encroaches beyond the foreshore building line will not introduce any direct impacts on 14 Addison Road, but the non-compliance enables the proposed footprint which does introduce the impacts which would not be viable without the proposed encroachment.

The excessive use of glazing is not considered to result in a visual outcome which is compatible with the area. We understand the desire to maximise views but the proposed three storey glazed box is an uncharacteristic element which will result in significant and unacceptable privacy impacts.

4. Wall Height

The proposed breach to the wall height control contributes to the significant privacy related impacts. As shown in Figure 6 below, the glazed room (master bedroom) on the first floor at the rear sits almost entirely above the 7.2m wall height control.

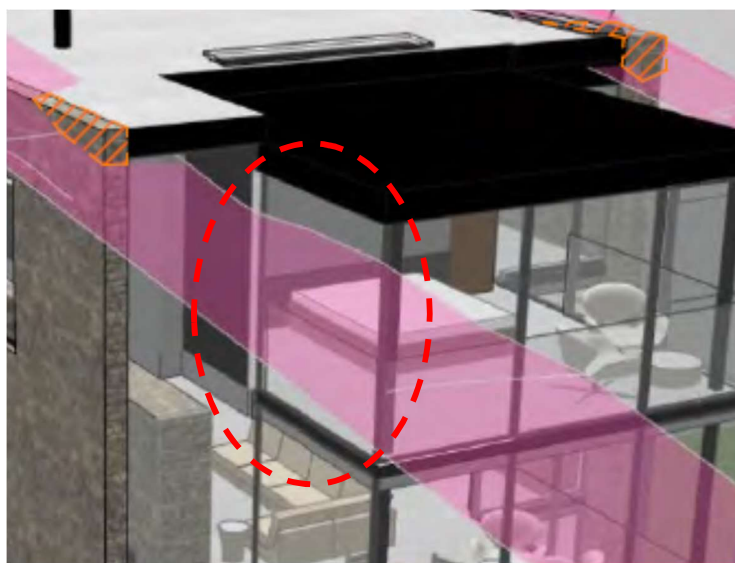


Figure 6: Extract Wall Height Compliance Diagram Source: Paterson Architects

This glazed element is almost entirely beyond the wall height control and is considered to be unacceptable and incapable of justification on a merit's basis given it a significant source of overlooking. Refer to Figure 4 above)

5. No. of Storeys

The proposed breach to the No. of storeys control contributes to the significant privacy related impacts. Since the third storey portion at the rear of the proposal fails to comply with this control and the wall height control and is a source of significant privacy impacts, this element is considered to be entirely unsatisfactory.



6. Side setbacks

The proposed non-compliance with the side setback control cannot be supported on the basis that it may be consistent with the related objectives which seek to provide for privacy and equitable access to light, sunshine and air movement. This is not considered to be the case in this instance.

There are windows on both side elevations which are located above the maximum wall height control. The window on the west elevation is deemed to be satisfactory in the submitted SEE since it is located at a relatively higher level than the stairs directly below. Refer to Figure 7 below.

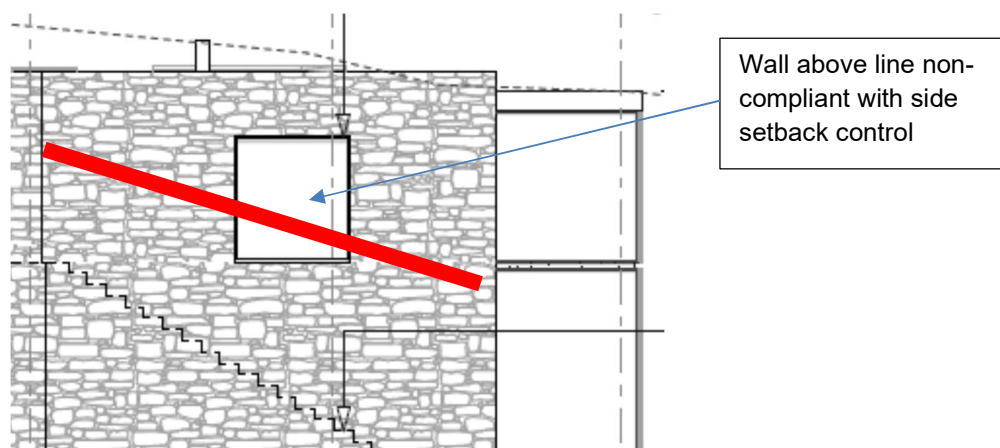


Figure 7: Extract West Elevation

Source: Paterson Architects

The siting of the window at a relatively high position above the stair below does not satisfactorily mitigate privacy impacts since there will be direct sightlines from higher level stairs and the first-floor level to the windows leading to the primary living space and family room at 14 Addison Road. Refer to Figure 8 below.

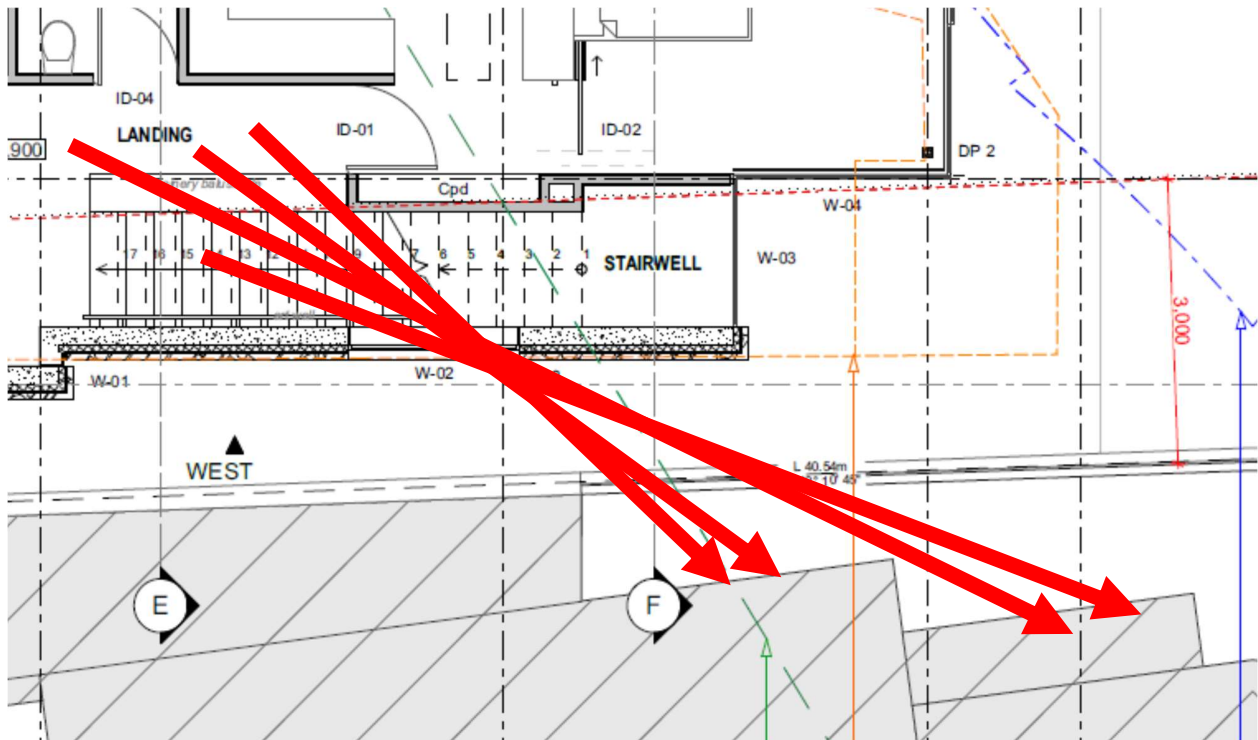


Figure 8: Extract First Floor Plan

Source: Paterson Architects

Since window (W-02) is a source of privacy impact and it does not comply with the side setback control, it is considered to be unacceptable and incapable of justification on a merit's basis.

7. Excavation

The proposal involves significant excavation activity in proximity to a lightweight glazed awning structure within 14 Addison Road. Significant concern is raised with respect to adverse impacts related to vibration.

In cases where excavation exceeds 1m, a detailed dilapidation report is required under the DCP. This has not been conducted and if Council is of a mind to grant consent a condition of consent should be imposed to require a detailed dilapidation survey report, with particular regard to the existing structures and paved areas in proximity to the boundary interface. A copy of the dilapidation report should be provided to the owners of 14 Addison Road and an undertaking made, either in the Report or by way of a consent condition, that any damage to the neighbouring property (including the driveway) be the responsibility of the developer in terms of any remediation costs.

8. Traffic Management

Access to the site is achieved via a shared access handle where there are reciprocal rights of carriageway benefitting the development site and two other properties, (including 14 Addison Road).



Evidence must be provided prior to the grant of consent, (if Council is of the opinion the proposal is otherwise worthy of support), in the form of a detailed Construction Traffic Management Plan, to ensure that the rights for carriageway are maintained for the entirety of the construction process.

This is a critical, determinative issue which should not be deferred to post consent consideration by way of a condition. None of the key-stakeholders (including Council) would want to be in a position where consent has been granted for the development but issues arise later with respect to the maintenance of the purpose of the easement for carriageway. From experience, such instances will result in costly and time-consuming legal proceedings.

9. Location of flue

The proposed location of the flue is in close proximity of an operable skylight on the main roof of 14 Addison Road. The proponent should be requested to provide details as to how the design of the flue will satisfy the related AS prior to determination.

On behalf of the owners of 14 Addison Road, we thank Council for its consideration of this submission. Mr and Mrs Lavers would welcome Council assessment staff to visit their property so that the extent of the likely impacts may be fully understood.

Upon review and our assessment of the proposed development, we have formed the opinion that, in its current form, the proposed development is unworthy of support and should be refused. If Council is of a mind to defer its consideration of the DA pending the receipt of further information/design amendments, we respectfully insist that any further material be re-notified for the purpose of full transparency and community participation.

Please contact the undersigned directly on 0430 007 725, should you wish to discuss this matter further.

Yours sincerely,

Tony Robb
Principal.
BA(Hons) UPS, Grad.Dip.TP (Westminster) RPIA

