

## **16 Addison Road, Manly**

### **Proposed dwelling house**

### **View analysis**

#### **Introduction**

Northern Beaches Council is currently assessing a development application (DA2021/1408) for the demolition of existing structures and construction of a dwelling house and boat shed at 16 Addison Road, Manly.

In designing the proposal consideration has been given to the reasonable sharing of views currently enjoyed by neighbouring properties over the top of the subject site and the existing single-storey dwelling house.

Importantly, the proposal has from the start been designed in consideration of lowering the northern portion of the proposal below the applicable height controls, because it is this part of the building that is closest to the neighbouring dwellings at 12, 18 and 20-22 Addison Road and has the greatest potential impact with regards to views and impacts related to the bulk and scale of buildings.

The proposal has been amended a number of times since it was first submitted to Council as Application PLM2020/0185. Of greatest relevance to the issue of view sharing is that the roof parapet has been lowered by 600mm from RL19.2 to RL18.6.

#### **The proposal being assessed**

The proposal being assessed is shown on Architectural Drawings 1.0 (dated 24.12.2021) and 1.1 to 1.8, 2.1, 2.2, 3.1 to 3.3, 4.1 to 4.3 and 5.1, all Revision C, dated 21.12.2021, by Patterson Architects.

#### **Methodology for assessment**

Part 3.4.3 of *Manly Development Control Plan 2013* ("MDCP 2013") provides as follows:

##### **3.4.3 Maintenance of Views**

*Relevant DCP objectives to be satisfied in relation to this paragraph include the following:*

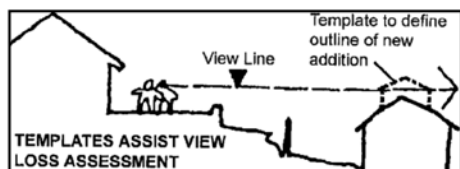
*Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.*

Objective 2) *To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).*

Objective 3) *To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.*

- a) *The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.*
- b) *Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.*
- c) *Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.*

**Note:** *DA assessment is to determine the extent of, and impact on views at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces. Refer to Figure 11 - View Loss Assessment Diagram.*



**Figure 11 - View Loss Assessment Diagram**

#### Planning Principle

- d) *The ultimate assessment of views and view loss in this plan must be in accordance the following planning principle established by the NSW Land and Environment Court as follows:*

*The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be*

*relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

It is noted that the MDCP 2013 does not define “living areas” or “main living areas”. However, Parts 3.4.2.3 and 4.4.8.4 of the MDCP 2013 both draw a distinction between living areas and bedrooms and, on this basis, it is reasonable to conclude, based on the Note quoted above, that the controls are directed to areas other than bedrooms or secondary living areas.

Council officers have indicated that the assessment of views needs to be focussed on those currently enjoyed from 12 Addison Road, 18 Addison Road and Unit 6 / 22-26 Addison Road.

To assist in the assessment process, height poles were erected in six positions on the periphery of the roof parapet of the proposal at a level of RL18.6. In addition, three height poles were erected at a location 2.4m off the northern boundary to identify a potential compliant building with a wall height of 7.2m and roof ridge height of 8.5m (in accordance with Clause 4.3(2) of the *Manly Local Environmental Plan 2013* (“MLEP 2013”) and Part 3.4.3 of the MDCP 2013). The height poles have been certified as correct by a registered surveyor.

Photographs were taken by Council officers from points with the affected properties and provided to the Applicant for the purposes of preparing view analysis documentation. The project architect has used these photographs to prepare view comparison drawings (Drawings 5.1, 5.2 and 5.3, dated 21.12.2021 by Patterson Architects).

## **12 Addison Road, Manly**

**First step: assessment of the views to be affected**



**Photograph 1:** 12 Addison Road, Manly. Deck appurtenant to upper-level bedroom. Standing position. View over side boundary of subject site. (source: Northern Beaches Council)





**Photograph 2:** 12 Addison Road, Manly. Upper-level bedroom. Standing position. View over side boundary of subject site. (source: Northern Beaches Council)



**Photograph 3:** 12 Addison Road, Manly. Ground level living room. Standing position. View over side boundary of subject site. (source: Northern Beaches Council)

The currently available views from the upper-level bedroom and appurtenant deck are of foreground urban landscaping and dwelling houses, mid-distance water (Little Manly Cove) and natural landscape. The interface between the land and the water is visible – the planning principle states that “*eg: a water view in which the interface between land and water is visible is more valuable than one in which it is obscured*”. The view is considered to be of medium value, with the land/water interface adding to the value of the view but the interruptions created by the foreground urban development reducing the value of the view.

The views from the lower-level living area are of negligible value, being the back-yard of the property, the neighbouring buildings and the sky. No further assessment of these views is warranted with regards to view sharing.

Second step: consider from what part of the property the views are obtained

The views shown in Photographs 1 and 2 above are across the side boundary of the subject site. The views shown in the photographs are taken from a standing position but it would appear that some views are also available from a sitting position, although they would be less extensive than those shown in the photographs.

The planning principle states that “*the expectation to retain side views and sitting views is often unrealistic*”. No circumstances exist with regards to this proposal that would displace this statement.

Third step: Assess the extent of the impact



**Photomontage 1:** 12 Addison Road, Manly, with proposal marked up. Deck appurtenant to upper-level bedroom. Standing position. View over side boundary of subject site. (source: Patterson Architects)



The proposal results in a reduction of view of the waters of Little Manly Cove and the shoreline of Little Manly Point. There is a small increase of view of the waters of Little Manly Cove as a result of the removal of the existing dwelling house (southern balcony), but this is less than the reduction in view of the water. The view of the land and water interface is otherwise retained on both side of 14 Addison Road.

Views are not available from other parts of 12 Addison Road.

The views are from a bedroom and deck appurtenant to a bedroom. The planning principle states “*the impact on views from living areas is more significant than from bedrooms*”. The note to Part 3.4.3 of the MDCP 2013 states that “*DA assessment is to determine the extent of, and impact on views ... from within the main living areas (and associated terraces/balconies) of ... adjacent and nearby developments*” and does not require assessment from bedrooms.

Balancing the above considerations, the impact on the views from 12 Addison Road is considered to be minor.

#### Fourth step: Assess the reasonableness of the proposal



**Photomontage 2:** 12 Addison Road, Manly, marked up with potential building envelope permitted by controls in MLEP 2013 and MDCP 2013 relating to building height, wall height and boundary setbacks. Deck appurtenant to upper-level bedroom. Standing position. View over side boundary of subject site. (source: Patterson Architects)

A comparison of Photomontages 1 and 2 makes it clear that the impact on views from the proposal is substantially less than that which would arise from a development that simply provided compliance with the relevant planning controls. The extent of the retained views of the waters of Little Manly Cove is greater, as is the retained view of the land/water interface. The proposal retains the entire existing view of the natural landscape in the mid-distance, whereas Photomontage 2

demonstrates that a proposal that simply provided compliance with the relevant controls would have a moderate to severe impact on that view.

The proposal complies with the principal development standards in MLEP 2013, with a building height of 8.2m (ie: 300mm below the maximum permitted) and a gross floor area of 310.6m<sup>2</sup> (ie: 15.68m<sup>2</sup> less than the maximum permitted).

The proposal involves minor non-compliances with the Wall Height control in Part 4.1.2.1 of the MDCP 2013, shown in the following diagram.



**Diagram 1:** 7.2m Wall Height Plane (source: Patterson Architects)

A careful comparison of Diagram 1 with Photomontage 1 above demonstrates that the minor non-compliance with the wall height control has no perceptible impact on the view from 12 Addison Road because the southern glazed portion of the proposal, where there is a small non-compliance, is generally not visible, being screened from view by the compliant western façade.

The proposal involves non-compliances with the Side Boundary Setback control in Part 4.1.4.2 of the MDCP 2013, shown in the following diagram.





**Diagram 2:** Side Boundary Setback compliance diagram. (source: Patterson Architects)

A careful comparison of Diagram 1 with Photomontage 1 demonstrates that the non-compliance with the side boundary setback control will result in a small loss of water view from 12 Addison Road. However, a comparison of Photomontage 1 with Photomontage 2 demonstrates that a far greater impact on the overall view, including the water view, would occur with a proposal that complies with the suite of built form controls. In other words, the proposal is consistent with the planning principle in that it is *“a more skilful design [that] could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours”*.

In this regard, it is also important to consider the impact on views from all neighbouring properties, not just 12 Addison Road. Increasing the western side boundary setbacks would reduce the development potential and amenity for the applicant, but this could otherwise be achieved by increasing the height and bulk of the northern portion of the building. Such a proposal would have a severe impact on views from other properties, particularly 18 Addison Road, and would clearly be a less skilful design.

In summary, the proposal will result in a minor impact on a view of medium value, and represents a more skilful design where the view impact is acceptable and the view sharing reasonable.

**18 Addison Road, Manly**

First step: assessment of the views to be affected



**Photograph 4:** 18 Addison Road, Manly. Upper-level bedroom. Standing position. View over rear boundary of property. (source: Northern Beaches Council)





**Photograph 5:** 18 Addison Road, Manly. Upper-level bedroom. Standing position. View over rear boundary of property. (source: Northern Beaches Council)



**Photograph 6:** 18 Addison Road, Manly. Ground level outdoor private open space. Standing position. View over rear boundary of property. (source: Northern Beaches Council)



The currently available views from the upper-level bedroom are of foreground urban landscaping and dwelling houses, mid-distance water (Little Manly Cove) and natural landscape. The interface between the land and the water is visible – the planning principle states that “*eg: a water view in which the interface between land and water is visible is more valuable than one in which it is obscured*”. The view is considered to be of medium value, with the land/water interface adding to the value of the view but the interruptions created by the foreground urban development reducing the value of the view.

The views from the lower-level private open space are of negligible value, being the back-yard of the property, the neighbouring buildings and the sky. No further assessment of these views is warranted with regards to view sharing.

Second step: consider from what part of the property the views are obtained

The views shown in Photographs 4 and 5 above are across the rear boundary of the property. The views shown in the photographs are taken from a standing position but it would appear that some views are also available from a sitting position, although they would be less extensive than those shown in the photographs.

Third step: Assess the extent of the impact



**Photomontage 3:** 18 Addison Road, Manly, with proposal marked up. Upper-level bedroom. Standing position. View over rear boundary of property. (source: Patterson Architects)

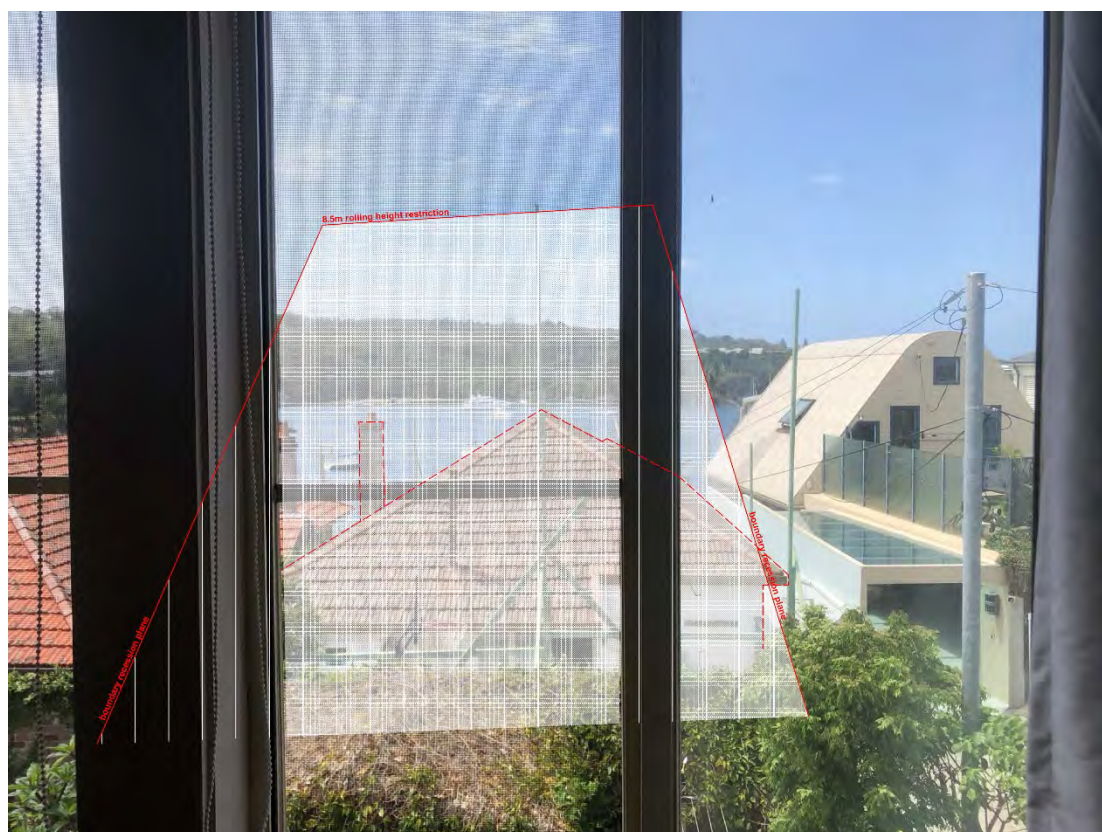
The proposal results in a reduction of view of the waters of Little Manly Cove, but also retains views of the waters of Little Manly Cove. There is a very small increase of view of the waters of Little Manly Cove as a result of the removal of the existing dwelling house (ridge of roof), but this is less than the reduction in view of the water. The entire existing view of the interface of land and water is retained.

Views are not available from other parts of 18 Addison Road.

The views are from a bedroom. The planning principle states “*the impact on views from living areas is more significant than from bedrooms*”. The note to Part 3.4.3 of the MDCP 2013 states that “*DA assessment is to determine the extent of, and impact on views ... from within the main living areas (and associated terraces/balconies) of ... adjacent and nearby developments*” and does not require assessment from bedrooms.

Balancing the above considerations, the impact on the views from 18 Addison Road is considered to be minor.

#### Fourth step: Assess the reasonableness of the proposal



**Photomontage 4:** 18 Addison Road, Manly, marked up with potential building envelope permitted by controls in MLEP 2013 and MDCP 2013 relating to building height, wall height and boundary setbacks. Upper-level bedroom. Standing position. View over rear boundary of property. (source: Patterson Architects)

A comparison of Photomontages 3 and 4 makes it clear that the impact on views from the proposal is substantially less than that which would arise from a development that simply provided compliance with the relevant planning controls. The controls would permit a development that would have a severe impact upon the existing views, with the almost complete loss of the views of the water and the land and water interface, together with a substantial loss of view of the mid-distance landscape.

The proposal complies with the principal development standards in MLEP 2013, with a building height of 8.2m (ie: 300mm below the maximum permitted) and a gross floor area of 310.6m<sup>2</sup> (ie: 15.68m<sup>2</sup> less than the maximum permitted).

The proposal involves minor non-compliances with the controls relating to Wall Height (Part 4.1.2.1) and Side Boundary Setback (Part 4.1.4.2) within the MDCP, as shown in Diagrams 1 and 2 above and Diagrams 3 and 4 below. However, a careful examination of Photomontage 3 demonstrates that those non-compliances are located at the southern end of the building and are not visible beyond the northern end of the proposed building, which complies comfortably with those controls. In other words, the non-compliances have no impact on the views currently enjoyed from 18 Addison Road.

A careful comparison of Photomontage 3 with Photomontage 4 demonstrates that a far greater impact on the overall view, including the water view, would occur with a proposal that complies with the suite of built form controls. Increasing the side boundary setbacks would reduce the development potential and amenity for the applicant, but this could otherwise be achieved by increasing the height and bulk of the northern portion of the building. Such a proposal would have a severe impact on views 18 Addison Road, and would clearly be a less skilful design. In other words, the proposal is consistent with the planning principle in that it is *“a more skilful design [that] could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours”*.

In summary, the proposal will result in a minor impact on a view of medium value, and represents a more skilful design where the view impact is acceptable and the view sharing reasonable.



**Unit 6 / 22-26 Addison Road, Manly**

**First step: assessment of the views to be affected**



**Photograph 7:** Unit 6 / 22-26 Addison Road, Manly. Terrace appurtenant to living area, approximately 1m from balustrade. Standing position. View over side boundary of subject site. (source: Northern Beaches Council)



**Photograph 8:** Unit 6 / 22-26 Addison Road, Manly. Terrace appurtenant to living area, approximately 3m from balustrade. Standing position. View over side boundary of subject site and rear boundary of 20 Addison Road. (source: Northern Beaches Council)



**Photograph 9:** Unit 6 / 22-26 Addison Road, Manly. Living room. Standing position. View over side boundary of subject site. (source: Northern Beaches Council)



The currently available views from the living room and appurtenant terrace are of foreground urban landscaping and dwelling houses, mid-distance water (Little Manly Cove) and natural landscape. The interface between the land and the water is visible – the planning principle states that “*eg: a water view in which the interface between land and water is visible is more valuable than one in which it is obscured*”. The view is considered to be of medium to high value, with the land/water interface adding to the value of the view but the interruptions created by the foreground urban development reducing the value of the view.

Second step: consider from what part of the property the views are obtained

The views shown in Photographs 7, 8 and 9 above are across the side boundary of the subject site. The views shown in the photographs are taken from a standing position but it would appear that some views are also available from a sitting position, although they would be less extensive than those shown in the photographs.

The planning principle states that “*the expectation to retain side views and sitting views is often unrealistic*”. No circumstances exist with regards to this proposal that would displace this statement.

Third step: Assess the extent of the impact



**Photomontage 5:** Unit 6 / 22-26 Addison Road, Manly, with proposal marked up. Terrace appurtenant to living room, 1m from balustrade. Standing position. View over side boundary of subject site. (source: Patterson Architects)

The proposal results in a reduction of view of the waters of Little Manly Cove. Photomontage 5 above demonstrates that, from the position from which the photograph was taken, the proposal has a negligible impact on existing views. The



existing water views, landscape views and views of the land/water interface are fully retained from this position.

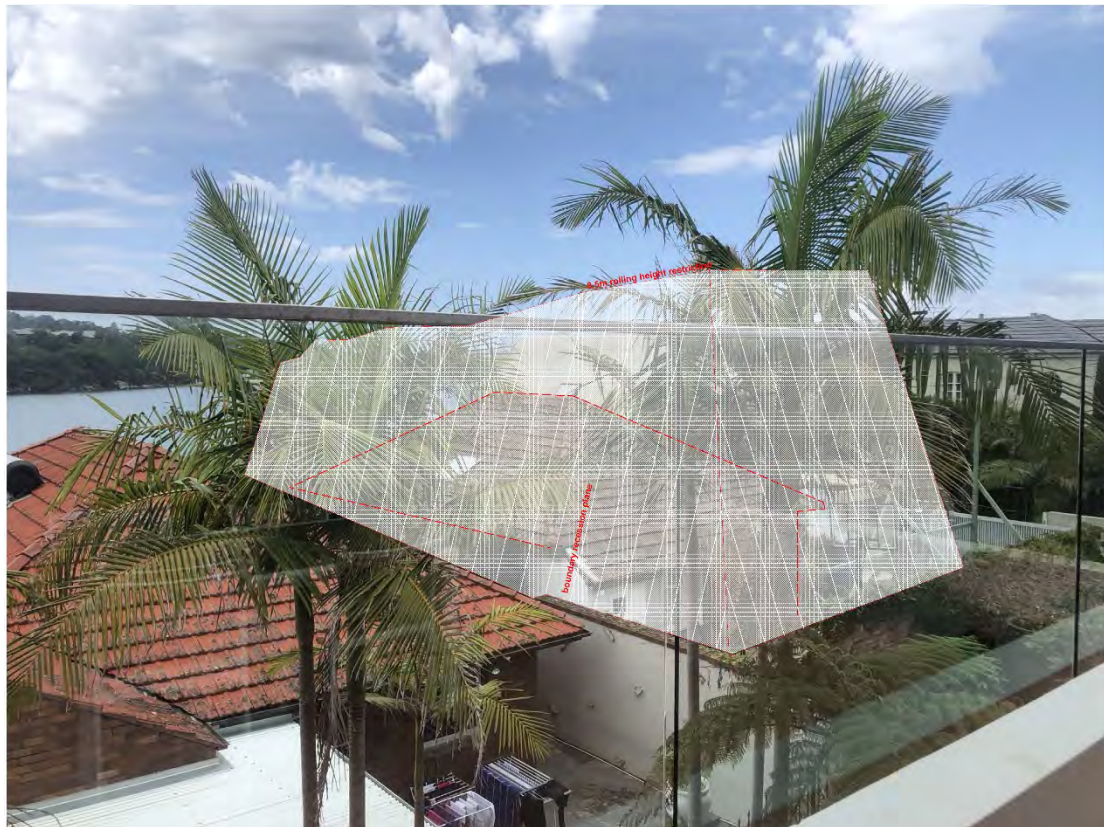
It is noted that the photograph used in Photomontage 5 was chosen for the purposes of creating the photomontage because it was taken 1m from the balustrade, which is considered to be an appropriate position from which to assess view impacts. However, views of the water are available from other positions on the terrace, as shown in Photograph 8 above, and from the living area, as shown in Photograph 9. From these positions, the view is not so greatly impeded by the existing palm trees. A careful examination of these photographs shows that the proposal will remove a triangle of water currently visible over the south-eastern corner of the existing dwelling house at 16 Addison Road. Views of the land/water interface and the mid-distance landscape are fully retained.

The proposal has no impact on existing views of the waters of Little Manly Cove, Little Manly Point and the mid-distance landscape currently enjoyed over the rear boundary of the property, shown in Photograph 8 above.

The author of this view analysis was not provided with photographs from other positions within Unit 6 / 22-26 Addison Road. Some views may be available from the upper-level study / rumpus room, but these are of lesser importance because they are not from living areas and because, being more elevated, the impact is likely to be less.

Balancing the above considerations, the impact on the views from Unit 6 / 22-26 Addison Road are considered to be negligible.

#### Fourth step: Assess the reasonableness of the proposal



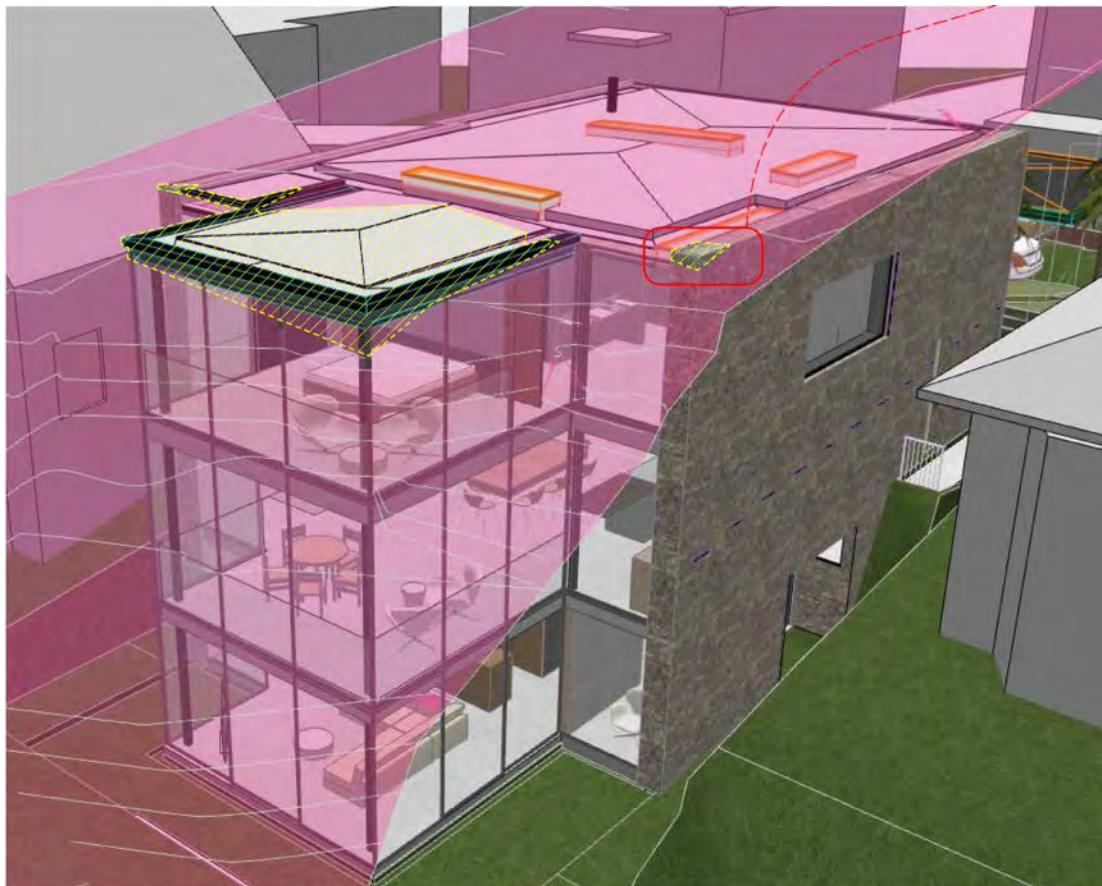
**Photomontage 6:** Unit 6 / 22-26 Addison Road, Manly, marked up with potential building envelope permitted by controls in MLEP 2013 and MDCP 2013 relating to building height,

wall height and boundary setbacks. Terrace appurtenant to living area. Standing position. View over side boundary of subject site. (source: Patterson Architects)

A comparison of Photomontages 5 and 6 reveals that the impact on views from the proposal is similar to that which would arise from a development that simply provided compliance with the relevant planning controls. In both cases, there is a minor loss of views over the south-western corner of the existing dwelling house, with the remainder of the water view already obscured by existing vegetation and by the roof of 14 Addison Road. The majority of existing water views are retained, and the entirety of the existing views of the land/water interface and the mid-distance landscape is retained.

The proposal complies with the principal development standards in MLEP 2013, with a building height of 8.2m (ie: 300mm below the maximum permitted) and a gross floor area of 310.6m<sup>2</sup> (ie: 15.68m<sup>2</sup> less than the maximum permitted).

The proposal involves minor non-compliances with the Wall Height control in Part 4.1.2.1 of the MDCP 2013, shown in the following diagram.



**Diagram 3:** 7.2m Wall Height Plane (source: Patterson Architects)

A careful comparison of Diagram 3 with Photomontage 5 above demonstrates that the minor non-compliance with the wall height control has minimal impact on the view from Unit 6 / 22-26 Addison Road because the proposal generally complies with the wall height control.

The proposal involves non-compliances with the Side Boundary Setback control in Part 4.1.4.2 of the MDCP 2013, shown in the following diagram.





**Diagram 4:** Side Boundary Setback compliance diagram. (source: Patterson Architects)

A careful comparison of Diagram 4 with Photomontage 5 demonstrates that the non-compliance with the side boundary setback control will result in a small loss of water view from Unit 6 / 22-26 Addison Road. However, a comparison of Photomontage 5 with Photomontage 6 demonstrates that this is almost identical with the impact created by a proposal that complies with the suite of built form controls. In other words, the proposal is consistent with the planning principle in that it is *“a more skilful design [that] could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours”*.

In this regard, it is also important to consider the impact on views from all neighbouring properties, not just Unit 6 / 22-26 Addison Road. Increasing the eastern side boundary setbacks would reduce the development potential and amenity for the applicant, but this could otherwise be achieved by increasing the height and bulk of the northern portion of the building. Such a proposal would have a severe impact on views from other properties, particularly 18 Addison Road, and would clearly be a less skilful design.

In summary, the proposal will result in a negligible impact on a view of medium to high value, and represents a more skilful design where the view impact is acceptable and the view sharing reasonable.




## **Conclusion**

This view analysis has examined the impact of the proposal on existing views currently enjoyed by three affected properties, 12 Addison Road, 18 Addison Road and Unit 6 / 22-26 Addison Road.

The view analysis has been carried out in accordance with the Land and Environment Court's planning principle (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140) and cognizant of the controls in MLEP 2013 and MDCP 2013.

The view analysis has carefully reviewed photographs from the affected properties provided by Council using height poles for reference that have been certified as accurate by a registered surveyor.

The view analysis concludes that, for each affected property, the view impact is acceptable and view sharing reasonable.



Geoff Goodyer  
**Symons Goodyer Pty Ltd**

\\synologyds420\data\planning\joyce patrick\20-096\additional information 2021\_12\_24\view analysis\view analysis v 1.0.docx