
Sent: 13/05/2022 11:16:07 AM
Subject: Submission re: 27 Wood Street, Manly DA2022/0507
Attachments: 25 Wood Street, MANLY - submission.pdf;

Please find attached a submission regarding 27 Wood Street, Manly on behalf of the owners of 25 Wood Street.

Kind regards,
Will

**William Fleming
Planner**



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13 May 2022

The General
Manager Northern
Beaches Council PO
Box 82
Manly, NSW 1655

Attention: Max Duncan

Dear Sir,

**DEVELOPMENT APPLICATION DA (DA2022/0507)
27 WOOD STREET, MANLY
PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING**

1.0 INTRODUCTION

I write on behalf of the owners of 25 Wood Street, Manly who object to the current development application (DA) submitted for 27 Wood Street. I have been engaged to review the DA proposing the alterations and additions to the existing dwelling. I have reviewed the submitted documentation and have a clear understanding of their concerns which will be outlined in this submission.

2.0 SOLAR ACCESS

While it is acknowledged that the overshadowing will occur predominately to the southern neighbour at 29, my clients have concerns regarding the solar access to their children's bedrooms and whether the first floor addition will result in reduced sunlight. The addition continues the 200mm existing ground floor side setback to the first floor which is a significant variation. It is questioned whether the close proximity of the two dwellings will impact on solar to 25 Wood Street.

3.0 SETBACKS

Front Setbacks:

Pursuant to clause 4.1.4.1 of the DCP the control states that:

- a) *Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.*
- b) *Where the street front building lines of neighbouring properties are variable and*

there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape.

- c) *Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level.*

It is considered that the predominate character of the street has the first floor additions setback further from the ground level front setback. The first floor setback of my client's property is setback much further than what is proposed at the subject site. The proposed first floor additions has not considered the prevailing first floor front setbacks or attempted to relate to those setbacks. The potential impacts to the existing streetscape character is unreasonable in this instance.

Side Setbacks

The development proposed continuing the non-compliant side setback at ground level to the new first floor addition. The statement of environmental effects states that:

The proposed First Floor Level will maintain the existing side boundary setbacks of the ground level being 200mm to 25 Wood Street and 1.1m to 29 Wood Street. I note that both these adjoining properties similarly maintain the same setback at both ground and first floor level.

The historical non-compliances on adjoining properties that were approved under previous planning legislation is not justification for continuing non-compliant setbacks to the first floor addition. A 200mm side setback to the first floor is a significant variation to the control. The proposal has wall height varying from 6m -7m which would equate to side setback control of at least 2m. This would be a restrictive side setback control however demonstrates that a variation to the side setback control proposed is unreasonable and should be increased to provide visual relief.

The side setback along the northern boundary should be stepped in from the ground floor to reduce the visual impact and the bulk and scale of the dwelling when viewed from 25 Wood Street. This setback does not maintain adequate space between the two buildings and is unreasonable in this instance. The increased setback of the first floor level would assist in alleviating concerns regarding solar access to their ground floor rooms, also.

4.0 FIRST FLOOR ADDITIONS

Pursuant to clause 4.1.7 the controls state:

- a) *First floor additions must complement the architectural style of the ground*

floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.

- b) *The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.*

As previously mentioned, the side setback to the first floor continues the non-complaint setback at ground level. Providing a 200mm side setback to the northern boundary is unreasonable and results in significant amenity impact with regard to privacy and visual impacts. The applicants have taken guidance from the adjoining property at 29 Wood as to the suitability of a first floor addition at the front of the site however the predominate characteristic is for the first floor additions to be sited towards the rear.

5.0 INCONSISTENCIES IN THE PLANS PROVIDED

The elevation labels are not correct. The first floor has 3 windows to the southern elevation and 1 window to the northern elevation. The plans provided mislabel these elevations. No north points are provided on the floor plans. New additions should be highlighted in colour for clarity about what is existing and proposed.

No drawing has been provided of the existing garage level either. The amount of gross floor area you can exclude for a garage is limited and it is unclear whether the whole of the garage level can be excluded from the calculated of GFA.

6.0 FLOOR SPACE RATIO

The proposal has provided a clause 4.6 request due to the non-compliance with the development standard. It is considered that there is scope to reduce the scale of the first floor to be in compliance with the standard. The non-compliances with the side setbacks and the FSR speak to the development being excessive in bulk and scale and causing unreasonable amenity impacts. Increased side setbacks to the first floor would further reduce the gross floor area and better comply with the standard.

The clause 4.6 provided states that:

“For the reasons referred to in this Clause 4.6 Request, I consider that variation of the FSR Standard in the circumstances of this DA would achieve a better planning outcome, rather than requiring strict adherence to the FSR Standard.”

The judgement *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, clarified the correct approach to the consideration of clause 4.6 requests including that the clause does not require that a development that contravenes a development standard must have a neutral or better environmental planning outcome than one that does not. The test of a clause 4.6 does not take into consideration whether it results in a better planning outcome and

is irrelevant.

Notwithstanding, the GFA can be reduced to better comply with the side setback and reduce its bulk and scale. Any impact, even minor, as a result of a non-compliance is unreasonable and warrants refusal. The clause 4.6 has not adequately demonstrated consistency with the objectives of the clause 4.4 in the LEP, in particular objectives a, b and c provided below:

- (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*

7.0 Summary

It is my clients' submission that the proposed works at 27 Wood Street are unreasonable and unacceptable in this instance due to the significant impacts as result of the non-compliant side setbacks and FSR which contributes to unreasonable visual impacts and excessive bulk and scale.

It is submitted to Council that the DA in its current form should be withdrawn to address the concerns and non-compliances or, if not withdrawn, be refused.

Please don't hesitate to contact me should you have any

questions. Yours sincerely



William Fleming
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 BS, MPLAN