

Contact: Ian Watson – idwatson@me.com

21.07.19

The General Manager
Northern Beaches Council
Village Park
1 Park Street
MONA VALE NSW 2013

Attention: Mr Maxwell Duncan, Assessment officer, Planning Division

Dear Sir,

Objection to DA 2018/1634 / Rev2019/0032 for proposed Construction of a Dwelling House including swimming pool on Lot 9 DP 3742 at 16 Fairlight Crescent, Fairlight

I represent the owners of No.18 Fairlight Crescent, Fairlight. We are writing in response to the Development Application DA2018/1634 / Rev2019/0032 and I have been engaged to prepare a Letter of Objection to the Northern Beaches Council on their behalf. We are still completely against this proposal which is so detrimentally close to their property.

18 Fairlight Crescent will be detrimentally impacted by the proposed development to an unacceptable level. The nature of the impacts bridge across the of loss of amenity, loss of privacy, acoustic impact, overshadowing and loss of sunlight, daylight and natural cooling breezes by virtue of the excessive bulk proposed that ignore planning controls and setbacks as well as associated potential devaluation of property values.

Whilst we support sensitive architectural development that defers the rich character and history of place we have some grave concerns about the proposal tabled which I seek to concisely outline below. I also point out that it is inadequate to table drawings, in particular the site plan, without dimensions, setbacks and appropriate level of annotation to readily understand the proposal and assess potential impact plan (other drawings would be useful also to assess the nature of spaces and their utility and occupancy but understand this is a matter of privacy and defer to the Planning Department to make these assessments)

Overview

The proposal fundamentally appears to have had disregard to the planning controls and to a degree presents as an architectural house seemingly designed for a larger site in a context without view, privacy, shadowing, contextual and environmental issues, as there appears insufficient assessment of impact and ensuing architectural response.

There are a multitude of breaches of the LEP and DCP to an extent that it is inconceivable the proposal could be considered in its current form.

I note there are a number of architectural responses that could be readily implemented to significantly modify the design whilst being able to preserve the intent and quality of the proposed spaces.

Aspects of contention

Whilst there are many aspects of impact and non compliance, as noted in detail by Tracy Davey, we have focussed on the main points of impact to 18 Fairlight Crescent;

- Over development – bulk, scale, height and associated impact. We request that as a minimum the height comply with the controls, particularly noting there is no reason for variance being a flat block locate an ideal

height above street for basement parking, and a greater side setback, which is of primary importance to 18 Fairlight Crescent.

- Roof terrace - this is unacceptable for amenity reasons – we cannot support a breach of height for any element let alone a whole unencumbered level for entertainment that constitutes a 4th level. This is untenable in any iteration to the owners of 18 Fairlight Crescent.
- Unacceptable side setbacks – over bearing building mass built too close to 18 Fairlight Crescent, diminished solar access, overlooking, acoustic separation, negligible screen planning, diminished air flow and naturally cooling breezes; this is really important for all neighbouring properties. NOTE: the proposed side setbacks are set to the existing gutter line, not wall line and are over 2m less than permissible – they really need to be far greater than proposed.
- General setbacks - It is incorrect to assert the objectives of the side setback controls or even front setback control are achieved – they are not. There is no reference to the actual numerical controls; a cursory ‘opinion of impact’ in no way justifies breaching controls when there are so many fundamental associated amenity and view issues for neighbouring properties. We request the side setback be compliant and established to balance the ensuing environmental impact for this property and neighbouring properties.
- setback of first floor balcony at front and side screening – this presents issues of privacy, overlooking, acoustic separation, solar access + physical imposition with the front balcony not screened and located within prescribed setbacks above the front garden area which has high use due to the nature of the corner block and wrapping garden + this is where the views and cooling breezes are enjoyed.

The balcony could be readily inset, setback and screened to the side and potentially without the primary roof form over which has large eaves we believe should also be reduced in projection and proximity to the boundary; a secondary roof form with lower height and lesser eave would assist but this is an architectural decision.

- Amenity – the genuine loss of amenity is a result of all of the above points. I believe it fair to say no person would find the breach of amenity reasonable in this context.

Height:

The height is over acceptable limits and noting the site is within a scenic foreshore protection area that will impact numerous residents this is of greater concern.

There is no meritorious reason for any of these breaches and it would be expected the architect should have prepared a more considered proposal, though it is acknowledged not every impact is always apparent.

There are basic measures that would assist in reducing the height:

The roof terrace should be removed as the first requirement and so to all building elements over the height limit.

It is noted the building could be readily designed to be lower without material impact to the quality of the spaces. The proposal has a 3.4m GF to L1 slab which has the potential to yield 3m ceiling heights, which are acknowledged as desirable to living areas, but believe consideration should be applied when building in such a dense context with numerous amenity impacts and where views impacts + solar access should be of primary consideration. Nominally 0.1m could be eliminated and still retain 3.0m ceilings.

The proposed 3.2m L1 to roof height is deemed more than a reasonable height, particularly in this context. A first floor level is generally accepted as being desirable at a 2.7m; this proposal would potentially create a height of 3.0m; ~ 0.3m could readily be removed without material impact. It is noted the flat roof assists in minimising height, but the large eaves and breach to setbacks exacerbate the problem.

The basement level is proposed at 3.0m; it is believed this could also be tightened also noting GF slabs are often only 0.16m so the resultant height is over and above normal heights, this could potentially be reduced ~0.3m also; we do not have the plans to better assess this and note that the slab will no doubt contain thickened beams with such a large area.

In summary, it is readily conceivable to reduce the overall height by over 600mm to the 2 living areas in addition to the removal of the roof terrace without detrimental impact and still yield generous spaces.

Roof terrace:

In no circumstances can an unencumbered roof terrace be supported or any structure exceeding the height limit. The block enables a straight forward architectural design where no breaches are deemed to be environmental responses. Note, lifts do not have towers for headroom and there is no element above the height that is acceptable, let alone the ability for a gathering of people with the ability to be standing 3 storeys over the house of 18 Fairlight Crescent, which will have additional unacceptable privacy, shadowing, overlooking and acoustic impact and an overbearing nature that will fundamentally diminish the amenity of 18 Fairlight Crescent.

Basement:

The basement is noted as very large and it is queried as to whether over 500 cubic meters of sandstone is reasonable and appropriate to excavate. Note, the house at 18 Fairlight Crescent, immediately adjacent, is over 100 years old and constructed with soft lime mortar – we request that excavation be limited to the essential requirement, only undertaken with saw, only after 8am M-F and not on weekends + appropriate separation be provided to ensure the long term integrity of our house. We request that independent dilapidation surveys be undertaken and independent progressive assessment be undertaken. We trust only suitably qualified and experienced operators be engaged with current insurance certificates appropriate for this work.

Setbacks:

As stated, there are no dimensions to assess the setbacks, but it appears evident that the proposal does not satisfy the front or side setbacks (we cannot establish the rear setback), though the SEE states the rear does comply and the front does; but the front does not appear to – a line drawn between the adjacent buildings determines the setback in this case and this proposal is unequivocally in front of this line as this involves built structure or the dwelling including porches, engaged garages etc. The context is dense and there are many parties attempting to preserve their view, small private gardens and solar access; the proposal really needs to be reduced in scale, height and bulk.

The breach of the side setback has the most detrimental impact (as does the roof terrace but understand this is unlikely to be supported), but the front setback and resultant overlooking still has a bearing on amenity. The courtyard to the west is a positive design consideration but the western walls are still far too close to the boundary. The proposal mis-uses the gutter line of the single storey dwelling to justify a 2 storey wall almost on the northern boundary of this property – this is fundamentally untenable! The setback must comply with the DCP or be significantly greater.

It is noted the side setback will also assist in retaining harbour views to the properties behind and obliquely to the side, which add to the import of preserving separation and solar access, breeze flow + views. It is believed that the proposal could readily be trimmed over 1.2m+ in width adjacent to 18 Fairlight Crescent in looking at the large space allocated at the entry with 600mm deep joinery on both sides, use of a double flight stair case rather than a single flight or stair starting at least 1.2 – 1.5m further in which can wrap over the pantry if required and noting there is just a large pantry behind, which will have 3m ceilings and even an unused 'boxed in' empty space behind that appears to be nominally 700mm wide – we contend a more compact design with regard to resultant impact can be achieved and a more considered response is required. We are also unclear why the entry concrete terrace is extended almost to our side boundary with feature pot plants that are not readily seen in any case – further consideration is required here also.

The projecting eaves located not only on the first floor, but also first floor balcony areas as well as the ground floor areas, whilst as a composition are nice, they fundamentally cause detrimental impact to all neighbouring properties; we believe they should be reduced and inset along with the side walls and be lowered overall as well.

The shadow analysis does not adequately convey existing and new shadows – elevations are required to adequately assess this as it would impact 18 Fairlight Crescent. It also appears that the 9am and 12pm shadowing is not fully portrayed; there is no shadowing shown from the rear wing which at 9am has an elevation of 19° which would indicate a shadow that extending 20+ m – we cannot determine if this will impact 18 Fairlight Crescent. We also ask that the 12pm is verified. The owners of 18 Fairlight Crescent have limited private garden areas and seek to perverse sunlight and unencumbered daylighting to them, which should be possible, as well as retain separation and privacy. Photos have been included as reference for the garden areas.

Pool:

With regard to the pool, we cannot determine the setbacks as there are no dimensions on the site plan, however we trust the pool will be compliant with regard to setback, acoustic isolation of all plant including a/c which would ideally be located in the large basement.

Screen planting:

The maintenance and increased level of screen planting would be ideal between our properties, though ideally to eye level only of the first floor so as to maximise daylighting, solar access and privacy.

Planning controls:

It is considered the SEE is insufficiently rigorous and reliant on opinion over numerical controls in assessing the proposal against the LEP and DCP with regard to certain controls. We acknowledge that the Planning Department will review this in detail, but consider the proposal as misleading by stating that the dwelling is 2 storeys; under the NCC classification the garage is deemed a level where it is over 1m above NGL + note also the basement contains habitable areas such as the stated gym (though we acknowledge without impact and we do not object to a gym associated with the garage) + content a habitable roof should also be considered a level.

Context – 18 Fairlight Crescent

Photos depicting the rear private terrace and garden; concern of overlooking – established screen planting will assist . We do acknowledge the beneficial design decision with the northern wing.



Photos depicting private courtyard; concern with regard to overlooking, over bearing form adjacent, impact from shadowing – an increased setback and reduced height will assist.



Photos depicting the front garden, verandah and terrace that has a high utility with water views; - any reduction to the adjacent height, scale, bulk, overlooking from first floor balcony adjacent to the boundary, building alignment and fundamental setback to the common boundary will assist in reducing impact.



Photo depicting the proximity of the current dwellings and side setback - the side setbacks fundamentally need to be increased; this can be readily addressed through modified architectural planning - as a minimum compliant setbacks are sought, if not more given the context, view corridors etc. The elimination of non critical space, narrowing of the floor plates and elimination of some architectural elements that create detrimental impact is sought, such as reducing the large eaves to all levels, reducing the large elevated entry adjacent to the boundary and removing the roof terrace.



Conclusion

As stated, we would support a sensitive architectural development, but this proposal as it stands fundamentally does not achieve the desired sensitivity required for this site and the resultant detrimental impact to 18 Fairlight Crescent is considered too significant. It is untenable that the proposal is to have 2 story walls closer to the side boundary than the existing walls, given they have drawn these to the gutter line not the existing single storey existing wall which will be totally demolished and have no bearing on this proposal. Further, this wall is over 2m closer than permissible and has significant detrimental impact. As noted on other submissions and in the Independent Review Panel hearing, the proposal has over 70% of non compliance with planning controls and it should be treated as clearly untenable in its form, noting the untenable precedent that would be created.

Thankyou for your consideration and please do not hesitate to contact me if you have any queries.

Sincerely

Simon Rosewell
Director
Simon Rosewell Pty Ltd

On behalf of Ian and Bernadette Watson, 18 Fairlight Crescent, Fairlight