
Sent: 5/12/2018 11:27:03 AM
Subject: DA2018/1820 74 Bower St Manly - Letter of Objection
Attachments: Letter of objection.pdf;

Dear Rhiannon,

Please find attached our letter of objection for the Development Application for 74 Bower St, Manly.
I have also mailed through a hardcopy to you.

If you have any queries, do not hesitate to call.

Regards

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squillace

—
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4th December 2018

Northern Beaches Council
1 Belgrave St,
Manly NSW 2095

Delivery: Delivered in person / Emailed / Disk / Posted

RE: DA2018/1820 – 74 Bower St Manly

To whom it may concern,

We are writing on behalf of the owners of 76 Bower St, Manly in regards to a Development Application lodged with Northern Beaches Council for 74 Bower St, Manly

We would like to raise concerns on a few aspects of the proposal.

Privacy

The 4 new windows on the western elevation (W05, W06, W09 + W10) have been orientated directly facing our boundary. We note that these windows would pose loss of amenity to our clients for rooms and private open area that are adjacent to these new windows.

We would like to request that W05 and W09 be conditioned such that they are made of opaque materials and only able to be opened to a maximum angle of 45° from horizontal. We would like to request that W06 and W10 be conditioned such that they are made of opaque materials and only able to be opened a maximum 125mm.

The elevations do not clearly indicate the materials proposed for these windows.

View loss

The extension of bedrooms 1 and 2 to the northern elevation results in view loss for our clients from the central balconies and bedrooms on the top floor.

Please find below two photos indicating the impact on views from the two areas of concern.

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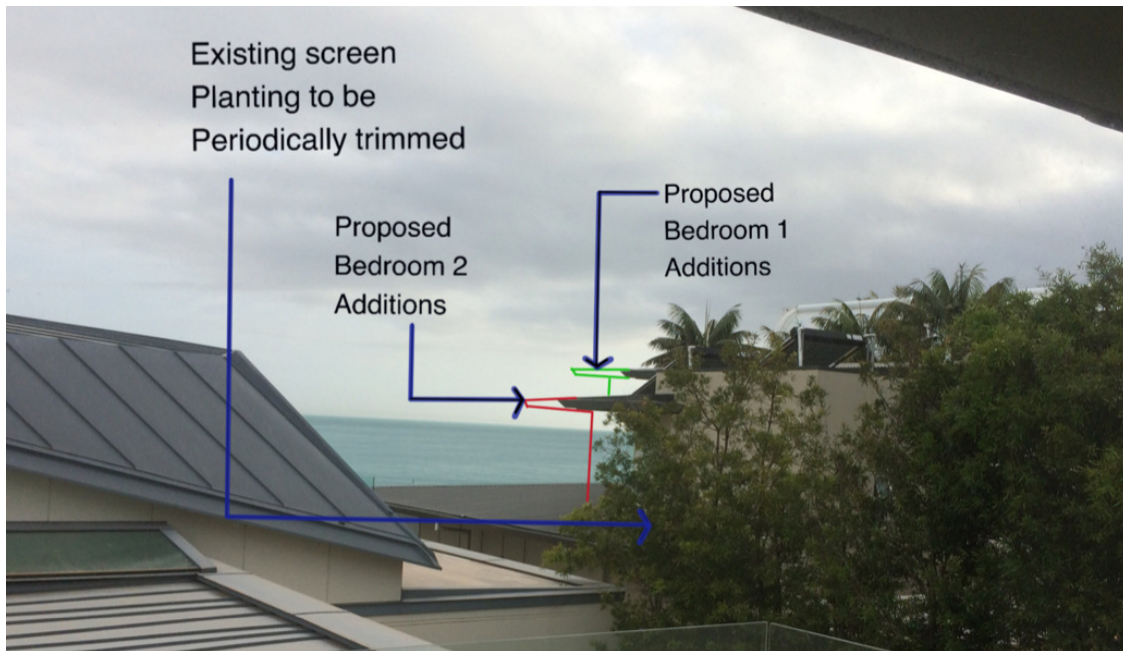
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View from Bedroom 3 balcony (standing position) – 76 Bower St



View from Bedroom 2 (standing position) – 76 Bower St

We would like to refer to the four view sharing planning principles from the 'Tenancy Consulting v Warringah Council [2004] NSWLEC 140'.

1. Type of views;

'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 views affected to our clients are of water views. As noted above, water views are valued more highly than land views.

2. View locations

'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 views affected to our clients are view currently enjoyed diagonally across the side boundary, from the centre of the site to the rear. The views are from standing positions which should be protected.

3. Extent of view loss

'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.'

Although the views affected are from bedrooms and their associated balconies, we would like to note that these bedrooms have been designed in great detail, not to mention the considerable cost to obtain water views. They were orientated in such a way that their views would not be affected by non-compliant additions to neighbouring buildings.

4. Reasonableness of view loss

'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.'

As mentioned above, the views affected to our clients are the result of additions that will breach the LEP planning controls for FSR. We would like to note that the existing dwelling on 74 Bower st already breaches the FSR controls by 0.2:1 and the proposed additions will breach the FSR by up to 0.5:1.

The proposed additions are unreasonable in that they will encroach on existing water views by non-compliant additions.

To summarise, we object to the proposed additions and request that the proposal is amended to reduce impacts on the existing amenity enjoyed by our clients.

Yours sincerely,

Vince Squillace

Director