
Sent: 9/03/2021 12:51:48 PM
Subject: FW: OBJECTION TO DA2021/0003 ATTENTION NICK KEELER
Attachments: IMG_0005.pdf; IMG_0006.pdf; IMG_0007.pdf; IMG_0008.pdf;

Dear Mr Keeler,
Attached is my objection to DA2021/0003.
Could you please confirm you have received it.
Kind regards
Erin Booker

2ND MARCH 2021

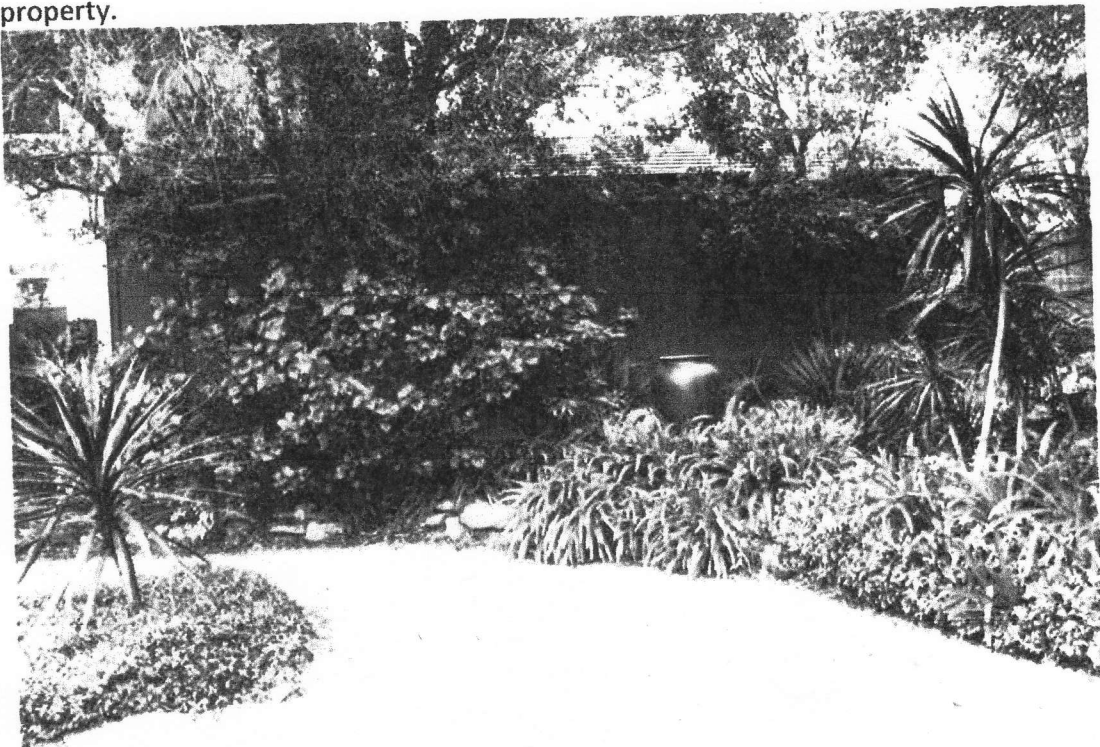
Dear Mr Keeler,

UNAUTHORISED BUILDING WORKS AT 13 VISTA AVENUE BALGOWLAH HEIGHTS

I am one of the owners of 11 Vista avenue, Balgowlah Heights, the applicants neighbour to the south. This submission is my objection to DA2021/0003

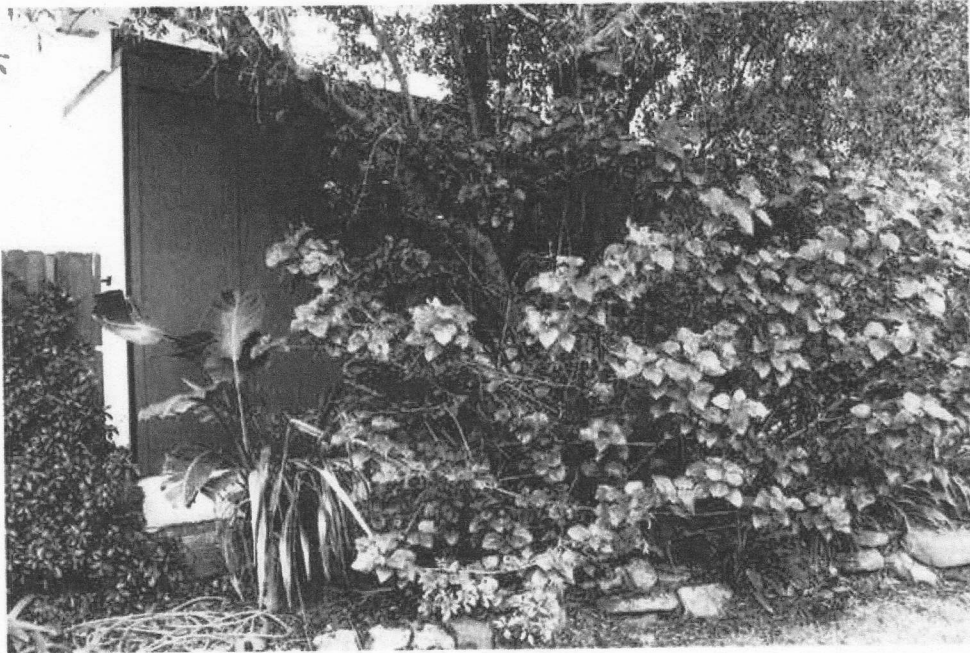
I am perplexed as to how a Development application can be applied for when the structure has already been built without council approval and subsequently refused by the Northern Beaches Council. A Building certificate application was submitted BC2019/0197-this certificate was refused and we were notified by The Northern Beaches Council on the 16th December 2020 that an order has been served for the demolition of this structure. Now another application has been submitted for a structure that has already been refused by council-how is this possible?

Following are 3 photos showing the unauthorised construction as viewed from our property.



The dark grey wall represents the southern infill

P.2. Cont-



The Western end with the boundary fence paling removed to facilitate their store door opening



The eastern end abutting the boundary fence

P.3. Cont-

The plans submitted do not adequately dimension the extent of the illegal works. The infill from the natural ground level at 11 Vista Avenue to the underside of the carport eave is 2.94m at the eastern end increasing to 3.49m at the western end, giving it an average height when viewed from our property of 3.165m. On top of this is the roof of the garage so the total height of the mass viewed from our property would be in excess of 4.0m.

This has a significant negative impact on our solar and visual amenity.

Streetscapes and Townscapes

The relevant objectives relating to streetscape in section 3.1 of the Manly DCP are;

- 1) *To minimise any negative visual impact of walls, fences and carparking on the street frontage.*
- 2) *To ensure development generally viewed from the street compliments the identified streetscape.*

The store fully encloses the southern side of the carport, which is well forward of the building line, resulting in a detrimental visual effect that is not complimentary or consistent with the streetscape.

Setbacks and Building Separation

Clause 4.1.4.2 of the MDCP 2013 requires that the side setback for residential dwellings must not be less than one third of the height of the adjacent external wall equal to 1.14m for the south side setback. The works as undertaken are built to the boundary with no setback which is non-compliant with the control.

Objective 1) *To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.* The storeroom does not achieve physical separation from the south boundary and the carport is now not consistent with the neighbouring garages and carports within the streetscape.

Objective 2) *To ensure and enhance local amenity by:*

- *providing privacy*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitate view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *Defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces.*

P.4. Cont.-

Clearly these objectives are not met and in particular the loss of light, sunshine and air movement previously enjoyed in our front garden.

Objective 3) *To promote flexibility in the siting of buildings.*

The nil setback unreasonably impacts on the siting of the storeroom and is inconsistent with garaging forward of the building line in the neighbourhood.

The storeroom as built has produced an unacceptable mass which is detrimental to the streetscape and is visually oppressing. The health of our garden now robbed of northern light is in jeopardy and our enjoyment of the garden is severely compromised.

Please consider our plight when assessing this application.

Yours faithfully,

Erin Booker