
Sent: 8/12/2019 6:50:35 PM
Subject: Submission regarding Development Application No. 2019/1026 at 17A Woodbine Street, North Balgowlah
Attachments: DA Submission 17A Woodbine Street, North Balgowlah.pdf;

Dear Sir or Madam,

Please find attached a submission prepared on behalf of my clients, Roger & Samantha Pulman of 19B Woodbine Street, North Balgowlah, in relation to Development Application No. 2019/1026 at 17A Woodbine Street, North Balgowlah.

If you require an inspection of my client's property or any further information, please do not hesitate to contact me.

Kind Regards,

Fran Dargaville
Town Planner

m. 0404 626 165

8 December 2019

The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Julie Edwards

Dear Ms Edwards,

APPLICATION: DA2019/1026
PROPERTY: 17A Woodbine Street, North Balgowlah
PROPOSAL: Demolition works and construction of a dwelling house

On behalf of my clients, Roger and Samantha Pulman of 19B Woodbine Street, North Balgowlah, I would like to offer the following submission to detail my clients' concerns with regard to the proposed development at No. 17A Woodbine Street, North Balgowlah, and in particular the impact of the proposed new development on the views currently enjoyed from my clients' property.

My clients' property adjoins the subject site to the west.

I have been requested by the adjoining neighbours to review the development application plans provided and have also undertaken an inspection of the site and the area in which the subject property is located.

Ordinarily, we would not raise concerns in relation to the construction of reasonable development; however, we consider the proposed new dwelling in its current form and location to be presenting an excessive and unreasonable impact on the amenity of my clients' property.

The proposed dwelling is contrary to a number of provisions of Warringah Development Control Plan, which are outlined below.

Part D7 – Views of Warringah Development Control Plan seeks to allow for the reasonable sharing of views.

The existing view assessment within the submitted Statement of Environmental Effects prepared by Classic Country Cottages and dated 13 September 2019, reads as follows:

Considering the current view line, similar views to now will be retained by most possibly affected neighbours. No significant views can be seen.

Relatively low-pitched roof lines and split levels have been used in the design & the narrow view of the roof presented to the neighbours across the street to allow a reasonable level of view sharing.

All in all, the proposal has been designed to achieve a reasonable level sharing of views available from surrounding and nearby properties.

This assessment is inadequate as it does not address the loss of views for uphill properties.

A view assessment has been carried out to consider whether the proposed works will result in adverse impacts on existing views from adjacent residential properties. This assessment has been undertaken in accordance with the Planning Principle contained in *Tenacity Consulting v Warringah [2004] NSWLEC 140* which sets out the planning principle for considering the acceptability of the impact of a proposed development on the views enjoyed from private properties in the vicinity of the development.

The four-step process to determine whether view sharing is reasonable is outlined as follows:

- **Step 1: Assessment of views to be affected**

My clients' property currently enjoys views to the Manly foreshore to the east, which includes ocean views, together with numerous iconic Norfolk Island Pines along the foreshore (refer to Figure 1 – 3).

The existing view currently received from the first floor living room of my clients' property is a whole view, interrupted only by the roof forms of the neighbouring properties to the east (particularly the roof form of No. 15A Woodbine Street) and the surrounding vegetation.

The proposed new dwelling will completely remove the existing view to the Manly foreshore and ocean currently enjoyed from my clients' living room.

- **Step 2: Consider from what part of a property the views are obtained**

The views towards the Manly Beach foreshore are obtained from the first floor living room within my clients' property. This is the primary living area within my clients' dwelling, and currently receives views to the east from both a sitting and standing position.

Views are also received from first floor bedrooms, however the living room is the primary concern for my clients.

Whilst it is noted that it is more challenging to retain views over side boundaries, we believe a more considered design would facilitate the retention of some views for my clients to the east towards the Manly Beach foreshore.

- **Step 3: Assess the extent of the impact**

View loss is experienced from the first floor living room. The extent of view loss is significant, with 100% of the existing easterly views to be removed. The extent of the view loss will result in a substantial reduction in the amenity currently enjoyed by my clients.

- **Step 4: Assess the reasonableness of the proposal that is causing the impact**

The current proposal to provide for a new two storey dwelling is not considered reasonable as the design does not demonstrate any attempt to retain the existing views from my clients' dwelling at No. 19B Woodbine Street.

Whilst it is noted that the proposal complies with the statutory height limit, the siting of the proposed dwelling in its entirety, or at the least the first floor level, further to the rear of the site, would allow the retention of a portion of the views from my clients' first floor living room.

As a result of the Tenacity assessment above, we consider the proposed dwelling to be contrary to Council's view sharing objectives.

In order to mitigate the impact of the proposed development on my clients' view, we request the following:

- We request that height poles be erected to facilitate an accurate assessment of the proposal.
- We request that an amended design be considered to locate the proposed dwelling in its entirety, or at the least the first floor level, further to the rear of the site, which would allow the retention of a portion of the views from my clients' first floor living room.
- The proposed privacy screening to the first floor deck over the garage be removed to minimise the loss of views to the east. My clients are not concerned about privacy from the proposed deck and would prefer to retain a greater portion of their easterly views.

Part D8 – Privacy of Warringah Development Control Plan relates to privacy. The objective of this control is to ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.

The proposed rear first floor deck will result in overlooking to the rear yard of my clients' property. My clients would be satisfied with the replacement of the proposed balcony with a Juliet balcony, which would minimise opportunities for overlooking.

In addition to the view loss and privacy issues addressed above, my clients have raised concerns regarding the following matters:

- The existing boundary fencing is currently held in place by the existing trees and cubby house along the boundary (refer to Figure 5 & 6). The removal of the trees and cubby house will likely cause the fence to become unstable and require repairs or replacement. My clients therefore request the boundary fence be reinforced at the applicant's expense prior to the the proposed demolition and construction works being carried out. This is a safety concern for my clients as a portion of the fence acts as a pool fence, and they therefore request that any damage be repaired as quickly and reasonably as possible.

- The proposal will result in additional overshadowing to my clients' property at 9am on 21 June. Whilst we note that this is only during the morning hours on 21 June, a reduction in the roof form or reconfiguration of the design could simultaneously reduce the impact on the views and solar access received from my clients' property.

We welcome Council's specific consideration of these issues, and remain available to discuss any aspect of our submission and welcome the opportunity to discuss our concerns with Council. I would appreciate your early advice as to how the application is to proceed and we would appreciate the opportunity to further discuss the matter with staff prior to any final determination.

Should you require any further information with regard to the above, or require a site inspection of my client's property, please do not hesitate to contact me on 0404 626 165.

Yours Sincerely,



FRAN DARGAVILLE
Town Planner
BPlan (Hons) UNSW



Figure 1: Existing view currently received from first floor living room within my clients' property, facing east



Figure 2: Existing view currently received from first floor living room within my clients' property, facing east



Figure 3: Existing view currently received from first floor living room within my clients' property, facing east



Figure 4: Existing view currently received from first floor bedroom within my clients' property

Figure 5 & 6: Existing trees supporting dilapidated pool fence

