
Sent: 7/05/2020 12:21:21 PM
Subject: Objection to DA 319/2020 (44 Bower Street Manly)
Attachments: 44COM3.pdf;

Dear Sir/Madam,

Please see attached.

Regards

Gwyn Burns

*Gwyn Burns
45 Bower Street
Manly NSW 2095
Australia*

*General Manager
Northern Beaches Council
c/- 1 Belgrave Street
Manly NSW 2095*

7th May, 2020

Dear Sir/Madam,

Re: Redevelopment of 44 Bower Street Manly (DA 319/2020)

We write to object to the revised proposed development No. 319/2020 for the property at 44 Bower St Manly NSW 2095 by Applicant Justine Lynette Acret. We are the owners and occupants of premises diagonally across Bower Street and can look out in a north westerly direction over the subject site (e.g. from all our rooms at the front of our house).

The comments in our submission have been addressed in terms of the Manly LEP and DCP.

Proposed Building Height and the LEP Limit

The applicant's Statement of Environmental Effects notes the building is not compliant on height (8.75 vs 8.5m required). While this might seem like a minor non-compliance issue in a merit assessment, the houses across the road overlook and enjoy views around and over the proposed redevelopment, so every centimetre of being “over height” is diminishing the view from the houses behind (on the opposite side of Bower Street). This introduces the major issue that redeveloped sites should fully comply with envelope controls in foreshore areas.

Proposed Site Setbacks and Controls

The side set-backs still appear non-compliant. As the proposal is for complete demolition of the existing structure and the site is to be fully cleared, the building should be assessed against the current LEP and DCP from scratch. The non-complying envelope of the existing (circa 1938) heritage building and past approvals for extensions, including a garage, should only remain valid with retention of the existing building. The less than compliant setbacks would be then considered a trade off for retaining the existing period building, which is very prominent in the streetscape.

As previously noted in a previous submission, there is the additional view loss from the non-complying setback with the longer extruded (South to North) building envelope of the proposed new dwelling at 44 (for oblique lines of sight from dwellings across the road). Similarly there is the loss of the facility to enjoy of view corridors between the buildings on the Ocean side of the street from dwellings on the

non-Ocean side of Bower Street. Thus the non-complying side setbacks have considerable impact on other residents in the street (on the non-Ocean side). The proposed location of the garage at the front of the block right on the boundary of number 42 will also block all views at street level (e.g. from Council footpath) between number 42 and number 44.

In general, in streets enjoying valuable water views, non-compliances, on FSR, height and side setbacks cause additional view loss to surrounding residents. Council's policy is for view sharing. So if the existing non-complying period building is to be entirely demolished, the replacement should be fully compliant with Council's current planning controls.

Thus in this case, due to the depth of the proposed building (South to North), it is important to recover the side setbacks to allow view corridors from the Council street footpaths and the houses behind the subject site (on the other side of the Bower Street).

We thus request Council require the proposed new structure in this development application to meet all current code requirements and allow no set-back dispensations for any past approvals based on retaining the existing building, when this is now to be fully demolished.

Heritage Significance Considerations

We note that the applicant has obtained a revised heritage assessment of the existing period building at number 44. Again we would suggest however, the heritage architect's report is not balanced and is written to support the applicant's proposal to demolish the existing period structure. It was previously noted that from internet research it appears the report's author does a significant volume of heritage work for development applicants.

The applicant's heritage assessment report on number 44 Bower Street continues to contain numerous errors of fact, which combined, undermine a more balanced objective evaluation of the building's heritage significance.

Again firstly the buildings age. Due to the outbreak of World War 2 in September 1939 and short construction timeframes in that period (typically 6 months for a house), using the aerial photograph of 1937 we can narrow the existing building's construction to be within the period May 1937- early 1940.

The author's lack of knowledge about the ceasing of building construction during the war in Sydney also undermines his professional authority in assessing the structure. In particular all the various embellished decorative 1930s architectural styles did not continue or reappear after the Second World War. So the building is from a short uniquely stylistic "Inter War" era that ended, and has never been repeated.

The suggestion that the house at number 44 is more viewed from the reserve than the street is quite absurd, as it then becomes one of many in a line-up viewed from a very long distance away, and no doubt this is claimed to try to undermine the significant presence the existing front facade of 44 has on the Bower Street streetscape.

The existing facade is powerful, attractive, close and imposing - being right near the street and footpath.

In his discussion of the converted garage, the report author's lack of historical awareness again precludes him realising that this internal feature for undercover storage of a motor vehicle is a rare and unusual feature in a building of the 1930s period. As previously noted in a past submission, cars were rare and expensive luxury items in the 1930s. Thus this original feature of an integrated place, within the house, to store a motor car adds to the building's significance (even if since converted to another room).

The author's description of the facade brickwork is misleading, he says "it is hard to see any ornamentation" in fact, as illustrated below, the building (under the 'Ficus' vine currently covering it) has significant decorative brickwork features on the facade. For example there are prominent constructions around the four smaller upper windows. A determined close inspection would have easily revealed this. Given it is the street facade and the period of its construction, such detail would also be expected.

The description of the external joinery as having "all been replaced" is also incorrect and again could be misleading on significance. While we can't speak about the non-publicly viewable North side of the building (other than from examining the applicant's submission photographs), the joinery of the street facade is almost entirely original - e.g. front door, roof eaves, even most of the windows. (Noting the replicated period style of window now on the front of the garage.)

As regards the style of the building and its facade, it has elements of simplified *art-deco-gothic* rather than *English-Tudor-revival* style as the report tries to classify it. Thus to compare it to number 61 Bower Street (since demolished!) is just wrong - it simply not the same architectural style - e.g. there are no mock-Tudor wood framing elements at all on the facade of number 44 (even under the Ficus vine) but there was on the facade of number 61.

The author suggesting number 7 Bower Street is an "English vernacular" (inter-war) style house, when its very obviously a 1950s design, must raise serious questions about the author's knowledge of period housing styles, and raise major doubts about his assessment of number 44 and the soundness of his report and its conclusions. (To explain the facade and roof arrangement and mottled "random" colouring of the terracotta roof tiles is obviously from the 1950s.)

Finally the author of the report claims the "English vernacular" style of house is common in Perth and Adelaide but rare in Sydney. However the upper North Shore has some examples - the style is in Sydney - even if it's very rare in Manly. Housing styles heavily depend on when the buildings were built, with the ornamentation also being a function of contemporary tastes at the time and the affluence of the owner.

However what is certain is no matter what technical architectural style the house at number 44 can be described as, the building is a very rare style in the Manly area. Yet

the assessment form included within the heritage assessment claims the building is not rare. So this is incorrect and a critical point. It again suggests bias and lack of objectivity in the applicant's heritage assessment.

Being locally architecturally rare, the existing house is thus arguably locally of heritage significance on the grounds of its aesthetics. (E.g. like the preserved heritage Spanish-style Auckland Garage was.) Number 44 is largely original and in good repair. It is worthy of preservation. If the owner was inclined, it would be possible to expand and modernise the building to reflect its location, views and contemporary living requirements, while retaining the impressive period street facade.

As it stands we have major concerns that the applicant's heritage assessment, as it appears to be a flawed, biased and an incorrect evaluation of the building, which is being used as an attempt to support the new owner's development application to demolish it.

However the existing building is very prominent in the Bower Street streetscape and is an unusually large high quality house for the 1930s period, when it was built.

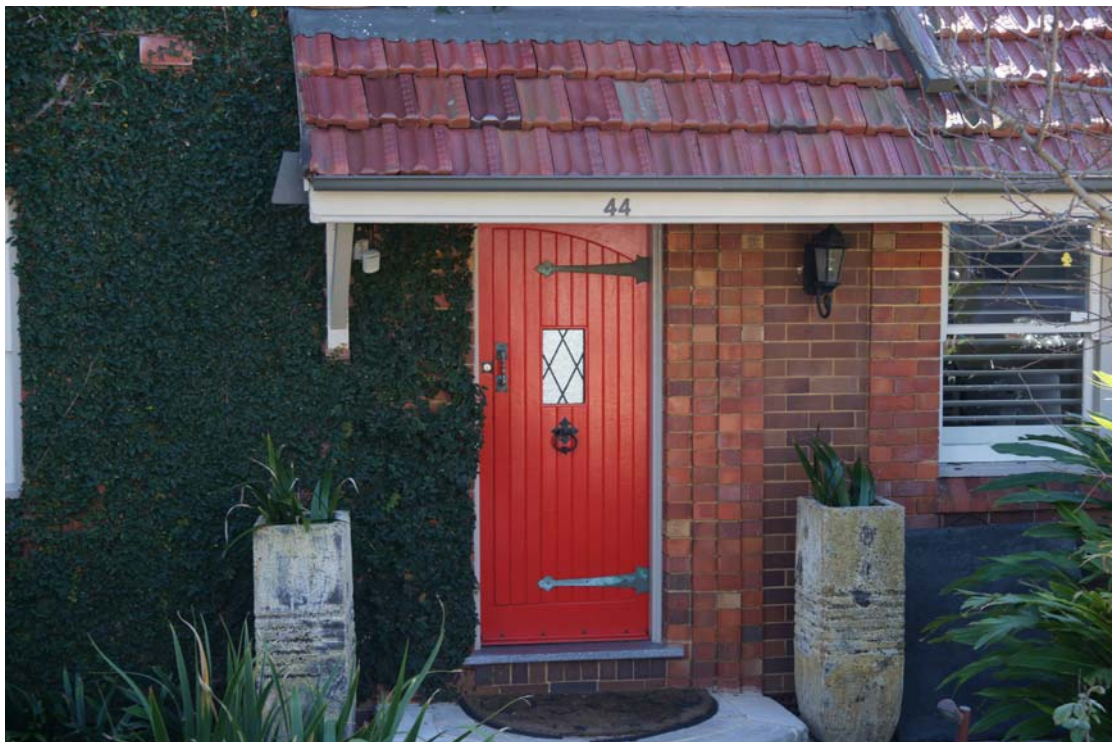
Again we therefore request again that Council commission an *independent* heritage assessment of the existing building at number 44 Bower Street, with the assessment to specifically consider the architectural uniqueness of the design, its landmark appearance and the high level of integrity of the building. One commissioned by the applicant can not be seen as "independent".



Number 44 Bower Street on 18/08/2016. There is 'Ficus' vine hidden decorative brickwork around the 4 windows at the top of the facade. Note the view corridor between 44 and 42 Bower Street which will be blocked by a proposed garage to be built on the present vehicle hard stand. The façade faces south.



A partial close-up of Number 44's original street façade (taken circa 1989) before the Ficus vine was allowed to cover the façade. It clearly shows the highly decorative brickwork in the *gothic art-deco* style. This photo was taken from the house opposite and also shows the view impact of the any building envelope at number 44. The original detailed brickwork is still present under the vine.



Example of high architectural detail of 44 Bower Street - showing decorative brickwork and the front door - all original joinery (since repainted but still original).

Conclusion

The revised proposed demolition of number 44 Bower Street and replacement by a new structure, that does not appear to comply with setback requirements, will be to the detriment of views from surrounding premises. If the existing building is demolished, set backs should be enforced as for a new dwelling.

Additionally the proposal will result in the loss of a fine well presented 1930s period house with an imposing landmark façade, which will be detrimental to the streetscape of this part of Bower Street. A Council sponsored *independent* assessment of the existing building's heritage significance is needed. The current building design appears a very rare architectural-style in the Manly area.

On this basis we object to the revised development of number 44 Bower Street as proposed, as contrary to Council's development requirements.

We trust this submission should be of assistance to Council, but please feel free to contact us on 9977 8027 if we can provide any further information.

Yours faithfully

D. G. Burns