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**Sent:** 13/04/2021 4:03:22 PM  
**Subject:** DA2019/1317 - Mod2021/0066. 26 West Street, Balgowlah.  
**Attachments:** Ashley Warnest.docx;

Dear Ashley,

Please find attached my objection to the Modification in the subject line.

Regards,

**Paul Davies**

Founder and CEO

Corporate Headquarters

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Attention: Ashley Warnest

Planner

Northern Beaches Council

Re: DA2019/1317 – Mod 2021/0066. 26 West Street Balgowlah

Dear Ashley,

We appreciate your visit to our property recently to discuss our concerns regarding the development at 26 West Street, Balgowlah.

As discussed with you in person and raised by our designer Paul Carrick, the upper-level design should never have been approved by Council in the first place, on the grounds that:

1. well inside the Council's front min building setback zone
2. does not attempt to reduce bulk
3. does not comply with the one third inset rule
4. and therefore must cast an excessive shadow – you will note shadow diagrams are consequently not provided

This structure is a second-floor garage area for use as an internal room above a panellift door with room to walk around and an east facing window over the ridge, which we understand is not permitted.

This structure fails to comply with Council building guidelines, usage and is very detrimental to the streetscape of West Street, which has been so carefully protected by previous Council diligence.

On top of this, the structure has not been constructed in accordance with the approved plans. You will recall Ashley, you described this situation as an error on the part of the applicant. All this evidence points to a blatant disregard of Council process and approval.

As discussed with you, when first constructed it was much higher than it is currently, as evidenced by the image provided to you on the day. The owner and builder was approached at the time and realising that that this structure was not going to be overlooked, quickly reduced the height.

How is it possible that they could have made a building error a second time as you stated at our meeting.

This is not an error, but a deliberate attempt to try to obtain approval for something that is NOT approved, regardless of neighbours concerns and Council process.

We understand the previous approval cannot be overturned but wish to register our strong objection to Council allowing any modification to that approved DA, which will further compound the issue.

Regards,

Paul and Annie Davies