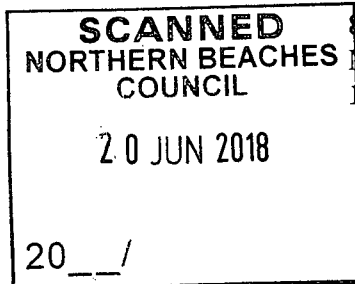
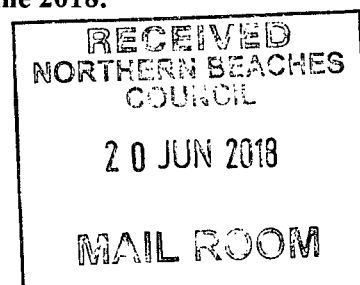


**The General Manager  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099**



**8 Daisy Street  
North Balgowlah NSW 2093  
16<sup>th</sup> June 2018.**



**Re. Notice of Proposed Development - Modification No: Mod2018/0270 -  
(DA2017/0323) - 10 Daisy Street, North Balgowlah, NSW 2093.**

We object to the following proposed modifications as outlined in the Submission to Council dated 9<sup>th</sup> April by Greg Boston of BostonBlythFleming (referred to as the Submission in this document)

### **1. Roof**

We object to the proposed alteration in height to the new building (i.e. an increase to a roof height of approximately 9.21 metres).

The shallower pitched metal roof, as specified in the original Council Consent (to meet compliance with the 8.5 metre height of buildings standard), was determined in accordance with the Warringah Local Environmental Plan (WLEP) 2011.

We note that height standards are determined so as to protect neighbouring properties from overshadowing and to maintain consistency of appearance and structure across the residential neighbourhood.

Any additional height to the roof (beyond the standard specified in the Consent) will have a negative impact on our property and the surrounding environment for the following reasons:

(i) increased overshadowing of our first floor front lounge room and main bedroom, (both facing south) allowing less light to both (on this southern side light is at a premium as the former view from front lounge room window is now completely blocked by the positioning of the new building). Additionally, light to the ground floor room (with a window facing south and also east) will also be diminished.

Loss of solar access is not in keeping with the WLEP 2011 – clause 4.3 – Height of Buildings Development standard which has the objective “ (b) to minimize visual impact, disruption of views, loss of privacy and loss of solar access”.

Acknowledgement is made on page 11 of the Submission to “the shadow geometry is slightly altered” by the additional height. This acknowledgement is significant. Both the lounge room and main bedroom have lost significant amounts of light due to the new building being situated so close to our dwelling. Having lights on during the daytime is now necessary (especially in the main bedroom).

The added height of the new building will also have a significant negative effect on light to the ground floor room (with a window facing south).

(ii) increasing the height of the roof will exacerbate the already oppressive proximity of the new build to our lounge and main bedroom (facing south).

This increase in **visual bulk** and looming dominance will not be in accordance with the WLEP 2011 – clause 4.3 – Height of Buildings Development standard (b) which refers to the objective of minimizing visual impact, nor with the principles cited in the case of *Stavrides v Canada Bay City Council* (cited on page 5 of the Submission).

(iii) aesthetic detracton to our own property because added roof height will exacerbate the existing perception that the new building is out of scale and proportion with its surrounds (i.e. as it is currently, no. 10 looks misplaced spatially on the property and is out of proportion to its existing footprint).

This lack of scale and proportion is obvious when the house is viewed from all angles, especially from our southern side, but also from the street, and from side facing number 12 Daisy Street. This is not consistent with two of the principles cited on page 5 of the Submission referring to “The Court in the authority of *Stavrides v Canada Bay City Council* [2007] NSWLEC 248”, as:

(i) **the visual bulk is exacerbated by an increase in height and**

(ii) **it also compromises “a complimentary and compatible streetscape presentation”.**

This visual dominance (as a result of an increase in height) is also not in accordance with the WLEP “Site Boundary Envelope (B3) – with the stated objective “to ensure the development does not become visually dominant by virtue of its height”.

(iv) the proposed modification is furthermore incompatible with clause 4.3 of the WLEP – Height of Buildings Development standard (d) which refers to “the visual impact of development when viewed from public places such as parks and reserves, **roads** and community facilities”.

The new building presents a negative visual impact to the community driving along Daisy Street. It also appears to be “looming” as it is approached from Myrtle Street. Because of its visual bulk, it appears to be an anomaly as it is not in keeping with the appearance of existing houses in the street.

It is interesting that reference to the view of the house from the road is omitted in the Submission’s paragraph at the top of page 9 (i.e. “the small area building height non-compliance will not give rise to any unacceptable visual impacts when viewed from any public place”), where as the WLEP clause 4.3 Height of Buildings includes reference to the view from the road (as cited in (iv) above). This omission is significant and attempts to minimize the negative impact of added height.

(v) the added height of the proposed modification contravenes the principle of consistency and compatibility of appearance across the streetscape. Clause 4.3 of WLEP states that development should endeavour “(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development”. As it stands currently, this new building is not in keeping with its neighbouring dwellings. While other houses have height in accordance with regulations, they look to be in scale and proportion with their footprint.

Contrary to what is claimed on page 8, the retained roof form, by virtue of its height, is **jarring and unsympathetic in a streetscape context.**

As this development has progressed, we have been approached by many residents of the area who have questioned the building’s looming appearance. Commentary has been overwhelmingly negative.

(vi) approval of the proposed modification would set a precedent for any future applications for non-compliance with height regulations

(vii) “cost saving” cannot justify the proposed change in height to the roof as costs are the responsibility of the owner / developer. There is no plausible relationship between cost and compliance with building standards. Any cost saving should not be at the expense of any neighbouring property. Furthermore, the colourbond roof was originally budgeted for by the applicant in the Consent.

(viii) We also object to the application seeking “to retain/reuse the majority of the pitched roof” for the following reasons:

The existing pitched roof is constructed from tiles (dating back at least 50 years and likely to be replaced within the short term). Using the existing tiles for the roof is not compatible with the new cladding - this mismatch of materials is not in keeping with the principle of maintaining “a complimentary and compatible streetscape presentation” (as cited on page 5 of the Submission) [note: neighbouring new dwellings with wall cladding have colourbond roofing - e.g. numbers 2, 12, & 17 Water Reserve Road, and number 12 Daisy Street].

(viii) justifying the “retain / re-use “of these tiles on the basis of “sustainability” is a spurious argument as the amount of re-usable tiles is very insignificant and would add little, if anything, to the “environmentally, economically and socially sustainable development for the community of Warringah”.

## **2. Ground Floor**

(i) re. “Change the approved entrance awning cladding from metal to tiles to match main roof form” (page 3 of the Submission)

The substitution of tiles for metal on the entrance awning cladding is again using a material which is incompatible in appearance with the newly applied cladding to the walls of the dwelling.

(ii) re. “The introduction of a solid fuel heating appliance with external flu to the lounge room area...” (page 3 of the Submission)

We have concerns about air pollution and ash residue arising from the burning of fossil fuels. This is not compatible with clean energy principles and a surprising modification given the purported environmental focus of the Submission.

The external piping of this apparatus (as indicated on the plans) is also likely to be visually dominant against the side of the house (because of its height) and will not look attractive. This appearance will be again incongruous with the appearance of neighbouring properties.

### 3. Privacy (D8 of WLEP)

We object to the proposed change referred to on page 12 of the document, i.e. "The first floor window on the northern elevation marked as Window 21 and bottom half/lower pane of the first floor window of the northern elevation marked as Window 22 on approved plans are to ne obscure glazing". Window 21 will be diagonally across from pour main bedroom window. We seek to retain privacy and on this basis, we request that the originally consented glazing to the entirety of both windows be complied with.

### 4. Retaining Walls

"Provision of additional retaining walls and land contouring at front and rear of site" is referred to on page 3 of the document.

We note that retaining walls (as indicated in section 96 amendments) have already been constructed on our southern boundary at the front of the property. In this context an explanation is required.

### Conclusion:


For the reasons stated above, we dispute the Submission's claim that the modifications will involve minimal environmental impact. Furthermore, we also believe that **the proposed height modification (in particular) makes the building significantly different to that as originally consented to by Council.**

Yours sincerely,



Robert Pringle & Denise McCarthy

Owners, 8 Daisy Street, North Balgowlah, NSW 2093



c.c. Private Certifiers & BostonBlythFleming