

---

**Sent:** 1/07/2020 10:44:55 AM  
**Subject:** DA2020/0586 - 4 Laura Street, Seaforth  
**Attachments:** 4 Laura Street, Seaforth (Objection) .pdf;

Please find attached an objection to DA2020/0586 on behalf of the neighbour at 3 Laura Street, Seaforth.

Kind Regards

**Sarah McNeilly**  
Director

M. 0413341584 P. 89010741

E. [sarah@watermarkplanning.com.au](mailto:sarah@watermarkplanning.com.au)

W. watermarkplanning.com.au





The General Manager  
Northern Beaches Council  
Civic Drive  
725 Pittwater Road  
**DEE WHY NSW 2099**

1 July 2020

Dear General Manager,

**4 Laura Street, Seaforth**  
**Development Application No DA2020/0586**  
**Proposed alterations and additions to an existing dwelling house**

We have been engaged by the owner of 3 Laura Street, Seaforth, who has recently been notified of a Development Application at 4 Laura Street, Seaforth. No. 3 Laura Street is located immediately adjacent to the subject site to the east.

DA2020/0586 involves alterations and additions to the existing dwelling, including the conversion of an existing roof space to a balcony located on side boundary shared with 3 Laura Street, Seaforth. The development site is within immediate proximity of our client's dwelling and the proposed development will have a detrimental impact on privacy to their site.

**View of Locality**

The general locality can be described as residential uses with low density housing oriented to maximise views to the adjacent waterway.

The opportunity has been taken to view the subject property in the context of surrounding development and to consider plans and supporting documents relating to the development application which was available on the Northern Beaches Council website.

It is evident from the site view from our client's property, that the existing dwelling at 4 Laura Street currently has a nil setback to shared side boundary for part of the length at the northern end of the site. This area is immediately adjacent our client's pool and key private open space area.

**Zoning and Land use Generally**

We note that the property is zoned E3 Environmental Management under the provisions of the Manly Local Environmental Plan 2013 (MLEP2013). Properties located along the foreshore have the same zoning and all site within Council's foreshore protection area.

## Nature of Submission

Having considered the site, its surrounds, neighbours and the details of the application currently before Council, it is our view that the proposal is not worthy of approval.

## Background

The original Development Consent for alterations and additions to the dwelling at 4 Laura Street, Seaforth, was approved by Council in 2010 (DA198/2010). A review of these plans reveals that the “balcony” referred to in this current Development Application was actually approved as roof space. See Figure 1 below with an extract of the approved eastern elevation, with no door or balustrade shown.

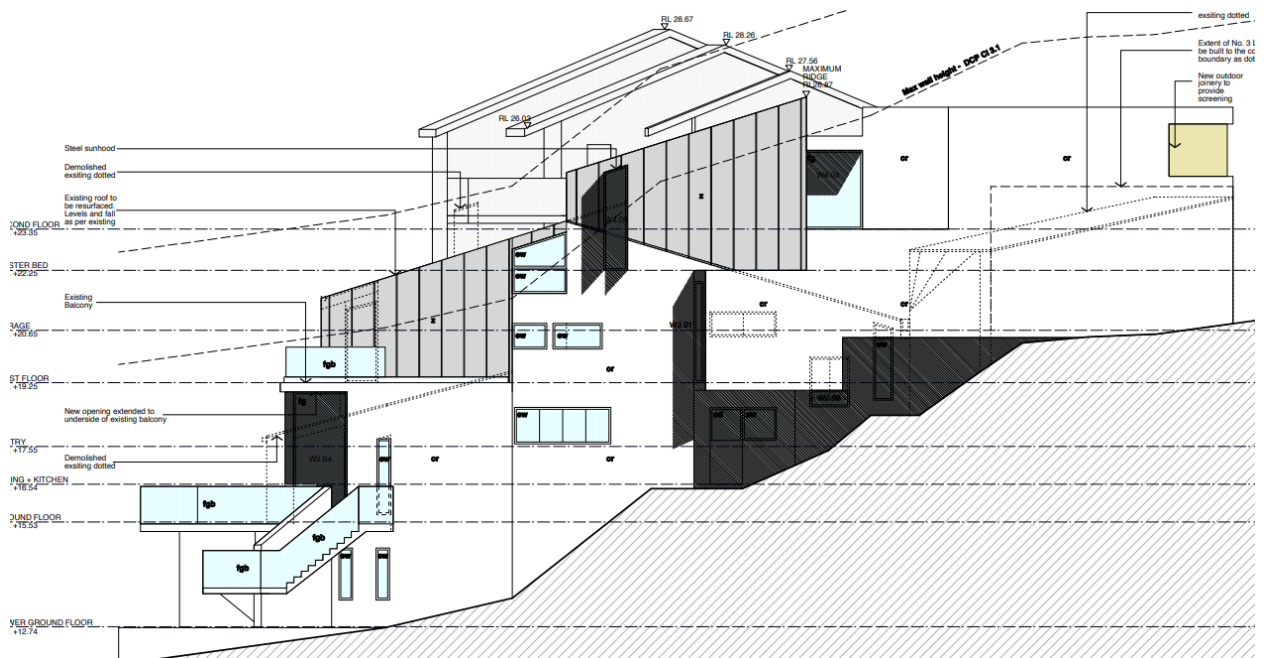


Figure 1. Extract from DA198/2010 showing approved eastern elevation

Also see figure 2, below, which shows an extract of the relevant area of the approved floor plan of the upper level of the building with windows provided to the eastern elevation and no physical access to the roof top space adjacent 3 Laura Street on the eastern boundary.

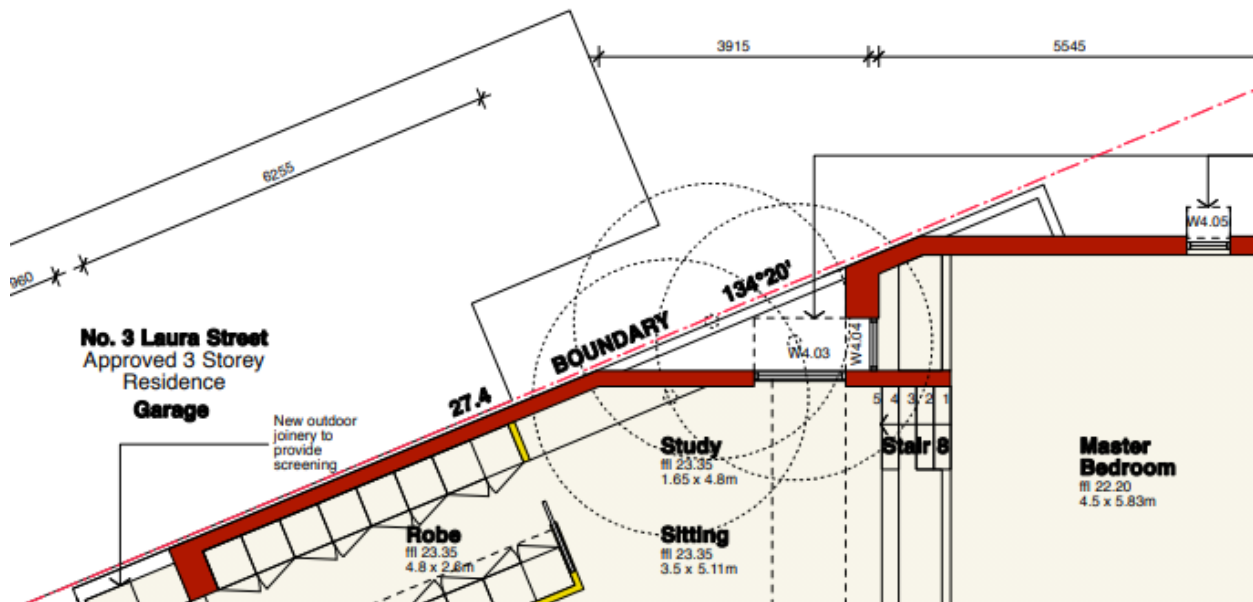


Figure 1. Extract from DA198/2010 showing approved roof top area with window (no door access to roof top and no balustrade)

Additionally, we have referred to the Council Town planners report, prepared by Laurie Bean, assessing the proposed works in DA198/2010, which includes the following description:

*Details of proposal are:*

*Lower Ground Floor - Internal configuration within store area.*

*Ground Floor - Reconfigure plant area and internal stair, reconfigure laundry to pantry, and extend family room by aligning glass line with the sitting/living room.*

*Level 1 - Alter and extend the garage and provide internal access to dwelling, new study. delete Bedroom 4 and insert internal stair, relocate Bedroom 3 to east, rationalise ensuite to Bed 1, and extend Bedroom 2 and add balcony to Bedroom 2;*

***Level 2 - New master bedroom, with study, sitting room, ensuite and robe, new south facing balcony and new north facing (street) balcony;***

It is clear that a balcony from the study facing east is not part of the application.

Additionally, it was noted in the Council planner's assessment report in 2010, in the original application, that the design specifically stepped back in this location, where setbacks were nil, to aid in privacy for the neighbouring site, being 3 Laura Street. See extract form original assessment report below.

***This wall is extended into the study so that the window to the study faces south and does not overlook the entry of the adjoining property at 3 Laura Street. The upper level***

*above the study is then stepped back from this boundary on a splay to the boundary of up to 2m.*

Accordingly, it is clear that the description of the proposed works in this current development application, DA2020/0586, is incorrect where it states:

*The proposal is for alterations and additions to the existing dwelling house. They consist of the following:*

- a. New fibre cement privacy screen on **existing** balcony*
- b. New roof to **existing** balcony*
- c. New balustrade to **existing** balcony*

An accurate description of the proposed works would be a change of use of the existing roof top to a balcony.

Additionally, we note that a door appears to have been constructed in the place of approved window 4 without consent. This door is unauthorised works and should be removed.

### **Privacy**

The proposed balcony will sit with a nil setback to our client's site and immediately overlook their pool and a key private open space area. Please see photograph below of the proposed balcony viewed from the pool area. It is critical in any assessment of this application, that the Council officer visits my client's home to accurately understand the privacy implications created through allowing for this area to become a habitable space for the neighbours.



Mainly Development Control Plan Section 3.4.2 Privacy and Security specifically requires balconies to be designed to maximise privacy and refers to setbacks, recessing and landscaping. None of these would result with the proposed new balcony. In addition, the objectives of the clause are not achieved as is detailed below.

#### *Objective One*

*To minimise loss of privacy to adjacent and nearby development by:*

- *Appropriate design for privacy (both acoustic and visual) including screening between closely spaced buildings.*
- *Mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings*

This objective is not achieved with no screening possible and a vastly increased view into the neighbouring site available. The inclusion of a balcony in this location would allow the residents of 4 Laura Street an immediate view into the neighbouring site's private pool area.

The original approval appeared to consider this and specifically discussed the setback of windows in this location to achieve some privacy. To now allow for this to be converted to a balcony would be a significant loss of amenity to the neighbouring site at 3 Laura Street, and at odds with the decision and views of the original assessing officer.

#### *Objective Two*

*To increase privacy without compromising access to air and light. To balance outlook and views from habitable rooms and private open space*

The proposal results in a loss of privacy and is not needed to allow for light and air for the subject site as windows are already approved in this location, which will provide ample light and air. Accordingly, achieving this objective is not a reasonable motivation for the proposed balcony. The balcony should be refused and the unauthorised door reverted to the approved window.

#### *Objective Three*

*To encourage awareness of neighbourhood security*

The inclusion of a balcony with immediate views and access to the neighbouring site is at odds with the feeling of security and safety for the residents of 3 Laura Street, Seaforth. The ability of neighbours to see into the pool space and the access stairs to the site is uncomfortable and overbearing.

#### **Side setbacks**

A side setback of 900mm is required under the provision of the BCA and closer to 2.5 metres based on the provisions of the DCP. The inclusion of the balcony balustrade on the boundary would further intensify this significant variation to the setback control. No reasonable reasons to vary this have been or could be proposed by the applicant.

The objectives of this control would also fail to be achieved with privacy vastly decreased, apparent bulk from the neighbouring site increased, and the lack of space between buildings further intensified.

### **Wall height**

Apparent wall height from 3 Laura Street will be increased. This is non-compliant, with setbacks and wall height immediately related and the proposal required to be located and sited proportionately. With a nil setback, there is no room for any increase in the height of the wall in this location.

### **Building**

We have not seen the Council Building Surveyors advice as yet as it is not available on the website. However, we would suggest that a balcony located on the boundary appears to be at odds with BCA fire safety requirements and maintenance of walls and structures, with no access available.

### **Conclusion**

Considering of all these factors we urge the Council to request the applicant withdraw their application to ensure that the amenity of the neighbouring site, 3 Laura Street, Seaforth can be maintained. Alternatively, we believe the application must be refused in its current form.

Additionally, the owners should be issued a notice of intention to issue an order to remove the door which as been constructed in place of approved window 4. This is an unauthorised use and highly inappropriate in this location.

If you have any further enquiries on any matters in this regard, please do not hesitate to contact me on 0413 341 584.

*Yours faithfully,*



Sarah McNeilly  
Director  
**Watermark Planning**