
Sent: 4/09/2020 2:05:42 PM
Subject: DA2020/0915
Attachments: 4 Laura Street, Seaforth Objection 4 Sept 20.pdf;

4 Laura Street, Seaforth
DA2020/0915
Attention: Nick Keeler

Hi Nick,

Please find attached letter of objection from the neighbouring dwelling at 3 Laura Street, Seaforth to the above mentioned application.

Kind Regards

Sarah McNeilly
Director

M. 0413341584 P. 89010741
E. sarah@watermarkplanning.com.au
W. watermarkplanning.com.au





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

4 September 2020

Dear General Manager,

4 Laura Street, Seaforth
Development Application No DA2020/0915
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.

DA2020/0915 involves works associated with the boundary fence, poolside structures and stairs all located within immediate proximity of our client's dwelling.

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.

The works proposed as a part of this application are immediately adjacent to the shared boundary and due to the levels of the sites and views available will be to the detriment of my client's home at no. 3 Laura Street, Seaforth.

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. This submission details specific issues which we request Council to resolve in their assessment of the application.

Confirmation of proposal

There are some aspects of the plans which are not clear. We note that the Statement of Environmental Effects states that the new works include:

- a. New outdoor covered entertaining area to replace existing shade structure*
- b. New external access stairs to replace existing*
- c. New storage area in void under existing balcony*

However, a review of the plans suggests that the following is also included:

- i. New 2 metre masonry boundary wall (measured from ground level of 4 Laura)
- ii. 1.8 metre screen on first floor adjacent stairs
- iii. Removal of brushwood fence and black metal fencing

The plans fail to provide an eastern elevation, which shows the impact of the works from 3 Laura Street, or a section which adequately demonstrates the fall in the land and the large impact to 3 Laura Street. Only the drawing titled Elevation BB shows the apparent height of 4.66 metres.

Owners Consent

The owners of 3 Laura Street advise that the black metal fence, which are proposed to be removed is located on the 3 Laura Street side of the property boundary and that it was installed for pool compliance. Accordingly, no consent is provided for this structure to be removed.

The owner's of 3 Laura Street do not provide consent for any of the proposed works on the boundary or removal of fencing on the shared boundary.

Bulk and Scale

The proposed development involves the removal of the existing open poolside cabana and replacement with a large bulkier structure, which has both an extended length for the perimeter of the site boundary and an increased height above the existing fencing. The result of this will be increased due to the site topography with 3 Laura Street being sited significantly lower than no.4 Laura Street.

The inclusion of a large roofed structure on the boundary is to the detriment of amenity at the neighbouring site and is at odds with the objectives of the Manly Development Control Plan, which seeks separation between dwellings and landscaped spaces to reduce bulk and scale.

We note that no.4 Laura Street already has a very small landscaped area and pushing taller structures closer to the neighbouring property will exacerbate this issue and intensify the apparent bulk when viewed from both no. 3 Laura Street and the waterfront.

Side setbacks

The proposed pool cabana height of 2.9 metres (or closer to 4.66 metres when measured from the ground height at 3 Laura Street) with a nil setback, is non-compliant and inappropriate for this location, where it is to the detriment of the neighbours amenity. While the structure is open within the development site, it appears as an enclosed wall when viewed from 3 Laura Street.

A setback of 1/3 the wall height would require the structure to be setback between 1 and 2 metres. This fails to be met and the objectives of the setback clause are discussed below, and it is demonstrated that the setback needs to be increased and a softer view provided for the neighbour to ensure separation, solar access and landscaping can be achieved.

In addition, the revised stairs result in the stair landing including a 1.8-metre-high vertical screen to be located on the boundary. This structure would have a 2-storey height and further increases the scale of the neighbouring development in this location. The current position of the stairs is already intrusive, being only one metre away from the boundary and the large screen further extenuates this problem.

Key objectives of the setback control fail to be achieved with privacy vastly decreased, apparent bulk from the neighbouring site increased, and the lack of space between buildings further intensified. In particular the objectives state:

To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*

Solar access is lost for the neighbour as an immediate result of the noncompliant setback

- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*

Views from the kitchen and eastern windows are impaired though the excessive scale and setbacks

- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*

This is not achieved with no space provided between dwellings.

Height

A new boundary wall with height of 2 metres is proposed, measured from 4 Laura Street. The height to the shade structure will be an additional 900mm, resulting a 2.9 metre structure on the shared boundary. As the ground levels of the two sites differ, the apparent height from 3 Laura Street will be even greater (by at least half a metre), with the impact being a vast wall on the boundary, blocking solar access and being entirely noncompliant with setbacks and fence heights.

Without levels of the neighbouring property being provided, an eastern elevation or section, inadequate details are available for the true height to be demonstrated.

Views

3 Laura Street will lose some views across 4 Laura Street because of the development. While these are not their key views, it is an unacceptable development solution when the proposal fails to achieve even close to compliant setbacks.

Solar Access

The new pool cabana will have solar access impacts on the kitchen and laundry areas at no 3 Laura Street. The combined kitchen/casual dining area is a key living area in the modern living, it is not a reasonable result when the new works are proposed within the required setback area and of significant height.

The solar access diagrams provided with the application state that there is no impact, but also show an increased 3pm shadow. It is not known how these shows will impact the eastern elevation of 3 Laura Street as inadequate details are provided. As stated earlier, the solar access impacts are the direct result of non-compliant works and this is an unsatisfactory result for the development.

Privacy

The removal of the existing stairs and replacement with a new structure creates privacy concerns, with the top point of the stairs having a nil setback to the boundary. While this is not for the entire length of the stairs, it does create a high vantage point where the neighbours can look immediately down to the entry area and pool of 3 Laura Street. There appears no justification for this breach and no reason to allow for this structure within the 900mm required setback. We would request that this structure be redesigned to move it well away from the shared boundary, as is existing, and allow for planting and landscaping in the setback area instead.

Landscaping

No 4 Laura Street had extensive hedges on the boundary up until earlier this year. Please see photograph below showing the view from 3 Laura Street earlier this year.



The owners of 3 Laura Street are concerned that the green outlook which screened the dwelling from 4 Laura Street neighbour's view, provided some privacy and allowed for light, is now to be replaced with a large bulky wall. This is not the desired character for the environmental zone and more appropriate means to provide separation with landscaping should be required.

Additionally, No. 3 Laura Street has a lower wall adjacent the location of the proposed works outside the kitchen and laundry windows. This wall has planting at the top of it and contributes to the softening of this boundary area. We wish to ensure that this is untouched any proposed works and that this wall and the plantings are retained in their entirety. See the photograph below showing the established hanging plants.



Stormwater

With the structure proposed to sit on the boundary of our client's site disposal of stormwater and the impacts on the neighbouring site become more complicated. This is a further reason to ensure that the structure is adequately setback and some separation and green space be provided in the setback perimeter area on the boundary.

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.

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,

A handwritten signature in black ink, appearing to read 'S McNeilly'.

Sarah McNeilly
Director
Watermark Planning