
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 19/03/2024 2:13:40 PM
To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

19/03/2024

MS JULIA SUTCLIFFE
- 28 GEORGE STREET ST
MANLY NSW 2095
[REDACTED]

RE: DA2024/0179 - 30 George Street MANLY NSW 2095

Julia Sutcliffe and Neil Phipps
28 George Street
Manly
NSW 2095

19 March 2024
Reeve Cocks
Northern Beaches Council
1 Belgrave Street
Manly
NSW 2095

Dear Mr Cocks
DA DA2024/0179 Objection to Development Application
Lot 2 DP 90346 30 George Street Manly - Alterations and additions to a semi-detached dwelling

We object to the submission for alterations and additions to the above property. We own the adjoining Federation semi-detached at 28 George Street. The proposal destroys the symmetry and character which currently exists in the 1911 property and takes no account of the original features of the Federation semi-detached house, the heritage houses opposite or the George Street streetscape. The Application is non-compliant with Planning Controls (including non-compliances with Manly DCP as outlined below) with significant negative impacts to us and neighbouring residents. The proposal has made no attempt to mitigate its impact to adjacent properties.

Key impacts are:-

- i) Proximity to heritage buildings opposite and destroying the architectural symmetry and character currently present in the Federation semi-detached house
- ii) Non-compliance with Amenity - sunlight access and overshadowing
- iii) Non-compliance with Amenity - Privacy
- iv) Negative impact to Noise and Vibration
- v) Non-compliance with the side setback
- vi) Non-compliance with the rear setback
- vii) Non-compliance with Floor Space Ratio
- viii) Significant structural stability concerns

i) Proximity to heritage buildings opposite and destroying the architectural symmetry and character currently present in the Federation semi-detached house
Manly LEP Heritage conservation & Manly DCP Heritage Considerations
The Statement of Environmental Effects [SEE] report, January 2024 prepared by GAT & Associates, states 'While the subject site is located within the vicinity of a listed heritage item, it is not considered that any adverse impacts to the item will result'.
The proposal is directly opposite listed heritage items which are surrounded by terraces and semi-detached houses which are paired in their architectural forms. The quality of the architecture on George Street is contained within Terry Methereil's report July 2003 [attached to heritage architect's report Appendix A], including extract below states:-

The proposal negatively impacts on our property given it destroys the symmetry of the 1911 semi-detached house, refer to figure below.

Figure: Proposed west elevation, DA33

There is no heritage assessment or consultation prepared as part of the submission to review the proposal with regard to proximity of the heritage buildings opposite, its impact on the adjoining Federation Semi or the George Street streetscape.

Given the impact this proposal has on our Federation property, we have sought independent advice from a heritage architect as to the impact of this first floor addition on our home, refer to Lisa Trueman, Heritage Advisor report in Appendix A.

The report recognises the historic streetscape of George Street and the predominantly intact Victorian and Federation houses that have been well maintained. The report recognises the importance of the surrounding houses - including terraces and semi-detached and detached houses which form the visual curtilage to the larger Victorian houses at 17-21 George Street. As stated in the report 'the proposed upper level will be visible from the street and will have an unacceptable impact on the historic streetscape due to its height, setbacks, incongruous form and uncomplimentary materials'. It 'also limits the opportunities for a sympathetic addition on the adjoining semi'.

Furthermore 'The height of the proposed addition, extending 900mm higher than the existing ridge. This height will result in the addition being highly visible from the street and interrupts the symmetry of the pair of semis.'

ii) Non-compliance with Amenity - sunlight access and overshadowing

The proposed design has not been designed to minimise its impact on neighbouring properties.

The proposal has the building bulk and form to the rear and does not align with neighbouring two storey volumes no. 24 and no. 32, nor does it adhere with the rear set-backs within the Manly DCP. The SEE report is incorrect where it states 'the proposed rear set back does not result in any adverse overshadowing to neighbouring properties'. It significantly impacts on the solar access currently enjoyed by 28 George Street via our existing rooflight, which is vital given our southerly aspect, which provides light to our main habitable space.

In addition the full impact of the overshadowing cannot be assessed as the views are cropped and do not show the southern boundary of no. 28 or no.24. as below.

Figure: Shadow study, DA50

The shadow studies provided do not show the extent of overshadowing on our private open space or that of no. 24 adjacent, which will occur with the mass located as proposed. They also show errors in the built form and therefore inaccuracy with the shadows. The shadow studies are not certified which is a mandatory requirement for Northern Beaches Council. We would request these be resubmitted including no. 24 and views separated into existing and

proposed shadows to show the full extent of impact given its importance and detrimental impact on us and our neighbours. Given the mass is located to the rear, the current proposal makes no attempt to minimise loss of sunlight to us and neighbouring properties.

Figure: Shadow study, DA51

iii) Non-compliance with Amenity - Privacy

The proposal is non-compliant with regards to privacy and makes no attempt to consider neighbouring private open spaces nor privacy into existing window locations.

Ground floor- East elevation DA32

The proposed window modifications to the existing ground floor east window W01 [DA 40 Proposed Section A] look directly into no. 10 James Street. To review privacy concerns the window location should be located on the section DA 40 and Perspective views DA 70 Dining and DA 71 Bedroom 05 (see below). Whilst this ground floor wall is existing, the proposed opening changes the existing bathroom window, which is a narrow window with obscured glazing, to a 1.7m x 1.7m opening with clear folding doors compromising neighbouring privacy and privacy to private open spaces in general.

Figure: Perspective, DA70 with mark-up showing privacy concerns to neighbouring 10 James Street

This new dining room openable door as shown on ground floor plan DA20 looks directly into our private open space. The east elevation mark up on DA32 shows the detrimental impact this large window will have on our privacy in our private open space. As well as the sheer size of this window, no attempt has been made to reduce the size, open nature or screening, that impacts directly on our privacy.

Figure: Proposed east elevation, DA32 with mark-up showing privacy concerns to our 28 George Street private open space

First floor - East elevation DA32

The proposed sliding doors to W05 are 2.08m high and 4.534.5m wide [taken from the window schedule DA61] and are clear glass with open metal balustrade in front. As can be seen in the Proposed east elevation, DA32 mark-up above, the clear windows allows for unrestricted overlooking of neighbouring residences No. 28 and No. 32 George Street and No. 10 and No. 11 James Street. This together with the non-compliance of the rear set back will directly impact on privacy to bedrooms and private open spaces currently enjoyed by neighbouring properties which is a Manly DCP requirement.

Figure: 30 George Street, perspective, DA70 with mark-up showing privacy concerns to neighbouring properties to 10 and 11 James Street

This large sliding window looks directly into our private open space. There is no attempt to maintain privacy with the adjacent neighbouring properties given there is no screening of any sort. The full height clear glazing and openness of the metal balustrade does not take into account any of the provisions in Manly DCP to minimise loss of privacy to adjacent properties.

First floor - North elevation DA30

The proposed window locations to the first floor on the north elevation are directly opposite no. 32 windows which does not comply with the Manly DCP for visual privacy, 'windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.'

If the mass was moved towards George Street it would be more in keeping with the built form of the adjacent properties no. 24 and no. 32 and would not compromise privacy to No. 32.

Figure: Proposed south elevation, DA31 with mark-up [red hatched] showing mass moved towards George Street to bring the building form closer to the adjacent no. 24 and 32 Elevations

There is conflicting information regarding the proposed materials. The proposed materials in the elevations show horizontal cladding, this conflicts with the perspective views within the Master set and the DA60 Proposed Material Palette which stipulates painted vertical 'Weathertex' cladding. Render is also included on the Material Palette, however is not shown on the elevations.

iv) Negative impact to Noise and Vibration

We are concerned on the proposed stair location and structureborne noise/horizontal noise being transmitted through the wall when the stairs are in use. The staircase should not be supported from or touching the party wall. It is recommended to maintain a small gap between the stair and the wall which is filled with a resilient foam or neoprene sheet or non-hardening sealant.

Figure: Proposed Ground Floor Plan, DA20 with stair directly on the party wall causing noise and vibration into our main habitable space

v) Non-compliance with side setbacks

The proposed first floor has been aligned to the outer wall, non-compliant with the side set back of the Manly DCP, which requires a minimum set back of 1/3 of the height of the wall, this is a non-compliance of the DCP and significantly compromises the privacy enjoyed by No. 32.

The lack of set-back is not in keeping with the streetscape as highlighted in Lisa Trueman, Heritage Advisor report and no attempt has been made to break down the bulk and mass of the proposal nor respective privacy of neighbours. No attempt has been made to retain the existing chimney. Providing a side set back would be more in keeping with the Federation style, break up the mass and bulk of the north elevation and increase distance between the existing first floor No. 32 George Street and proposed first floor No. 30 George Street. It would also lessen the impact on views and vistas from George Street and heritage buildings opposite. The proposal purely looks to maximise volume to the east without utilising some of the height within the existing slate roof to lessen the impacts this development will have on neighbouring residences.

The statement within the SEE that the proposed setback 'does not result in any adverse amenity impacts such as overshadowing, view loss, or privacy issues' is totally erroneous.

vi) Non-compliance with rear setbacks

The proposed development does not comply with the 8m set back within the Manly DCP. The proposed first floor has been located with no regard to the two storey built forms of no. 32 or no. 24 [which is not shown on Proposed First Floor Plan DA21] and projects significantly beyond (see hatched area below) so is not in keeping with the 'prevailing pattern of setbacks in the immediate vicinity and the locations' as defined in Manly DCP.

Figure: 30 George Street, proposed building mass projects well beyond the neighbouring two

storey built forms adjacent and is non-compliant with the rear set back

Figure: 30 George Street, perspective showing mass projecting well beyond the neighbouring two storey built forms adjacent.

The request within the SEE to seek a 'variation to this control' stating 'the proposed rear setback does not result in any adverse overshadowing impacts to neighbouring properties' is totally false.

Lack of alignment with the neighbouring two storey setbacks adjacent and non-compliance with the rear set back in Manly DCP exacerbates the overshadowing into our main habitable space and private open space and loss of privacy to our private open space and the private open spaces and habitable rooms of neighbouring properties.

There are no perspective views within the submission to demonstrate the design minimises impact on neighbouring residences; we believe additional views from neighbouring properties will prove significant detrimental impact.

vii) Non-compliance with Floor Space Ratio

The calculations for FSR are non-compliant. DA02 omits the landing and first floor inner wall to the proposed first floor, so the design is non-compliant with FSR requirements.

Figure: DA02 extract with errors in the FSR calculations which is non-compliant with the Manly DCP

viii) Significant structural stability concerns

Given the age of the 1911 property, we are extremely concerned about the structural stability this proposal will have on our home.

The building mass has been added above the open plan living/dining/kitchen area which lack structural bracing elements. The Structural Report by H&M contained in the application states 'that the proposed roof, walls and floor structures do not rely on the existing party wall for lateral or vertical support providing the future structural plans produced by this company are strictly adhered to'. There are no structural drawings within the submission. Architectural drawings DA 20 and 21 show no structural supporting elements whatsoever - the stair is directly on the party wall and the first floor abuts the boundary line with no structural elements shown.

Figure: Proposed Ground Floor Plan, DA20 with no structure shown and the stair directly on the party wall

Figure: Proposed Floor Plan, DA21 with no structure shown

Given the significant impact of this proposal, and lack of structural elements in the Master Set, we have commissioned our own structural report to ascertain the full impact this development has on our home, refer to Appendix B by SCP dated 11/03/24.

The report recommends

'Lateral stability of structures each side of the party wall is based on shared and equal stiffness. The common party wall would mean that alterations or changes to any side of the party wall will have implications to the adjacent property in terms of strength and stability. It is typical that this is recognised as part of any alteration design and any alterations undertaken either strengthen both properties or create a bypass design such that the altered property is self-stable and does not rely on the unaltered adjacent property or does not impart any additional load to the unaltered property.'

'The Proposed deletion of ground floor walls and new Level 1 structure', 'increase lateral load on the structure in terms of increasing wind load and seismic load and reducing the combined stability of both residences. As a result, the proposed new works shall be designed and

detailed so as not to impart lateral load onto the 28 George Street Property via lateral connection to the party wall. The new proposed level 1 structure should also be independent of the party wall with the required gap, such that no lateral contact is made under wind or Earthquake loads.'

The existing party wall is only single skin above the ceiling line and it does not continue to the underside of the existing roof and is not braced. The existing party wall would need to be extended, braced and fire isolated for the full party wall extent to comply with the National Code of Construction to provide fire separation between the properties.

'New footings to 30 George St, shall be designed so as not to impart additional settlements to the existing party wall footing. No undermining or adjacent excavation should occur'

The total wall depth including cladding must not encroach over our boundary of no. 28.

A dilapidation report should be conditioned to ensure no adverse structural impacts or damage to our home as a result of the works.

Conclusion

The proposed application is non-compliant with a number of key Council Planning Requirements. It detrimentally impacts on no. 28 George Street and surrounding properties in the following ways:

- Proximity to heritage buildings opposite and destroying the architectural symmetry and character currently present in the Federation semi-detached house
- Non-compliance with Amenity - sunlight access and overshadowing
- Non-compliance with Amenity - Privacy
- Negative impact to Noise and Vibration
- Non-compliance with the side setback
- Non-compliance with the rear setback
- Non-compliance with Floor Space Ratio
- Significant structural stability concerns

Furthermore, it does not meet the Aims and Objectives of the Manly DCP under 1.7.

a) Ensure development contributes to the quality of the natural and built environments

b) Encourage development that contributes to the quality of our streetscapes and townscape.

e) Ensure development positively responds to the qualities of the site and its context

f) Ensure development positively responds to the heritage and character of the surrounding area.

It doesn't meet Manly DCP 3.1.1 Streetscape (Residential areas)

Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.

a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:

i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;

ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;

iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;

v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;

vi) visually improve existing streetscapes through innovative design solutions; and
vii) incorporate building materials and finishes complementing those dominant in the locality.
The use of plantation and/or recycled timbers in construction and finishes is encouraged.

c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours.

The proposal is not an architectural response to extend a Federation semi-detached home within the George Street streetscape. It is not an appropriate design response in keeping with the character of the area. Any response should look to extend both properties to achieve design excellence whilst preserving the character which currently exists. There are excellent precedents around Manly for a more appropriate architectural response; 11-13 Darley Road, has been extended sympathetically in a contemporary way, with an upper storey set back from the ridge and at the side, featuring clerestory and translucent glass to respect neighbour privacy. The form is less obtrusive to the Darley Road streetscape, retains the existing chimney and provides a materials palette appropriate for the age and style of the property, refer to figure below.

Figure: 11-13 Darley Road, Manly

The application should not be approved as currently documented given the non-compliances with the Manly DCP.

We would welcome the opportunity for a Council visit to our home to assess the impacts contained above. Our contact details are below.

Yours sincerely

Julia Sutcliffe Neil Phipps

BA (Architecture), B.Arch UK registered architect 065112E BEng (Hons), CEng MCIBSE, MIEAust CPEng NER

Appendix A - Heritage Advice

Appendix B - Structural Report