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**Sent:** 6/04/2020 3:34:12 PM  
**Subject:** Online Submission

06/04/2020

MRS Michelle Shanks  
- 46 Abingdon ST  
North Balgowlah NSW 2093  
rennogirl50@gmail.com

**RE: DA2020/0252 - 48 Abingdon Street NORTH BALGOWLAH NSW 2093**

Objection to DA Application 2020/0252  
48 Abingdon Street, North Balgowlah 2093

I would like to formally object to the application for works as outlined in the DA.

SPECIFICALLY the Deck at the rear with roof above, including storage space, as I believe it is very misleading, does not fit within the building envelope and it most definitely does impact our neighbouring property significantly, despite THE APPLICANT stating otherwise in their application.

04 Description of proposed Works

The proposal seeks consent for alterations and additions to the existing dwelling at No. 48 Abingdon Street. The proposed works include:

Ground floor:

- Reconfiguration of internal ground floor layout.
- Small addition to the front, adding new front door.
- Deck at the rear with roof above, including storage space.
- New windows, glazed doors and skylights.

First floor:

- Reconfiguration of ensuite.
- New windows, glazed doors and skylights.

I have a vested interest in the property at 46 Abingdon Street, North Balgowlah 2093, being the neighbouring Property on the WEST side of the Applicants property.

I do not take lightly that the applicant has made a submission that they already know will have an impact on THE VIEW and our right to quiet enjoyment of our property.

The APPLICANT has considerable, extensive views from their dwelling, including a second story rear addition and upstairs balcony. This is factual based on my knowledge of the property having been into the residence at the time of sale to the current APPLICANT.

An amicable discussion was had with the APPLICANTS husband here on site at 46 Abingdon Street upon notification by letter from council. He was shown the impact that the rear addition would have to THE VIEW and to our property, at that time.

It was disclosed by the APPPLICANTS husband, that the rear extension would allow them further enjoyment of their uninterrupted view, with no concession to the fact that we would no

longer have the same enjoyment of an ICONIC district view to the PACIFIC OCEAN ACROSS MANLY and DISTRICT VIEWS across CONDOVER RESERVE and the MANLY VALE ESCARPMENT from the REAR of our property.

At this time, I invited both the APPLICANT and her husband along with their architect or draftsman to meet on site at 46 Abingdon to discuss if there may be an alternative structure that would allow the APPLICANT to fulfil their wishes without impacting THE VIEW and our quiet enjoyment of 46 Abingdon Street.

I sent a follow up email addressing my concerns along with an invitation to discuss as neighbours was extended. The APPLICANT returned email and noted our concerns but did not offer any solution or further meeting.

The APPLICANT clearly states in their application that the works do not disturb THE VIEW from our dwelling and has no impact, when in fact, not only will it disturb THE VIEW from several aspects of our dwelling, but consideration should be given to the impact on the property in its entirety, including the work studio ( DA approved, non habitable ) conversion, which enjoys THE VIEW in its entirety. It will be a significant loss to us if this structure is approved, and there will be severe financial ramifications in the value of our property.

The APPLICANTS at 48 Abingdon Street already knew that any works to the rear of their property would significantly impact THE VIEW across open green space, being CONDOVER RESERVE BUSHLAND across the MANLY VALE ESCARPMENT and all the way to what is possible to consider an ICONIC view of the MANLY portion of THE PACIFIC OCEAN, as they previously installed a retractable awning and the issue was raised with them at that time when ASHLEY SHANKS enquired if the structure they intended to install was permanent.

The statement that the proposed structure has no impact to our property is untrue and without merit.

It makes me uneasy and suspicious as to what else is included in the application that may not be factual, specifically that the rear setback would be unchanged, as they have lodged the application as a deck with a roof structure, when realistically, the diagrams provided show it is attached to the rear building line of the current dwelling, has bifolds to the internal portion of the dwelling, has storage and is a permanent fixed structure that will basically provide the APPLICANT with an outdoor room.

I concur with the submission made by Ashley Shanks as owner of 46 Abingdon Street and request that my concerns, given I have a vested interest in the property, as discussed with Planner, Maxwell Duncan, also be submitted as an outright objection to the REAR ADDITION.

I request that Council now view both properties on site to determine the following:

1- If approved, how it is possible for such a structure to be allowed/approved based on the current rear set back, the impact on the skyline and the fact that in the APPLICANTS submission, it is already obvious that the structure is excessive and represents a room, not a DECK WITH A ROOF.

2- The significant loss of THE VIEW as described, from 46 Abingdon Street and the financial implications on the value given that THE VIEW is a major feature of our enjoyment of the home, and was the main reason we purchased the property in 2007, understanding that it

could not be built out given that the current existing dwelling setback was due to an extension of the original property at 48 Abingdon.

3- I cannot stress clearly enough that the loss of THE VIEW impacts significantly, even though the APPLICANT declares there is no impact, and had previous knowledge of this.

4- The statement that there is a "SMALL BREACH" should possibly read, there is "A BREACH"? and the whole property needs to be viewed so that council can see the existing green space in proportion to the current hard scape in terms of useable green space. It is currently minimal due to the lay of the land given that a significant portion of the rear yard is unusable due to cliff face fallaway to the neighbouring property at 50 Abingdon.

\*The front setback is changed with this proposal and due to the boundary shape and siting of existing dwelling, there is a small breach of setback for the southeastern corner only. \*\*\*This statement is also untrue when the rear side setback is taken into account

5- The open space does not comply with the legal ratios for green space/open space from my lay understanding.

Landscaping Open Space:

40% (222.24m<sup>2</sup>) 36.2% (201.38m<sup>2</sup>)

35.5% (197.59m<sup>2</sup>)

6- I question that the rear setback will not change if this application is approved as stated in the APPLICATION? It is misleading in my opinion and needs to be quantified.

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Site Information and Building Controls

Control

Existing

Proposed

Zoning Zone R2 Zone R2 Unchanged

Site area 600m<sup>2</sup> 555.6m<sup>2</sup> Unchanged

Frontage 16.408m

16.408m

Unchanged

Number of stories Not applicable Two storey Unchanged

Maximum building height

8.50 metres 8.314 metres

Unchanged

Front Building Setback

6.5m 6.594m

5.856m

Rear Building Setback (How has this NOT changed!)

6.0m 11.059m

Unchanged

Min. side boundary setback (East)

0.9m 2.103m  
1.989m  
Min. side boundary setback (West)  
0.9m 1.118m  
Unchanged  
Landscaping Open Space:  
40% (222.24m<sup>2</sup>) 36.2% (201.38m<sup>2</sup>)  
35.5% (197.59m<sup>2</sup>)  
Private Open Space  
60m<sup>2</sup> 60.11m<sup>2</sup>  
61.34 m<sup>2</sup>  
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8- THE APPLICANT already acknowledges by way of application that the works do not comply. The application plays down the impact of the rear structure to us as neighbours and the differences in the ratios, I request that this be investigated thoroughly before approval is given.

9- B3 - Side Boundary Envelope

10- Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres as identified on the map.

11- Due to the site width and the existing siting of the dwelling on the site, both the existing building and proposed elements encroach on the building envelope.- YES IT DOES and any further structure will impact further by way of encroachment.

In the submission THE APPLICANT acknowledges that the existing building does not comply and the proposed elements also encroach, and I am in agreement.

12- Existing building does not comply. The proposed roof eave breaches the envelope slightly on the southern elevation only.- SLIGHTLY? The fact is that breaches. So along with all of the other aspects of the application, there is a lot to give consideration to overall.

13-The roofing on the existing house is Glazed terracotta tiling- but the addition would be colourbond, so not congruent and dependant on colour could create excessive glare.

Any roof of any size or shape is going to dominate the local skyline and THE ICONIC VIEW from our property.

I cannot state clearly enough, with my limited understanding of overshadowing that the structure won't cast a shadow, I am sure it will at certain times so ask that council look at the shadow diagrams and see the extended roofline casts shade over a significant part of the backyard that currently has sun at that time of the morning (9am is indicated)

D11 - Roofs

The LEP requires that roofs should not dominate the local skyline.

Roofs should complement the roof pitch and forms of the existing buildings in the streetscape. Roofing materials should not cause excessive glare and reflection. The proposed roof over the front addition and rear deck is of an appropriate form and scale to that of the existing building.

Yes

I respectfully request that council looks very closely at this Development Application and the impact it will actually have on our property at 46 Abingdon Street.

"While someone does not own their view, view loss is seriously considered in the realm of town planning," says town planner Eli Gescheit from Navon Solutions.

"Councils consider view loss very carefully, to the extent that there are 'planning principles' that are used to assess view loss. This identifies the type of view in question and takes into consideration things such as: is it iconic - the Sydney Harbour Bridge for example - or is it of a local park? The significance of the view plays a big role

In this instance I request that council does take this view loss into consideration, on site at 46 Abingdon Street.

Kind Regards,

Michelle Shanks