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**Sent:** 5/08/2019 10:04:02 PM  
**Subject:** DA2019/0700\_Lot 41 DP 36454 20 Hogan St Balgowlah Heights - Submission  
From 18 Hogan St Balgowlah Heights  
**Attachments:** DA2019\_0700\_Submission From 18 Hogan Street.docx;

Dear Adam

Thank you for advising of Development Application DA2019/0700\_Lot 41 DP 36454 20 Hogan St Balgowlah Heights.

We do have a number of significant concerns and issues, particularly with the following;

- Accuracy of the shadow analysis
- Substantial additional shadowing, and loss of natural light and warmth, in our key living areas
- Loss of privacy in key living areas (bedrooms, bathrooms, kitchen, backyard)

We have outlined these details in our attached submission.

Please advise if we can provide any additional information.

Regards  
Fiona Kenny and Michael Semken  
0410560960

24 July 2019

Mr Adam Croft  
Planner  
Northern Beaches Council

Dear Adam

**RE: Application No DA2019/0700**

Thank you for advising on the proposed Development Application by L D Watt at 20 Hogan Street, Balgowlah Heights, and the opportunity to provide a submission in response.

We would like to notify Council that we do have significant issues and concerns about the proposed development, relating to the following items;

1. **Loss of Sunlight and Increase in Shadowing** – Significant loss of primary sunlight and substantial increase in shadow into our living areas, kitchen and backyard.
2. **Loss of Privacy** – Loss of privacy in lower floor living and dining areas, upstairs bedroom and bathrooms, and backyard living area.
3. **Errors in the DA2019/0700** - The Environmental Impact Statement appears to contain serious and misleading errors.
4. **Omissions in the DA2019/0700** - omits certain details – For example, the existing fireplace and chimney, details of garage extension right on boundary

1 **Loss of Sunlight and Substantial Overshadowing**

The Statement of Environmental Effects (Clause 3.4.1) states that there will be 'additional shadowing' provided to our ground floor windows. This is incorrect. There is currently no shadow cast onto our ground floor windows and main living areas (please refer to attached photos).

Our property has ground floor windows that provide most valued sunshine and warmth throughout winter into our primary living areas (kitchen, dining, living, play room area). The proposed development (as per drawings) will result in casting substantial shadow and removing sunlight at all times of day (9am, 12pm, 3pm) to these main living areas.

We note, on the 'Certification of Shadow Diagram', that Neil Harvey is referenced as the Architect, but not actually signed the certificate. We understand, that Mr Harvey is not a registered Architect according to the NSW Architects Registration Board and question the accuracy of the Shadow Diagram provided and, particularly that the 'existing shadow' is incorrect and substantially overstated.

As stated, we do not agree with the Shadow Diagrams that show we currently have existing shadow over the ground floor windows at 9am, 12noon and 3pm. We have

included photos of our north facing windows at 9am, 12 noon and 3pm to illustrate that contrary to the DA's Shadows Plan we currently have no shadow impacting our living space. These photos have been taken on 24 July 2019, shortly after the Winter Solstice.

9am



12pm



12pm



3pm



## 2 **Loss of privacy**

From the **DA2019/0700**, it appears that the south facing first floor windows will look directly into our bedrooms and bathroom. This would of course be of concern to us and our teenage daughters.

From the **DA2019/0700**, there appears to be a large window at south eastern side, rear of house. This window appears quite large in size and will directly overlook into our dining/kitchen area, and commonly used backyard living area removing any privacy from these spaces.

## 3 **Errors in the DA2019/0700**

A number of errors have been submitted with this DA. Here are some:

- The site measurements states 597.7m<sup>2</sup>. Is this correct? We understand the site area is **579.7m<sup>2</sup>**. Does this means that the floor space/site ratio calculation is also incorrect?
- The Statement of Environmental Effects states there will be no impact to our privacy. This is incorrect, as previously stated, the placement of windows on the Southerly side appear to provide visibility to our teenage daughter's window and bathroom, and large window at the rear overlooks our primary backyard living area.
- The Statement of Environmental Effects states that the land slopes from the front to the rear boundary (see page 1 of Environmental Impact statement under heading "the site") The land in fact slopes from the back of the property to the front (see levels noted on the Survey Plan lodged with the application).
- There is a reference to the shadow affecting No. 19, which is on the other side of the street. We assume they are referring to No. 18, our property (see footnote to SHADOWS 2 diagram on Site Analysis Plan)
- The Statement of Environmental Effects refers to the streetscape of 'Crescent Street'. There is no Crescent Street in the neighbourhood.(see cl.3.1.1 under the heading "streetscape")

## 4 **Omissions in the DA2019/0700**

A number of omissions appear to have been made with this DA. Here are some;

- The DA appears to omit an existing fireplace and chimney. This chimney is in close proximity to our home and upstairs bedroom window, and also appears to be below the council's requirement to be 1 meter higher than neighbouring homes.
- The DA shows an extension to the carport but does not provide any details. This carport appears to be extensively extended right on the boundary border and a series of box shapes are shown with no description or details available. What is this? Is this carport proposed to be enclosed?

**What we ask for:**

- Given the shadow diagrams don't appear to be accurate (attached photos), the shadow analysis be conducted by a certified/registered Architect and to accurately state/confirm the existing shadow area, and the impact from the proposed development. That this be resubmitted to council to properly state the additional shadow to be projected into our living areas, and confirm that this is fair and reasonable and meets council regulations.
- That the proposed roof ridge line and roof height are re-designed or modified to minimise the loss of sunlight and warmth that would be taken away from our primary living area. Our suggestion, is for a roof with the ridge line re-oriented north /south instead of east/west. Alternatively, the roof could be re-designed to have a reduced ridge lower in height and more like a pyramid, or the roof could be flat. These would be preferable outcomes to the current design and proposed impact of substantial loss of sunshine and shadowing.
- We note the DA has provided a response to Clause 4.6 regarding breach of roof height. We ask that Council reviews this height and the impact it will have on the reduction of the sunlight into our primary living areas.
- Window at the rear of the house on the east side be reduced in size and relocated to minimise impact on privacy in our kitchen and back yard living areas.
- Confirm that privacy of our children is not compromised. For example change window size and location on the west side so as to not be directly aligned with our windows on the upper floor and impacting on bedroom and bathroom privacy.
- Confirm the floor space / site ratio calculation is correct.
- Confirm chimney location and height, and if required be rectified to meet Council regulations.
- Confirm that the carport extension meets council requirements and provides details of what is proposed to be built there.

Overall, we are significantly concerned that the substantial loss of direct sunshine and warmth, and loss of privacy will greatly impact our daily lives, and the value of our home in the future.

We also have a good relationship with the Watt's and trust that a fair and reasonable outcome can be reached where both families will enjoy living in their homes into the future.

Kind regards

Michael Semken and Fiona Kenny