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To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

15/12/2022

MR Matthew Clark
- 15 Coniston ST
Wheeler Heights NSW 2097
[REDACTED]

RE: DA2022/1971 - 13 Coniston Street WHEELER HEIGHTS NSW 2097

Dear Michael,

Thank you for your letter dated 30th November in regards to DA 2022/1971 - Lot 7 DP 209826, 13 Coniston Street WHEELER HEIGHTS. We appreciate the opportunity to identify a number of serious concerns we have in relation to the application for alternations and additions to this property.

In summary our concerns are:

1. Significant impact and privacy issues to our adjoining property - 15 Coniston Street WHEELER HEIGHTS.
2. 3 storey dwelling - the addition to the existing structure will mean the property will become 3 storeys and the increase in height, on a block already elevated, relative to properties on the southern side will create a visual anomaly . Our understanding is this is not permissible under the LEP for this location.
3. Incomplete, inaccurate and misleading drawings that don't represent the impact or true scale of the proposed additions and alterations.

Diagrams and images can be found in the full email submitted to the council email address.

Detailed response:

1. Significant impact and privacy issues to our adjoining property - 15 Coniston Street

a. Significant shadowing

The DA application fails to include certified shadow diagrams and incorrectly states in the 'Statement of Environmental effects' that there "will not be any adverse effects on neighbouring properties in terms of increased overshadowing or loss of privacy (page 4)". If certified shadow diagrams (which we understand are a requirement as part of a DA application) had been submitted, the winter sun diagrams would clearly show a major impact and loss of sun to our property's main outdoor entertaining and indoor kitchen area. We have recently had solar panels installed and have concerns over the shadowing the proposed addition may have to the production of this environmentally friendly resource, encouraged by government.

b. Shadowing caused by additions within the permissible building envelope.

The proposed addition contravenes the building envelope. The drawings submitted by the applicant do not provide an adequate level of detail (which we understand is required). Please see a more accurate and complete drawing that we have acquired to help provide a more realistic view of the proposed works.

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c. Loss of privacy

The second floor alteration includes the relocation of the kitchen to the south east corner of the property. This will be in place of an existing bedroom that has low traffic and minimal noise. The elevation of the existing second storey means the kitchen will substantially overlook our property. The below photo is the area indicated on the plans for the position of the new kitchen and proposed window. The photo was taken from inside and the middle of our property. We have strategically planted trees to provide privacy from existing windows of the adjoining property and as this space has no existing window, no planting or screening exists in this location, significantly exposing us if the alterations are permitted.

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We do recognise that the proposed kitchen window is described as 'incorporating frosted glass'. We are unable to ascertain if this would be fixed frosted glass or an opening window. If the window can be opened it defeats the purpose of the frosted glass and provides no privacy for us. We request that if plans are passed to allow the relocation of a window to this position, windows be fixed panelled (non-openable) frosted glass and positioned at a height of 1.75m from floor level.

d. The construction of a third storey at the minimum setback of 900mm on the southern side of the property will create an imposing, claustrophobic type structure that extends the entire length of our property. The height is magnified due to the natural slope of the land. No drawings have been included to represent the impact on adjoining properties however we have engaged a contractor to provide a more realistic view of what the proposed works would look like. We believe the design has given little consideration to neighbouring properties or the existing streetscape.

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e. Other privacy concerns

- The proposed connecting staircase between the second and third storey has a clear glass window allowing the residents full view of our property, again infringing on our privacy. We strongly oppose the construction of a third storey, however, if the DA was passed in exception to current guidelines we would request this window be fixed frosted glass to provide privacy.
- The construction of the front balcony on the proposed third storey will be visible from the street and will overlook our pool area. Our considered and well maintained landscaping, as requested by Council when the pool was constructed, will not provide any privacy from the proposed balcony. We strongly oppose its construction as it compromises our privacy and contravenes the LEP 2 storey control. However, if the DA was passed in its current design, we would request a solid south facing screen to assist in protecting our privacy.
- Covered screened terrace (rear of the property) - the replacement of the existing structure (which we understand is a not council approved) is an inaccurate reflection of what has been proposed. The proposed drawings clearly show a much larger structure, within the 6m rear set back that extends the full length of the property. This space is elevated and overlooks our backyard and kitchen, infringing on our privacy. We strongly oppose the extension of this structure, however if this was approved, we would request solid privacy screening on the southern side of this structure.

2. 3 Storey dwelling

It is our understanding that the LEP for this location has controls that specifically limit the number of storeys for a residential dwelling to 2. The 'Statement of environmental effects' submitted by the applicant indicates that the 'site is currently occupied by a single storey brick home which is incorrect. The 'superseded - Plans - Master Set' document supplied to council provides a misleading image of the proposed addition. Below is an actual image of the property that clearly shows two existing storeys on a sloping block. The lower ground level only shows a garage and rear space however this area also extends to the rear of the property where a laundry is located in the south east corner.

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Part of the LEP describes additions and alterations that are in keeping with the existing streetscape. The proposed addition will NOT be in keeping with the streetscape and similar additions have been limited to designs like the below property, restricting development to two storeys. The property below shows a recent 2nd storey addition to 9 Coniston Street, WHEELER HEIGHTS. There are no other properties in Coniston Street that have more than 2 storeys.

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3. Incomplete and inaccurate drawings

a. As mentioned, no certified shadow diagrams have been submitted which would clearly show the shading impact of the proposed third storey on our property during the winter months.

b. On the 'superseded - Plans - Master Set' document, the current laundry is described as being located on the existing ground level (storey 2). This is incorrect, the laundry is on the lower ground level (storey 1). This demonstrates that the 'lower ground level' or storey 1 extends the full length of the property on the southern side.

c. Covered screened terrace - The 'Statement of Environmental effects' proposes that the "covered screened terrace will be replaced with a fresh design". Our understanding is this covered terrace was never a council approved structure and is within the rear setback allowed. The proposed new covered screened terrace is not a replacement, the drawings clearly show a significantly larger screened terrace, extending the full length of the property. If the structure is to be extended, despite being outside of the permissible set back, we would ask that consideration be given to our privacy, and solid screening be applied to the southern side of this structure as once again, the residents have full view of our property from this elevated position.

d. Survey report - incomplete. We find it perplexing as to why the survey report does not include our property. We have a number of plants but they are well maintained and only a small number of these are trees. We can only conclude that the many issues we have identified would have been exposed if a complete report had been submitted. No highlighted window height or sill levels have been included for either adjoining property.

e. 8482 proposed building height - We have been advised that the drawings do not provide an adequate allowance (in terms of height) to allow for an appropriate structural roof frame. This would mean the actual height is likely to be higher and outside of the 8.5 metre height control.

f. No drawing detail in regard to the side building envelope. The proposed development clearly contravenes the building envelope on the southern side of the property.

We appreciate and respect the rights of residents to improve their residential dwelling and to provide a home that meets the changing needs of a family. We have recently undergone a similar process but we carefully considered and consulted with our adjoining neighbours to create a design in keeping with the streetscape. We feel the proposed addition does not offer the same consideration and is in clear breach of the development controls as set out in the LEP. We trust that our significant concerns will be addressed and the proposal in its current format will be declined. We would welcome council to our property, to view the impact this would have on both on our property as well as the surrounding neighbourhood.

Please do not hesitate to contact us should you require any further information or access to our property.

Your sincerely

Matthew and Jacqueline