

TO: Manly Independent Assessment Panel - 18 February 2010
REPORT: MIAP Report No. 2
SUBJECT: 19 West Street, Balgowlah - DA209/09
FILE NO: DA209/09

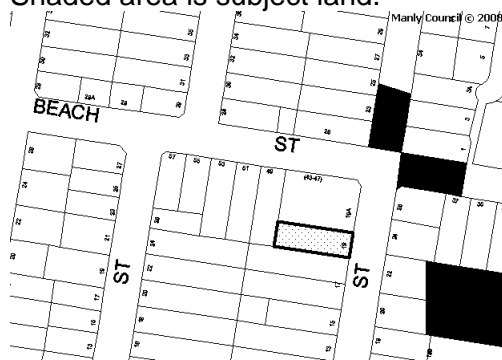
Application Lodged: 17 July 2009 (Additional info received 17 November 2009)
Applicant: New Era Building Construction
Owner: Ms X D Qu
Estimated Cost: \$350,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: The locality is residential in character consisting predominantly of one and two storey dwelling houses.
Heritage: No

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE, INCLUDING ADDITION TO FIRST FLOOR
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND SIX (6) LETTERS OF OBJECTION TO THE DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO SEAFORTH COMMUNITY FORUM.
4. AMENDED SKETCHES RECEIVED ON 17 NOVEMBER 2009
5. THE APPLICATION WAS PRESENTED TO THE DAU ON 21 JANUARY, 2009 WHERE IT WAS RECOMMENDED FOR REFUSAL.
6. SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR **REFUSAL**.

LOCALITY PLAN

Shaded area is subject land.



Report

Introduction

Development approval is sought for alterations and additions to an existing dwelling house, including addition to ground and first floors. Details of proposal are:

- Replace front carport with storeroom with terrace above;
- New façade treatment, including minor increase in existing ridge height;
- Alterations and additions to rear of ground floor by addition of new sunroom;
- Alterations and additions to rear of first floor by addition of two new bedrooms and a bathroom
- Landscaping works including new retaining walls/planters at the rear and replacement of existing retaining wall in front yard.

MIAP Report No. 2 (Cont'd)**Applicant's Supporting Statement**

Plans and Statement of Environmental Effects by Javier Architectural Design Studio, Survey Plan by A B Stephens & Associates, and Basix Certificate are in the file.

Seaforth Precinct Community Forum Comments

No comments received.

Engineers Comments

No objections subject to standard conditions of consent.

Building Comments

No objections subject to standard conditions of consent.

Landscape Officer Comments

Retain all trees not affected by proposal.

Planning Comments

The site is located on the western side of West Street, approximately 30.0m south of its intersection with Upper Beach Street, Balgowlah. The site has an east-west orientation and is legally described as Lot B in DP 4011309.

The property is a regular shaped allotment with frontage of 15.24m to West Street. The depth of the site is approximately 50m. The area of the subject site is 685.4 m². The site slopes from the rear boundary down to West Street.

The improvements on the site consist of a part two and part three storey rendered brick dwelling house with a pitched roof. There is the single carport attached to the front of the house and a double garage under the house.

A two storey dwelling house is located to the immediate north of the site at the corner of West and Upper Beach Road, and is known as 19A West Street. There is a large two storey dwelling house on the property to the immediate south of the site which also house a full size tennis court.

The rear garden of No 49 Upper Beach Street runs along the rear (eastern) boundary of the subject site.

The proposal is a permissible use with Council's consent.

Note: Amended sketches were received on 17 November 2009 changing the façade and lowering the roof to the original level.

Environmental Planning & Assessment Act 1979 – Section 79(C)(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) any environmental planning instrument, and

MIAP Report No. 2 (Cont'd)**Manly Local Environmental Plan 1988:**

The site is in zone No 2 – The Residential Zone which permits dwelling houses with the consent of Council.

The subject site is not in a Foreshore Scenic protection Area.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Residential Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

(a) *to set aside land to be used for purposes of housing and associated facilities;*

Not applicable - There is already a dwelling house on the site.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

Not applicable - Proposal is for alterations and additions to the existing dwelling house.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

Not satisfied – The treatment of the front façade is not sympathetic to the streetscape.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

Not satisfied – The proposal will degrade the amenity of surrounding residents or the existing quality of the environment;

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

Not satisfied - The proposal will have a detrimental effect on the amenity of the area.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

Not applicable

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

Achieved

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

Not applicable

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

Not applicable

79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

No

79C(1)(a)(iii) any development control plan, and

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The following is an assessment of the proposal's compliance with the numerical standards of the Development Control Plan. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Site Area: 685.4m ²	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 3	1 dwelling/500m ²	1dwelling/685.4m ²	Yes
Floor space ratio	0.45:1 (308m ²)	0.52:1 (359m ²)	No
Floor space ratio - existing	0.45:1	0.40:1 (276m ²)	Yes
Wall height East side	6.5m	5.4m	Yes
West side	6.5m	5.4m	Yes
Roof height	3.0m	1.6m	Yes
Fence height	N/A	N/A	N/A
Setback Front	6.0m	10.0m	Yes
Setback Rear	8.0m	11.8m	Yes
N setback side	1.8m	1.2m	No
S setback side	1.8m	1.9m	Yes
Setback - pools Front setback	N/A	N/A	N/A
- pools Side and Rear	N/A	N/A	N/A
- pool deck above ground	N/A	N/A	N/A
Setback to Reserve	8.0m	N/A	N/A
Setback to Foreshore	N/A	N/A	N/A
Wall on boundary height	N/A	N/A	N/A
Wall on boundary length	N/A	N/A	N/A684
Open space - total	55%	56%	Yes
Open space - soft	35%	52%	Yes
Open space - above ground	25%	5%	Yes
Number of Endemic Trees	1	Nil	Yes
Private Open Space	18m ²	150m ²	Yes
Car Parking – Residents	2	2	Yes
Shadow - adjacent open space			Yes
- adjoining NS orientation			Yes
- exist north facing roofs			Yes

<u>Issues</u>	<u>Applicable</u>	<u>Not Applicable</u>
Views	Yes	
Privacy	Yes	
Heritage – Actual Property		Yes
Heritage – In Vicinity		Yes
Threatened Species		Yes
Foreshore Scenic Protection Area		Yes
Excavation		Yes
Landslip and Subsidence		Yes
BASIX	Yes	

The subject site is in Density Sub-zone 5 and in Height Sub-zone 1. Apart from the proposed northern side setback and the floor space ratio the proposal complies with all the DCP controls.

Setback – The proposed northern side setback of 1200mm is 600mm short of the DCP requirement. The proposed northern setback is along the same line as the northern wall of the existing first floor. The minor infringement of the northern side setback by 600mm is not fatal to this application. There will be no resulting loss in any sunlight of any of the adjoining owners. There are no windows on the northern elevation of the proposed addition on the first floor.

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Floorspace ratio – The proposed development is 50m² above the permissible floor area. Part of the additional area is due to the enclosure of the carport and its conversion into a storeroom. This adds approximately 25m² to the additional floor area. The applicant has excluded the store area from his floor space calculations claiming that it is not a habitable room. However, this room is at the front of the building and has a door leading to the garden and a window on the northern elevation and can be used as a study or a bedroom. It should be included as floor space.

The excess floor space in itself is again not fatal to this application. The additions are at the rear of the existing building and it does not add any significant bulk to the building. There are larger buildings in the vicinity of the site.

The main drawback with this proposal is that the design of the addition, particularly the addition of the heavy columns and the vertical nature of the development that seems to accentuate the three storey nature of the existing building.

The applicant has been requested to redesign the addition at the front of the house. He was advised to redesign the façade so as not to highlight the existing non-conforming three storey building. The applicant was requested to consider deleting the vertical three storey element of the new balcony addition and to reduce the height of the new roof to preserve existing views from the rear properties. The applicant has reduced the height of the roof in his amended sketches. However, the changes made to the facade are still not a suitable one for the site. The height of the pillars supporting the new terrace and balcony including the parapet is approximately 9.0m high. It is considered that the amended design is not 'soft' enough and adds to the visual height and bulk of the existing building.

79C(1)(a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
N/A

79C(1)(a) (iv) the regulations
N/A

79C(1) (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
The proposal will degrade the amenity of the area.

79C(1) (c) the suitability of the site for the development,
The site is considered to be not suitable for the proposed development.

79C(1) (d) any submissions made in accordance with this Act or the regulations,
The application was notified to nearby and adjoining property owners in accordance with Council's Notification Policy with six (6) submissions received in total from Judith & Frans Sleijpen of 51 Upper Beach Street Balgowlah; Kirrily & Terry Sullivan of 43-47 Upper Beach Street Balgowlah; Henry & Monique Talbot of 17 West Street Balgowlah and three (3) confidential submissions raising the following concerns:

- Loss of view
- Request height poles
- Unsympathetic additions
- Loss of NSW Christmas Bush and Illawarra Flame tree not acceptable
- Replanting with exotic planting not acceptable
- Plans do not show Chinese Elm and Deodar Cedar on adjoining property at No.17 West Street
- Plans unclear as to stormwater removal
- Excessive FSR
- Floor area do not include "store room"
- Site analysis plan inadequate

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- New roof form and scale unacceptable
- Excessive excavation , particularly at rear
- Not sure if excavation to within 900mm from common boundary.
- Potential heritage significance of No.17 and No.19A West St
- Excessive height and over 3 storey
- Inadequate side setback
- View impact on other properties
- Loss of View
- Excessive height and over 3 storey
- Inadequate side setback
- Excessive FSR
- Unsympathetic to streetscape
- Loss of trees
- Inadequate rear setback
- Unsatisfactory overshadowing
- Overdevelopment of site
- Overbearing
- Non – compliance with DCP
- Loss of privacy
- Loss of sunlight

The concerns raised in relation the setback, proposed FSR and impacts on privacy, design, height, bulk and scale have already been addressed.

- View impact on other properties.

Comment - The amended sketches have shown changes to the roof form with the retention of the height of the existing ridge. The properties most impacted by the proposal are those along Seaview Street to the rear of the subject site. The rear of some of the dwellings on Seaview Street has limited water views of the harbour over the top of the existing building. The raising of the roof as originally proposed would have a significant impact on whatever little view of the water these properties have over the existing building on the subject site.

It is now considered that the proposal will have no significant impact on the views of the adjoining properties

- Excessive excavation, particularly at rear.

Comment - There is some excavation at the rear of the site to accommodate the new planters / terraces. The proposed excavation is not considered to be excessive.

- Potential heritage significance of No.17 and No.19A West Street.

Comment - There is no adjoining heritage items in the vicinity of the site.

- Loss of privacy.

Comment – There are no windows on the northern and southern side elevations of the proposed extensions.

- Loss of trees.

Comment - The additions and new terrace and steps at the rear do not require the removal of any trees on the site. The applicant has advised that he is prepared to retain all the existing trees on site and will accept a condition of consent.

- Loss of sunlight.

Comments – The additions at the rear have a wall height of 5.4m and will not result in any significant overshadowing. The height and bulk and solid nature of the balcony addition at the front will result in some additional overshadowing of the front yard of No.17 West Street to the north

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from early morning to 12noon in Mid Winter. The amount of overshadowing will be reduced if a lighter form of balcony addition is designed.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2007 Amendment 1.

It is considered that the design, height, bulk and scale of the proposed balcony addition at the front of the dwelling house are unsatisfactory. The proposal will have a detrimental impact on the amenity of surrounding residents, the harbour or the existing quality of the environment. Accordingly, it is recommended that this application be **Refused**.

RECOMMENDATION

THAT Development Application No. 209/09 for the alterations and additions to an existing dwelling house, including addition to ground and first floors at No.19 West Street, Balgowlah be **Refused** for the following reasons;

1. The proposed development is inconsistent with Zone Objectives (c), (d), (e) and (h) in Clause 10 of the Manly Local Environmental Plan 1998 having regard to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development is inconsistent with Clause 4(a)(viii) of the Manly Local Environmental Plan 1998 having regard to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is contrary to Objectives (d), (f), (h), (o) and (q) in Part 1.2 of the Manly Development Control Plan having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The proposed development results in unsatisfactory impacts on the surrounding area and is contrary to Parts 2 and 3 of the Manly Development Control Plan. In particular, the proposal fails to satisfy the following:
Design considerations (Section 2.4) having regard to Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979.
5. The proposal is considered to be contrary to the public interest having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

AT- 1 DA Plans 13 Pages

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***** End of MIAP Report No. 2 *****