

View Impact Assessment

Alterations & Additions to existing dwelling including a first floor extension and new swimming pool at No.52 Pellisier Road, Putney

LDA No:	2013/0012
Date Plans Rec'd	15 January 2013. Amended plans received 19 th April 2013
Address:	52A Pellisier Road, Putney
Proposal:	Alterations & Additions to existing dwelling including a first floor extension and new swimming pool

History

Although a number of submissions objecting to the development were received, the primary issue of potential view loss with the subject development application, is that stemming from the objections received from No.52 Pellisier Road. The following is an extract from the submission received by Council on 13 February 2013 from No.52 Pellisier Road:

'It is considered that the proposal as submitted is a gross overdevelopment of the site which will have a significant adverse environmental impact on No.52 Pellisier Road, particularly in terms of a substantial loss of views and amenity. The applicant is maximizing the views from the new development whilst reducing and minimizing the existing views from No.52. This is not 'view sharing'.

Comment

A site inspection of the neighbouring property was undertaken on 5th March 2013 by Consultant Planner Ben Tesoriero (CPS) and Colin Murphy, Team Leader Assessment, City of Ryde to assess the potential loss of the abovementioned views as a result of the proposed development.

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states Clause 2.13.4 – View Sharing, that *view sharing is where development is designed so as to retain the private views enjoyed from existing dwellings on neighbouring sites. However the equitable sharing of views is desired and existing dwellings will not always be able to retain existing views across neighbouring allotments.*

Objectives

1. To ensure new dwellings endeavour to respect important views from living areas within neighbouring dwellings.

Controls

- a. The siting of development is to provide for view sharing.

The Land and Environment Court has established "planning principles" in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140 Roseth SC, states that "the notion of view sharing is involved when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment".

(Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable). In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to 'reasonable sharing of view'. The steps are as follows:

1. *Description and assessment of views to be affected by proposal and the value of these views*
2. *Ascertain whether view retention expectations are realistic. Consider from what part of the property the views are obtained.*
3. *Assess the extent of the impact for the whole property. The impact should be qualified on a scale from negligible to devastating.*
4. *Assess the reasonableness of the proposal that is causing the impact, taking into account any non-compliance that is causing the view loss. (A development that complies with all the planning controls would be more reasonable than one that breaches them).*

In this instance, the views currently enjoyed by 52 Pellisier Road, Putney can be assessed as follows:

Planning Principles

The First Step

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Firstly, the view from No 52's first floor rear balcony, primarily the north-eastern and south-eastern views across Morrisons Bay, is considered.

As demonstrated by Figure 1-4, No.52 Pellisier Road currently has whole and partial views of the water and land from a standing and seated position to the north-east, east and south-east of Morrisons Bay from the first floor rear balcony. Based on identifying vegetation on the northern side of Morrisons Bay, the north-eastern views from the middle of the balcony extend to a point across the bay at approximately the middle of Morrisons Bay Park as demonstrated in Figure 1 and 6. Partial views are afforded to the south-east however these are heavily obscured by mature stands of existing vegetation along the foreshore as is demonstrated in Figures 2, 3 & 6. Accordingly, existing views are considered to be mainly orientated to the north east with some minor views that are obscured to the south east. Views to the east are also available from the balcony; however these are primarily obstructed by the roof of the existing dwelling at No.52A Pellisier Road and existing vegetation with only a small portion of whole water views available directly to the east.

When considering the value of these views it is considered the views to the east and north east are the most valuable as they include unobscured whole water views. However it needs to be noted that all views towards the water (Morrisons Bay) and land are afforded over or across neighbouring allotments at 52A Pellisier Road, 50 Pellisier Road and 54-56 Pellisier Road.



Figure 1 - Standing view from middle of the first floor balcony at No.52 Pellisier Road looking north-east



Figure 2 - Standing view from middle of the first floor balcony at No.52 Pellisier Road looking east



Figure 3 - Standing view from middle of first floor balcony of No.52 Pellisier looking South-east



Figure 4 - Seated view from middle of the first floor balcony to the East

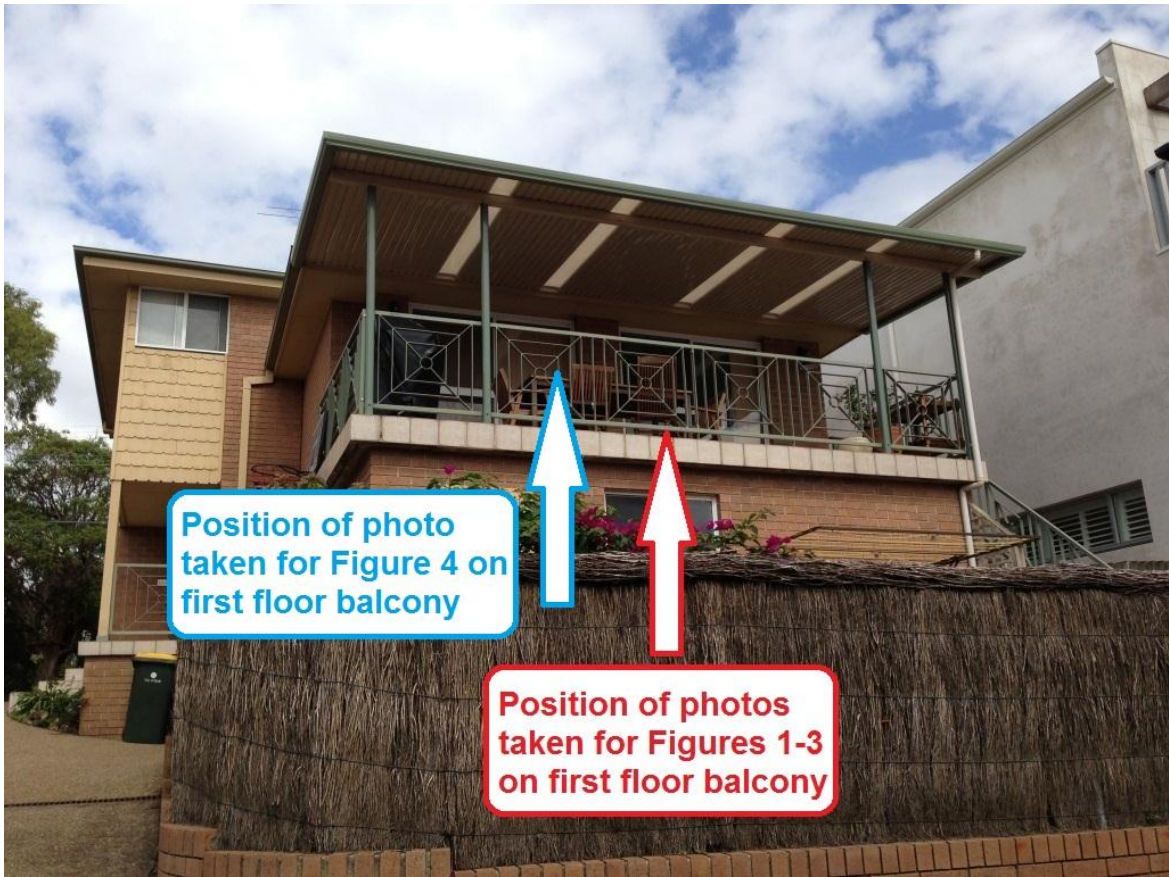


Figure 5 - View of first floor rear balcony

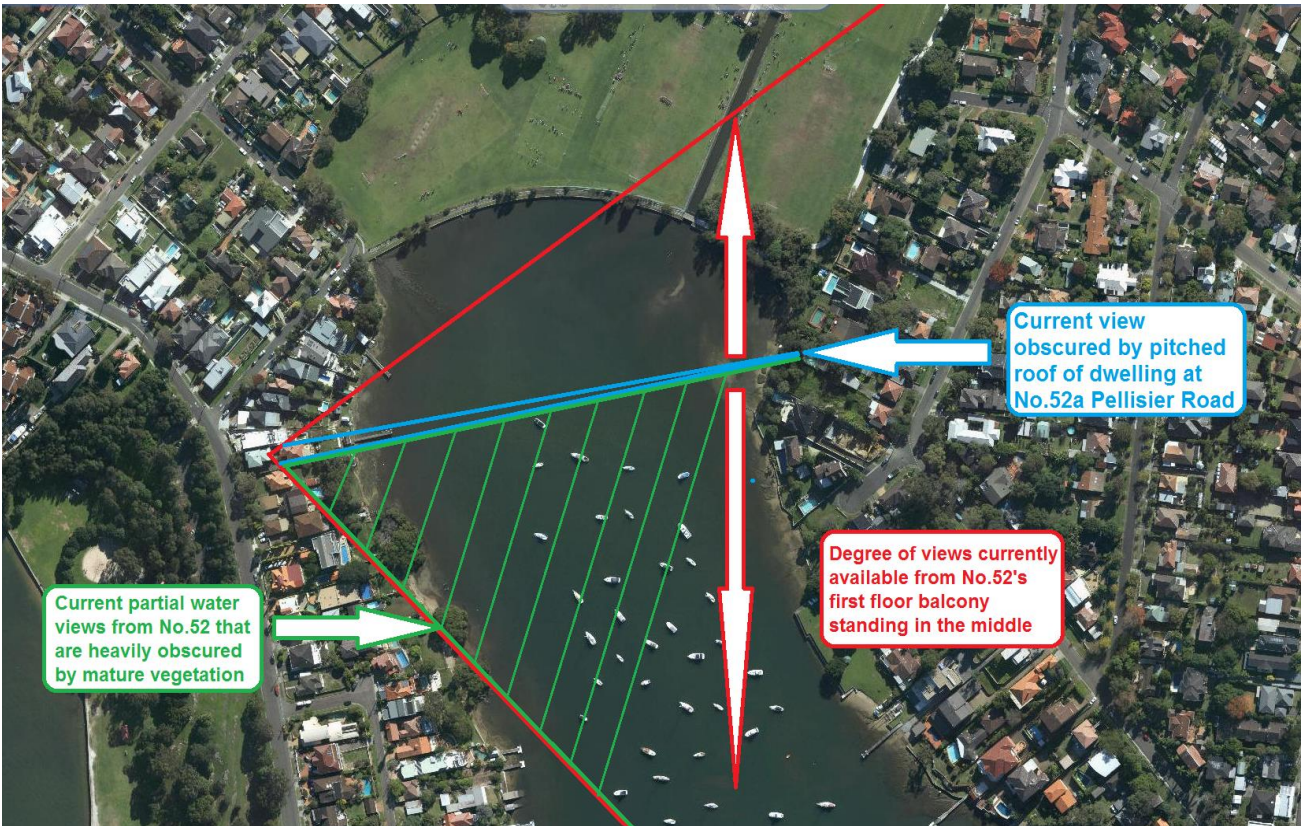


Figure 6 - Aerial image of current standing view from No.52's first floor balcony

Secondly, the views from No 52's internal living rooms, kitchen area and bathroom on the first floor are considered.

From the living and dining room standing views, albeit constrained by the size and shape of existing glazing, are similar to those obtained from the rear balcony, views to the north east are primarily unobstructed whole views to the water and Morrisons Bay Park, whilst views to the east and south east are mostly obstructed by either the existing dwelling house at No.52A or the mature vegetation along the foreshore (Refer to Figures 8-10). The kitchen has views primarily to the north east which are either partially or fully obstructed by the existing dwelling house or mature vegetation along the foreshore as is demonstrated in Figure 11 & 12. The bathroom on the first floor has unobstructed views over No.52A to the east and partially obstructed views to the north east.

The views from the first floor living areas are considered to be valuable as they allow mostly whole views to the water and Morrisons Bay Park to the north east and whole and partial views to the water when looking across the existing roof of No.52 A Pellisier Road. Views from the kitchen are not as highly valued as they allow only partial glimpses of the water.



Figure 7 - Standing view from the living room towards to north east



Figure 8 - Standing view from the living room towards the east



Figure 9 - Standing view from the dining room towards the south east

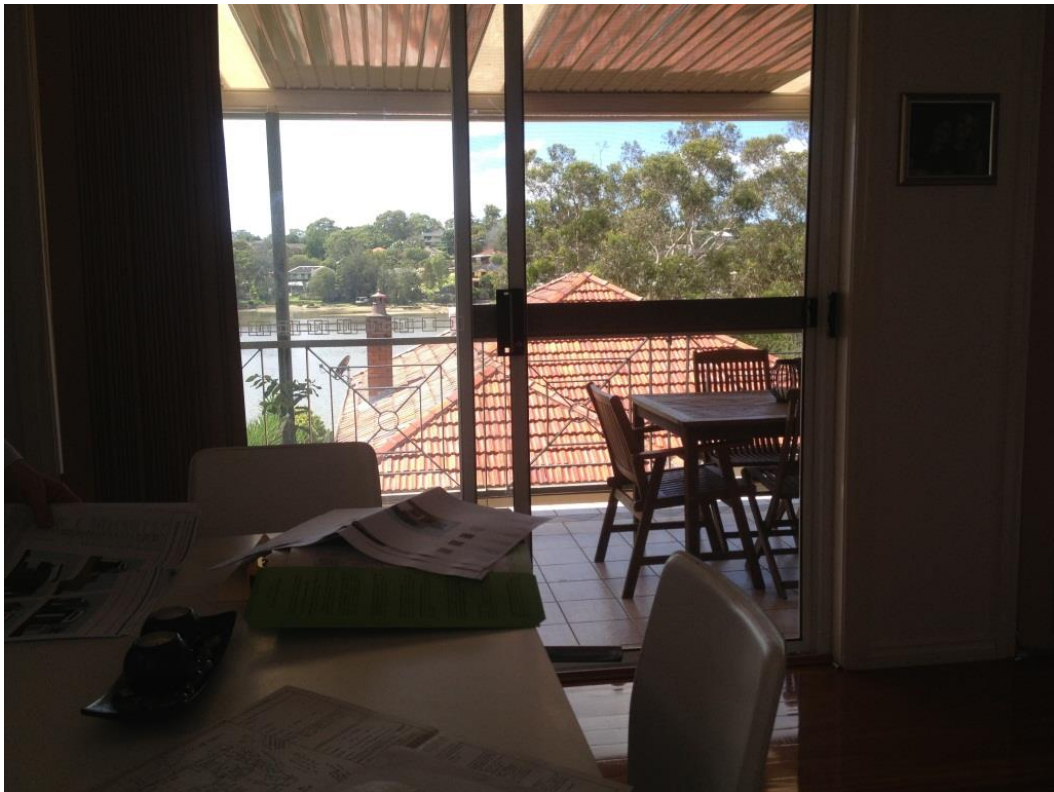


Figure 10 - Seated view from the living room towards the east



Figure 11 - Standing view from the kitchen to the east



Figure 12 - Standing view from the kitchen to the south east



Figure 13 - Standing view from bathroom on the first floor to the east

Thirdly, the views from No 52's ground floor internal areas and rear open space are considered.

When considering views from the ground floor of No.52 only limited glimpses of the water and distant land are available as demonstrated in Figures 14-16. The existing dwelling house at No.52a Pellisier Road obstructs the majority of the views towards the north east and east from a standing and seated position in the rear open space as is demonstrated in Figures 14 & 15. Similarly, views are obstructed by mature vegetation when looking towards the south east. It is noted that no view loss will occur from the internal laundry window on the ground floor.

When placing values on the views from the ground floor it is considered that as they are not as highly valuable as those from the first floor as they are obscured partial views that only have slight glimpses of the water. Again it must be noted that these views are afforded across neighbouring properties.



Figure 14 – Standing view from the ground floor rear open space of No.52 Pellisier towards the north east



Figure 15 - Standing view from the ground floor rear open space of No.52 Pellisier to the east



Figure 16 - Standing view from the ground floor internal laundry to the south east

The Second Step

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

As demonstrated in Figure 17 below, currently the majority of north east views from No.52 Pelliser Road are afforded across the neighbouring allotment at No.54 Pelliser Road, all views towards the east are generally afforded across No.52a Pelliser Road and all views towards the south east are generally afforded primarily across No.54 Pelliser Road.

The views from the first floor of the dwelling are obtained from a standing position in the living room, dining room, kitchen, bathroom and rear balcony, and from a seated position in the living room, dining room and rear balcony. It is noted however that a seated position offers only limited obscured views as is demonstrated in Figure 10. Only limited views are available from the ground floor and these are all gained from a standing position.



Figure 17 - Views from all floors and all areas of No.52 are obtained across the neighbouring allotments

The Third Step

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from

bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The views from No.52 that have been assessed are from the living areas, kitchen bathroom and rear balcony on the first floor and from the rear open space and internal laundry on the ground floor.

Factors taken into consideration in assessing the extent of the impact include the siting of the development, setbacks, proposed building heights and design of the dwelling house.

Firstly, the extent of the impact from the first floor is considered. Based on No.52 having a finished floor level (FFL) of the first floor of approximately RL13.47 (calculated on site and using RL's taken from the Site Survey), and, the FFL's and roof levels of the proposed dwelling-house at 52A Pellisier Road, it can be calculated that the new north-eastern line of sight would be a line taken from No.52's first floor rear windows to the north-western corner of the proposed dwelling at No.52A. The same calculation is also applied to the south western line of sight. The new line of sights using an extract of the Site Plan and aerial image are demonstrated below in Figure 18 & 19. The green hatching indicates the calculated loss of views as a result of the proposal and the red hatching indicates the resultant available view angles.

Additionally, Figures 20-21 indicate diagrammatically the extent of view loss and increase in bulk and scale expected from the proposed alterations and additions at 52A Pellisier Road.

As is evident, the primary loss of views to occur are those existing partial views from the first floor across the roof of the existing dwelling at No.52A Pellisier Road. For the most part existing north east and south east views are maintained due to side setbacks being retained in a similar alignment. Given the above it is considered that the view impact from the first floor is moderate.

View impacts from the ground floor are considered to be negligible as existing views in the rear open space are limited and only slightly obstructed by the ground floor of the proposed development. Additionally, views from the internal laundry to the south west are to be unaffected by the proposed development.

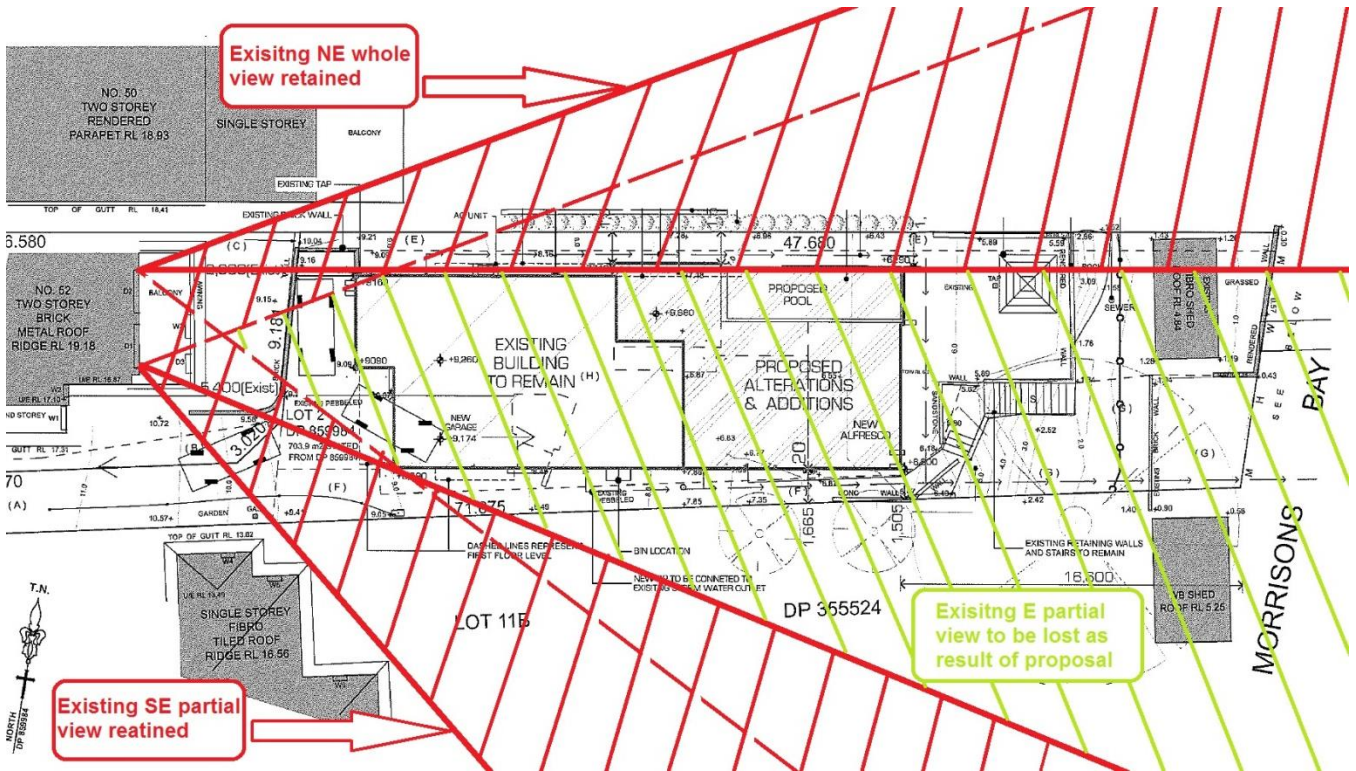


Figure 18 - New calculated line of sights from first floor of No.52 Pellissier Road

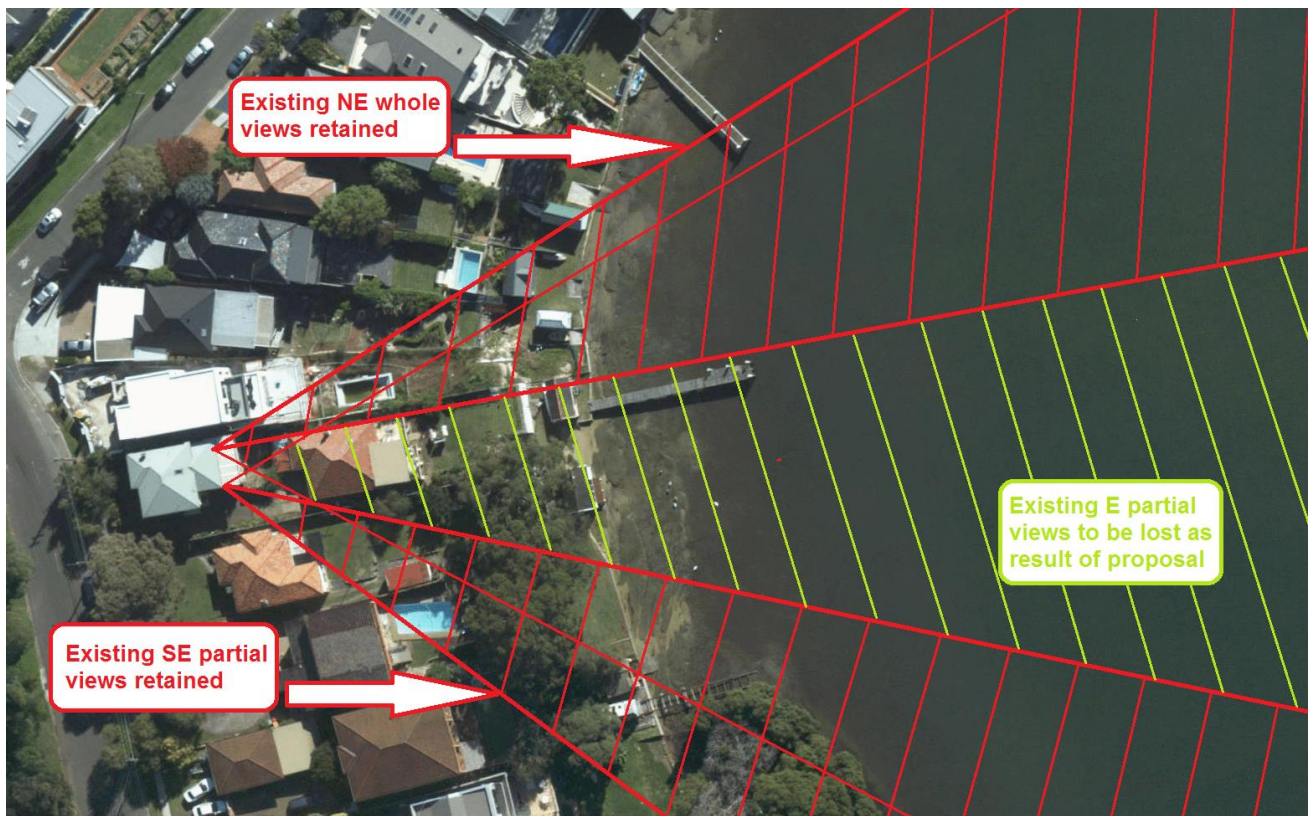


Figure 19 - Aerial image of new calculated line of sight from first floor of No.52 Pellissier Road

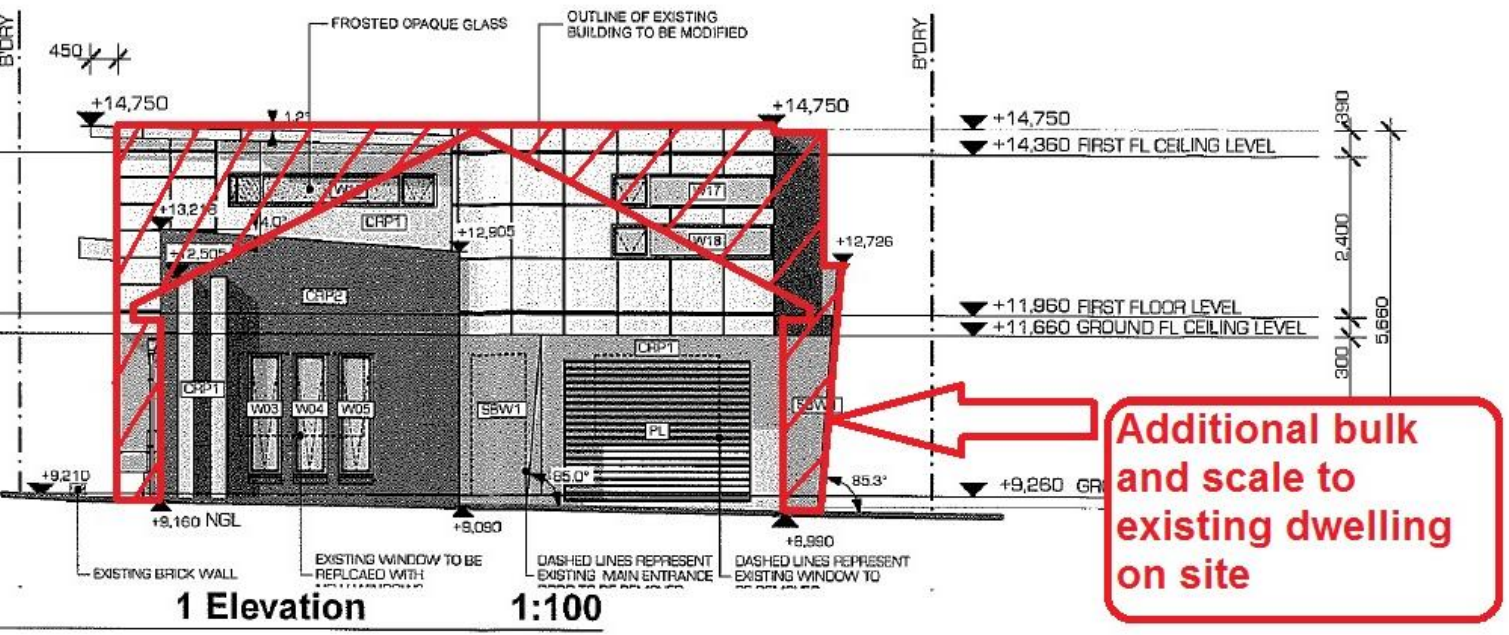


Figure 20 - Additional bulk and scale to existing dwelling (shown hatched) as result of the proposed alterations and additions to No.52A Pellisier.



Figure 21 - Photomontage indicating proposed dwelling and associated view loss

The Fourth Step

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposed development complies with all planning controls in terms of setbacks, floor space ratio and building height. It is noted a minor non-compliance with floor space ratio, visual privacy and side and rear setbacks have been addressed via the submission of amended plans and it is considered the impact on the views as a result of the amendments creates a more equitable design in terms of view sharing.

Posing the question whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours, the answer is considered to be no.

This is due to the following reasons:

1. Quality whole water and land views have still been afforded to No.52 Pellisier Road that include diagonal cross views across a portion of the subject site and views to the north east and south east. Accordingly, the DCP control in relation to view sharing, in that the siting of development is to provide for view sharing, is considered to generally be met.
2. Views lost from the first floor are direct cross views and side views. The expectation to retain cross views and side views is unrealistic and Council's DCP states that the equitable sharing of views is desired, but existing dwellings will not always be able to retain existing views across neighbouring allotments. Furthermore, existing views to the east and south east are heavily obscured by either the existing dwelling on No.52A Pellisier, or significant stands of mature vegetation on the foreshore. On balance, the view loss is considered to be acceptable considering the proposed development complies with all relevant planning controls governing bulk, scale and siting of the development.

It is also noted that the proposed development complies with the caveat on Lot 2 DP859984 (No.52a Pellisier) that includes a restriction 'Not to erect any part of any building structure or erection on Lot 2 such that any part of any such building structure or erection shall exceed reduced level 14.75 Australian Height Datum. '

3. The location and arrangement of dwellings of the battle-axe allotment means that any dwelling on the site that is developed to its potential under the provisions of Ryde City Council's planning controls (as the current proposal is aiming to do) would have an impact on views afforded from No.52 Pellisier Road.
4. The design of the dwelling is considered to be consistent with the desired future character of the low density residential zone and that of the emerging waterfront character of the Ryde and Putney area.

In this instance the view impact is considered acceptable and the view sharing reasonable.