

Vihara and Piers Yates
6 Rosser Street Cottesloe WA 6011

30/01/2020

Application for amendment of Development Approval 3914

Town of Cottesloe Planning Department
109 Broome Street Cottesloe WA 6011

Dear Gayle and Ed

Following the meeting on 22nd January, we have considered our options and spoken again to our neighbour (No 8). They are still very happy with the current design.

During the design and building process we have taken considerable steps to reduce overlooking issues. However, as you saw for yourself, due to the elevated block giving a high vantage position of the plot/house, even where we are well beyond the required setbacks we do look into the neighbouring gardens and this cant be avoided. We have been very mindful of this and taken much care to reduce this by having angled bay windows and not having windows along the eastern wall, as well as building as much as possible with the recommended setbacks. We have also replaced boundary fencing and retaining at our expense to heights as requested by the relevant neighbours along the eastern and northern boundary. We paid for the entire cost of the northern fencing and offered to have this even higher, but this was declined by the northern neighbour.

After the first floor was built our neighbour at No 8 was happy that the overlooking from the balcony was not an issue. This matter was addressed with them over 18 months ago by the designer of the renovation and it is unfortunate it was not presented to council at that stage. During the progress of the build we completed our furniture and cabinetry designs and the balcony was given some extra features, including a cabinet that increased the distance between the edge of the Balcony and the Eastern boundary, currently measuring 5.210 metres. We also installed a solid brick one meter wall on the eastern boundary of the balcony. Furthermore, our balcony floor level is currently RL 20.720 whilst the neighbouring property on eastern side is a single-storey house built on RL 15.78 level, and the visible portion of their building has no windows, apart from a small section of their courtyard. The cone of vision is to the roof line, and not into their property. The flowerbed is currently being nurtured with cotton wood, which will grow to some height. This dramatically limits overlooking to the East.

The balcony screen was designed as an architectural feature and was not a full screen (as can be seen on the plans). The views from the balcony and design of the build adds to the aesthetics and value of the property, which we feel will be lost with adding a screen of 600cm to the fixed wall on the eastern side.

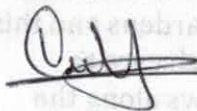
Your email dated 30th October 2019 is regarding a complaint made by a neighbour (not number 8) who will not in anyway be affected by this screen. No 8 are not at all concerned by it not being there and indeed support fully our application for it not being there, as indicated on the signed agreements (1 and 2).

In summary,

We feel an extension of the screen by any amount will significantly affect the view and value of the property. We have written consent for the original screen to be omitted by the neighbours that it affects, and that the current 1m high screen is acceptable. The neighbour that has made the complaint is not affected in any way by this screen.

We ask that all above details, and in particular those of our neighbour Caroline Silver (at No 8) to be taken into consideration and wish to apply to council for amendment of DA 3914 requesting for an R-code variation based on our neighbour comments.

Kind regards



Vihara Yates

Enclosed: signed approved plans from Neighbour No 8. (28/9/19 and 24/1/2020)



Appendix 4 - Adjoining property owner comment form (discretionary approval application under the Residential Design Codes)

Residential Design Codes Adjoining property owner comment on discretionary approval application

Adjoining property owner details

Name: CAROLINE ANNE SILVER (FORMERLY PATTERSON)
 Lot no: 15 Street no: 8 Street name: ROSSER STREET
 Suburb: COTTESLOE Postcode: 6011

Location of proposed development

Name: VIHARA YATES
 Lot no: 16 Street no: 6 Street name: ROSSER STREET
 Suburb: COTTESLOE Postcode: 6011

Details of matters on which council discretion is required and comment sought

- Plan attached Details of proposed codes variations, or matters on which council discussion is required

Adjoining property owners comments

We have inspected the plans and comment as follows:

I AGREE FOR THE EASTERN END
BALUSTRADE TO BE OF SOLID CONSTRUCTION
AT THE HEIGHT OF 1000 MM AND I AGREE
THAT A SCREEN DOES NOT NEED TO BE
INSTALLED ON THE BALUSTRADE, AS
SHOWN ON THE PLAN

(Attach additional information and plans if necessary)

Signed: CASILVER Date: 24/01/2020 Phone: 0419969601
 Print name: CAROLINE ANNE SILVER
 Signed: _____ Date: _____ Phone: _____
 Print name: _____

Note: The council in determining the application under the Residential Design Codes will take into account the comments of adjoining owners. The council is not obliged to support the views of adjoining owners.

**Appendix 4 - Adjoining property owner comment form
(discretionary approval application under the
Residential Design Codes)**

**Residential Design Codes
Adjoining property owner comment on discretionary
approval application**

Adjoining property owner details

Name: CAROLINE SILVER
Lot no: Street no: 8 Street name: ROSSER STREET
Suburb: COTTESLOE Postcode: 6011

Location of proposed development

Name: VIHARA YATES
Lot no: 16 Street no: 6 Street name: ROSSER STREET
Suburb: COTTESLOE Postcode: 6011

Details of matters on which council discretion is required and comment sought

Plan attached Details of proposed codes variations, or matters on which council discussion is required

Adjoining property owners comments

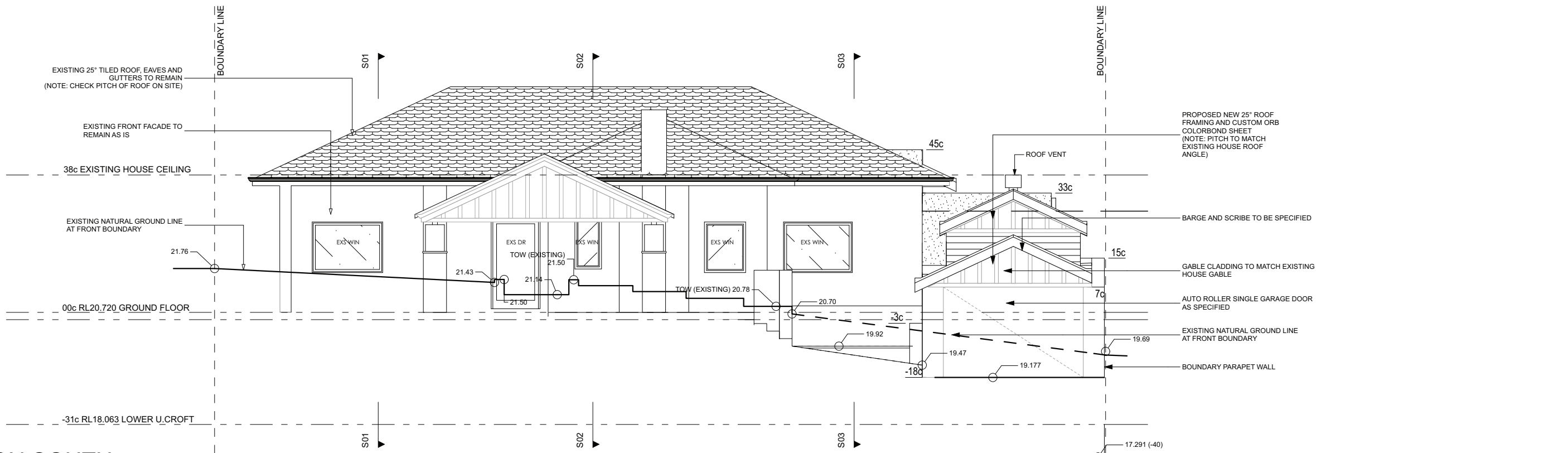
I/we have inspected the plans and comment as follows:

I AGREE THAT THE PRIVACY SCREEN DOES NOT NEED TO BE INSTALLED, AS DETAILED ON THE ATTACHED PLAN
AS THE HOUSE IS UNDER MY FORMER MARRIED NAME OF PATTERSON

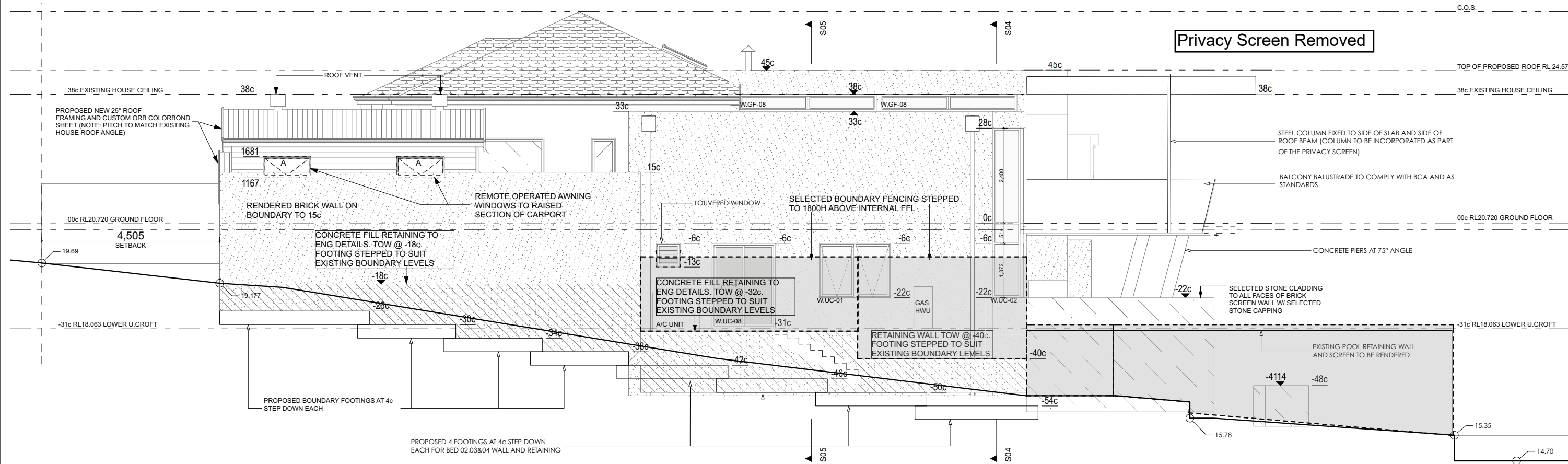
(Attach additional information and plans if necessary)

Signed: CASINA Date: 28/09/2019 Phone: 0419 969 601
Print name: CAROLINE SILVER
Signed: Date: Phone:
Print name:

Note: The council in determining the application under the Residential Design Codes will take into account the comments of adjoining owners. The council is not obliged to support the views of adjoining owners.



ELEVATION SOUTH
1:100



ELEVATION EAST
1:100

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Proposed
6 ROSSER ST COTTESLOE
Client
VIHARA YATES

Rev	Date	Sheet	Description	Dr	Ch	Rev	Date	Sheet	Description	Dr	Ch
01	21/11/2016	ALL	ISSUED FOR CONSTRUCTION	BN	BN	11	26/11/2018	ALL	BL/ PLANNING AMENDMENTS	MR	MR
02	27/03/2017	ALL	PLAN REVIEW	BN	WD	12	19/11/19	8	PLANNING AMENDMENT		
03	15/05/2017	ALL	UNDERCROFT WC LAYOUT MODIFIED	BN							
04	31/05/2017	-	GFL SLAB ISSUE	MG							
05	07/07/2017	-	CORRECTIONS	MG							
06	18/07/2017	-	CLIENT AMENDMENTS	MG							
07	28/07/2017	ALL	CLIENT AMENDMENTS	MG							
08	02/08/2017	ALL	CLIENT AMENDMENTS	MG							
09	09/08/2017	ALL	CLIENT AMENDMENTS	MG							
10	11/09/2017	ALL	BL/ PLANNING AMENDMENTS	MG							

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Drawing
South & East Elevations
File Path: Users\Mike\Raah\Dropbox\MRD_MRD Jobs\MRD1804 - Cottlesloe\MRD1801_3STONE_D-MERGER.plt

Job N° CO 0616	Dwg N° 8/44	A3
Scale 1:100	Rev N° 12	

19th of November 2019

Vihara & Piers Yates
6 Rosser Street, Cottesloe – WA – 6011

Cover Letter to support request to amend Development Approval of 6 Rosser Street – Cottesloe

Town of Cottesloe
109 Broome Street, Cottesloe – WA – 6011

Dear Gayle O'Leary and Planning Department team,

We are pleased to submit our application for Amendment of Planning Approval of our residential dwelling in 6 Rosser Street – Cottesloe. This application is consistent of the following files:

- Revised First Floor Plans
- Revised Elevations
- Signed Consent from adjoining neighbour
- Completed development application form

To support our application, we kindly request your attention over our Privacy Screen and the reasons why we want it to be reconsidered and removed off the requirements of the Planning Approval regarding our property.

We understand the suggestion of a Privacy Screen being added to our Balcony eastern side due to the distance from our neighbour being less than 7.5m as noted on R-Codes. This suggestion was initially worked by the Designer into an architectural screen that would improve the value of our property when first drawings were conceived. At that time, the Balcony did not have other features and we did not see an issue with it.

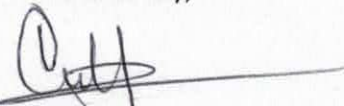
During the progress of the build we completed our Furniture and Cabinetry designs and the Balcony was given some extra features, including a cabinet that increased the distance between the edge of the Balcony and the Eastern boundary, currently measuring 5.210 metres. Furthermore, our Balcony floor level is currently RL 20.720 whilst the neighbouring property on Eastern side is a single-storey house built on RL 15.78 level, and the visible portion of their building has no windows, apart from a small section of their courtyard – therefore we understand that privacy is a minor issue in this case.

The Privacy Screen also affects one of the prime views from our property and may impose a decrease in value and will cost a considerable amount of money to be installed due to its location and design of our structure. We kindly ask you to reconsider and remove it from the requirements.

We have presented our opinion to the neighbours on Eastern Side (Caroline Silver) who accepted our request of not having a Privacy Screen, signed and attached here.

We trust this meets your expectations and look forward to a positive result. If you need any further information, please feel free to contact us.

Yours sincerely,



Vihara Yates