

Dear Jennifer,

I am replying to your email of the 23rd July regarding your preliminary assessment of our development application.

Lot boundary setbacks/boundary walls

The purpose of the design as submitted is to provide adequate ground-level accommodation for up to two vehicles, a box trailer and some workshop and storage space. This determines the building length at ground level. The design orientation and intent otherwise is to minimise the building footprint and preserve as much garden area as possible.

The loft has been given a slight overhang for aesthetic reasons, to break up the bulk of the building form. It does that very effectively but adds 30cm to the overall length. Added to this are the roof overhangs, 0.33m at each gable end. The parapet wall is designed to obscure the gutter rain heads and down pipes at each end. The effect of both of these is to increase the length of the parapet wall by almost 1 metre above what a simple box-shaped building with internal roof plumbing would require.

Addressing the issues of built form and scale, the proposed parapet wall directly abuts the right-of-way at the rear of the property, not an immediate neighbour's boundary. The right-of-way does not afford a position where a pedestrian using the right-of-way has a sufficiently set-back, square-on view of the parapet wall from which its size might have an impact. People using the right-of-way will almost always view the wall obliquely and will rarely look up and take it all in.

The property immediately to the north, 1 Mann Street, across the right-of-way, is an exception. This property has an elevated, enclosed entertainment area that, along with its adjacent open western terrace, currently has an unobstructed view over our entire backyard and outdoor living area. The long windows on the south side of the entertainment area are shielded by black mesh 'see-through' blinds. The height relationship of the proposed parapet wall to these windows has the windowsill level approximately 20cm below the top of the proposed parapet wall. In other words, eye height in the entertainment area is above the parapet, not looking at the wall itself. Refer photo, attached.

1 Mann Street also has a wall on the right-of-way enclosing the south side of a room that was once a carport. At its highest point this wall is 5.6 metres above the level of the right-of-way. The two-storey property at 1A Mann Street, at the rear of 1 Mann Street and fronting onto the right-of-way, is hardly set back (0.3m) from the property boundary. Its bulk and scale exceed that of the proposed parapet wall. Refer photo, attached.

There are further examples of imposing walls nearby in the suburb (on the east side of Pennyfather Lane) that exceed the permitted boundary wall dimensions either in height or length, and to a greater extent than the proposed parapet wall. The two examples in Pennyfather Lane are also far more exposed to visual sightlines that reveal their bulk.

We assert that the proposed parapet wall does not represent an out-of-scale structure within its local surroundings.

Note: a treatment to the face of this wall that we have been considering as an aesthetic enhancement is the attachment of three or four vertical mesh panels to carry perennially green creepers. The proposed parapet wall is sufficiently set back from the property boundary that several irrigated, long and narrow planter boxes could be installed for such a proposal.

Sightlines

There are several points to be made here.

The first is that the right-of-way has extremely low vehicle usage. It essentially only serves the rear of our property and the house directly across the right-of-way and to the west from our rear entrance (1A Mann Street). A few other Mann Street properties have rear access onto the north-south run of the right-of-way, all essentially unused. That section of the right-of-way is best described as a rough sand track. No cyclists and few pedestrians use the right-of-way as a result.

The 1A Mann Street property has a garage opposite our existing rear car bay entrance and another parking bay built into the south-west corner of the property. Both these spaces are obstructed either by head-height walls or building structure, typical of almost all rear property vehicle access openings. The corner car bay of 1A Mann Street is located right on the right-angle in the right-of-way, a potentially more dangerous position than on a straight run as it has no visibility to the north-south line of the right-of-way, but it poses little risk due to the negligible traffic. Local residents using their vehicles in the right-of-way are perfectly aware that normal care always needs to be taken.

In terms of pedestrian traffic, usage of the right-of-way is also very low. Partly this is, as already stated, due to the condition of the north-south leg of the right-of-way. It has a few (less than five) regular users - students and office workers - taking it as a shortcut to the Grant Street station at commuting times, and the occasional dog walker at other times. Rear access to the North Cottesloe Primary School was closed many years ago, so the right-of-way is not used at all by that population.

Because the only sensible approach into the rear of our property is to reverse into it from the right-of-way, it means that we are always exiting facing forward and soon have a view of any users in the right-of-way. A mirror could be installed to give visibility of the length of the right-of-way users but this has not proved necessary at any time in the past thirty years.

(In contrast to the situation at the rear of our property, our driveway entrance over the Eric Street footpath, with its low walls and frequently pruned vegetation, has become rather dangerous despite relatively good sight lines. Since cyclists of all ages have been permitted to use footpaths, here they come down the footpath travelling at speed, unaware or uncaring that there are two residential driveways before the primary school).

Design of car parking spaces

I have attached a drawing of the swept path of our station sedan maneuvering in the space provided on the plans. If required, I can provide a video of the maneuver that includes the first sweep to enter the paved area from the right of way, followed by the second sweep needed to reverse into the garage. I have also carefully marked out the same space in a public carpark, - right-of-way, hardstand/apron and garage entry - and performed the maneuver with ease.

We have been using the existing, rear, brick-paved area shown on the site plan (entry width 5.35m) as car parking for two vehicles for the past 20 years. In this present arrangement, with one vehicle parked against the western boundary, the effective entry width for a second vehicle is reduced to less than 3 metres. As noted already, the sensible, natural approach is to reverse into this space from the right of way and it is always done this way. Also, the width of the right-of-way is such that we have also had no trouble doing this maneuver with a box trailer attached to the vehicle.

In terms of exiting the property into the right-of-way, this is invariably done safely, driving forwards. Only when a trailer is attached is it not possible to turn right into the right-of-way towards Mann Street in one continuous maneuver (since trailer cuts the corner).

Visual privacy

The eastern and western upper storey windows of the proposed building overlook the rear-most areas of the neighbouring residential properties. These areas are little used (in the case of 114 Eric Street) and unused (in the case of 110 Eric Street). Both contain trees and other thick vegetation close to the common boundaries with 112 Eric Street. This vegetation effectively blocks direct sightlines into the rearmost areas of these properties.

Diagonal sightlines into the neighbours' more commonly used outdoor areas adjacent to the back of both houses easily exceed the 6m distance to the corresponding boundaries, as can be assessed on the site plan.

We have been considering the addition of a shade sail covering the paved entry 'apron' of the proposed garage entrance (similar to one in place now). This would run from the loft roof down to the limestone piers on the western boundary wall and would be a year-round fixture, its purpose being to guard against afternoon sun in summer and to provide year-round protection from sun and sky fallout to a vehicle parked there. (We are happy to add such a feature to the development proposal, if necessary).

Yours faithfully,

Ian Maley and Peta Kelsey