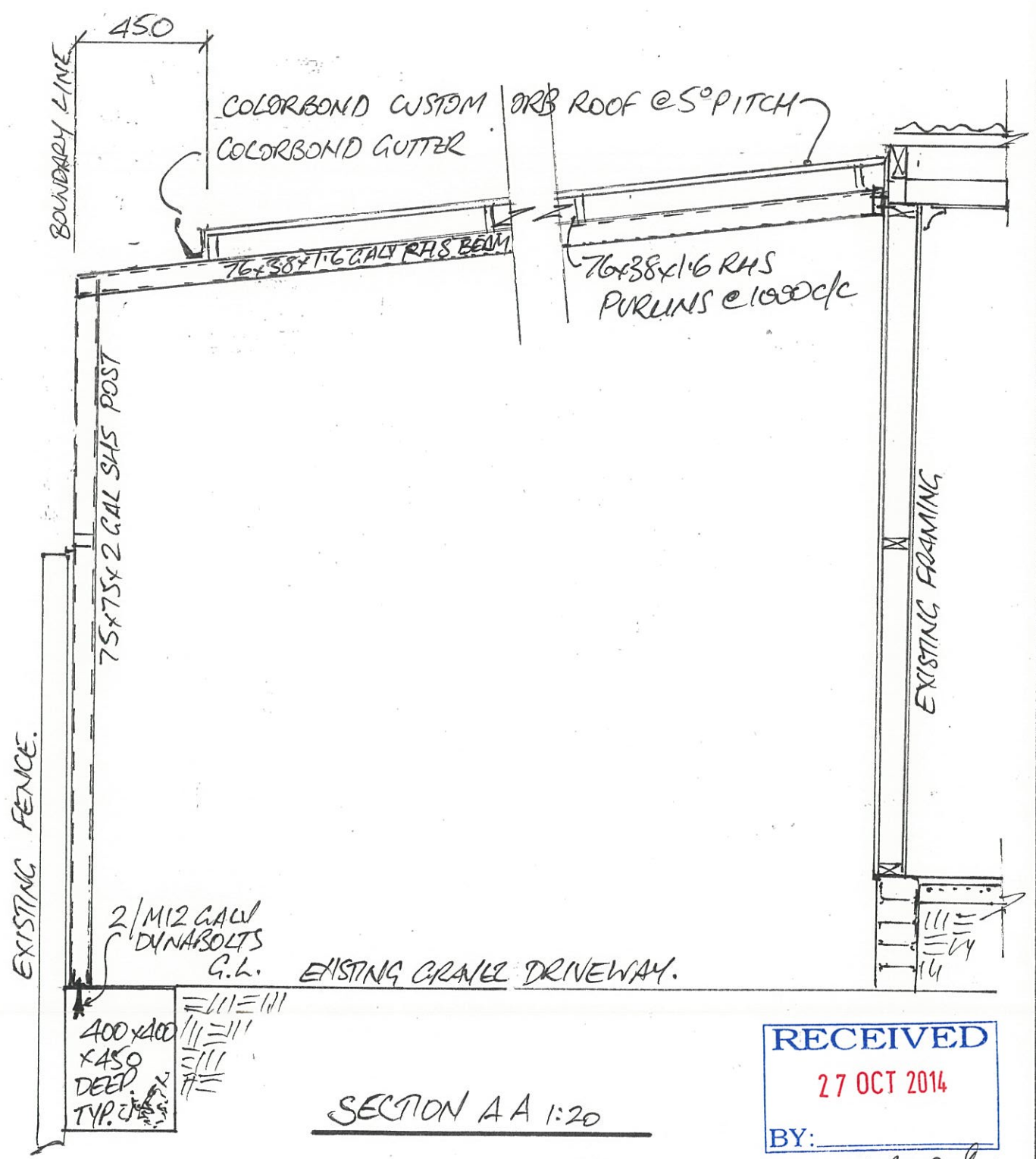
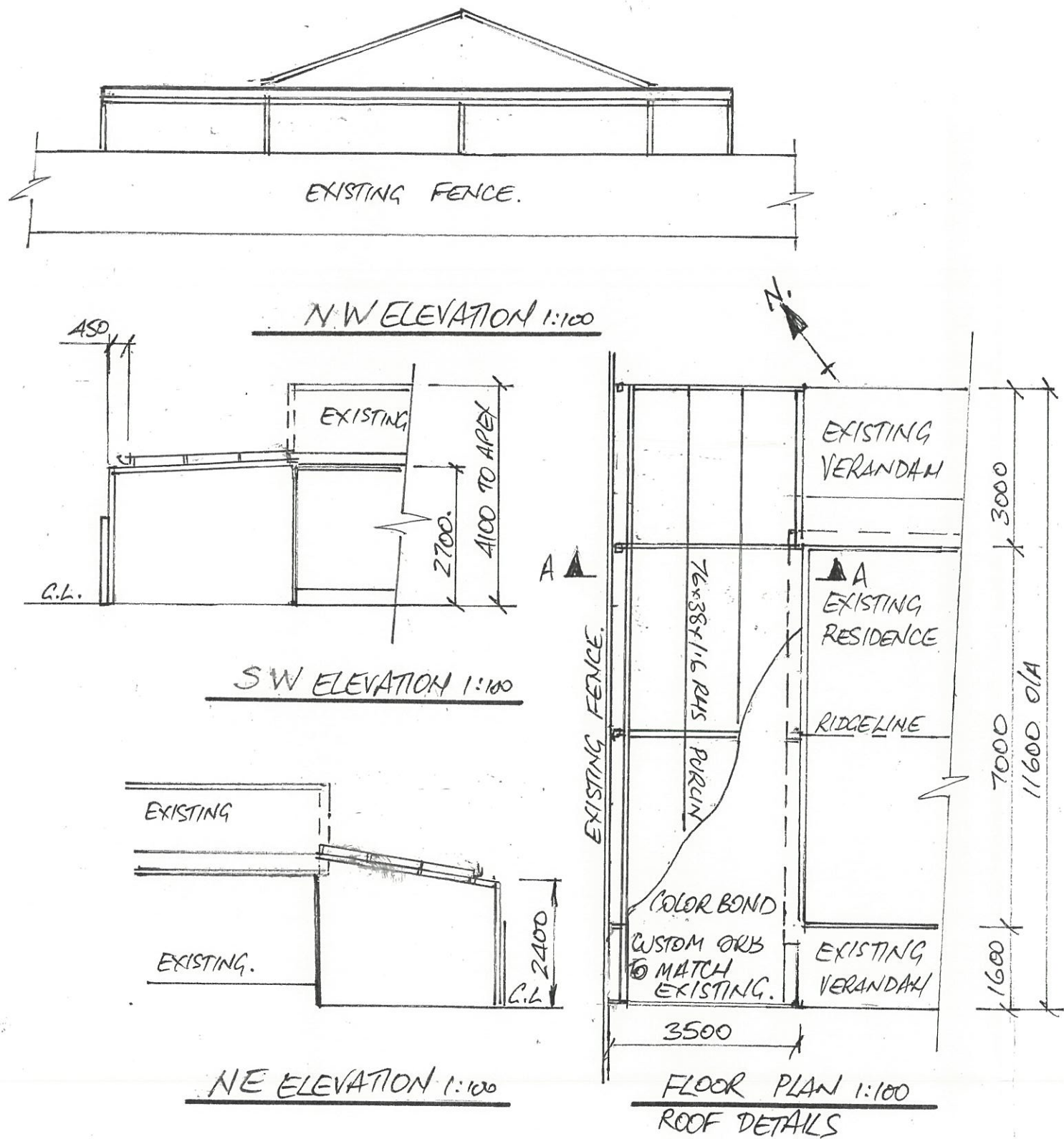


DRAWN D. STEPHENS	19 AUGUST 2014	LOT 865 NO 17 PATERSON STREET DENMARK
PROPOSED CARPORT / SHED FOR DAWN STEPHENS		

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~~CLIENT COPY~~  
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 19 AUG 2014



**RECEIVED**  
 27 OCT 2014  
 BY: \_\_\_\_\_

REVISED OCT 24: SKILLION ROOF. &  
 : SIDE WALL SHEETS REMOVED  
 REVISED SEPT 3: ROOF SHEETING - 450mm &

17 PATTERSON ST DENMARK W.A.	<b>PAULS WELDING SERVICE.</b>	CLIENT: D. STEPHENS	DATE: AUG 2014	DRAWN: PAUL.
	0428384913.	PROJECT: PROPOSED CARPORT	SCALE: AS SHOWN	DWG NO DS 02

**SCHEDULE OF SUBMISSIONS: PROPOSED SINGLE HOUSE ADDITIONS AND OUTBUILDING – NO. 17 (LOT 865) PATERSON STREET DENMARK**

Submission Number	Name & Address	Verbatim Submission	Planning Officer Comment
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>Firstly I would like to thank Senior Town Planner Marieke de Vries for our helpful discussions regarding proposed additions to 17 Paterson Street Denmark (<i>the additions</i>) which proposes an 11.6m wall on our common boundary; and an outbuilding 4.2m high. As a new resident of Denmark, I especially value and appreciate her advice and counsel.</p> <p>I have also had four cordial discussions with my neighbour for further information regarding additions. We have visited each other's home and talked at length about our plans.</p> <p>Based largely on these discussions and on the information from Ms de Vries, I would like to amend my previous letter regarding the addition as follows.</p> <ol style="list-style-type: none"> <li>1. I have no objection to the outbuilding even though it is above the maximum wall allowed height for such buildings.</li> </ol> <p>However I wish to make the following points regarding my objections to the proposed carport addition (<i>the carport</i>):</p> <ol style="list-style-type: none"> <li>2. Your letter of 9 September 2014 states that according to the residential design codes (R-Codes) Deemed-to-Comply criteria and Town Planning Scheme (Policy 13.4), the carport should have a minimum setback of 1.5 meters from the side boundary because the wall length is greater than 9m.</li> <li>3. I have no objection to the front 8.6 meters of the addition with a roof line extending the existing front veranda roof. This conforms to the relevant building code and planning regulations. I realise my neighbour has a legitimate interest in being thus able to utilise a large carport 8.6 meters long and 3.5 meters wide with covered access to the front door of her house.</li> <li>4. However I do object to the rear 3 meters addition, being an extension (<i>the extension</i>) of the existing patio veranda along the rear of the house, on the following grounds:             <ol style="list-style-type: none"> <li>a. With the extension, the boundary wall totals 11.6m and thus contravenes the relevant planning regulations that a wall on the common boundary be no greater than 9m long.</li> <li>b. The extension would create an over-length dominating structure on my boundary which would intrude upon and spoil for me the visual space and view from the rear of my carport. This area of my house is of high value to me because this is where I have my breakfast and morning tea overlooking my rear garden. The extension would invade my privacy and</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Since the initial referral of the application to the adjoining landowner, the applicant has amended the outbuilding plans such that the over height wall as per Policy 13.4: Outbuildings does not impact a boundary neighbour, noting that the adjoining landowner did not object to the original proposal which located the over height wall adjacent to the submitters property. It is on this basis that Planning Approval 2014/153A pertaining to the outbuilding has recently been granted.</li> <li>• Whilst the development does not achieve the Deemed-to-comply criteria, the proposal has been assessed against, and from a Planning Services perspective is considered consistent with, the relevant Design Principles.</li> <li>• The total length of the boundary is 45.26m, with the proposed carport being 11.6m in length. It is noted that as per the Deemed-to-comply criteria, a 9m length carport would be permitted on the boundary (noting that this could be a wall – in this instance the proposal is only for five (5) posts on the boundary and the roof sheeting having a setback of 450mm). In this instance a further 2.6m is proposed along the boundary to line up with the existing front and rear verandahs.</li> <li>• Whilst it is possible that the deck from the rear verandah could be extended (noting that this is not the current owner's intentions), any visual privacy concerns can be addressed at that time (noting that in some instances planning approval may not be required thus would not be a planning issue).</li> <li>• Refer submission from proponent for justification as to the length of the carport.</li> </ul>

limit my view of the sunrise.

- c. *Most importantly to me*, due to a slope, the existing rear patio deck floor is more than 400cm higher than my ground level. *Could not this floor deck could be extended at any time, perhaps by future owners, along the extension roof right to my boundary?* This would mean that people sitting or standing at leisure on the patio deck very close to my boundary would be able to look from a high vantage into my carport, my home, rear yard and even front yard at their leisure potentially embarrassing me. This would be a significant and worrying intrusion on my privacy and psychological well being while I am at home.
- d. Due to the reasons stated above the value of my property would presumably be reduced.
- e. Note that the proposed additional 3m patio extension does not give covered access to the rear of the house due to the 4m difference in floor level and the existing barrier on the patio which bars access from the proposed extension.

I ask for an extension of time to write another letter before a date set by you. I am seeking further information and obtaining further advice from my barrister considering what legal strategies might be appropriate in this matter.

That said I am always open to suggestions and to further information which may influence me to modify my objections.

I would like to thank the staff of the Shire of Denmark for their friendly and professional correspondence and conduct at all times.

Addendum to Submission

After further discussion with the town planner regarding the proposed carport addition (*the carport*) I formed the understanding that a probable reason the Council might overrule the 9m maximum common boundary wall length regulation might be because the carport could thus accommodate 2 cars one behind another.

If this is the case I wish to make the following points, adding to my objections to the carport stated in my previous letter of 29 October 2014:

1. The average Australian "large family car" length is 4.8m (Wikipedia) and thus 2 large cars could park end to end in a carport of length 10.3m allowing for 300mm between cars and 200mm overhang either end. Therefore the minimum carport length could be 10.3m rather than the 11.6m proposed.
2. This 1.3m reduction in length would cause no problems regarding the gutter or downpipes as they not on the ends but on the roof adjacent to the common

boundary. Indeed, the carport would presumably cost less due to less materials being needed.

3. The carport would of course be made longer than this minimum 10.3m length. But then it further contravenes the spirit of the regulation limiting common boundary wall length, designed, I assume, to protect neighbours amenity. I feel strongly about this as the proposed over-length wall on the common boundary of the carport would impact not only my amenity but also my psychological wellbeing.
4. Moreover, if the carport length was reduced it significantly lowers the likelihood of the rear patio veranda floor deck being extended under the extension roof to the common boundary, which to me would be very disturbing, sometime in the future.

In summary, if the Council does decide to override the regulations to allow a boundary wall greater than 9m, I plead for the carport to have the minimum length needed for 2 cars to park end to end. This means the wall length be reduced to 10.3m rather than the 11.6m proposed. This would significantly lessen the detrimental impact to my wellbeing and the amenity of my home while still allowing my neighbour to have full amenity for the carport. Furthermore, the length reduction would create no building problems and would presumably save money.

Additional Information Provided by Submitters' Legal Advisor

My client Dr {NB: name omitted by staff} of {NB: house number omitted by staff} Paterson Street Denmark, objects to the proposed rear 3m patio veranda extension (*the extension*) of the 11.6m carport and patio addition to the common boundary on the following grounds:

1. The 1.5m side boundary setback requirement for a boundary wall greater than 9m, under Residential Design Codes (R-Codes) Deemed-to-Comply criteria and Town Planning Scheme (Policy 13.4), is not met;
2. The extension would spoil the perceived high amenity of his bordering outdoor dining space thus causing him significant concern;
3. If the patio veranda floor deck, 400cm higher than ground level, were to be built up to the boundary, which could happen at any time without Shire approval, would further dominate and intrude upon his privacy, and thus decrease both his well being and the value of his property.

I am aware the Denmark City Council has the right to over ride the regulations if it deems there is sufficient reason. The concern is whether any sufficient reason is of more value than the wellbeing of my client.

To whom it concerns at the Denmark Town Council

Re: Objection by [REDACTED] to  
Dawn Stephens, of 17 Paterson Street, Denmark, building application for carport

31<sup>st</sup> October 2014

I would like to respond to [REDACTED] 5 pages of objections (given to the council on 29<sup>th</sup> October 2014) to my proposed carport at 17 Paterson Street, Denmark. I have restated [REDACTED] objections, using his language, in italics. [REDACTED] restated objections are followed by my response.

Before I begin this response I would like to state that I am very perplexed at [REDACTED] objections as [REDACTED] and I have discussed at length our needs and plans and I believe my reasons for wishing to build the carport seem to fit [REDACTED] needs. [REDACTED] main reasons for his objections to my proposed carport are his invasion of privacy and the possible affect on future selling of his house. (See response to letter 1, point 4d). My main reasons for wanting to build the carport are, not only to house 2 large cars, but to give more privacy and noise reduction. (Even though I wish to build a carport, it is more important to me to gain more privacy and noise reduction, and a more aesthetically pleasing view from my home, and I give more information on this in my response to [REDACTED] letter no. 1 point 4c). I also believe that any party concerned in this matter needs to actually see the site to see how my proposed carport would affect both myself and [REDACTED] before coming to a conclusion – and I invite any council member (Marieke has seen it) and [REDACTED]'s barrister to do so.

#### Responses to letter 1 From [REDACTED]

1. [REDACTED] states that he has no objection to the shed but then states it is above the maximum wall height allowed: To begin with, I am not building a 'wall'. Also, I read the relevant council material in depth in preparation for designing my proposed shed, and have liaised with the appropriate personnel at the town council at length. As far as I know I am following town council regulations and have had no indication otherwise from the town council. In fact the council has been exceptionally helpful in hearing what I wish to do and assisting me to apply to regulations.
2. [REDACTED] states that 'according to (the Denmark councils) the residential design codes' the carport should have a minimum setback of 1.5 metres from the side boundary because the wall length is greater than 9m: Again, I am building a carport, not a wall. It would be of a similar height as [REDACTED] and be built alongside his carport. I liaised considerably with the appropriate town council personnel and my contracted builder at length and have come to an agreement and understanding with the council that follows regulations.
3. [REDACTED] states he has no objection to the length being 9m long and 3.5 metres wide: I will state here that I have submitted to council a change of my original plans, at my own expense, so [REDACTED] would feel more comfortable with the carport. The original plan was to follow the roof line of my roof. The amended plan, you can see before you, is lowered considerably to be a skillion roof, approximately the same height as [REDACTED] own carport, which is alongside my proposed carport. (See photo A)
4. [REDACTED] objects to the extra 3 metres (making the carport 12m long) addition, alongside my veranda for the following reasons (which I will respond to)
  - a) [REDACTED] states that the boundary wall totals 11.6m and contravenes the relevant planning regulations that a wall on the common boundary be no greater than 9m long: I can only surmise that [REDACTED] has misunderstood my plans as there is no 'wall' on the common boundary? Also, I have liaised extensively with the council and have not been advised at any point that my proposed building contravenes council planning regulations.

- b) [REDACTED] states that the extension would create an over-length dominating structure on his boundary which would intrude upon and spoil the visual space and view from his aspect. He also states that the proposed carport would invade his privacy and limit his view of the sunrise: (See Photo D for a picture of [REDACTED]'s 'outdoor dining area' and what he can see of my place from here). The proposed extension is designed to be very low key and to create privacy, noise insulation and a secure and covered space for parked cars. I am very much into aesthetics and have worked hard to develop an extensive garden on my property. I have even won an 'encouragement' award from the council on Australia Day 2012 for my garden. Also, the extension is the same length as my current house and would not be much longer than [REDACTED]'s home (and [REDACTED] could decide to extend later). It would also be built with clear sheeting so would not cut out any light. Being north facing, no shadow would be thrown on [REDACTED] property. I arise every morning before sunrise to walk my dog and work in my garden and, as the sun rises in the east and sets in the west, moving diagonally across [REDACTED] and my properties, [REDACTED] view of the sunrise would NOT be obscured in any way by the proposed addition. [REDACTED] can also clearly see the sunrise from the totally unobscured view from the windows from his house. (Note that I have never seen [REDACTED] up and in the area he is concerned about at sunrise. The earliest I have seen him up is when I am leaving for work, between 8.30 and 9.)
- c) [REDACTED] states that, due to a slope, the existing rear patio deck floor is more than 400cm higher than his ground level and asks "could not this floor deck be extended at any time, perhaps by future owners, along the extension roof to my boundary?" which would mean people being able to see into his home at their leisure and embarrass him. He states that this would be a significant and worrying intrusion on his privacy and psychological wellbeing: From my understanding, via consultation with the relevant personnel from the Denmark Town Council, any extension with a floor over 350cm above the ground requires town council approval. I have no intention or interest whatsoever in invading [REDACTED] privacy or embarrassing him. In fact, as a result of him putting a caravan in his back yard and having regular guests and being around his home as he is not out working, I have put up shadecloth on our fence line and am growing vines to afford myself more privacy. Please note that [REDACTED] front door, and main entrance to his house, faces my veranda and I have had issues with the noise of 5 lots of tenants coming and leaving the premises since the time I've been living here. I even moved from the larger main bedroom to a smaller bedroom further into the house to escape the noise and try for some sleep. (See photo A, C and D). Since [REDACTED] has bought the house, it appears to be being used as a holiday home, with [REDACTED] occasionally returning to Perth and regularly entertaining guests that visit to stay in his caravan in his back yard when he is down here. Also, [REDACTED] regularly leaves his front door open with music playing, and plays his ukulele and sings at his front door and throughout his property. Also, looking across from my veranda I can clearly see the entrance to [REDACTED] house, his storage area, and flags he likes to display and his caravan where his guests often stay, which also affects my privacy and aesthetic sensibility. (See photos C and D). Also, flickering colourful Xmas lights and many coloured and flickering solar lights, all over the back of [REDACTED]'s property, shine from [REDACTED] house and property across to mine. I have also continually and clearly stated to [REDACTED] that I have no intention whatsoever to extend the veranda as it would obstruct clear access from the front entrance of my property to the lane access. I also would think it would be unwise for any future owner of my property (and I'm not planning on going anywhere at this stage!) to obstruct this thorough fare. (See photo A)
- d) [REDACTED] states that my proposed carport would reduce the value of his property: I have thought long and saved hard for over 3 years to bring these proposed carport extensions to my property to reality. Within this long process I also considered how it would affect my neighbour and discussed my ideas with my previous neighbour at [REDACTED] Paterson Street, [REDACTED]. He liked the idea that there would be more privacy and saw it as a bonus for future onselling of his property. He even wrote me a letter for the council stating he did not object to my ideas. (Sadly he passed away and [REDACTED] bought the property 2 weeks after my plans went into the council).

e) [REDACTED] states that the proposed additional 3m patio extension does not give covered access to the rear of the house due to the 4m difference in floor level and the existing barrier on the patio which bars access from the proposed extension.: I'm not sure what [REDACTED] is protesting to here. I don't intend to access the house from the proposed carport extension alongside the patio. In fact I have already constructed a climbing frame where I have planted wisteria (courtesy of a gift voucher from the Denmark council) and climbing roses on, which does not allow me access to the proposed carport alongside the patio. (See photo B)

#### Responses to letter 2 from [REDACTED]

1. [REDACTED] states that the average Australian 'large family car' length is 4.8m (Wikipedia) and that 2 large cars parked end to end would mean that 10.3m would be enough to cover them: I don't have spare time to research the internet. What I have done is step out the area to consider that I have enough space to well cover a camper van, that I wish to purchase, and my parents' large four wheel drive, and enough room to walk around both vehicles comfortably. 5 metres per car, and room to move, plus matching the length of the house seemed just perfect at the time. Also, it would look odd if the proposed garage was any shorter. The way I have it designed fits the length of the side of the house.
2. [REDACTED] states that this reduction in length would cause no problems regarding the gutter or downpipes and that the carport would cost less to build: I have already added over 30 litres of water collection, via two water tanks, to collect water from my house and the proposed shed to my property. As shown on my plan, and per requirements of the council, I will also install whatever is required by the council with regards to gutters and downpipes to my proposed carport – plus further water collection points in the future in addition. Also I don't think my building costs should be of any concern to, or are of any business of, [REDACTED]
3. [REDACTED] states that the carport would 'contravene the spirit of the regulation limiting common boundary wall length' and that doing so the carport would affect his amenity and his psychological wellbeing: Again, I'm not sure has seen my proposed plans correctly. There is no proposed wall as such. I will state at this point that, during my long thought process about this addition, I looked around Denmark at many homes and have seen no consistency in additions to houses, carports or otherwise. Some additions are downright ugly and obviously tacked up to ensure privacy e.g. odd pieces of old tin. [REDACTED] can be assured that any addition I make will be aesthetically pleasing to the eye and not overwhelming at all. In response to his consistent comments about his psychological wellbeing I will say that mine has been severely tested during this period and during the times he uses his home as a 'holiday home' with guests staying up at all hours. I am a very quiet person who keeps to myself and just want to live a quiet, private life in my home and garden. I don't play loud music or have parties. I don't even mow or whipper snipper – no noisy machinery at my place.
4. [REDACTED] states that, if the carport length was reduced it would lower the likelihood of the rear patio veranda floor deck being extended: As previously stated, I don't intend to extend the veranda deck, it would be impossible unless I hacked down the climbing rose and wisteria and I don't want to do that. (See photo B)

In summary, [REDACTED] pleads with the council to make the 'wall length' 10.3 m, rather than the 11.5 metres proposed, which he says would lessen the detrimental impact to his wellbeing and the amenity of his home and reduce building costs: The current plans would be neat and the same length of the existing house, if it were a that little bit, 1.2 metres, shorter it would look very odd and not aesthetically pleasing at all. Also, as in my reasons stated above, I cannot see how the proposed building can have a detrimental impact on [REDACTED] wellbeing and the amenity of his home. Also, as stated, and I don't think my building costs are [REDACTED] concern or business.



## Responses to letter from [REDACTED]'s Barrister:

At the end of [REDACTED]'s objections there is a comment from his barrister. I was under the impression that [REDACTED] and I were discussing our personal needs with each other and had no idea there was a need to consult a barrister. The barrister's comments (no name was given) were;

1. *The 1.5 side boundary setback requirement for a boundary wall greater than 9m, under Residential Design Codes (R-Codes) Deemed-to-Comply criteria and Town Planning Scheme (Policy 13.4) is not met:* My response is, I've had no indication from the council about this. In fact I talked to Marieke de Vries, the Senior Town Planner, a few days before [REDACTED]'s original objection went in, to enquire how the application was coming along and she said it met the requirements of the council and would be passed after the time limit of response from the neighbour is over.
2. *The extension would spoil the perceived high amenity of [REDACTED]'s outdoor dining space thus causing him significant concern; (See photo D for [REDACTED]'s 'outdoor dining area').* I think it may be a good idea for the barrister to come and have a look. In fact Marieke has seen [REDACTED]'s 'outdoor dining area', perhaps you could ask her if she believes my proposed carport and plans would affect [REDACTED]'s 'amenity' and cause him 'significant concern'.
3. *That if the patio floor deck, 400cm higher than ground level, were to be built up to the boundary it would dominate and intrude upon [REDACTED]'s privacy, thus decreasing his wellbeing and the value of his property:* As previously stated, I was advised by council personnel that a further deck would need council approval if it's above 350cm. I have also addressed the issue around the proposed carport dominating and intruding on [REDACTED]'s privacy, decreasing his wellbeing and the value of his property.

*The barrister then states that if the Denmark Town Council decides to override the regulations if it deems there is sufficient reason, the concern would be whether any sufficient reason is of more value than the wellbeing of his client:* Again, I have not been made aware that the council is overriding regulations and I believe that my wellbeing is of the same value as [REDACTED]. I also believe that it would be legally correct and of benefit for [REDACTED]'s barrister to actually visually see the site and speak to me rather than just hear [REDACTED] side of the story.

In ending I would like to say that this whole process has been extremely distressing and time consuming for me. I would like to thank the council, especially Marieke, for the time and patience given to this matter. I had every intention to make this carport fulfil my needs and to also NOT cause detrimental effect to anyone's, at all, wellbeing. I wish, as I'm sure you all do, that this could have been resolved between [REDACTED] and myself. However, the fact is, it's come to this – a town council meeting – I would never have thought it, and I don't envy you in your decision making process.

As previously stated, I have seen many aesthetically unpleasing extensions to homes throughout Denmark and **truly believe that my proposed extension/carport would create more privacy, and a much more attractive outlook, for both [REDACTED] and myself.**

If anyone concerned with the decision making process on this issue has any further queries, please do not hesitate to contact myself or to make an appointment to come and look at the properties and see for yourselves how the building could affect both myself and [REDACTED]

I apologise for the time this application has taken and I thank you for your time and consideration of this issue.

Best Regards

Dawn Stephens

Photo A



Photo B



Photo C



Photo D

