

BEFORE THE DUNEDIN CITY COUNCIL

Under	the Resource Management Act 1991
In the Matter	of a land use consent application at 64 Passmore Crescent LUC-2022-337
Between	CLIFFORD ASHLEY MUIR
	Applicant
And	DUNEDIN CITY COUNCIL
	Respondent

BRIEF OF EVIDENCE OF C ASHLEY MUIR



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BRIEF OF EVIDENCE OF C A MUIR

1. My name is Ashley Muir and I am the applicant and live with my wife Kaye at 64 Passmore Crescent.
2. I am an architect and a former director, and now consultant of the Dunedin architecture firm, Mason and Wales. I joined Mason and Wales in 1970 and have been a Councillor of the NZ Institute of Architects for three terms and, twice, Chairman of the Southern Branch of the NZ Institute of Architects. I am a Fellow of the NZ Institute of Architects.
3. In my professional career I have been responsible for a number of award-winning commercial buildings and residences, including:
 - (a) The Mills residence at Rippon Vineyard and Winery, Wanaka.
 - (b) My own holiday home in Wanaka.
 - (c) The Otago Harbour Board building (1980).
 - (d) The Centre For Innovation, University of Otago.
 - (e) Fisher and Paykel Healthcare buildings, Auckland.

The design process for the residence at 64 Passmore.

4. I designed the residence at 64 Passmore Crescent myself. I am also the author of the architectural plans for the proposed extension that is the subject of this resource consent application.
5. 64 Passmore Crescent has been our family home since the mid-1990's. I am now 76 years old and intend that 64 Passmore Crescent be our residence in retirement.
6. The original design of 64 Passmore Crescent was carefully conceived from the outset with the intention to be a good neighbour and to "fit in".



7. The site is relatively narrow at 13m wide and is small in area. The northern boundary is very close to the southern façade of the residence at 64A Passmore Crescent (now the residence of Dr Gareth Treharne and his partner).
8. The land slopes down to the north away from Passmore Crescent. “Leg-in” access driveways are on both sides serving 64A and 62 Passmore Crescent. Houses of approximately 1930’s vintage already existed on the boundary on both sides of those leg in sections. The residence on 64A existed then and is substantially unchanged.
9. Taking these matters into account, it was clear to me that the most appropriate location for a new residence on 64 Passmore Crescent was to build to the fullest width possible, as far to the south as possible and for it to be planned on three levels thus preserving a generous setback and the privacy of the occupants of the residence on 64A. A

narrower building on 64 would have necessitated lengthening the building to the north, and closer to the 64A residence, in order to achieve an acceptable footprint.

10. Our existing residence occupies three levels:
 - (a) the entrance lobby, garage, kitchen, dining room, sitting room, den and terrace is level with Passmore Crescent. This is our main living area and has views to the north and north-west.
 - (b) with an office/study, master bedroom and ensuite on the top level.
 - (c) and two more bedrooms, bathrooms, and laundry at the lower level.
11. All three levels are served by a glazed stairwell to the eastern façade, facing towards 60 Passmore Crescent.
12. The garage has a window facing towards the carpark on 64A.
13. There is no boundary fence between 64 and 64A along the leg in boundary.

The proposal

14. The proposal is to accommodate mobility issues that I now face. So that I can still live comfortably in our home, it is necessary to install a lift at the street entrance level to gain access to the master bedroom upstairs.
15. The house was originally planned to accommodate a lift at a future date within the floor area of the garage. However, this requires the relocation of the rubbish bins and a bicycle currently stored in this area of the garage and, in turn, the firewood storage.
16. For ease of access, the laundry is to be relocated from the lowest floor of the house to the middle floor level.
17. The space occupied by the lift together with the replanning of the storage in the garage and the space required for a small laundry

require additional floor area and a consequent addition to the west side of the garage with a lean-to, sloping roof and cedar wall cladding matching the materials of the existing house.

18. This is the reason why this resource consent is required.
19. The existing garage window to the western façade of the garage will be relocated to the northern façade of the extension to provide natural light and ventilation.
20. It is very important to me that the architectural style of the building is retained and that the utility of the garage spaces is not lost. I have tested different options for locating the lift and rearranging the use of the existing floor space in the house and none are successful.

Effects on 64A Passmore Crescent.

21. There has been correspondence with Dr Treharne, which he has appended to his submission.
22. By way of context, in April 2017 there was an unfortunate incident involving the hedge on Dr Treharne's property near the south end of our common boundary, which had been "topped". It was implied that I, or our gardener, had done that. I had not done that, and I was assured by the gardener that they did not, and, based on the accounts, nor were they on-site during the period alleged.
23. I confirmed this by email to Dr Treharne. Nevertheless, the incident was reported to the Police and the relationship between us became formal. Management of our common boundary is therefore a sensitive matter.
24. I first presented Dr Treharne with the proposal for the extension on 24 July 2022. Unfortunately, at that time, Dr Treharne declined to meet again insisting instead on email communication. Although Dr Treharne was gracious about my disability, the proposal was not well received. A comprehensive description of his concerns was received on 14 August 2022. Those concerns are now reflected in the submission lodged.

25. It is understandable that Dr Treharne might be concerned that his plants not be touched, and that we should not be required to have access through 64A to build or maintain the proposed extension. For that reason, I have amended the proposal to ensure that it is not less than 500mm from our common boundary. I confirm that no plants on Dr Treharne's property need to be removed to complete the project.
26. Dr Treharne expressed to me his concerns about the privacy implications of having a window facing towards his access path and his residence at 64A Passmore Crescent. I do not think there is any privacy issue. We are simply relocating the existing garage window. In contrast, much closer views of the residence at 64A may be had from our sitting room and terrace should we wish to look in that direction. The laundry will be little used by comparison and certainly not serve as a location from which to spy on our neighbour.
27. Shading of the carpark has been raised as a concern. I have had shadow diagrams prepared and supplied to the DCC. Those diagrams are also appended to Dr Treharne's submission. I note that compared with the existing residence, there is no additional winter shading and less than a maximum of about 2m² of additional shading of the carpark adjacent to the road boundary at 9 am at summer solstice. The extension would cast much less shade than a boundary fence that I could lawfully build.
28. I confirm that the proposed extension easily complies with 2GP's height plane angle requirement at the boundary.
29. I accept that the proposal breaches the setback, but I do not see that the encroachment presents any material adverse effect on the amenity of 64A. Certainly, there will be a change but not one nearly as significant as if I should build a lean-to shed in the side yard space or boundary fence as I am entitled to do¹. The proposed change is in

¹ Rule 15.6.13.1(viii), which sets out various exemptions to the 2m side yard rule, including at (5) "any buildings or structure less than 10m² in footprint and 2m in height, and all fences..."

keeping with the existing architecture and ensures that there is no need to remove trees.

Date: 19 January 2023

C Ashley Muir