

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting: 30 March 2016)**

**16.
ERF 4793, 18 FLOWER STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : GAE & JA FENN**

**4793 HWC (3022)
H van der Stoep
28 January 2016**

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 19 August 2015 from GAE & JA Fenn on Erf 4793, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,231m to accommodate a garage being converted into a kitchen.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

Registered letters were sent to surrounding possibly affected neighbours and one (1) objection was received from Mrs. ME du Plessis.

The application was circulated to all relevant municipal departments. No objections were received.

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Discussion

The objection received from Mrs. Du Plessis can be summarized as follows:

The objector indicated that there are errors on the as building plan e.g. the as-built windows on the first floor, on the plan is indicated as one (1) window, but in actual fact is two (2) windows. The objector requests that the building be in line with the building plans as submitted at the municipal Building Department.

The other aspect is that doors on ground floor from the scullery are depicted on the eastern and northern façade.

Applicant's response to the objection received :

The objector is correct, the building plan indicates one (1) window on first floor level and there are actually two (2) small windows of which one (1) is a fan light window.

The two (2) doors on the ground floor plan from the scullery is depicted on the northern and eastern façade, which is not correct and only one (1) door on the northern façade as depicted on the scullery floor plan is applicable. This oversight on the drawings will be rectified.

Town Planner's comment to the objection received :

The two (2) windows on the eastern side on first floor are existing and it is clear that the architect made a mistake, the same applies to the two (2) doors on ground floor level with regard to the scullery. The scullery plan however does only indicate the northern door. It is clear from Mrs Du Plessis's letter that she has no objection if building work is according to the plans submitted, thus one (1) window on first floor level. However this is not a reasonable request since the two (2) windows are existing and at no stage did the objector on previous occasions object to the two (2) windows.

Evaluation

The application is for the departure of the lateral building line to convert the existing single garage into a kitchen. Aspects that need to be taken into consideration are the following; the building was used as a bakery many years ago and was designed for that purpose. Throughout the years and many owners later, the building changed use to a residential dwelling. However, due to its original use, various changes were made to make it habitable.

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The applicant and present owner are in need of a practical kitchen with more light. The objector did indicate in her discussions with the applicant that she intended to build a granny flat in future on the common boundary and would not like to see into the kitchen. Thus windows on eye level are not acceptable. In order to eliminate the possible influence of possible noise and/or smells and to accommodate the objector's concerns, the applicant did propose frosted glass blocks.

The aspect of one (1) and/or two (2) windows on first floor level facing east are in fact two (2) windows of which one (1) serves as a fan light window. The objector in her letter stipulate that she accepts the building plan indicating one (1) window, however the two (2) windows are existing and the architect made an error in depicting it as one (1) window on the building plan. It should be noted that until such time that the application was submitted, the objector (Mrs Du Plessis) did not complain about the two (2) windows at the Municipality. It is therefore unclear why the windows on first floor should now be a problem. The windows are existing and are not to the detriment of the neighbours, since no objections have been received in the past.

Conclusion

The application is recommended.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure F.

Building Control Department

Low impact – existing structure – therefore supported. To comply with SANS 10400.

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Fire Department

No objections provided that the total size of openings in the encroaching elevation does not exceed 5m² in accordance with Table 2 of National Fire Protection Regulations SANS 10400T:2011.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Comment received from Mrs ME du Plessis
- Annexure E: Applicant's response to the comment received
- Annexure F: Services Report

RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4793, Hermanus in order to relax the lateral building line from 2m to 1,231m to accommodate a garage being converted into a kitchen, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number 1A dated January 2016, which was submitted with the application;
 - (b) that the kitchen windows be fitted with frosted glass blocks;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all conditions imposed in the Services Report (attached as Annexure D), be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that correct building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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PROPOSED DEPARTURE : GAE & JA FENN**

**4793 HWC (3022)
H van der Stoep (028) 313 8900 Hermanus Administration
28 January 2016**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A



Erf 4793 Westcliff, Hermanus
Locality Map

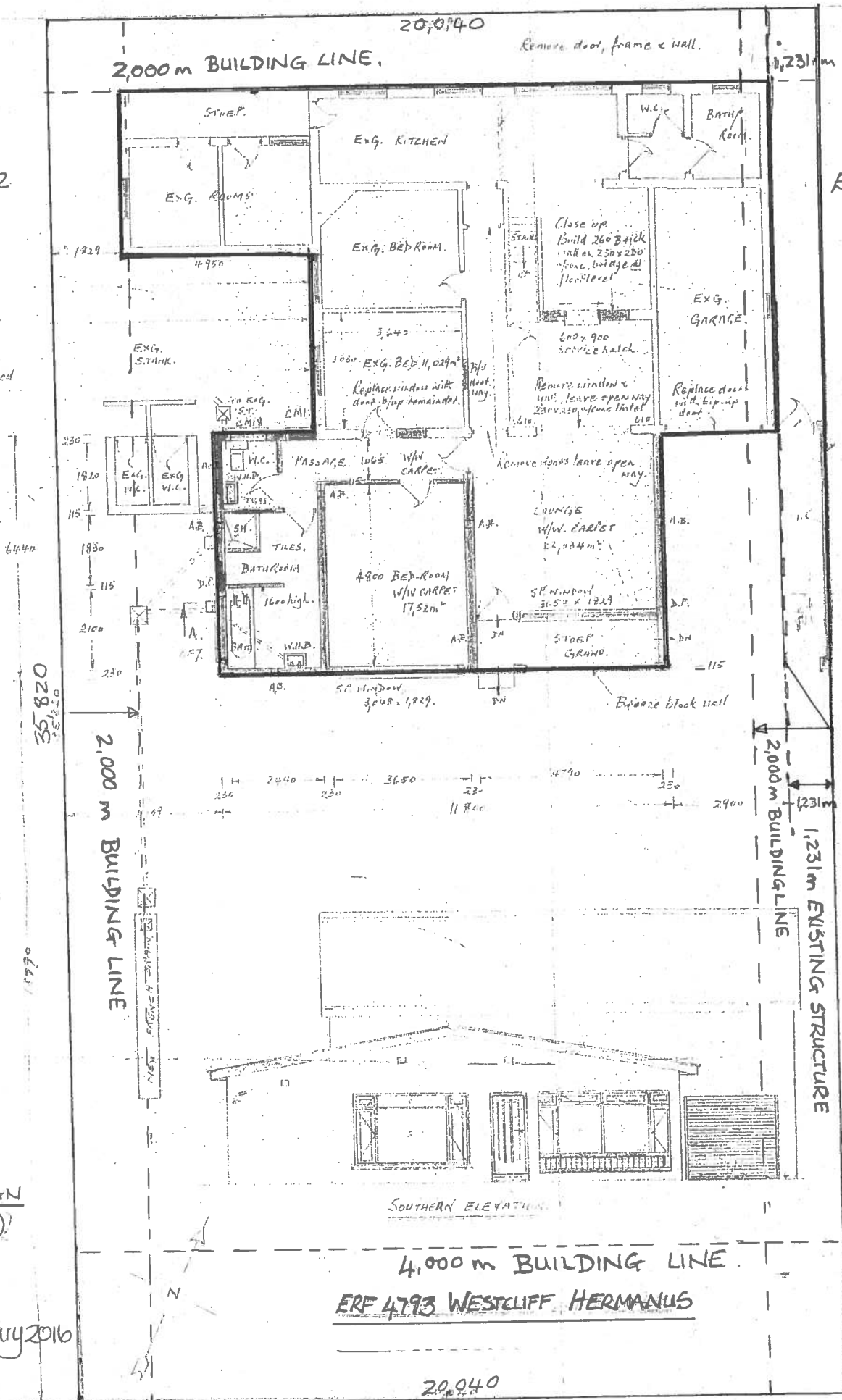


ERF 463

ERF 462

ERF 461

Replace window with galvanised
 window. Same size.
 Replace window with galvanised
 window. Same size.
 Replace window with galvanised
 window. Same size.



PLAN
 SITE PLAN
 (1/1000)

Plan 1A
 dated January 2016

OWNERS:
 GAE & JA FENN

4,000 m BUILDING LINE
 ERF 4793 WESTCLIFF HERMANUS

FLOWER STREET HERMANUS

Overstrand Municipality - Building Department - Town Planning - Hermanus

To Whom it My Concern:

Plan application for Erf 4793 (New Garages, extension to lounge, new staircase, refurbishment of first storey, bathrooms and revised plan for conversion of garage to kitchen) 18 Flower Street, Westcliff, Hermanus

Motivation:

A) Building line encroachment: The existing part of the dwelling comprising a single garage and bathroom downstairs and an upstairs bedroom, historically encroaches the 2m building line on the East side of erf 4793 by 1m. The bordering erf is 461 (previously a pan handle) and is integrated with erf 485. We have made our intentions known to the owner (Mrs E du Plessis) of the neighbouring erf that we would like to convert the existing garage into a kitchen and the existing bathroom into a scullery. Mrs du Plessis stated that she would not like us to have windows in our proposed kitchen above the height of the 1.8m wall dividing our properties as she intends building a granny flat in her garden in the future. In her words, she would not like to have "eyeball to eyeball" contact at ground level. We accept her wishes and are using frosted glass bricks (3 bricks across by 7 high) x 3, instead of windows for a most needed natural light source into the proposed kitchen and scullery. There will therefore be no view into her property from the kitchen and no noise emanating from that east wall at all. Please note that historically there is an existing bedroom window on the double storey above the garage on this east facing wall with a lovely view of the Maanskynkop Mountains in the distance. The neighbour does not find this window offensive.

The existing kitchen is most inadequate for the size of the dwelling, being only 2m wide with no space for appliances such as dishwasher, fridge and freezer, microwave etc. I am a retiree from Portnet and envisage supplementing my income in the future by casually letting out two bedrooms on a bed and breakfast basis during the times that our grown up children and their families are not visiting us. Serving breakfast in the presently cramped and dark dining area is not a pleasant experience and uncomfortable and is not be suitable for serving family or future guests. We have to resort to keeping the lights on even during the day. The present existing living area of the dwelling is extremely cold and dark and has no lateral natural light source over +-12 m on both the east and west sides and we therefore seek permission to include natural east light into the new kitchen which will filter through to the dining area. We have also included a south facing door in the kitchen and new windows and a door to our existing south east facing lounge area for light and access to a patio. We propose to use the existing kitchen as a sun room/study and include it as part of our living area.

B) Proposed New Garages: We hereby confirm that our plans previously submitted (7 August 2015) for the erection of 2 x double garages to be built, will house our Nissan 4x4 CA 666 963, our 2.4m trailer CA 412512, our Mercedes 200B class Cem 32519, bicycles, camping equipment, garden equipment, ladders and guest parking etc. We are presently utilising the

existing single garage, mentioned in A) above, to store our tools and above mentioned equipment. While erecting the new garages, this garage A) will also house our building equipment and materials. We initially submitted plans for the new garages and other internal alterations, excluding the proposed conversion of the existing garage into a kitchen, to first get Councils' approval of the plan for the new garages, so that we could commence with these building operations as soon as possible to accommodate our vehicles. Our vehicles are presently unhoused and are exposed to the sea air and elements. On submission of our plans on 7th August 2015, there was a query by the Building department as to the necessity of five garages. We were then advised to meet with Mrs H van der Stoep on the 11 August 2015 to explain our intentions for the fifth garage (existing). Mrs van der Stoep suggested that we submit the application for the relaxation of the building line and amended plan for the garage-to-kitchen conversion, so that this intention is recorded on file, hence this motivation. The plans for building the double garages and internal alterations would then be considered for approval and released so that we can commence with building operations as soon as possible (while the process for building line relaxation is under way).

We trust that these alterations will greatly improve the value of 18 Flower Street and thereby indirectly contribute to the increased average value of surrounding properties in Flower Street.

We hope that this motivation will answer any query that the Council may have regarding the proposed 2 new double garages and that we can look forward to a positive outcome regarding the submission of our proposed and amended plans.

Yours sincerely

Mr and Mrs G A E Fenn

18 Flower Street

Cell: 0834437747

grahamfenn@sonicmail.co.za

TP - A Theart
(Holivier)



S Muller

Director: Infrastructure and Planning

Re Erf 4793, 18 flower Street, Westcliff, Hermanus, Overstrand Municipal Area: Proposed Departure: GAE and JA Fenn

Dear Sir/Madam


We purchased our home in May 1980 and until now our neighbours on both sides as well as across from us, ran homes exclusively used for family usage. We were initially under the impression that the two attic rooms would be housing students on a long lease basis and are naturally perturbed by the thoughts of having ever changing casual overnight, bed and breakfast guests at such close proximity to the boundary we share with the Fenns. Particularly as our own planned building of a second home on a consolidated erf, as mentioned to Mrs Fenn, will be sited along this boundary. Having said that, it would be churlish and very selfish to oppose what is a well-motivated and for the Fenns, a meaningful change.

I have noted that the plan with the Town Planner incorrectly indicates the addition of a door in this east wall. It was in fact moved to the north wall, and I ask that all copies of the plans in the various relevant municipal departments be amended accordingly.

I have also drawn Mrs Fenn's attention to the fact that although the reference to one window in the east wall above the proposed kitchen is in line with the plan attached, there are in fact two windows on the east wall.

Naturally I assume that all building structures including the garages and alterations will be in line with the submitted plans which I was able to view and that they also comply with the relevant municipal and fire hazard regulations.

Yours sincerely


ME du Plessis (owner erf 461 + 485)

27 November 2015

FILE NO: EL 4793-HWC
SCAN NO: 22
COLLABORATOR NO: 859686

TP
27 Nov 2015

30 NOV 2015



ANNEXURE E
TP- A Theert
C Holivier)

8 December 2015

S Muller

Director: Infrastructure and Planning

Overstrand Municipality

Re Erf 4793, 18 Flower Street, Westcliff, Hermanus, Overstrand Municipal Area: Proposed Departure G A E and J A Fenn

Dear Sir/Madam,

Thank you for your email dated 8 December 2015 and the letter from Mrs M E du Plessis expressing her concerns regarding our application for a departure. Our comments are as follows:

We don't know where Mrs Du Plessis got the idea from that we would be renting our two Loft Rooms out permanently to students. Permanent tenants, especially students would possibly cause far more noise than any visiting tourist. The rooms will, more often than not, be used to accommodate our adult children. Mrs Fenn has been in the hospitality business for more than 20 years and it has been her experience that guests are usually out sightseeing early in the morning, returning home after dinner, after which they retire for the night. Guest Houses are, as a rule, far quieter than family homes with boisterous junior school children and teenagers.

We thank Mrs Du Plessis for alerting us to the fact that the drawing of the "as built window/s" on the first floor plan on the East, is erroneous. There are in fact two small windows, one being a fan light window. The second error pointed out by Mrs du Plessis on the plan, is that a door from the proposed scullery is depicted on the East façade as well as the North façade elevation. The scullery floor plan shows that only a door to the North is indicated. We believe the door to the East façade elevation was an oversight and we have already requested our architect, Mr Winter, to correct this and the above mentioned error.

Having read Mrs du Plessis's letter we understand that she has no objection to the proposed plan and we assure her that we shall comply with all the conditions as required by the municipality as well as the fire hazard regulations.

We hereby also state for the record that Mrs du Plessis's palisade fence is constructed on our property within our common boundary line. We were made aware of this fact by a recent Land Surveyor's report which we had done to locate the corner pegs of our erf so that construction on our garages could commence. Mrs Fenn has verbally informed Mrs du Plessis of this fact. Should we as the owners of erf 4793, agree that the fence remain in the present position, we do not relinquish our right of ownership of this land or give servitude to Mrs du Plessis or any future owner. May it be noted that we reserve the right to request her to move the fence to within her boundary at any future date.

Yours sincerely,

G A E Fenn and J A Fenn

FILE NO:	E24793-Herm
SCAN NO:	60
COLLABORATOR NO:	863079

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4793, WESTCLIFF (3022)**

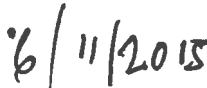
Water : In order
Electricity : In order
Stormwater : In order
Roads & Traffic : In order
Sewer : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available and that, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 4793, Westcliff, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**



DATE