

**ERF 4646, 23 STRAND STREET, KLEINMOND: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF CS MALHERBE**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a departure in terms of Section 16(2)(b) of the By-Law to relax the southern lateral building line from 2m to 1,6m and the rear building line from 2m to 1,8m to accommodate the proposed additions and amendments to the existing dwelling house on the property.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **3 March 2023**, quoting your name, address and contact details, interest in the application, and reasons for comment. Telephonic enquiries can be made to **Ms. H. van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 4646, STRANDSTRAAT 23, KLEINMOND: AANSOEK OM AFWYKING: INTERACTIVE STADS- EN STREEKSBEPLANNING NAMENS CS MALHERBE**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is afwyking ingevolge Artikel 16(2)(b) van die Verordening om die suidelike syboullyn te verslap vanaf 2m na 1,6m en die agterboullyn vanaf 2m na 1,8m om die voorgestelde aanbouings en wysigings aan die bestaande woonhuis op die eiendom te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. Enige skriftelike kommentaar moet ingevolge die bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **3 Maart 2023** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 4646, 23 STRAND STREET, KLEINMOND: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-CS MALHERBE**

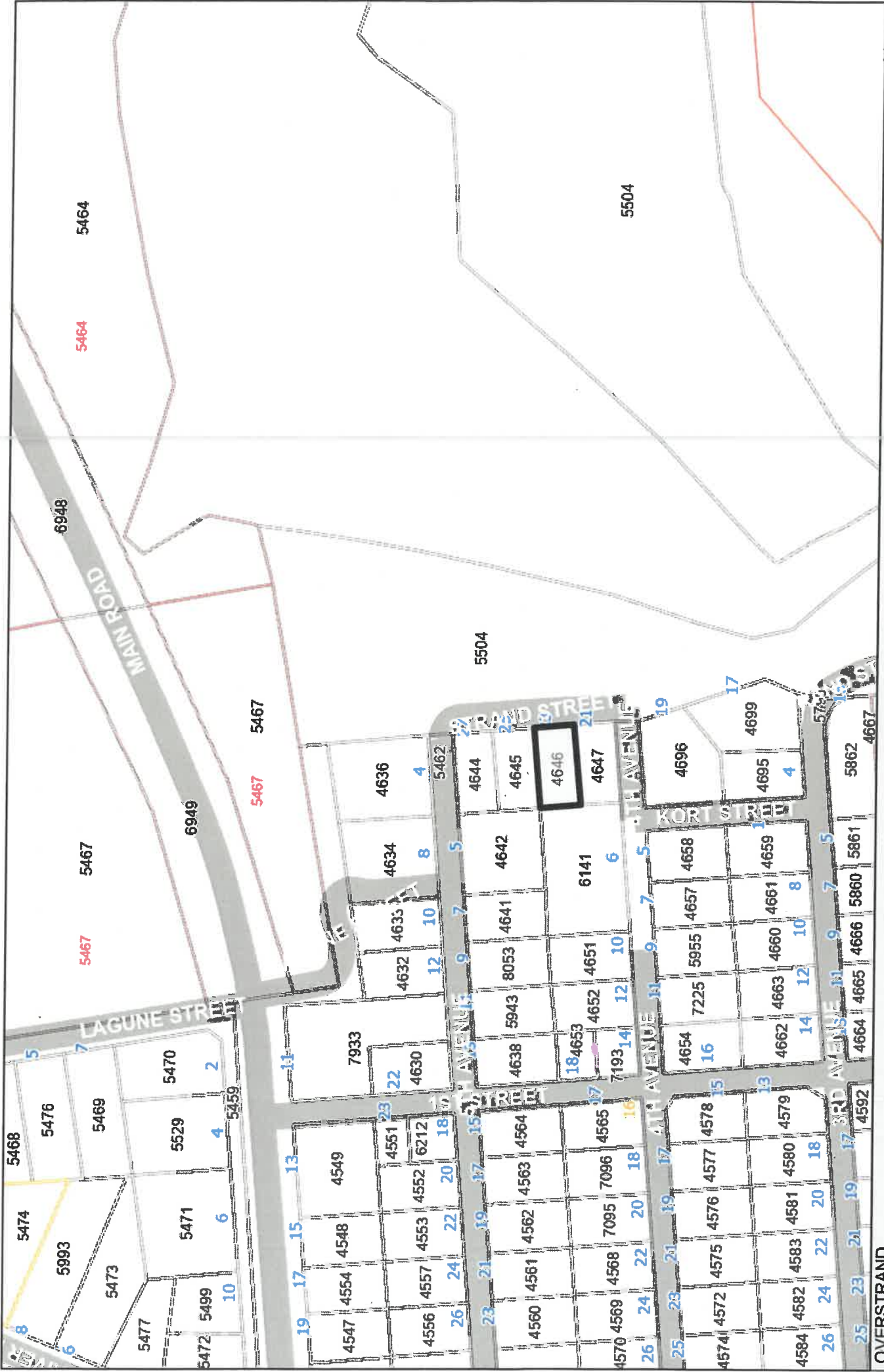
Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala ukuba kufunyenwe isicelo sokunyenysiswa ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenysiswe umgca wesakhiwo okwicala elingasemzantsi ukusuka ku-2m ukuya ku-1,6, kunye nomgca wesakhiwo ongasemva ukusuka ku-2m ukuya ku-1,8m ukuze kuvunyelwe ukongezwa nokutshintshwa kwindlu ekhoyo kwipropathi..

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze kuhlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: LokuCeba iDolophu, Paterson Street, Hermanus kwiThala Leencwadi laseKleinmond, Fifth Avenue Kleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 nele-52 loMthetho kaMasipala zize zifike kwaMasipala (16 Paterson Street Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ingadlulanga i-**3 Matshi 2023**, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Nkszn H van der Stoep** ku **028-313 8900**. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba iDolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

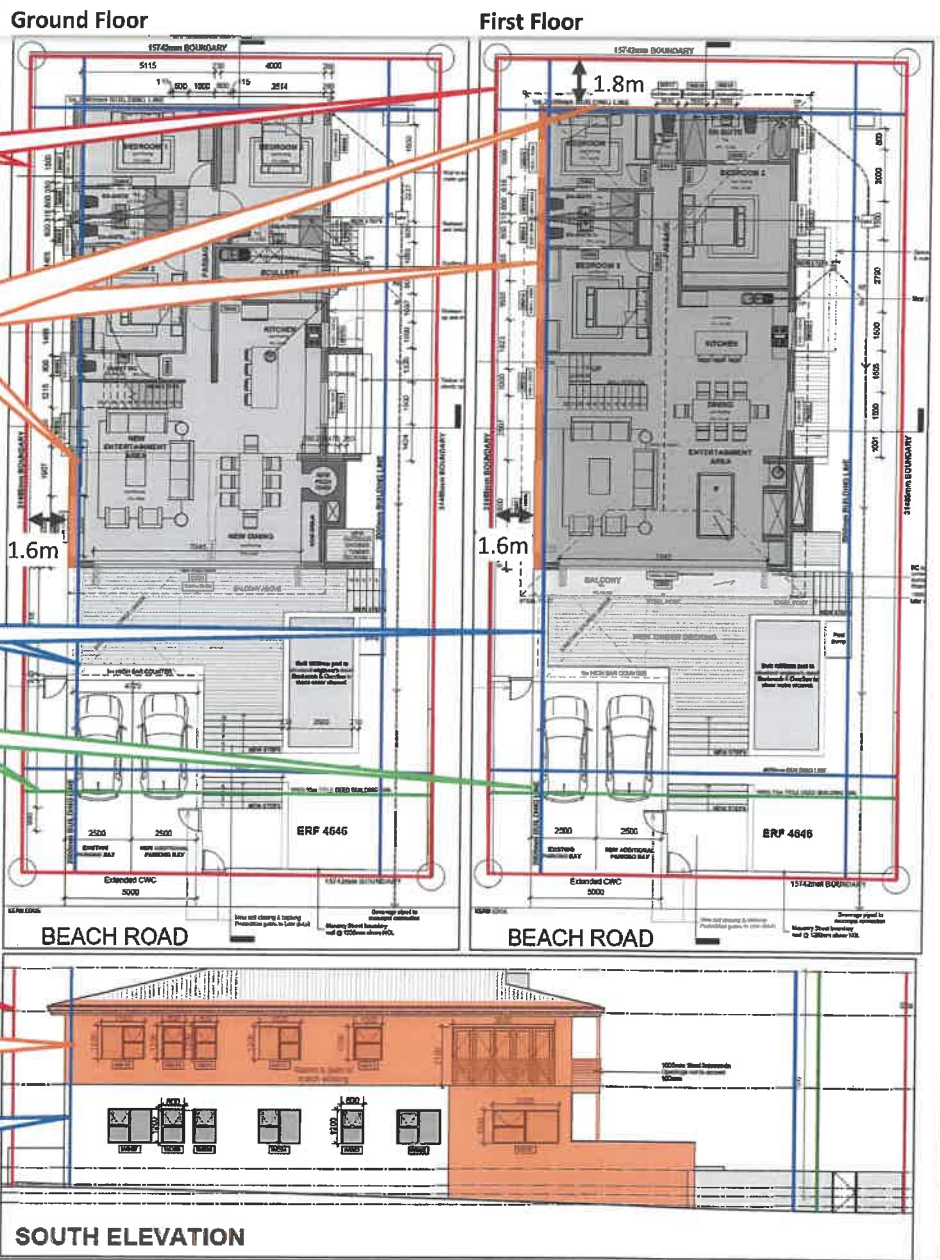
PO Box 20 | **HERMANUS** 7200

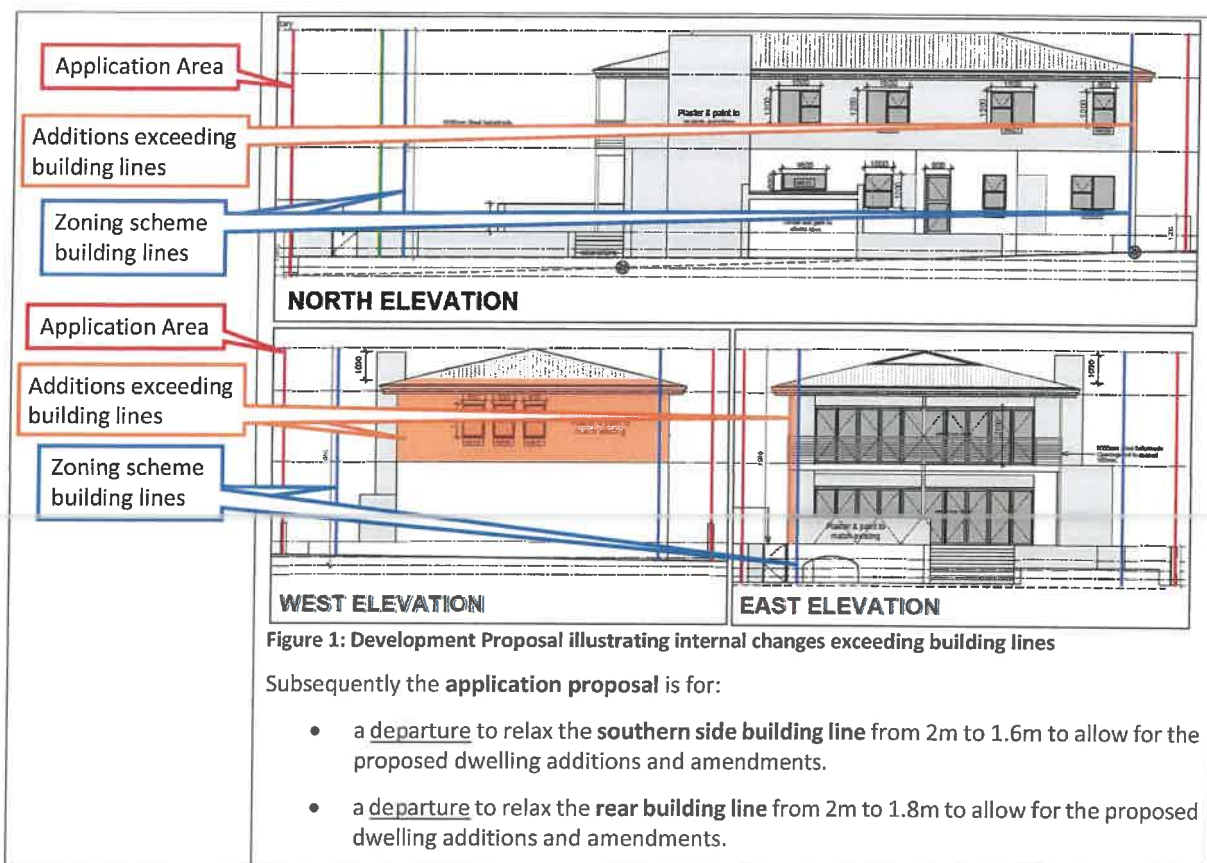
[www.overstrand.gov.za](http://www.overstrand.gov.za)



# 1. Introduction

<p><b>a. Brief</b></p> <p>Refer to <b>Annexure B</b> for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owner of the property Catharina Sonnet Malherbe to prepare and submit an application for building line departures on Erf 4646, Kleinmond in terms of the relevant legislation.</p>
<p><b>b. Background</b></p>	<p>The application area consists of a 495m<sup>2</sup> single residential erf with a dwelling house developed on it, situated at number 23 Strand Street.</p>
<p><b>c. Development Objective &amp; Application Proposal</b></p>	<p>The <b>development objective</b> is to extend and add a second storey to the existing dwelling on Erf 4646 Kleinmond respectively. The original existing dwelling was erroneously built over the building lines and the additions and alterations is proposed in accordance with the original outside walls encroaching the building lines. Therefore a building lines departures application will be required to accommodate the proposed additions and alterations exceeding the building lines as shown in the next notated sketches:</p>





## 2. The Application

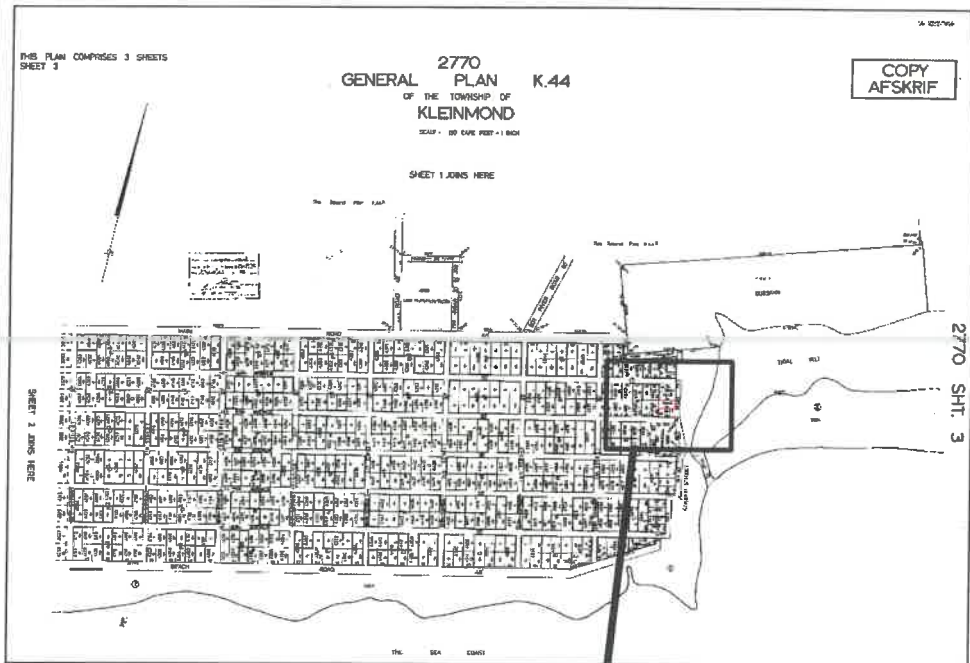
<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	<p>The Conveyancer Erika Oosthuizen issued a certificate confirming that restrictive title deed conditions exist, but <u>none of the restrictions are relevant to the proposal</u> on Erf 4646 Overstrand.</p>				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 4646 Overstrand as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	<p><b>Parameters</b></p>	<p><b>Existing Zoning:</b></p>	<p><b>Proposal:</b></p>	<p><b>Comments</b></p>	
	<p><b>Zoning</b></p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Consistent</p>	
	<p><b>Primary Use</b></p>	<p>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</p>	<p>Dwelling house</p>	<p>Consistent</p>	
	<p><b>Consent Uses</b></p>	<p>Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture</p>	<p>None</p>	<p>Consistent</p>	
	<p><b>Coverage</b></p>	<p>50%</p>	<p>36%</p>	<p>Consistent</p>	
	<p><b>Height</b></p>	<p>8m</p>	<p>8m</p>	<p>Consistent</p>	
	<p><b>Building lines</b></p>	<p><b>Street</b></p>	<p>4m</p>	<p>4m</p>	<p>Consistent</p>
		<p><b>Side</b></p>	<p>2m</p>	<p>2m north 1.6m south</p>	<p><b>Application is for departures</b></p>
		<p><b>Rear</b></p>	<p>2m</p>	<p>1.8m</p>	<p><b>Application is for departures</b></p>
<p><b>Parking</b></p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 2 bays</p>	<p>Consistent</p>		
<p><b>c. Application:</b></p> <p>The application form is attached as <b>Annexure A</b>.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020</p> <ul style="list-style-type: none"> <li>• a <u>departure</u> to relax the <b>southern side building line</b> from 2m to 1.6m to allow for the proposed dwelling additions and amendments in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <u>departure</u> to relax the <b>rear building line</b> from 2m to 1.8m to allow for the proposed dwelling additions and amendments in terms of Chapter IV, Section 16(2)(b).</li> </ul>				

### 3. Contextual Site Information

a. Property Description	Property	Extent	Title Deed	Registered Owner
	Erf 4646 Overstrand	495m <sup>2</sup>	T13063/1990	Catharina Sonnet Malherbe

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 4646 Kleinmond.

The following Surveyor General Plans reflect the application site:



Application Area

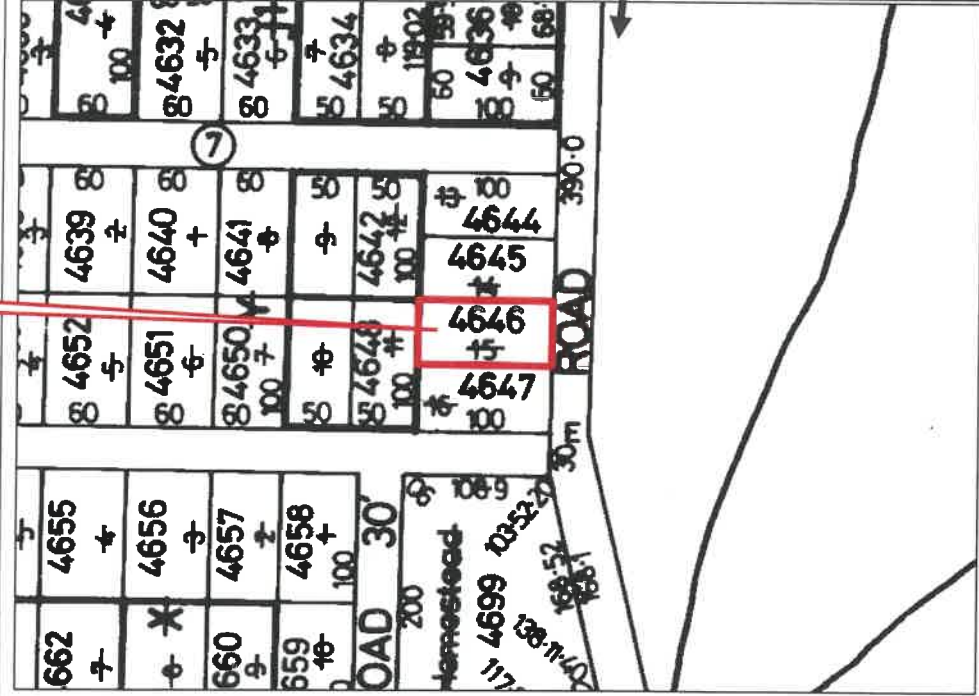


Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

Within regional context, the application area is located within the town Kleinmond. Kleinmond is within the Overstrand Municipal area and approximately 20km west of Hermanus central.



Figure 3: Locality Plan – Regional Context

**Local Context:**

Within the local context the application area consists of a residential erf within Kleinmond. The application area is located at number 23 Strand Street.



Figure 4: Locality Plan – Local Context

**c. Land Use:**

Refer to the Extract of Overstrand Zoning plan attached as Annexure G.

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings and open space. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.



Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

**d. Zoning:**

Refer to the Extract of Overstrand Zoning plan attached as Annexure H.

The application area, Erf 4646, Kleinmond is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well as Open Space Zone 2: Public Open Space. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.



Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws, policies and forward planning documents relevant to the consideration of the application

The following policy is applicable to the application area.

i. **Overstrand Municipal Spatial Development Framework, 2020**

The application area falls within an Urban Development area as well as a Sensitive Development Area and is within the Urban Edge.



Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

ii. **Overstrand Municipality Growth Management Strategy, 2010**

The application area is within an area earmarked for 10 to 20 Dwelling Units Per Hectare Density Zone and Heritage Overlay Zone.

No further densification is applicable to this application.

The application is thus consistent with the Overstrand Municipality Growth Management Strategy, 2010.

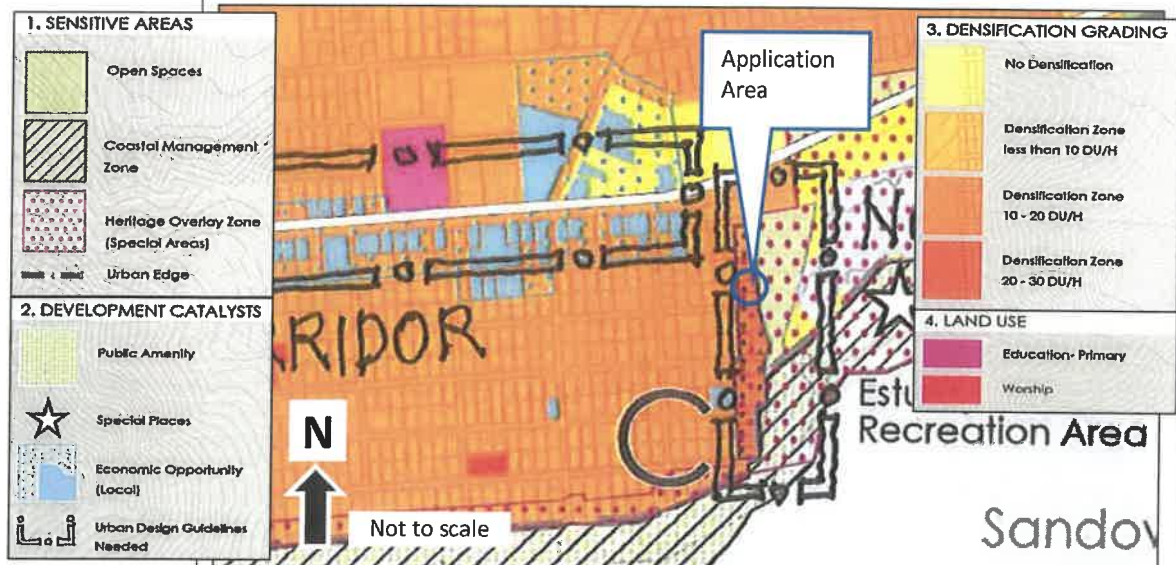


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

## 4. Motivation

Motivation for the application:

Refer to Annexure I for the Building Plan

### a. Introduction and Background

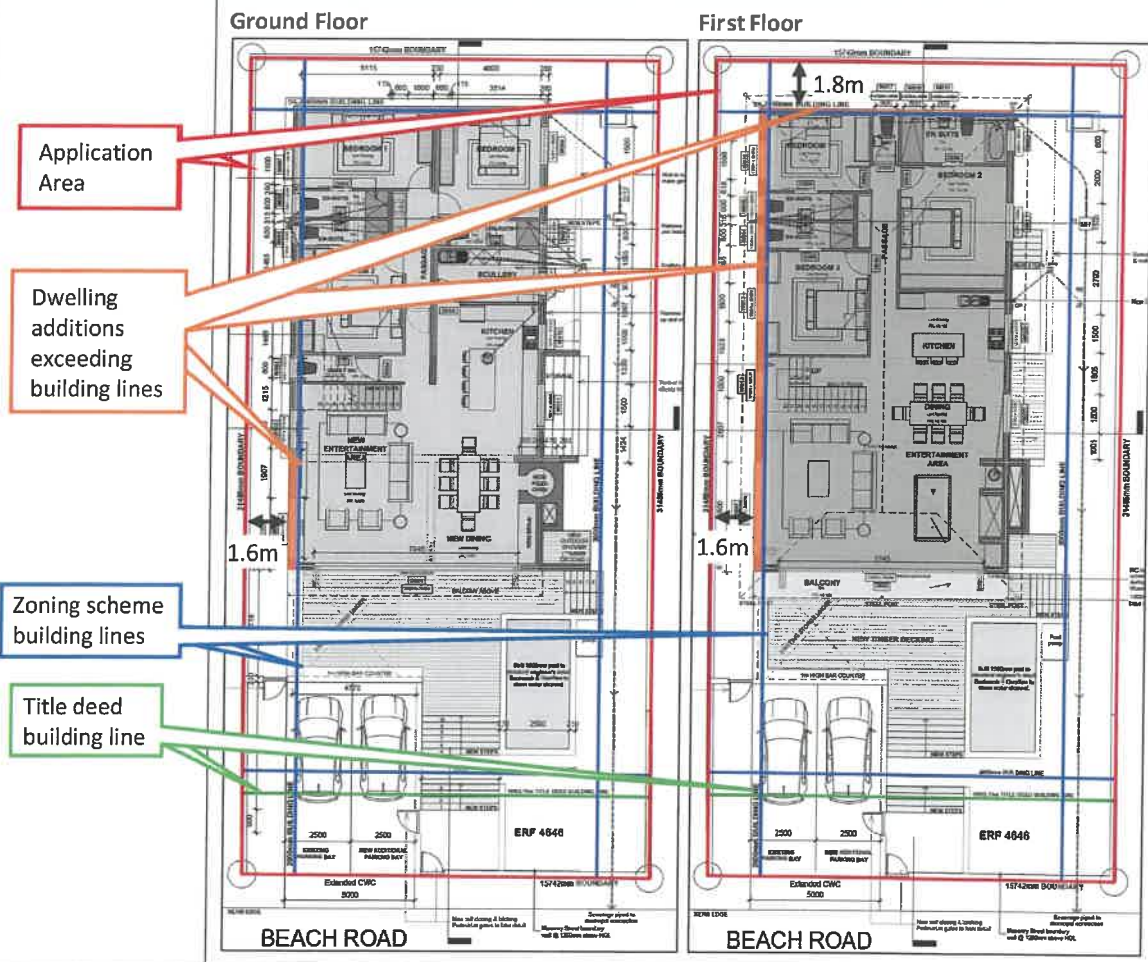
The application area is Erf 4646 Kleinmond. The subject erf of 495m<sup>2</sup>, is zoned Single Residential Zone 1 and accommodates an existing a single storey dwelling house.

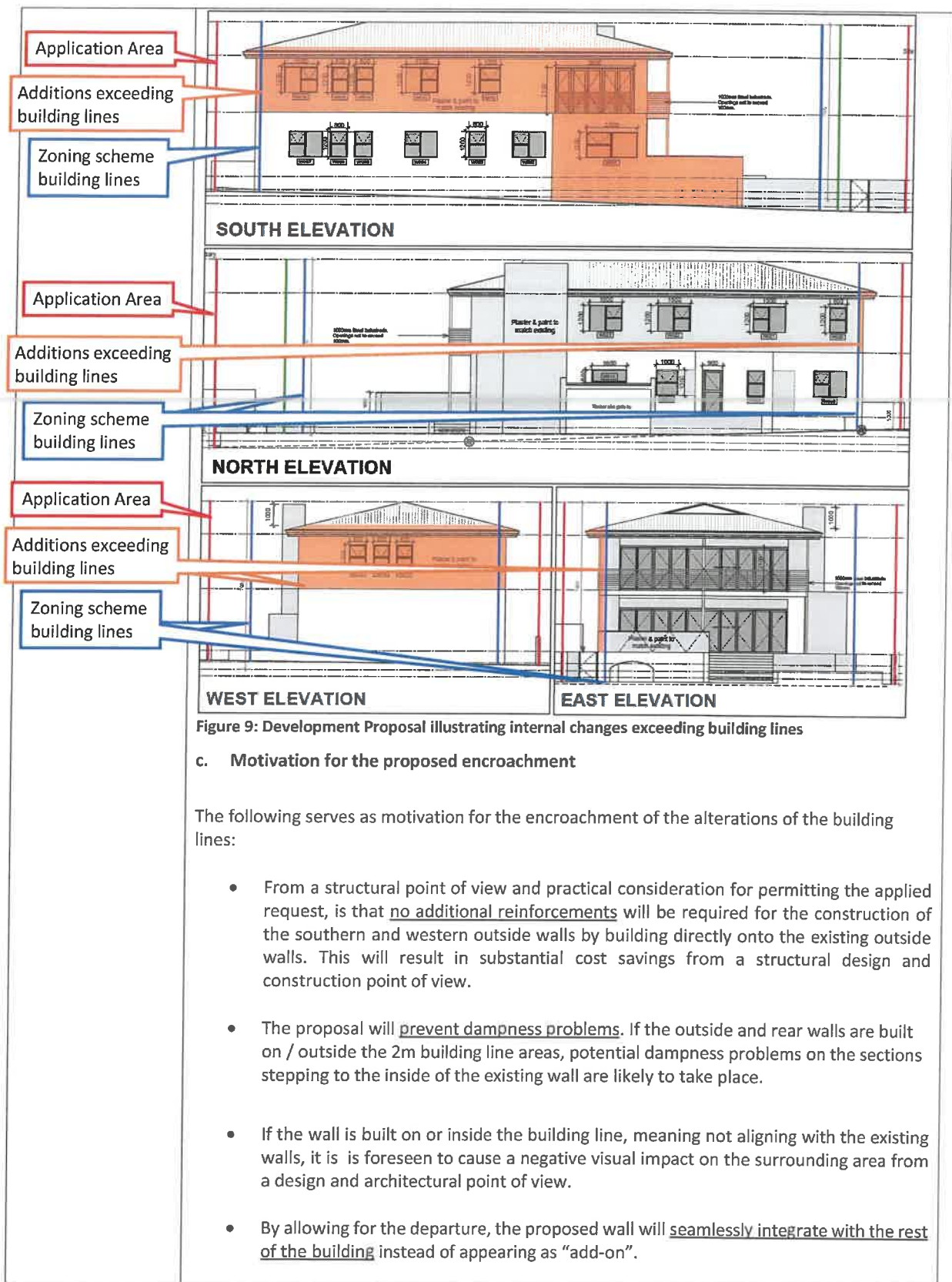
The existing dwelling building was built 1.8m from the rear boundary and 1.6m from the southern side building line.

### b. Proposal

The **development objective** is to do some amendments and additions to the dwelling house. The proposal involves the extension of the dwelling in an easterly direction towards the road and the construction of a second storey. Minor encroachments of the existing building line exists as illustrated in the notated sketches here-below. The proposed additions are on top of the existing outside walls and will subsequently also exceed the building lines.

Subsequently, a building lines departures will be required for the proposed additions exceeding the building lines as shown in the notated sketches below.





	<p><b>d. Desirability</b></p> <ul style="list-style-type: none"> <li>• The proposal is the most efficient and optimal design for the property which meets the needs of the property owners.</li> <li>• The character of the proposed dwelling is consistent with the character of the area.</li> <li>• The proposal to align the proposed additions and building amendments to the existing walls will look the best from an architectural aesthetical point of view as opposed to staggered walls which do not exceed building lines. Staggered walls will therefore detract from the character of the area.</li> <li>• From an engineering point of view staggered walls can reduce the strength of the construction or will significantly increase construction cost as additional reinforcement will be required.</li> <li>• 1.6m movement space along the southern lateral boundary and 1.8m at the rear boundary of the property respectively remains open, leaving room for access for emergency purposes or services.</li> </ul>
	<ul style="list-style-type: none"> <li>• The additional 0.4m on the side and 0.2m on the rear of the proposed dwelling exceeding the building lines will not have a significant additional impact on sunlight to the neighbours or views of the neighbours. The property to the south is designed to predominantly face the road and beach and not the north side. The properties to the west are relatively far away and elevated. The property on the north is not affected by departures on the south or west of the property.</li> <li>• The proposal is consistent with the relevant policy documents.</li> </ul> <p><b>e. Planning Principles</b></p> <p>In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:</p> <ol style="list-style-type: none"> <li>1) <b>Spatial Justice</b> which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land. <p><b>Possible results of the development</b></p> <p>The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as the application is to accommodate amendments to a dwelling house.</p> <p>Furthermore, the proposal will provide a more satisfactory residential environment catering for a full range of residential needs.</p> <p>The application proposal is <b>consistent with spatial justice</b>.</p> </li> <li>2) <b>Spatial Sustainability</b> which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl. <p><b>Possible results of the development</b></p> <p>The proposal will allow for amendments to an existing dwelling on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.</p> <p>Furthermore, the proposal will represent a legalisation of and an improvement to the existing dwelling as it will provide a more satisfactory residential environment catering for a full range of residential needs in accordance with the statutory requirements of the municipality and without any foreseen negative impact on the surroundings or on the application erf.</p> <p>The application proposal is <b>consistent with spatial sustainability</b>.</p> </li> </ol>

	<p>3) <b>Efficiency</b> which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p><b>Possible results of the development</b></p> <p>The proposal is functional and represents a positive proposal of the property by providing improved functionality on the property. The proposal has no impact on spatial efficiency from the perspective of travel distances.</p> <p>The application proposal is <b>consistent</b> with the <b>efficiency principle</b>.</p>
	<p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b></p> <p>The proposed development will not lead to any economical and/or environmental shocks as the application allows for amendments to an existing dwelling within a residential suburb.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p> <p>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p><b>Possible results of the development</b></p> <p>Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is consistent with the principle of <b>good administration</b>.</p>
<p><b>5. Conclusion</b></p>	
<p>The application as motivated in this report is regarded <b>desirable</b> within its local context and well-integrated within the existing community land-use activities.</p> <p>Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs while no negative impact on the environment is evident or foreseen.</p> <p>It is therefore recommended that the application <b>be approved</b> in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:</p> <ul style="list-style-type: none"> <li>• a <u>departure</u> to relax the <b>southern side building line</b> from 2m to 1.6m to allow for the proposed dwelling additions and amendments in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <u>departure</u> to relax the <b>rear building line</b> from 2m to 1.8m to allow for the proposed dwelling additions and amendments in terms of Chapter IV, Section 16(2)(b).</li> </ul>	

GENERAL NOTES:
1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS AND ENGINEERING DIVISION OF CONSTRUCTION STANDARDS AND SPECIFICATIONS (CSDS) AND THE CALIFORNIA BUILDING CODE (CBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

REVISION RECORD:
NO. DATE DESCRIPTION
1 08/15/22 Initial Issue
2 08/22/22 Additions and Alterations

ENGINEER CERTIFICATION:
I, the undersigned, being a duly Licensed Professional Engineer in the State of California, do hereby certify that I am the author of the design and drawings herein and that I am a duly Licensed Professional Engineer in the State of California.

ISSUED FOR MUNICIPAL APPROVAL
DROW architects
Chief Office: 4th Fl.
1400 Broadway, San Francisco, CA 94103
Tel: 415.774.4444
Fax: 415.774.4444
www.drowarchitects.com

PROJECT: House Matherbe
LOCATION: Kellman
REF: 4646
DRAWING: ADDITIONS AND ALTERATIONS
DATE: 21/06/22
SCALE: 1:100
OWNER'S SIGNATURE: ARCH SIGNATURE

GENERAL NOTES:
1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS AND ENGINEERING DIVISION OF CONSTRUCTION STANDARDS AND SPECIFICATIONS (CSDS) AND THE CALIFORNIA BUILDING CODE (CBC).
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I, the undersigned, being a duly Licensed Professional Engineer in the State of California, do hereby certify that I am the author of the design and drawings herein and that I am a duly Licensed Professional Engineer in the State of California.

ISSUED FOR MUNICIPAL APPROVAL
DROW architects
Chief Office: 4th Fl.
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Tel: 415.774.4444
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www.drowarchitects.com

PROJECT: House Matherbe
LOCATION: Kellman
REF: 4646
DRAWING: ADDITIONS AND ALTERATIONS
DATE: 21/06/22
SCALE: 1:100
OWNER'S SIGNATURE: ARCH SIGNATURE



FIRST FLOOR 1:100

GROUND FLOOR 1:100

WINDOW & DOOR SCHEDULE

WINDOW & DOOR SCHEDULE

All existing timber frame windows to be replaced with aluminum framed windows

All existing timber frame windows to be replaced with aluminum framed windows

**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.  
 3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2017.  
 4. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2017.  
 5. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS 2017.  
 6. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL FIRE REGULATIONS 2017.  
 7. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL REGULATIONS 2017.  
 8. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL HEALTH REGULATIONS 2017.  
 9. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL SAFETY REGULATIONS 2017.  
 10. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL SECURITY REGULATIONS 2017.

NO.	DATE	DESCRIPTION
1	10/01/2022	ISSUED FOR MUNICIPAL APPROVAL

**ENGINEER CERTIFICATION:**

**ISSUED FOR MUNICIPAL APPROVAL**



www.growarchitecture.com  
 1st Floor  
 601 551 4554  
 601 551 7919  
 1330

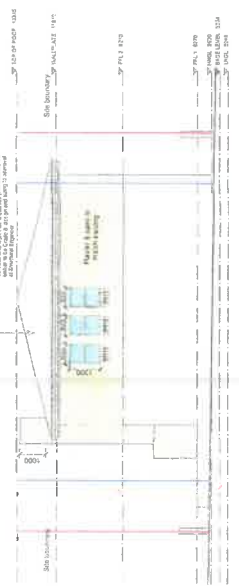
**PROJECT:**  
 House Malherbe

**LOCATION:**  
 Kleinmond

**ERF:** 4646

**DRAWING:**  
 ADDITIONS AND ALTERATIONS

<b>DATE:</b> 21/06/22	<b>DRAWN:</b> JH	<b>OWNER'S SIGNATURE:</b>
<b>SCALE:</b> 1:100	<b>DWG. NO:</b> 100	<b>ARCH. SIGNATURE:</b>



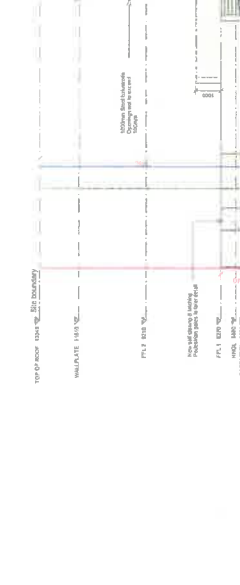
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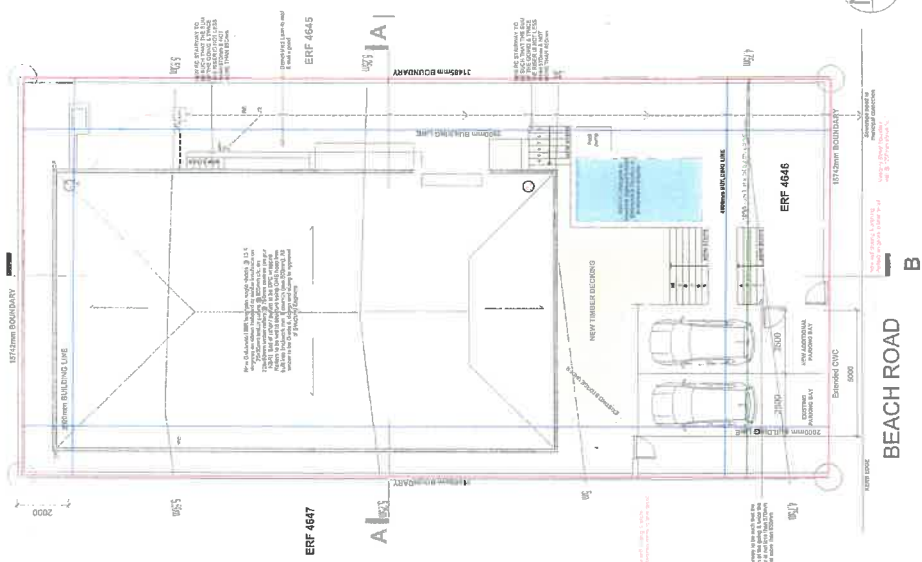
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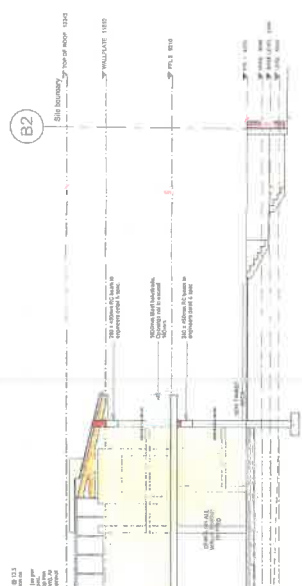
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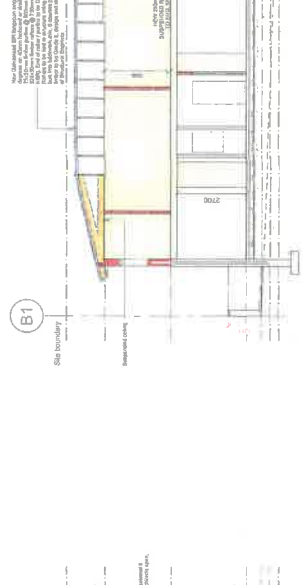
**SOUTH ELEVATION**  
 1:100



**SITE & ROOF PLAN**  
 1:100



**SECTION BB**  
 1:100



**SECTION AA**  
 1:100