

ERF 2262, 26 DOUGLAS STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF A NIEMAND

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received in terms of Section 16(2)(b) of the By-Law for a departure to relax the southern and western lateral building lines from 2m to 0m respectively to accommodate the proposed extension to the existing garage.

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. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) on or before **5 May 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. H. Olivier** 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 2262, DOUGLASSTRAAT 26, ONRUSRIVIER: AANSOEK OM AFWYKING: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS A NIEMAND

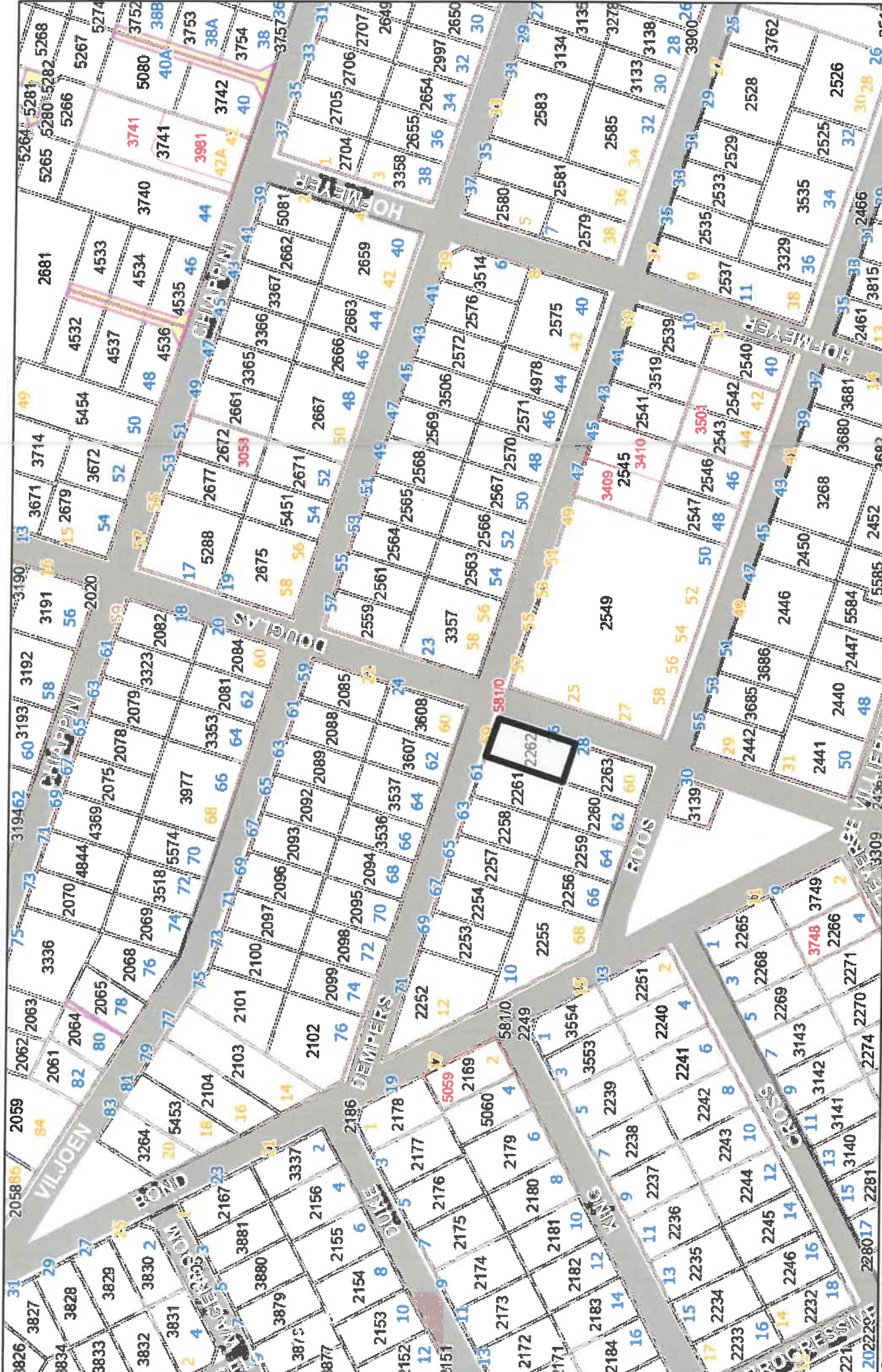
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ingevolge Artikel 16(2)(b) van die Verordening ontvang is vir 'n afwyking om die suidelike en westelike syboullyne onderskeidelik vanaf 2m na 0m te verslap om die voorgestelde uitbreiding van die bestaande motorhuis 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. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) voor of op **5 Mei 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** 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 2262, DOUGLAS STREET, ONRUS RIVER: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-A NIEMAND

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala ukuba kufunyenwe isicelo sokunyeniswa ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenyswe umgca wesakhiwo okwicala elingasemzantsi ukusuka ku-2m ukuya ku-0m, kunye nomgca wesakhiwo ongasezantsi ukusuka ku-2m ukuya ku-0m ukuze kuvunyelwe isakhiwo segaraji esikhoyo.

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze kuhlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 neCandelo 52 loMthetho kaMasipala ochaziweyo (16 Paterson Street, Hermanus / (f) 028- 313 2093 / (e) loretta@overstrand.gov.za) ingadlulanga i-**5 Meyi 2023**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Mcebi Dolophu, Mnu. H Olivier** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvula. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.



1. Introduction

a. Brief

Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owner of the property, Adre Niemand, to prepare and submit an application for building line departures on Erf 2262, Onrusrivier in terms of the relevant legislation.

b. Background

The application area consists of a 495m² single residential erf in Onrusrivier residential suburb, located on the corner of Demper Street and Douglas Street. The property accommodates an existing approved double storey dwelling with an existing approved separate single garage.

The property was recently purchased and the owners wish to adapt the existing dwelling and the existing garage to fit their lifestyle. The only proposed building amendments which will exceed the building lines are the following:

- Extension of the existing single garage to create a double garage. This proposal will exceed the southern and western zoning scheme side building lines, thus requiring building line departure in terms of the Land Use Scheme, 2020.
- New chimney 0.5m from the western dwelling wall, exceeding the western side zoning scheme building line. This proposal is permitted without an application in accordance with Section 16.1.1(vi) of the Land Use Scheme, 2020.

c. Development Objective & Application Proposal

The application objective is to allow for the proposed extension of the garage which will exceed the common building lines.

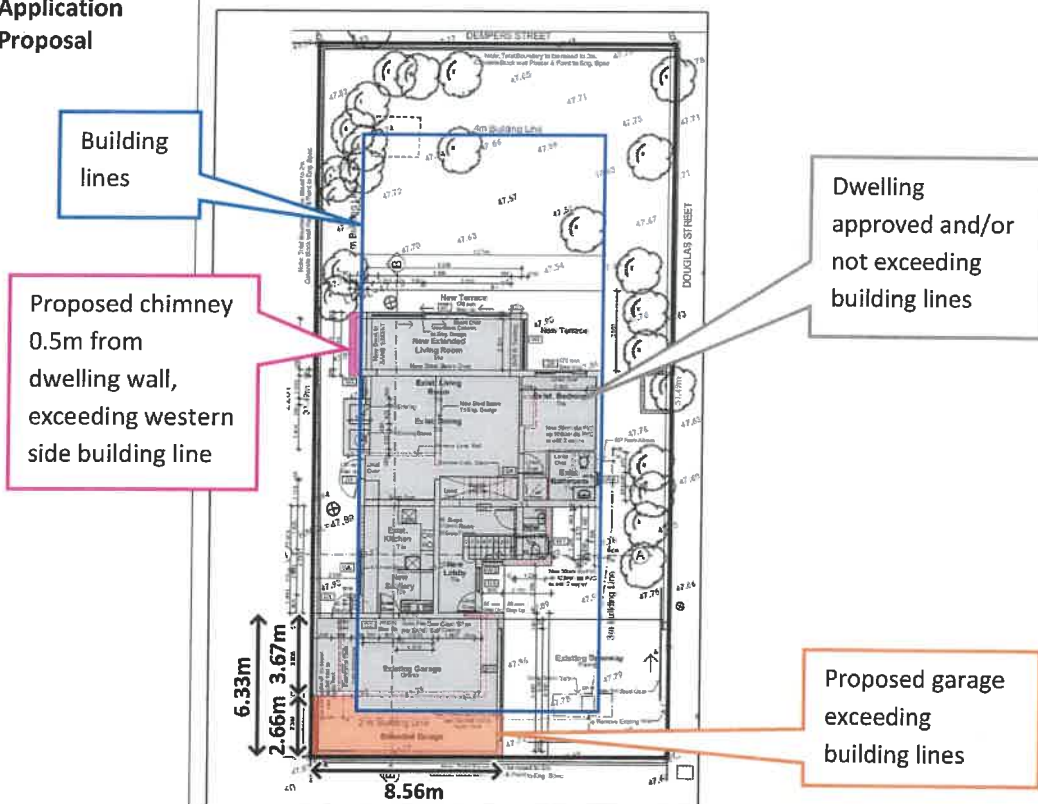


Figure 1: Application illustration

Subsequently the **application proposal** is for:

- A departure to relax the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension.
- A departure to relax the western side zoning scheme building line from 2m to 0m to allow for the proposed garage extension.

2. The Application

a. Analysis: Title Deed	The Conveyancer Monica Korf issued a certificate confirming that no restrictive title deed conditions exist against the proposal on Erf 2262 Onrus.				
b. Analysis: Development Criteria: The development parameters for Erf 2262 Onrusrivier, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, read with the subject title deed are summarised as follows:	Parameters	Existing Zoning Scheme Requirements:	Proposed	Comments	
	Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	Primary Use	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house	Consistent	
	Consent Uses	Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent	
	Coverage	50%	30%	Consistent	
	Height	8m	8m	Consistent	
	Building lines	Street	4m	4m	Consistent
		Side	2m	2m for dwelling 0m for garage	Application is for building line departures
	Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent	
c. Application: The application form is attached as Annexure A.	Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for: <ul style="list-style-type: none"> A departure to relax the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension in terms of Chapter IV, Section 16(2)(b). A departure to relax the western side zoning scheme building line from 2m to 0m to allow for the proposed garage extension in terms of Chapter IV, Section 16(2)(b). 				

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
2262 Onrusrivier	495m ²	T40856/2022	Adre Niemand

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 2262 Onrusrivier.

The following Surveyor General Plans reflect the application site:

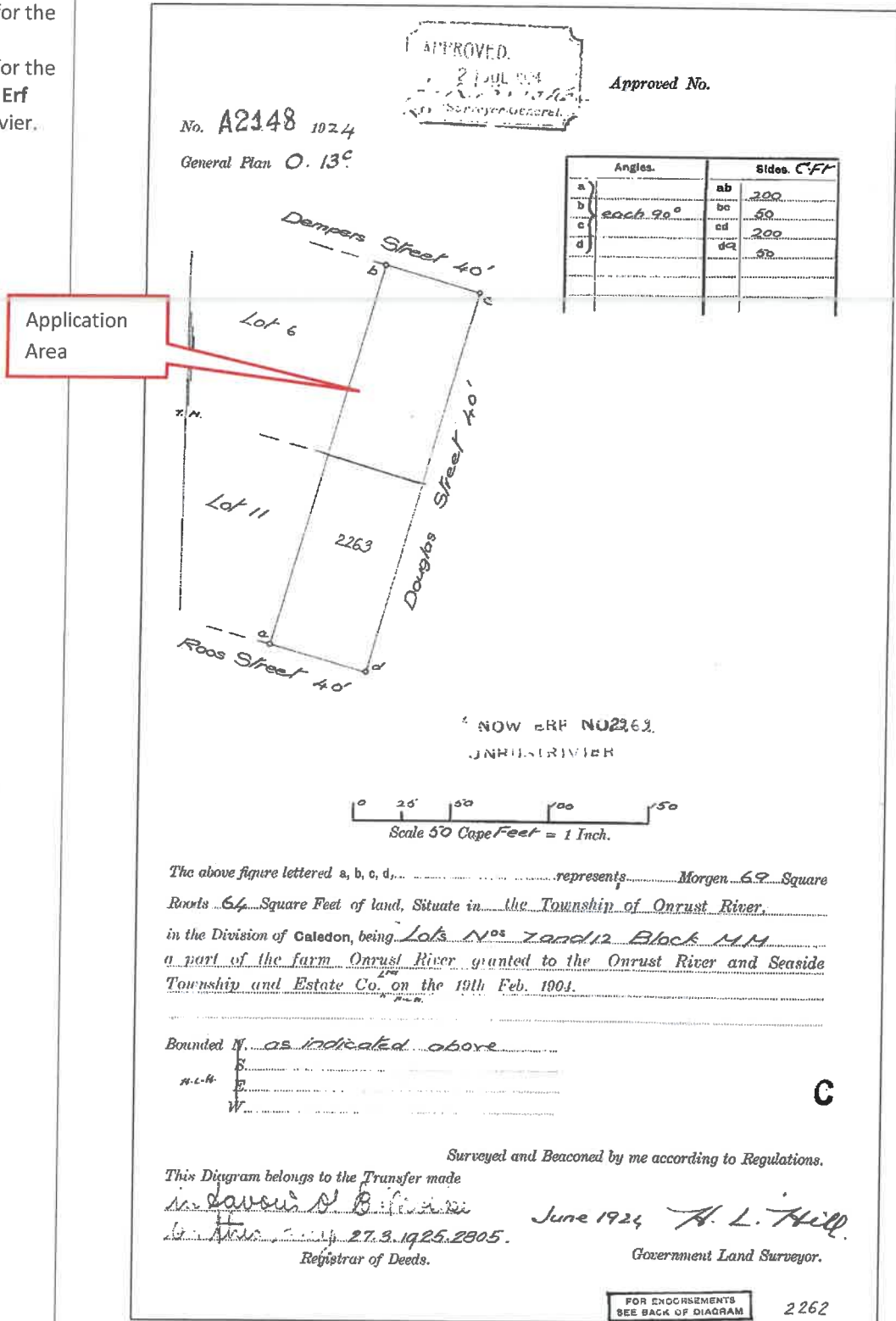


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

Within the regional context, the application area is located within Onrusrivier residential suburb. Onrusrivier is located approximately 5km west of the Hermanus CBD.

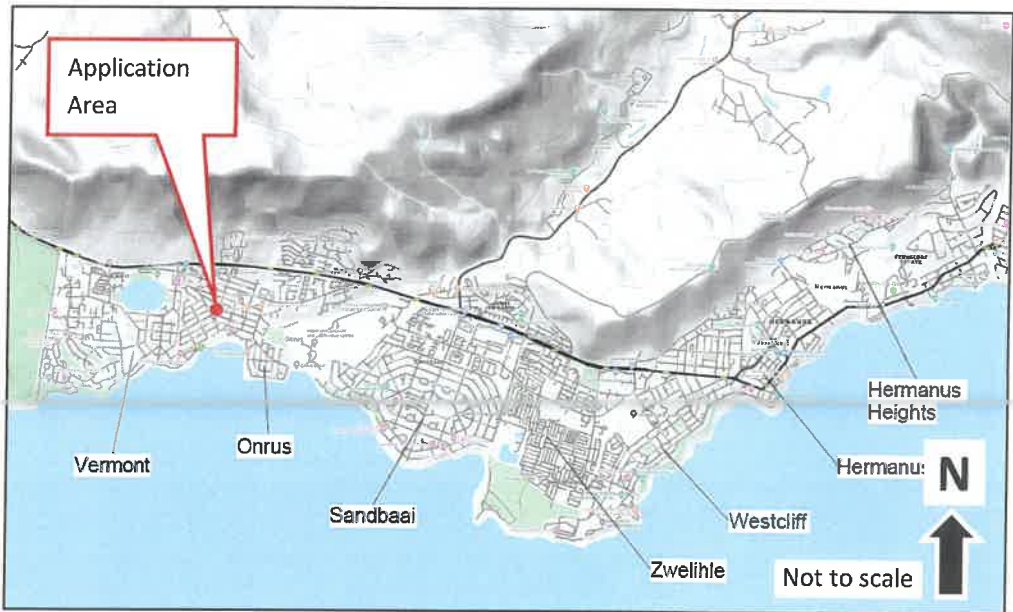


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a residential erf within Onrusrivier that forms part of the larger Hermanus West area. The application area is located at number 26 Douglas Street.



Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Land Use Plan attached as **Annexure H.**

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



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

d. Zoning:

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

The application area, Erf 2262, Onrusrivier is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well as Community Zone 1: Community Facilities. 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. Spatial Planning Policy

The following policy guidelines from the following relevant policy documents are applicable to the application area.

i. Overstrand Municipal Spatial Development Framework, 2020

In terms of the Overstrand Municipal Spatial Development Framework, the application area is within an Urban Development area.

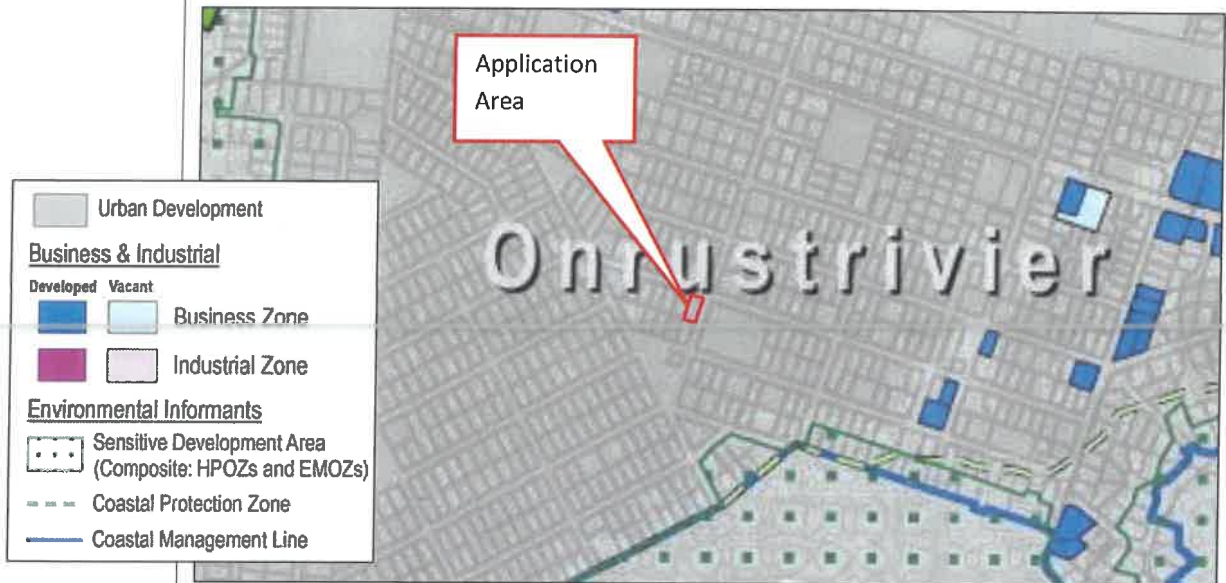


Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract

i. Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS)

In terms of the Overstrand Growth Management Strategy, the application area falls within a “No Densification” Zone. No densification is proposed.

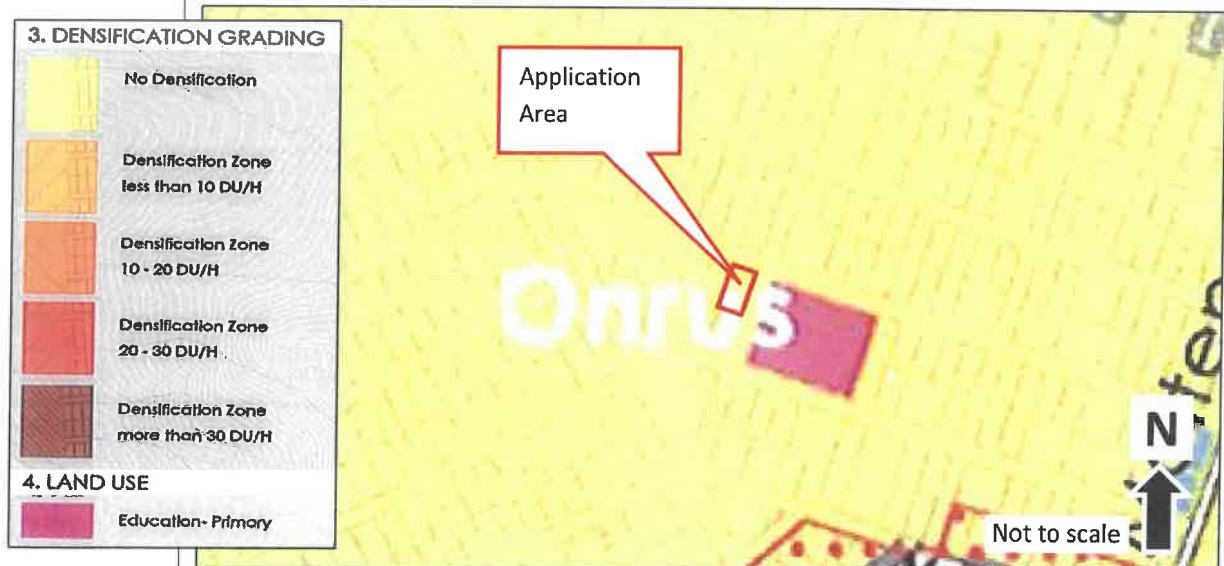


Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy

Conclusion:

The application is therefore **consistent** with both the Overstrand Municipal Spatial Development Framework, 2020 and the Overstrand Municipality Spatial Growth Management Strategy, 2010.

ii. **Overstrand Municipality Land Use Scheme 2020**

“16.1.1 The following additional development parameters apply with regard to encroachment of building lines:

General encroachments permitted

- a) *Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:*
- (i) boundary walls, retaining walls, screen walls, fences and gates not exceeding 2,1 m in height above the existing ground level abutting such wall;*
 - (ii) (ii) open and uncovered stoeps, pools and filling lower than 1,0 m above the existing ground level;*
 - (iii) (iii) entrance steps, landings and entrance porches lower than 1,0 m above the existing ground level;*
 - (iv) (iv) a covered and uncovered pedestrian entrance or gatehouse constructed on the street boundary and has a footprint and/or roof area not exceeding 5,0 m² and a height not exceeding 3,0 m from natural ground level to the highest point of the structure;*
 - (v) (v) eaves, awnings and canopies projecting no more than 1,0 m from the wall of the building;*
 - (vi) (vi) chimney breasts, flower boxes, water pipes and drain pipes not projecting more than 500 mm from the wall of the building;*
 - (vii) (vii) minor decorative features not projecting more than 250 mm from the wall of the building;*

Encroachment of side and rear building lines permitted

- c) *The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:*
- (viii) written consent from the immediate neighbours is obtained;*
 - (ix) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40 degree angle away from such boundary;*
 - (x) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);*
 - (xi) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;*
 - (xii) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;*
 - (xiii) a 1,0 m wide access may be required to the satisfaction of the Fire Department;*
 - (xiv) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;*
 - (xv) the garage/carport shall be included in the calculation of coverage on the land unit; and*
 - (xvi) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.*

Should any of the above-mentioned not be complied with, an application will be applicable.”

Conclusion:

The application is consistent with the relevant forward planning documents. The proposed chimney is allowed as proposed in terms the Overstrand Municipality Land Use Scheme 2020. The dimensions of the proposed garage are 6.33m wide and 8.56m long. Application is therefore made for departures to allow for the proposed garage.

4. Motivation

Motivation for the application:

Refer to **Annexure K** for the As-built building plan

a. Introduction and Background

The application area located at number 26 Douglas Street accommodates an existing approved double storey dwelling and an existing approved separate single garage.

The owners wish to redesign and modernise the existing dwelling which will include enlarging and altering both the dwelling and the garage, and linking the two buildings together. This will provide direct and secure access between the garage and the house.

The existing single garage will be extended southwards, creating a double garage with an extent of 54.2m² to accommodate two vehicles. The proposed garage extension will exceed the southern and western zoning scheme side building lines up to the erf boundaries, subsequently requiring the application for building line departure.

b. Proposal

The application objective is to allow for the proposed extension of the garage which will exceed the common building lines.

The existing single garage is to be extended by 22.8m² southwards to create the proposed 54.2m² double garage, which will accommodate two vehicles. The proposed double garage will be 8.56m in length, 6.33m in width and 3.5m in height. The extent of the garage area which will exceed the building lines is 18.5m².

The proposed extension of the existing garage in the southwestern corner of the application area is considered the most logical and efficient position for the following reasons:

- Ensures only one access point to the property, as the existing entrance and driveway will be retained for property access
- The proposed access point is furthest away from the intersection of Dempers Street and Douglas Street, thus maximising safe and unimpeded vehicle flow to and from the application area
- Sufficient space in front of the extended garage will accommodate two additional vehicles in the driveway
- The mature trees on the northern side of the property will be preserved
- Emergency access to the application area will be available

All zoning scheme parameters are adhered to by the proposal, except for the 2m western and southern side zoning scheme building lines which are exceeded up to 0m, subsequently requiring the following application proposal:

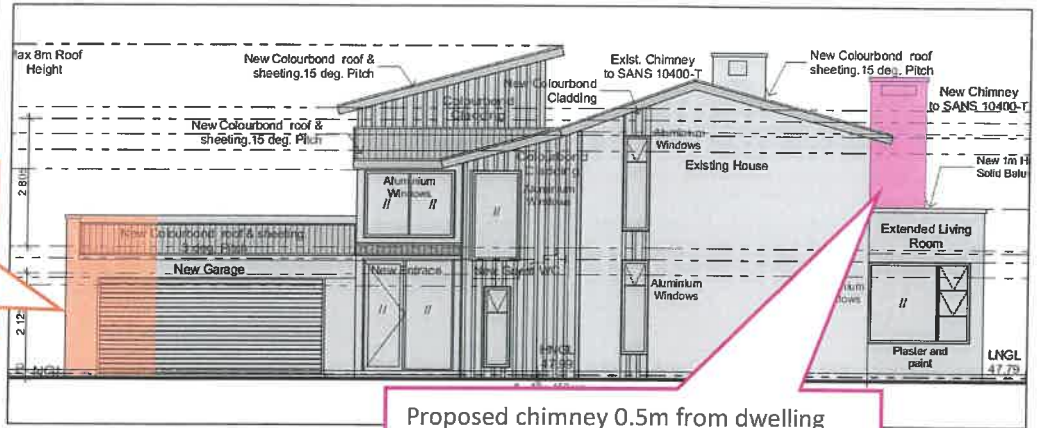
- Relaxation of the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension
- Relaxation of the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension

Relaxation of the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension

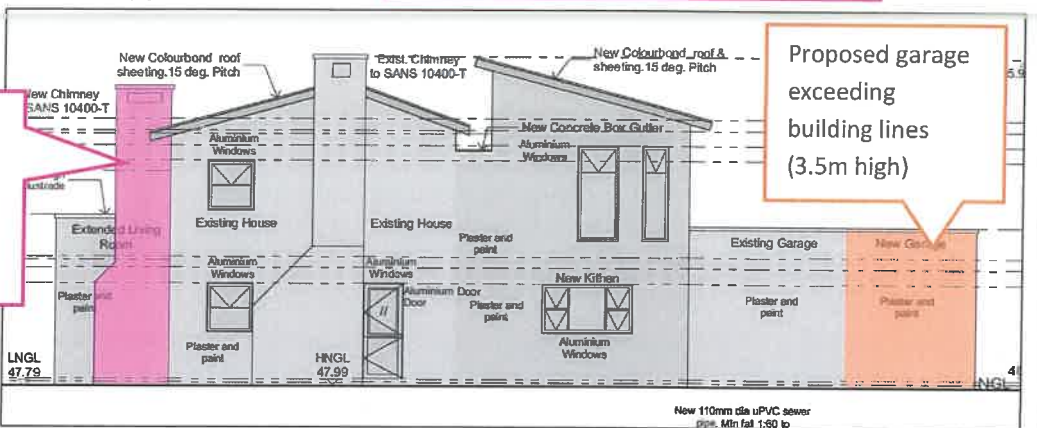
The proposal is not foreseen to materially impact on the southern neighbouring property due to the following reasons:

- The proposal represents a non-habitable space, which will therefore not result in noise or hindrance to the southern neighbouring property.
- The southern adjoining property also accommodates a garage almost up to the northern erf boundary and therefore the proposal will not result in a negative visual impact, blocking sunlight or privacy intrusion for the neighbours.
- Rainwater run-off will drain towards the east due to the garage roof sloping to the east, thus preventing run-off discharge onto the southern adjoining property.

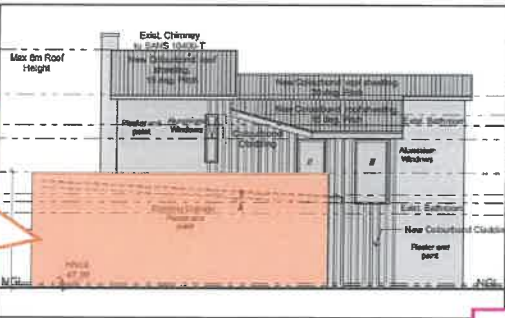
East Elevation



West Elevation



South Elevation



North Elevation

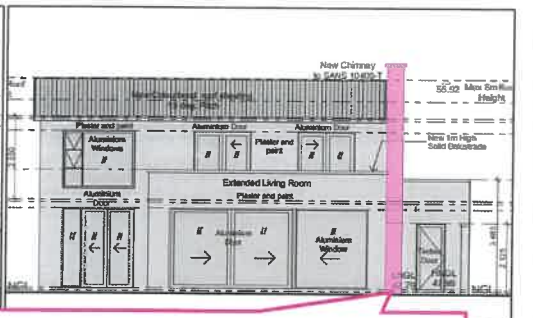


Figure 10: Elevations

c. Desirability

- The proposal is in accordance with the relevant spatial planning legislation for the area.
- The proposal is functional and improves the quality of life for the residents by efficiently and optimally providing an attached double garage for accommodating two vehicles.
- The proposal will enhance the value of the property.
- It is not foreseen that the relaxation of the building lines will in any way materially impact on the southern and western adjoining properties or on the adjacent street.

d. Planning Principles

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:

- 1) **Spatial Justice** 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.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate the proposed garage extension which exceeds the common zoning scheme building lines.

The application proposal is **consistent** with **spatial justice**.

- 2) **Spatial Sustainability** 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.

Possible results of the development

The proposal will allow for the garage extension which exceeds the common zoning scheme building lines on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Spatial Efficiency** 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.

Possible results of the development

The proposed garage extension is considered the most logical, efficient and optimal solution for accommodating two vehicles on the application area with no material impact foreseen on the relevant neighbouring properties or on the adjacent street.

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** 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.

Possible results of the development

The existing development will not lead to any economical and/or environmental shocks as the application will allow for the legal accommodation of the proposed garage extension which is not foreseen to materially impact on the southern and western adjoining erven or on the adjacent street.

The application proposal is **consistent** with the principle of **spatial resilience**.

- 5) **Good Administration** 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.

Possible results of the development

Consultative 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 relevant government tiers and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

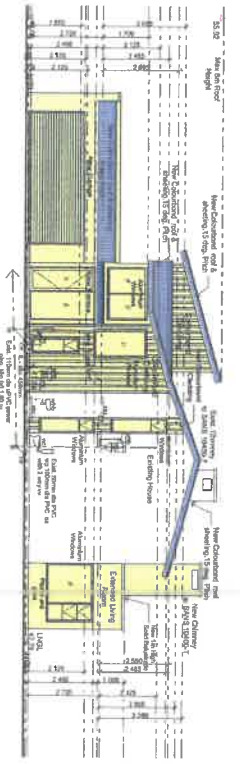
5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

The proposed extension of the existing garage, is considered the most logical, efficient and optimal position on the property for accommodating two vehicles. No material impact on the relevant neighbouring properties or on the adjacent street are foreseen either.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

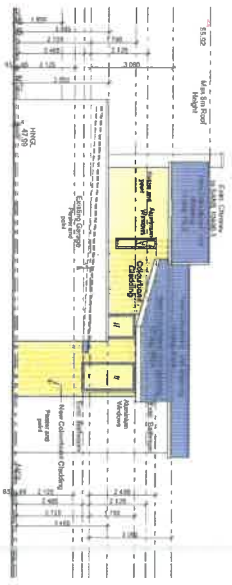
- A departure to relax the southern side zoning scheme building line from 2m to 0m to allow for the proposed garage extension in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the western side zoning scheme building line from 2m to 0m to allow for the proposed garage extension in terms of Chapter IV, Section 16(2)(b).



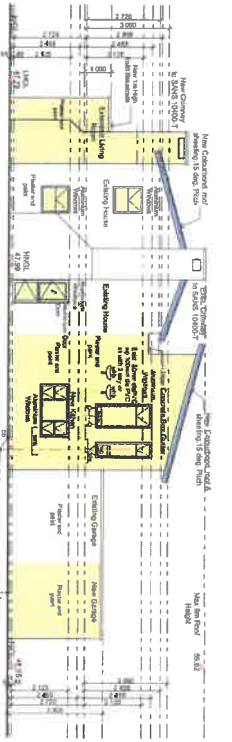
EAST ELEVATION
SCALE 1:100



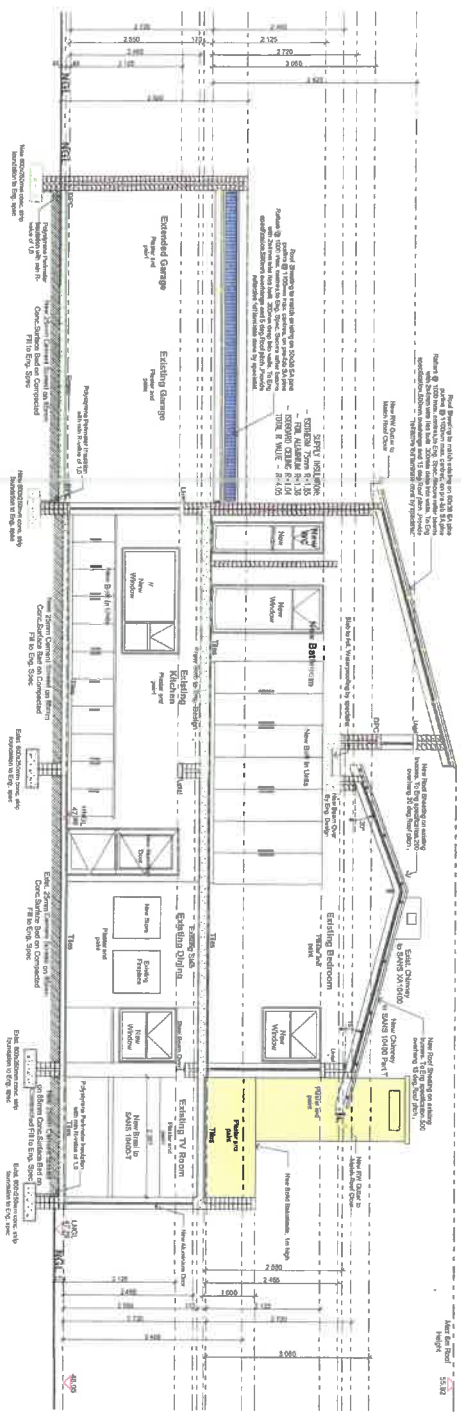
NORTH ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



SECTION BB
SCALE 1:50

EXTERNAL WIND CALCULATIONS (ANSI 1000) (A)

REGIONAL WIND SPEED (MPH)	REGIONAL WIND SPEED (KPH)	REGIONAL WIND SPEED (M/S)
100	161	44.7
110	177	49.1
120	193	53.6
130	209	58.1
140	225	62.6
150	241	67.1
160	257	71.6
170	273	76.1
180	289	80.6
190	305	85.1
200	321	89.6
210	337	94.1
220	353	98.6
230	369	103.1
240	385	107.6
250	401	112.1
260	417	116.6
270	433	121.1
280	449	125.6
290	465	130.1
300	481	134.6
310	497	139.1
320	513	143.6
330	529	148.1
340	545	152.6
350	561	157.1
360	577	161.6
370	593	166.1
380	609	170.6
390	625	175.1
400	641	179.6
410	657	184.1
420	673	188.6
430	689	193.1
440	705	197.6
450	721	202.1
460	737	206.6
470	753	211.1
480	769	215.6
490	785	220.1
500	801	224.6
510	817	229.1
520	833	233.6
530	849	238.1
540	865	242.6
550	881	247.1
560	897	251.6
570	913	256.1
580	929	260.6
590	945	265.1
600	961	269.6
610	977	274.1
620	993	278.6
630	1009	283.1
640	1025	287.6
650	1041	292.1
660	1057	296.6
670	1073	301.1
680	1089	305.6
690	1105	310.1
700	1121	314.6
710	1137	319.1
720	1153	323.6
730	1169	328.1
740	1185	332.6
750	1201	337.1
760	1217	341.6
770	1233	346.1
780	1249	350.6
790	1265	355.1
800	1281	359.6
810	1297	364.1
820	1313	368.6
830	1329	373.1
840	1345	377.6
850	1361	382.1
860	1377	386.6
870	1393	391.1
880	1409	395.6
890	1425	400.1
900	1441	404.6
910	1457	409.1
920	1473	413.6
930	1489	418.1
940	1505	422.6
950	1521	427.1
960	1537	431.6
970	1553	436.1
980	1569	440.6
990	1585	445.1
1000	1601	449.6

Schedule of Areas

Room	Area (sq ft)	Area (sq m)
Garage	1,100	101.7
Living Room	1,100	101.7
Bedroom	1,100	101.7
Bathroom	1,100	101.7
Kitchen	1,100	101.7
Dining Room	1,100	101.7
Breakfast Room	1,100	101.7
TV Room	1,100	101.7
Office	1,100	101.7
Storage	1,100	101.7
Other	1,100	101.7
TOTAL NEW AREA	11,000	1,017

FINISHES

Walls: Drywall, Paint
 Floors: Carpet, Hardwood
 Ceilings: Drywall, Paint

PERMITS

City of [City Name]
 Building Department
 Permit No. [Number]

DATE: [Date]

DRAWN BY: [Name]

CHECKED BY: [Name]

PROJECT NO.: [Number]

SCALE: [Scale]

DATE: [Date]

PROJECT NO.: [Number]

SCALE: [Scale]

DATE: [Date]