

ERF 1295, 315 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF CMR & E DELPLANQUE

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, (By-Law), that an application has been received for the following:

- **Departure** in terms of Section 16(2)(b) of the By-Law, in order to relax the eastern lateral building line as follows:
 - from 2m to 1.970 and 1.957m, to accommodate the existing braai on the covered braai terrace on ground floor level;
 - from 2m to 1.957m, to accommodate the windows in the study on ground floor level; and
 - from 2m to 1.2m, to accommodate the existing windows of the single garage and storeroom on lower ground floor level.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the encroachment over the eastern lateral building line, to accommodate the existing braai, windows in study and single garage.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 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) 0283132093 / (e) alida@overstrand.gov.za) on or before **14 July 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** 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 1295, HOOFWEG 315, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE STAD- EN STREEKSBEPLANNERS NAMENS CMR & DELPLANQUE

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir die volgende:

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening, ten einde die oostelike lateraleboulyn soos volg te verslap:
 - vanaf 2m na 1.970 en 1.957m, om die bestaande braai op die onderdak-braaiterras op grondvloervlak te akkommodeer;
 - vanaf 2m na 1.957m, om die vensters in die studeerkamer op grondvloervlak te akkommodeer; en
 - vanaf 2m na 1.2m, om die bestaande vensters van die enkelmotorhuis en stoorkamer op onderste grondvloervlak te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, ten einde die oorskryding van die oostelike lateraleboulyn te akkommodeer, om die bestaande braai, vensters in studeerkamer en enkelmotorhuis 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) 0283132093 / (e) alida@overstrand.gov.za) voor of op **14 Julie 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 P Roux** 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.

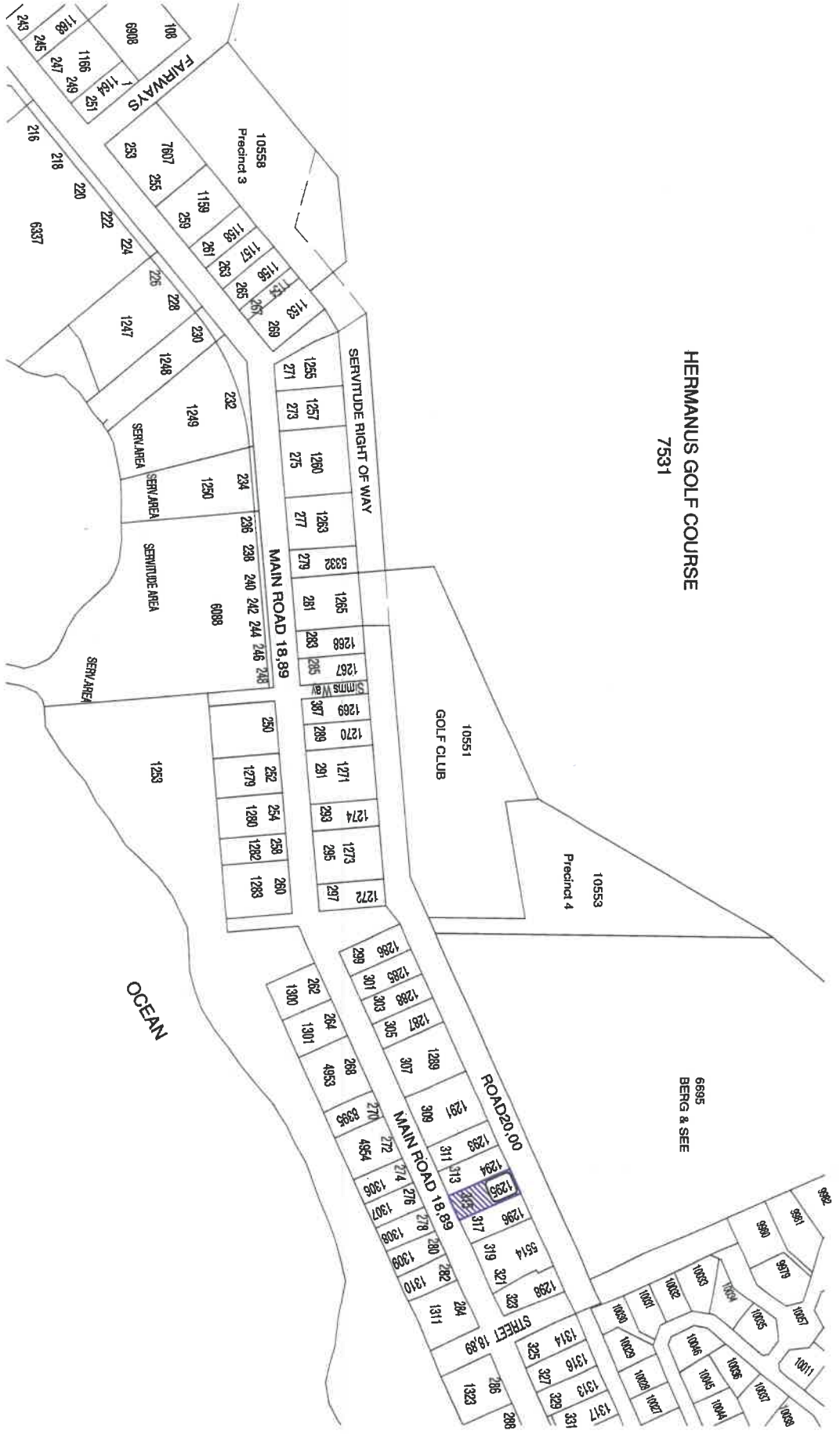
ISIZA ESINGU-ERF 1295, 315 MAIN ROAD, EASTCLIFF, HERMANUS, UMASIPALA KUMMANDLA WASE-OVERSTRAND: ISICELO SOKWAHLULA NENGIKELELO YENTLAWULO YOMDLIWO/YEPENALTHI: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LABAKWA-CMR & E DELPLANQUE

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana Osisihlomelo soMthetho kaMasipala wase-Overstrand ngeZicwangciso Zokusetyenziswa koMhlaba ku2020, (Umthethwana), isaziso eso sithi kufunyenwe isicelo ngale miba ilandelayo:

- **Ulwahlulo** ngokwemiba yeSoloty le16(2)(b) loMthethwana, ukuze kunyenyiswe umgca wesakhiwo ukusuka kwicala elisempuma lesakhiwo ngokobude obulandelayo:
 - Ukusuka kwimitha ezi2m ukuya kwimitha ezi-1.970 neziyi-1.957m, ukulungiselela indawo eseyikhona yokoja inyama/yokubhraya kwindawo enophahla nevalekileyo bucala ekumgangatho ophantsi;
 - Ukusuka kwimitha ezyi-1.2m ukuya kwimitha ezi-1.957m, ukulungiselela iifestile negumbi lokufundela(istadi) kumgangatho;
 - Nokusuka kwimitha ezi2m ukuya kwimitha-1.2m, ukulungiselela iifestile esezikhona kwigaraji elungele isithuthi esinye negumbi lokugcina iimpahla kumgangatho osezantsi komgangatho ophantsi.
- **Inggikelelo yomdlwyo/yepenalthi wobhaliso wobhaliso** ngokwemiba yeSoloty 16(2)(q) loMthethwana, ukuze kulungiselelwe ukungenelela okanye ukuphumela ngaphaya komgca wesakhiwo omelene necala lasempuma ukulungiselela indawo yokubhraya eseyikhona, iifestile kwigumbi lokufundela/lestadi negaraji elungele isithuthi esinye.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuzue zihlolwe kwiintsuku zaphakathi evekini kwixesha eliphakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: IziCwangciso ngeDolophu, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-14 uJulayi 2023, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingathunyelwa kuMchwangciso weDolophu, uMnu. P Roux kwa- 028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda ukubhala nokufunda angaya kwiSebe LeziCwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukuhlomla ngokusemthethweni.

HERMANUS GOLF COURSE
7531



<p>Plan Active</p>	<p>Stads- en Streeksplanners Town & Regional Planners</p>	<p>All distances approximate and subject to survey. COPY RIGHT RESERVED</p>	<p>Property Description: ERF 1295 HERMANUS</p>	<p>Plan Description: LOCALITY MAP</p>	<p>Scale: NTS</p>



**PROPOSED DETERMINATION OF AN ADMINISTRATIVE
PENALTY & DEPARTURE**

ERF 1295 HERMANUS

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mr C.M.R.C. Delplanque and Mrs E. Delplanque, the owners of erf 1295 Hermanus, to apply for the administrative penalty and departure of the subject property.

There is an existing double storey dwelling with a double and single garage situated on the subject property. The building plans for the additions and alterations to the existing dwelling and garages on the subject property were approved on 22 November 2022 (Building plan No. 43894). The encroachment over the eastern lateral building line; the braai area, two windows in the study as well as the windows in the existing garage facing east will need approval. The encroachments are clearly indicated on the attached site development plans. The owners wish to keep the As Built structures in the existing positions. This application therefore proposes to address the As Built encroachments (eastern, lateral building line, braai area and new windows in the study and existing single garage). No further new additions are proposed.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** for erf 1295 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure** of erf 1295 Hermanus.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 1295 Hermanus is situated at 315 Main Road, Hermanus. Refer to the locality plan attached. Erf 1295 Hermanus is 892m² in extent and is held by title deed no. T18148/2013.

The subject property gently slopes in a southerly direction and is characterized by residential structures (double storey dwelling with a double and single garage) and a garden / swimming pool area. The existing dwelling has a footprint (lower ground and ground floor level) of 423m² in extent.

3.2 ZONING

Erf 1295 Hermanus has the following land use rights:

ERF NUMBER	ZONING
Erf 1295	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public road and public open space purposes.

3.3 LAND USE

There is an existing double storey dwelling with a double and single garage and garden / swimming pool situated on erf 1295 Hermanus. The subject property is therefore used for single residential living purposes.

Land uses that surround the subject property are single residential dwellings, public open spaces and public roads.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 1295 Hermanus to accommodate the encroachment over the eastern lateral building line to accommodate the existing As Built braai as well as the As Built windows in the study and single garage in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of erf 1295 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the eastern lateral building line as follows:
 - from 2m to 1,970 and 1,957m to accommodate the As Built braai on the covered braai terrace on ground floor level;
 - from 2m to 1,957m to accommodate the windows in the study on ground floor level;
 - from 2m to 1,2m to accommodate the existing windows of the single garage and storeroom on lower ground floor level.

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

There is an existing double storey dwelling with a double and single garage situated on the subject property. The building plans for the additions and amendments to the existing dwelling and garages on the subject property were approved on 22 November 2022. It was the intention to hack off the plaster on the outside wall (30 - 43mm) of the braai area that was built over the building line. The two new windows in the study will also need approval as well as the three windows in the existing garage facing east. The encroachments are clearly indicated on the attached site development plans. The owners would like to keep the As Built structures in the existing positions. This application therefore proposes to address the As Built encroachments (braai and new windows in the study and existing single garage). No new additions or alterations are proposed.

Here follows the detail of the proposed application for consideration:

3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (As Built braai; As Built window alterations to the study and single garage), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The nature, duration, gravity and extent of the contravention**

The approved building plan no. 43894 dated 22 November 2022 indicates that the plaster on the outside wall (30 - 43mm thick) of the braai area was going to be removed. It was however decided to retain the plaster over the building line on the eastern wall of the covered braai terrace. Our client initially intended to correct this encroachment, but has since decided to retain the encroachment of the As Built braai and covered braai terrace as well as the existing windows in the single garage with store room to keep the costs to a minimum and since the encroachments are minimal / has a low impact.

The As Built covered braai terrace with built braai and the study encroaches the eastern lateral building line on ground floor level by a mere 30 – 43mm. It is therefore the As Built braai area that encroaches the lateral building line. The study was previously approved – it is now merely altered to include a new window.

The single garage with storeroom was also previously approved on the 1,2m eastern lateral building line. The approved building plans indicate two windows; however, there are four existing windows in this structure positioned on the 1,2m eastern lateral building line (lower ground floor) that our clients would like to keep.

Except for the study, neither the covered braai terrace with built braai nor the single garage with the new storeroom are considered habitable areas. These structures are used for relaxing and entertaining (braai area) and for the storage of a vehicle or equipment.

The position and nature of the As Built structures are unobtrusive in nature and do not impact negatively on the surrounding properties, as no complaint from surrounding property owners has been received up to date. A building line departure application to accommodate the new window in the study and As Built structures is included in this application.

- **The conduct of the person involved in the contravention**

The previous and current owners have never contravened the land use planning By-law in the past. They addressed the matter related to the unlawful structures as soon as they were made aware of the fact and appointed the relevant consultants (architects and town planners) to assist them to obtain the necessary approvals.

- **Whether the unlawful conduct was stopped**

The current owners would like to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalise the As Built structures on the subject property.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building work, we will submit a report from a quantity surveyor / building contractor with reference to the unauthorised building work. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage. In addition, the encroachments are considered minimal (30 - 43mm) and it is our opinion that a no penalty fee be imposed.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowners, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the As Built covered braai terrace (As Built braai), new windows in the study and windows in the single garage and store room have and will continue to have on the surrounding area (as further motivated in the building line relaxation application below). The As Built structures have a minimal impact on the neighbouring properties since the footprint of the structures will remain unchanged.

It should also be considered that no complaints from surrounding property owners were submitted with regards to the As Built structures.

The current owners never hesitated to immediately give instruction to the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) departure application and submitting a determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owner for the reasons given above.

3.4.2 Departure

It is proposed to retain the As Built braai in its current position as well as the windows in the single garage with storeroom structures. Application is also made for two new windows in the study. Both the approved study and single garage with storeroom encroach the eastern lateral building line – therefore the window alterations must be addressed.

The As Built braai as part of the covered braai terrace was constructed within the 2m eastern lateral Land Use Scheme building line. The As Built window alterations were done to structures positioned within the 2m eastern lateral Land Use Scheme building lines.

To accommodate the As Built braai on the covered braai terrace on ground floor level an application is submitted for a departure to:

- relax the eastern lateral building line from 2m to 1,970m and 1,957m.

The existing covered braai terrace with built braai is situated on the 1,970m to 1,957m eastern lateral building line. The structure meets the maximum height requirements as indicated on the eastern elevation plan. The As Built braai forms part of the existing covered braai terrace as indicated on the ground floor layout plan. It is the As Built braai structure that encroaches the eastern lateral building line and not the braai terrace per sé. There are no windows in the braai room wall positioned on the 1,970 to 1,957m eastern lateral building line.

In addition, window alterations were made to the approved dwelling / garage in the past. The owners intend to keep the As Built alterations to the existing structures instead of removing the plaster, brick and windows to be in line with the latest approved building plan of 22 November 2022. An application is submitted for a departure to accommodate the existing and new windows as follows:

- relax the eastern lateral building line from 2m to 1,957m to accommodate the two new windows of the study on ground floor level;
- relax the eastern lateral building line from 2m to 1,2m to accommodate the existing windows of the single garage and storeroom on lower ground floor level.

The respective positions of the windows in the study and single garage / store structures are indicated on the floor layout plans and eastern elevation plan. There will be two new windows in the study and four existing windows in the single garage with storeroom structure.

The following should be noted when considering the As Built structures:

- No new additions are proposed.
- No change of use of the structures that encroach the eastern lateral building line is proposed.
- The visual impact is considered minimal. All structures already exist. Although the braai / braai terrace and windows of the study and single garage are visible to neighbouring properties, a braai area use is allowed within building lines. The height of the structure has no impact on the use within the building line that would have been permitted if the braai was lower than 1m in height. The eastern erf boundary wall and the lower ground floor level of the single garage with store room mitigate the impact of the As Built braai with chimney, the new windows of the study, as well as the small windows in the

and the application addresses existing structures that encroach the building lines. Consequently, the proposed departure will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if these structures did not exist.

The area schedule and coverage for the subject property are as follows:

ERF. 1 295	892m²
GROUND FLOOR EXISTING	343m²
NEW GROUND FLOOR	54m²
NEW FIRST FLOOR	38m²
SUB TOTAL (New)	92m²
TOTAL AREA	435m²
SINGLE RESIDENTIAL FOOTPRINT COVERAGE	423m² 47.4%

The total coverage of 47,4% does not exceed the maximum permissible coverage of 50% for SR1 zoned properties.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed building line deviations, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure of erf 1295 Hermanus is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast

establishments, day care, second dwelling, guest house and home occupation uses). The proposed departure will not hinder any possible future land use applications on erf 1295 Hermanus.

The subject property has the potential and allows for the deviations being applied for since the As Built structures have been on the subject properties without any complaints from neighbours. All existing structures meet the maximum of 8m height requirement for SR1 zoned properties as depicted on the site development plan.

The following should be noted when considering the potential of the site:

- The visual impact will be kept to a minimum since the structures are As Built and no new additions are proposed.
- The massing and scale of the As Built structures are compatible with the area.
- Except for the eastern lateral building line deviations, all other land use parameters are met.
- The As Built structures form an integral part of the property thus to demolish the structures to make it compliant with the scheme building lines, will have a detrimental impact on the value of the property.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure. The following factors confirm the potential of the property to accommodate the proposed building line deviations:

- Good quality materials were used when the existing structures were built;
- The height of the As Built and approved structures will remain unchanged;
- No complaints have been received from neighbours re the As Built encroachments. No additions to these structures are proposed;
- The As Built structures add value to the subject property.

3.6 ECONOMIC IMPACT

The proposed departure is to accommodate existing structures and uses thereof. The proposed departure will allow the owner to legalise the existing structures. This will also favour the resale of the property in the future.

The approval of the existing structures will save our clients the cost of demolishing these structures. The proposed building line deviations will have a low but positive impact on the local economy.

3.7 SOCIAL IMPACT

The proposed departure will have no impact on the social status quo of the area. The building line deviations will however allow the owner to keep the existing As Built structures on the subject property.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with single and double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 1295 Hermanus (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate (legalise) the existing As Built structures that encroach

the eastern lateral building line will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will primarily remain for residential purposes (dwelling with outbuildings).

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built structures will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that a maximum of one family will continue to occupy the subject property.

Since the proposed departure is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 1295 Hermanus is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject

property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Greater Hermanus area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 1259 Hermanus will remain unchanged and will be from Main Road as indicated on the site development plan. No new access points are proposed.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house. There is an approved single garage and double garage on erf 1295 Hermanus and therefore the dwelling on erf 1295 Hermanus complies with the minimum parking requirements for SR1 zoned properties.

The subject property will still be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed no. T18148/2013 has no restrictive title deed conditions that need to be addressed with this application. A conveyancer's certificate is not included with this application since the title deed is straight forward.

There is no bond registered against the subject property.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 1295 Hermanus is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 1295 Hermanus forms part of Planning Unit no. 8. This planning unit stipulates that the density status quo for the area should remain (7,6du/ha). No additional portions or second dwelling units are proposed with this application. The status quo of the area (low density residential) will remain unchanged. The land use application for the subject property therefore falls within the existing planning for the Hermanus East area.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment.

The impact on the overall density of this part of Hermanus will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1941.

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Hermanus Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed departure will have no impact on the visual elements of the subject property and surroundings since all the structures that encroach the building lines already exist. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the building lines has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The As-Built unlawful structures merge well with the approved structures. The impact on the biophysical environment will also be kept to a minimum since the structures already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the existence of the structures on the subject property, etc. allow for the consideration and approval of the proposed deviations without having an adverse impact on the spatial sustainability of the area. To accommodate

the As Built structures to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property will be compatible with the character of the area and do not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located in Hermanus and adjacent to major routes. The massing and height of the property is in line with the relevant zoning scheme regulations. It proves to be resourceful to approve the As Built structures with the proposed uses thereof to the subject property since it is compatible with the existing built environment and the way the additions were done is aesthetically pleasing.

It proves to be efficient to accommodate the existing structures and its proposed uses by approving the proposed departure of erf 1295 Hermanus instead of demolishing the structures and as a result negatively impact on the whole look and feel of the subject property.

The proposed departure proves to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by

the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The densification status quo of the area will remain unchanged;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviations from the applicable scheme regulations' building lines are to accommodate As Built structures only;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a penalty fee not be imposed.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

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 11/10/22
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General Notes
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 ALL WORK TO COMPLY WITH NATIONAL BUILDING REGS. AND LOCAL AUTHORITY REQUIREMENTS.
 ALL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATION AT ALL TIMES.
 ANY DISCREPANCIES TO BE REPORTED TO ARCHITECT IMMEDIATELY.
 ALL DIMENSIONS ARE IN mm.
 CLAY BRICK WALLS OF THICKNESS SHOWN ON PLAN.
 SLABS & BEAMS TO ENGINEERS SPEC.

CLIENT _____ ARCHITECT _____

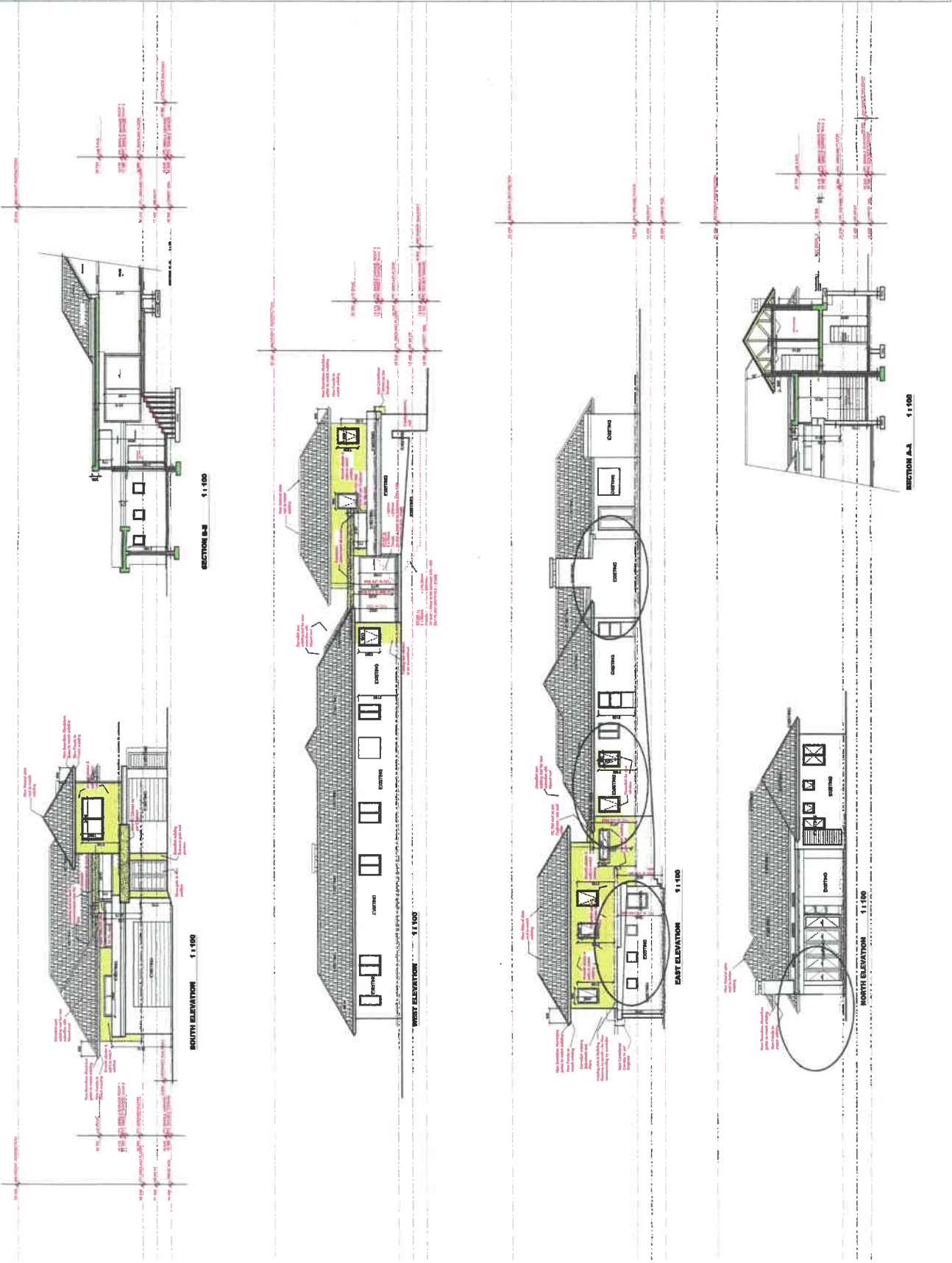
No.	Revised/Issue	Date

ADDITIONS AND ALTERATIONS

ELEVATIONS AND SECTIONS

HOUSE DELPLANQUE
 ERF 1295
 315 MAIN ROAD
 HERMANUS
 OVERSTRAND

Project: DAL / 022
 Date: 11/10/22
 Scale: 1:100
DWG. NO. 3.1A



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 CLAY BRICK WALLS OF THICKNESS SHOWN ON PLAN.
 SLABS & BEAMS TO ENGINEER'S SPEC.

CLIENT _____
 ARCHITECT _____

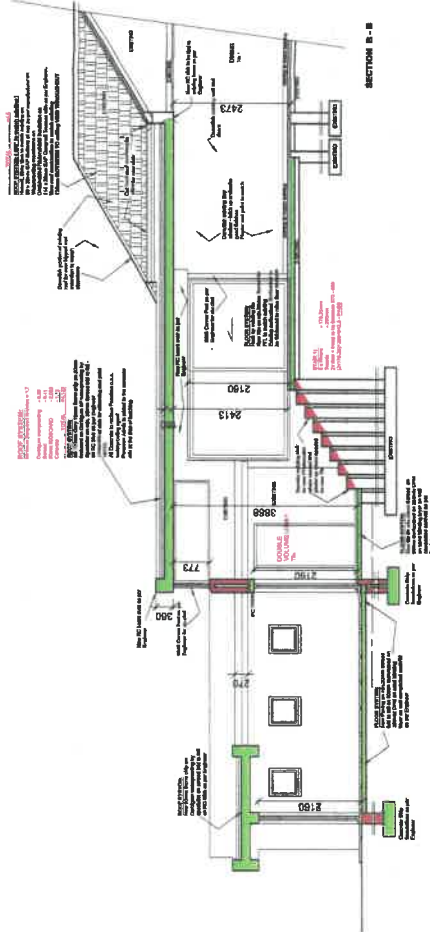
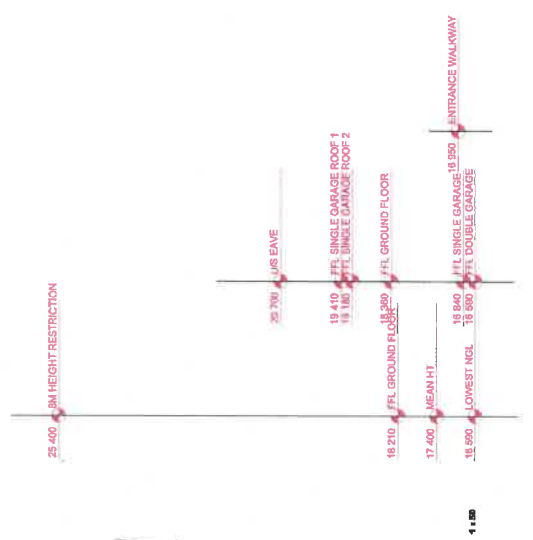
No.	Revised/Issue	Date

ADDITIONS AND ALTERATIONS

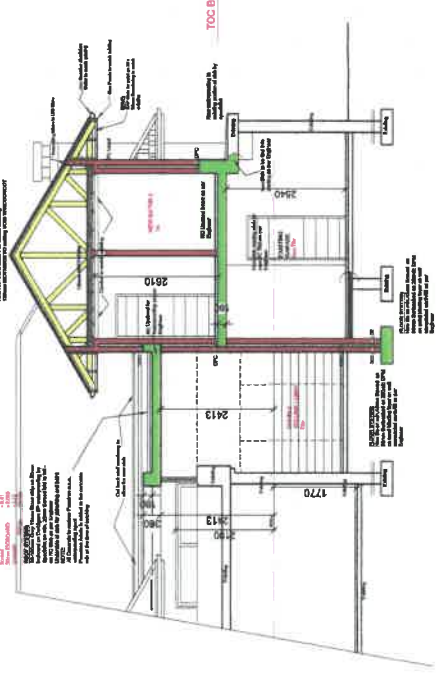
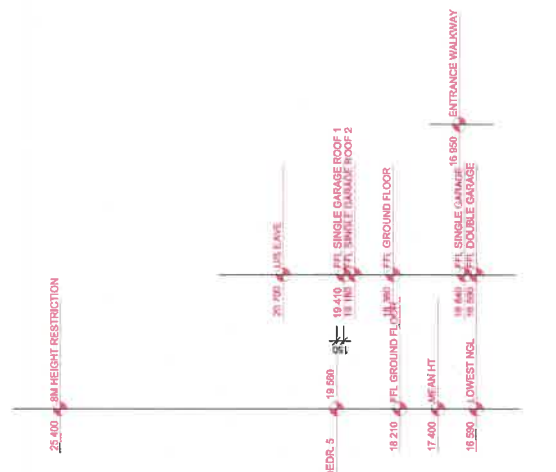
SECTION A-A & SECTION B-B

HOUSE DELPLANQUE
ERF-1295
315 MAIN ROAD
HERMANUS
OVERSTRAND

Project	DAL/022	DWG.NO.	2.1
Date	04/09/22	Scale	1:50



SECTION B-B 1 : 100



SECTION A-A 1 : 100