

**ERF 2149, 66 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF
HJ REYNEKE**

Notice is hereby given in terms of Section 48, read with Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for a departure applicable to the above property to relax the western side building line from 2m to 1.5m in order to accommodate an additional first storey bedroom.

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) 0283132093 / (e) aconradie@overstrand.gov.za) on or before **25 June 2021**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **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 2149, SEVENTH STRAAT 66, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA:
VOORGESTELDE AFWYKING: INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) NAMENS HJ
REYNEKE**

Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(b) van die Overstrand Munisipaliteit Wysigings Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir 'n afwyking van toepassing op bogenoemde eiendom om die Westelike syboullyn te verslap vanaf 2m tot 1,5m ten einde 'n addisionele slaapkamer op die eerste vloer 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) aconradie@overstrand.gov.za) voor of op **25 Junie 2021**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **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.

**ERF 2149, 66 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE : INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF
HJ REYNEKE**

Kukhutshwa isaziso ngokumayela neCandelo 48, xa lifundwa neCandelo 16(2)(b) loMthetho Otshintshweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 sokokuba kufunyenwe isicelo sokunyeniswa kwicala elisentshona lomda wesakhiwo ukususela kwi-2m ukuya kwi-1.5m ukuze kwakhiwe igumbi elikumgangatho ongasentla

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthethwana zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) aconradie@overstrand.gov.za) ngolu suku okanye ngaphambi kwalo koLwesihlanu, **25 uJuni 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuzisa into malunga nesi saziso ungafonela Mnu. P Roux ku-028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

PROJECT
Erf 2149 Voëklip

TITLE
Zoning Map

- Application Area
- Residential Zone 1: Single Residential
 - Business Zone 3: Local Business
 - Open Space Zone 2: Public Open Space
 - Transport Zone 2: Road and Parking

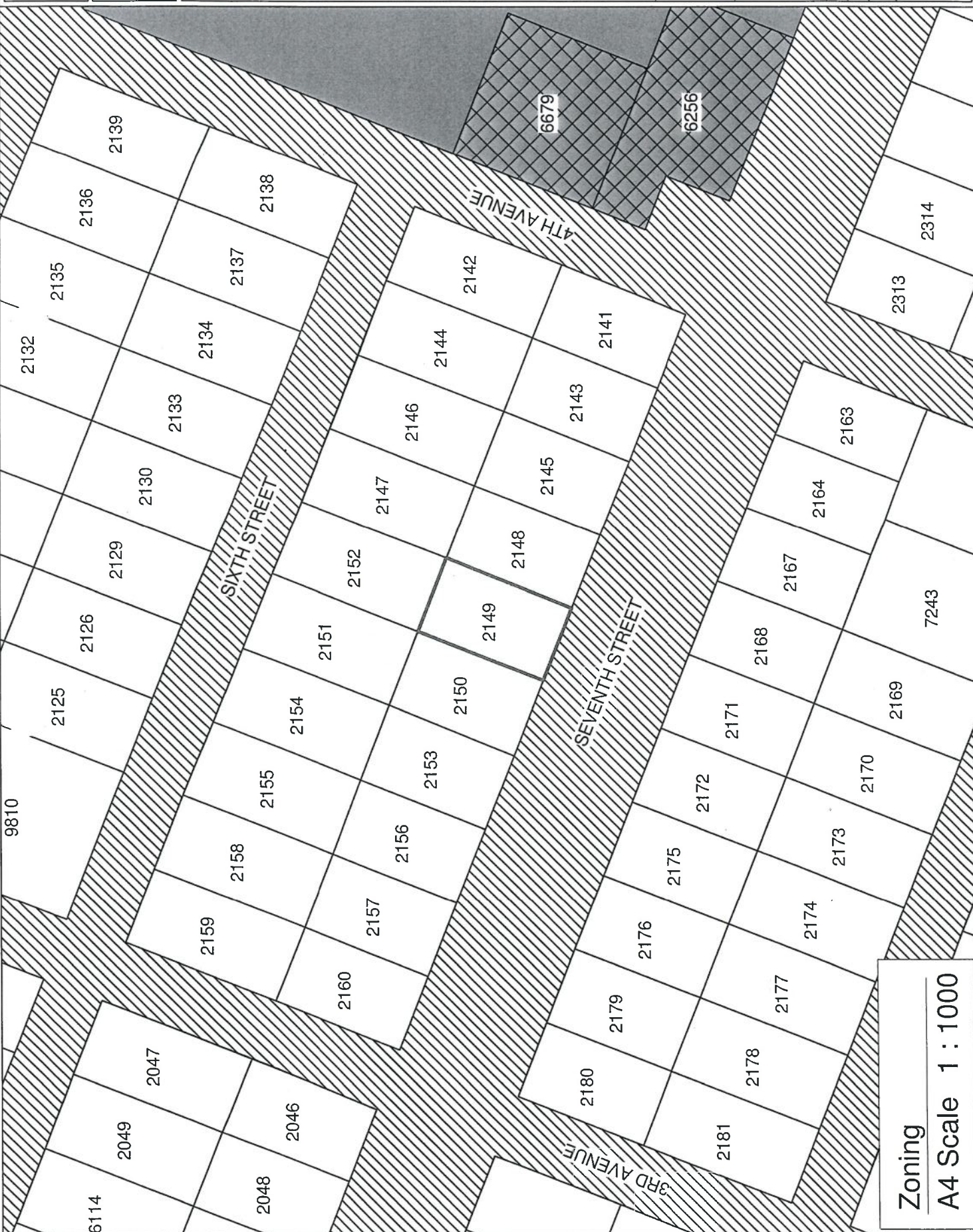


INDUSTRY
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INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION
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PURPOSES OF A PROJECT WITH THE PROOF WRITTEN APPROVAL
OF THE CLIENT.

CLIENT

DRAWN BY: A101
CHECKED BY: CLIENT
DATE: 31/10/20
PROJECT NUMBER: 0001
SCALE: (A4)
DRAWING NUMBER: A101

InterActive Town & Regional Planning
Andre Wessels (Pty) Ltd (Pty) Ltd
Telephone: 021 512 1668
Cell Phone: 082 466 0490
Email: wessels@iampt.com



Zoning
A4 Scale 1 : 1000

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 Hendrik & Ezena Reyneke to prepare and submit an application for a building line departure on Erf 2149, Voëlklip in terms of the relevant legislation.

b. Development Objective & Application Proposal
 The **development objective** is to construct a bedroom, by enclosing the existing balcony above the existing garage of the dwelling house. The proposed bedroom will exceed the western side-building line.

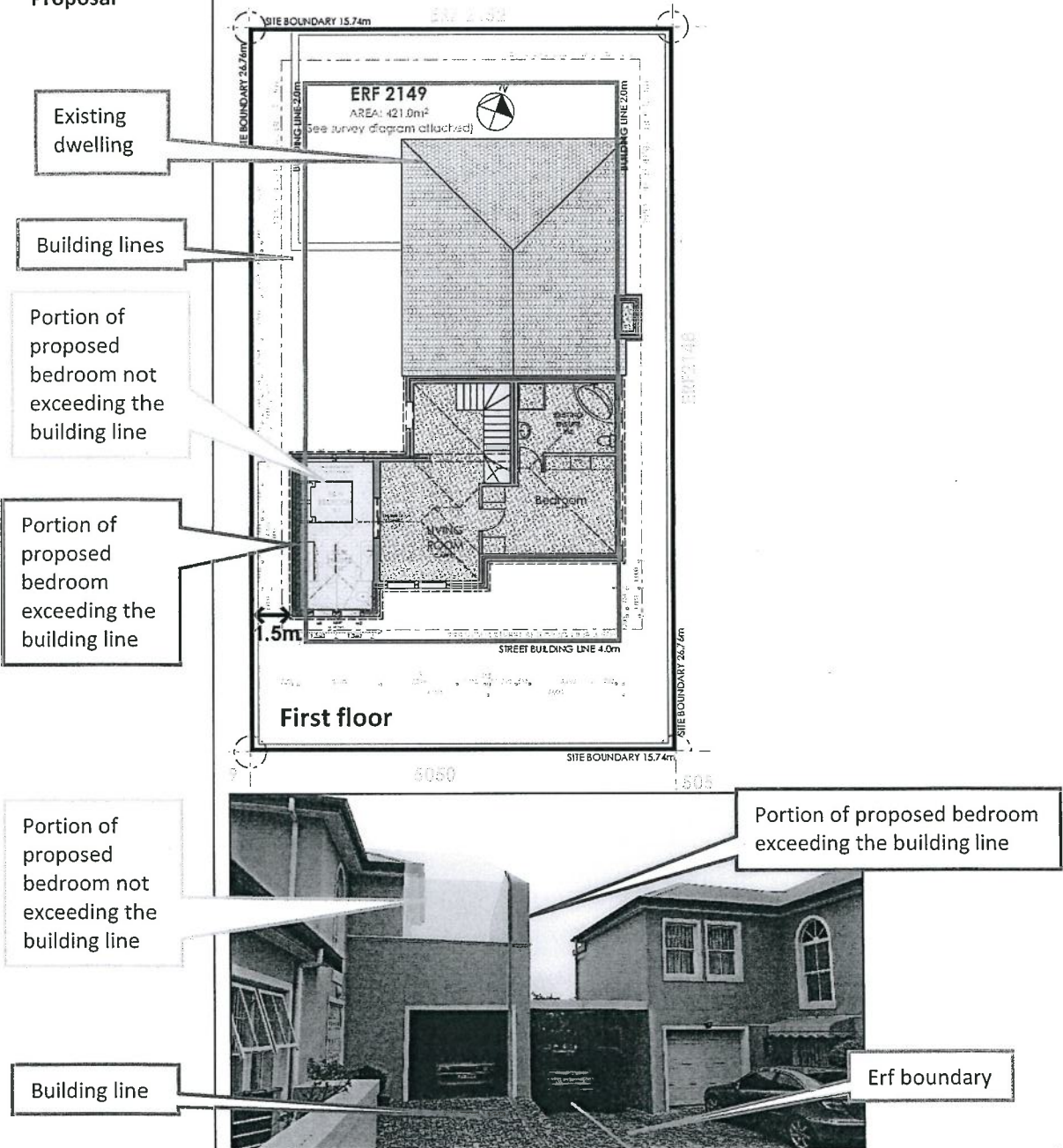


Figure 1: Development Proposal

Subsequently the **application proposal** is for:

- a departure to relax the **western side building line** from 2m to 1.5m to allow for a proposed bedroom in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020

c. Background	<p>The application area consists of a 2-storey dwelling house located on a 421m² single residential erf in Voëlklip and which forms part of a complex with four single residential erven with similar architectural style. The complex consists of Erven 2149 (the application area), 2150, 2151 and 2152 Hermanus. Access to the complex is provided from Sixth Street.</p> <p>The existing dwelling on the application area was approved in 2003 at which time the lateral building lines for single residential erven were 1.2m. The existing garage which is 1.5m from the erf boundary thus adhered to the building line parameters as it was situated outside the 1.2m building line, therefore not requiring a departure application.</p> <p>However, when the Overstrand Municipality Zoning Scheme, 2013 came into effect in January 2014, the lateral building lines for single residential erven changed to 2m. The latest Overstrand Municipality Land use Scheme, 2020 upholds the 2m lateral building lines for single residential erven.</p> <p>Therefore, the proposed first-floor bedroom, 1.5m from the erf boundary and located on the footprint of the existing building will exceed the 2m building line by enclosing an existing balcony; thus requiring a departure application for a building line relaxation.</p> <p><u>Subsequently this application is for a building line departure for the proposed bedroom.</u></p>
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2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that <u>no</u> restrictive title deed conditions exist against the proposal on Erf 2149 Hermanus.</p>				
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 2149 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	<p>Parameters</p>	<p>Existing Zoning:</p>	<p>Proposal:</p>	<p>Comments</p>	
	<p>Zoning</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Consistent</p>	
	<p>Primary Use</p>	<p>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</p>	<p>Dwelling house</p>	<p>Consistent</p>	
	<p>Consent Uses</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>Coverage</p>	<p>50%</p>	<p>38%</p>	<p>Consistent</p>	
	<p>Height</p>	<p>8m</p>	<p>7.1m</p>	<p>Consistent</p>	
	<p>Building lines</p>	<p>Street</p>	<p>4m</p>	<p>4m east</p>	<p>Consistent</p>
		<p>Side</p>	<p>2m</p>	<p>2m east 1.5m west</p>	<p>Application is for a departure</p>
		<p>Rear</p>	<p>2m</p>	<p>2m</p>	<p>Consistent</p>
<p>Parking</p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 2 bays</p>	<p>Consistent</p>		
<p>c. Application:</p> <p>The application form is attached as Annexure A.</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"> a <u>departure</u> to relax the western side building line from 2m to 1.5m to allow for a proposed bedroom in terms of Chapter IV, Section 16(2)(b). 				

3. Contextual Site Information

a. Property Description
 Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 2149 Voëlklip.

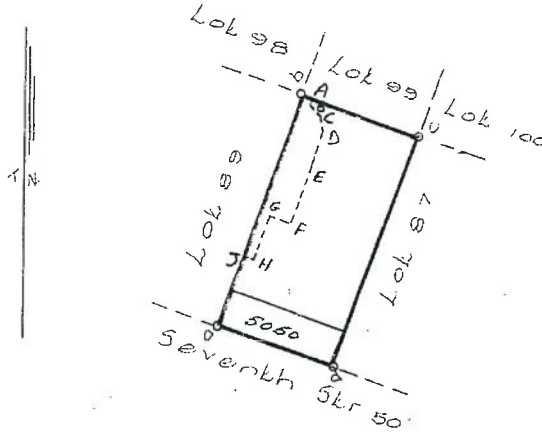
Property	Extent	Title Deed	Registered Owner
2149 Hermanus	421m ²	T8180/2008	Hendrik & Ezena Reyneke

The following Surveyor General Plans reflect the application site:

S.G. DGM. NO. 6998/1936.

Approved.
 (Sgd) A. C. Parry.
 For Surveyor-General.
 21/6/1943.

Sides.	Angles.
ab 100' 00	a 90' 00
bc 50' 00	b 90' 00
cd 100' 00	c 90' 00
da 50' 00	d 90' 00



Scale: 50 Cape Feet = 1 Inch.

*KNOW ERF NO. 2149 HERMANUS.

1:620

The above figure a b c d represents 34 Square Roods 104 Square Feet of land, situate in the Municipality of Hermanus Division of Caledon, ~~being Lot No. 88 Block T Mossel River~~, of Lots No. 84 to 103 Block T Mossel River transferred to Die Mossel-Rivier en Voëlklip Sindikaat on 20/2/1935. (1935-21-1129).

Bounded as indicated above.

Surveyed and Beaconsed by me according to Regulations.

(Sgd) H. L. Hill.
 Govt. Land Surveyor.
 May, 1906.

Transfer ... 14410...
 9/10/1945.
 Olympic Investments (Proprietary) Limited.
[Signature]

S.8800
 AI - 3 DA
 X.21

B S

FOR IMPROVEMENTS
 SEE LAST OF DGM.

CHECKED
 DATA CHECKED *[initials]*

M 3780

C

23/9/1957.

S.B.

2149

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 Voëlklip residential suburb. Voëlklip is located on the Eastern side of Hermanus.

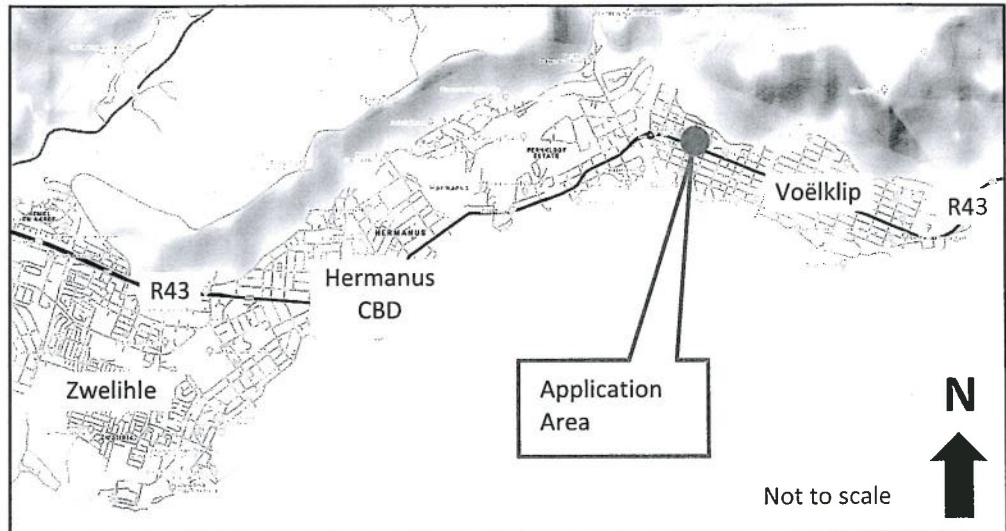


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a residential erf within Voëlklip that forms part of the larger Hermanus West area. The application area is located at number 66 Seventh Street.

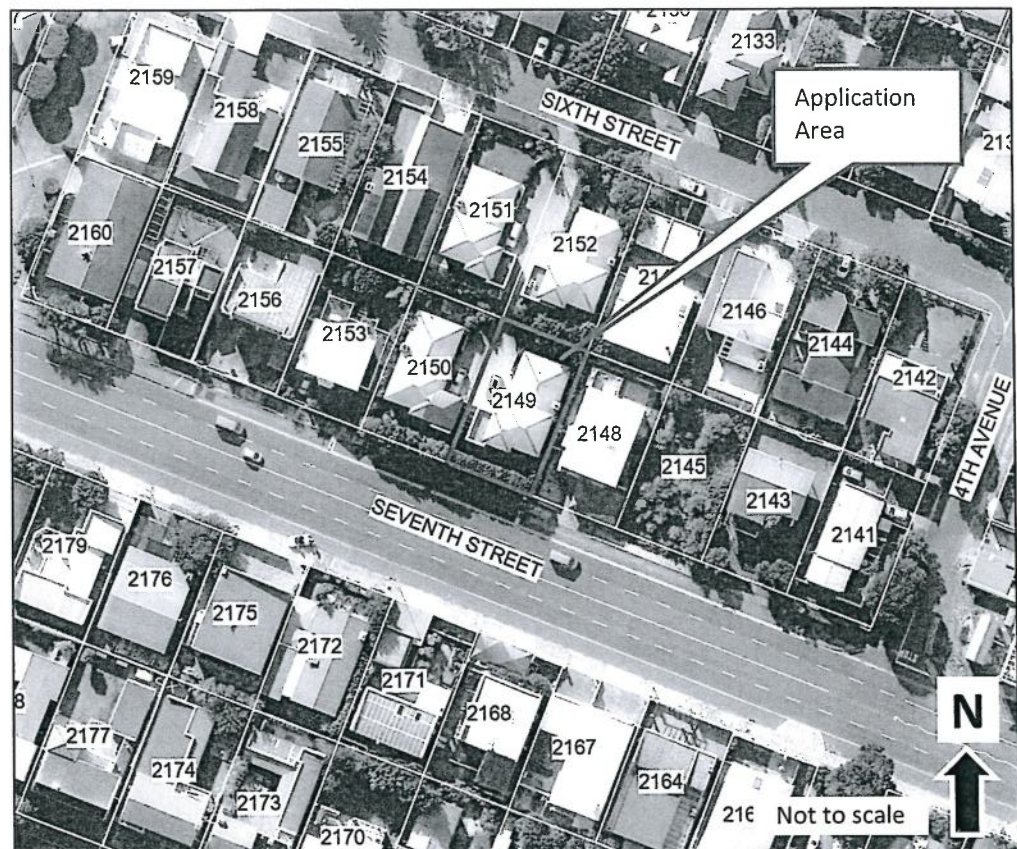


Figure 4: Locality Plan – Local Context

c. Land Use:

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

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

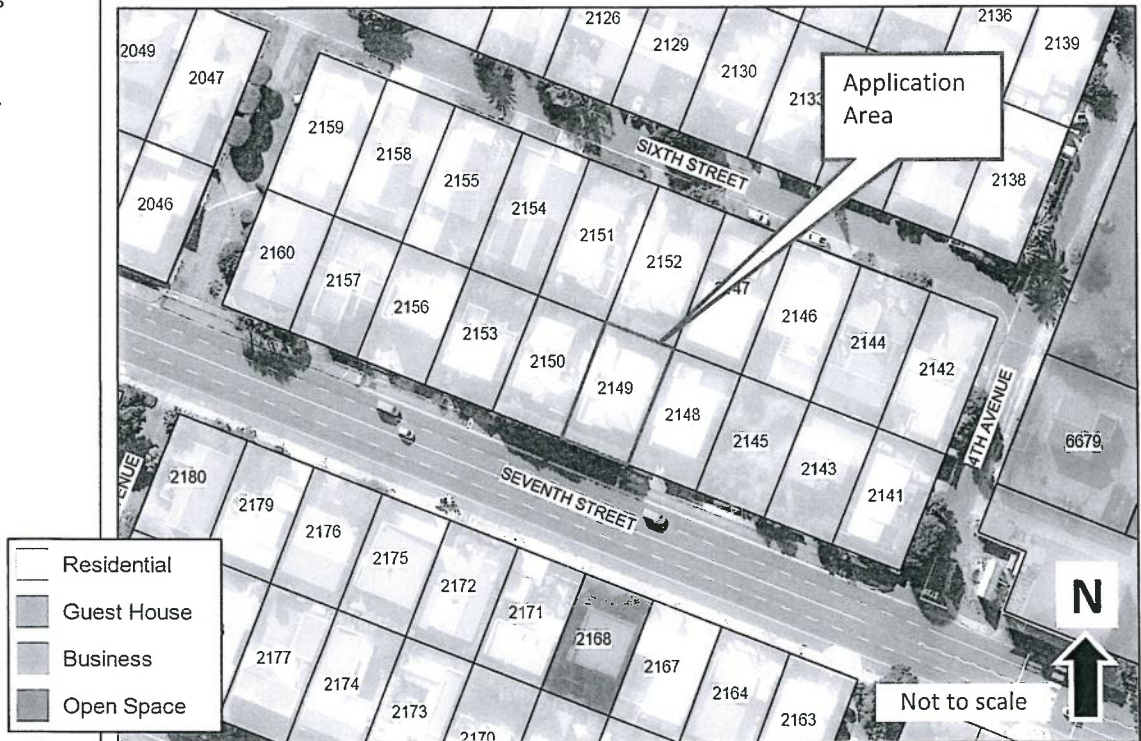


Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

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

The application area, Erf 2149, Voëlklip is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

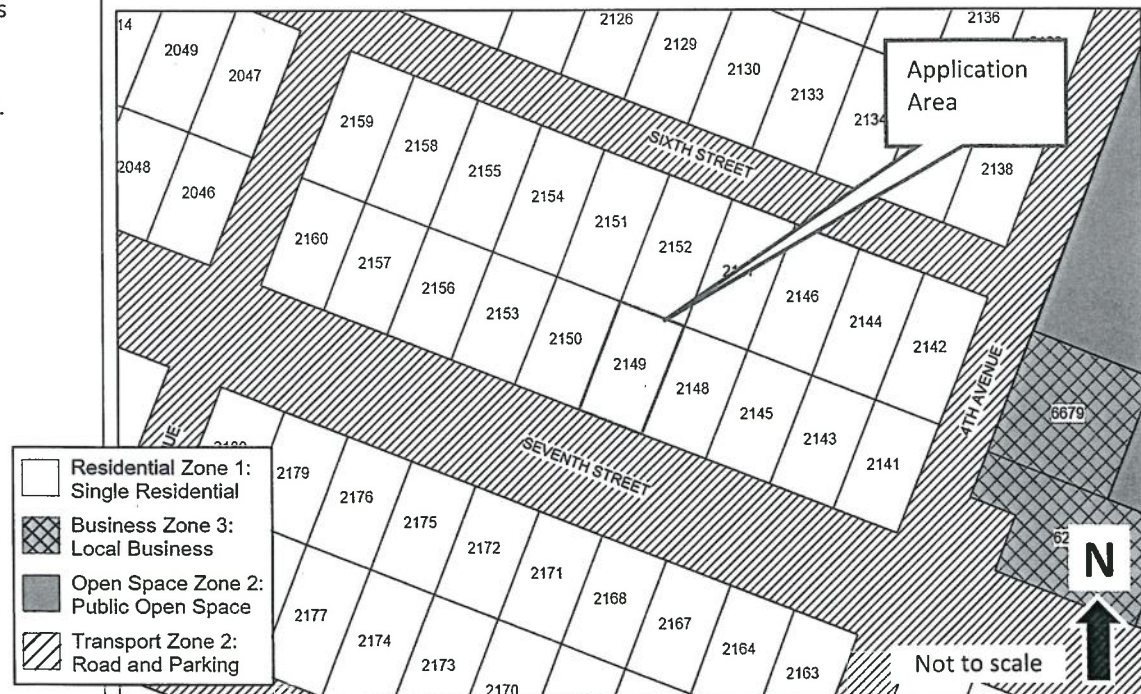


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

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

The following policy is applicable to the application area.

i. Overstrand Municipal Spatial Development Framework, 2020

The application area falls within an existing residential area within the Urban Edge.

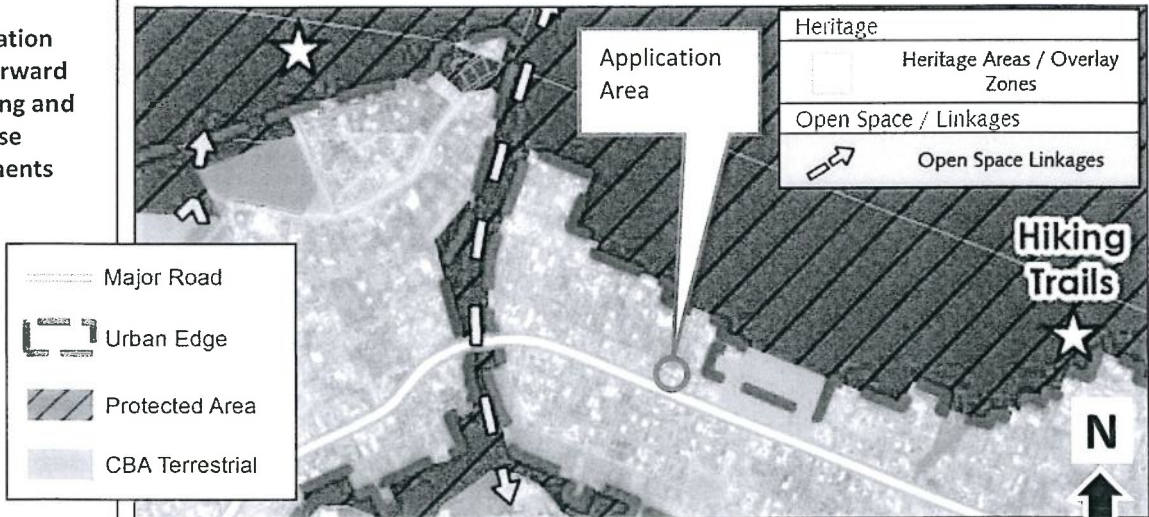


Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan Not to scale

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

i. Overstrand Municipal Spatial Wide Development Framework, 2006

In section 5.5.5 (i) it is mentioned that the SDF is inter alia concerned with the optimum use of land. The clause further mentions the need to provide satisfactory residential environments and further that a full range of residential needs must be catered for.

The application is consistent with the Overstrand Municipal Spatial Wide Development Framework, 2006

ii. Overstrand Municipality Growth Management Strategy, 2010

The application area is within an area earmarked for more than 30 Dwelling Units Per Hectare (DU/H) Density Zone.

No further densification is applicable to this application, as the proposal is to enclose the existing balcony to create a bedroom, for which a building line departure is required.

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

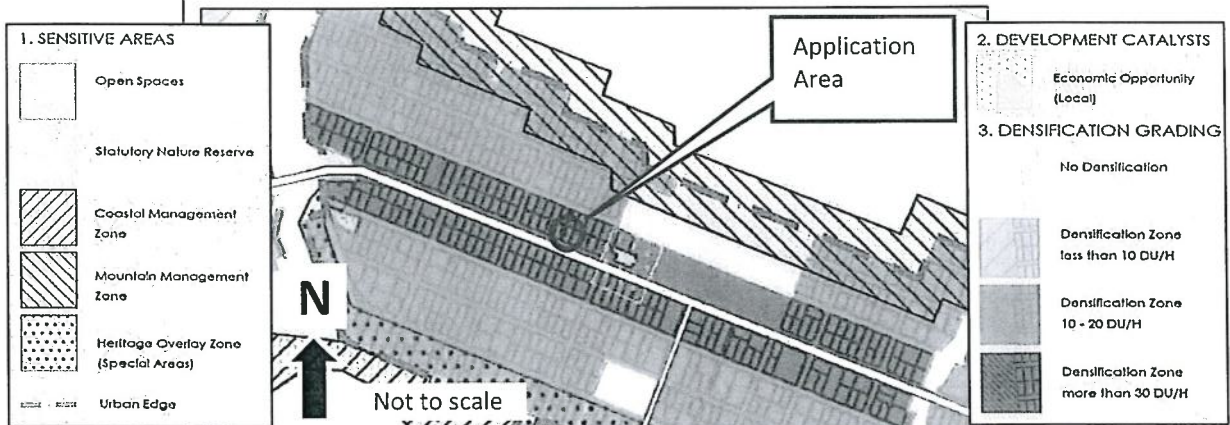


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

4. Motivation

Motivation for the application:

Refer to Annexure I for the Building Plan and Annexure H for the neighbour's consent.

a. Introduction and Background

The existing single residential dwelling was approved on the 7th of July 2003, as illustrated in Figure 9 below. At that stage, the lateral building lines were 1.2m.

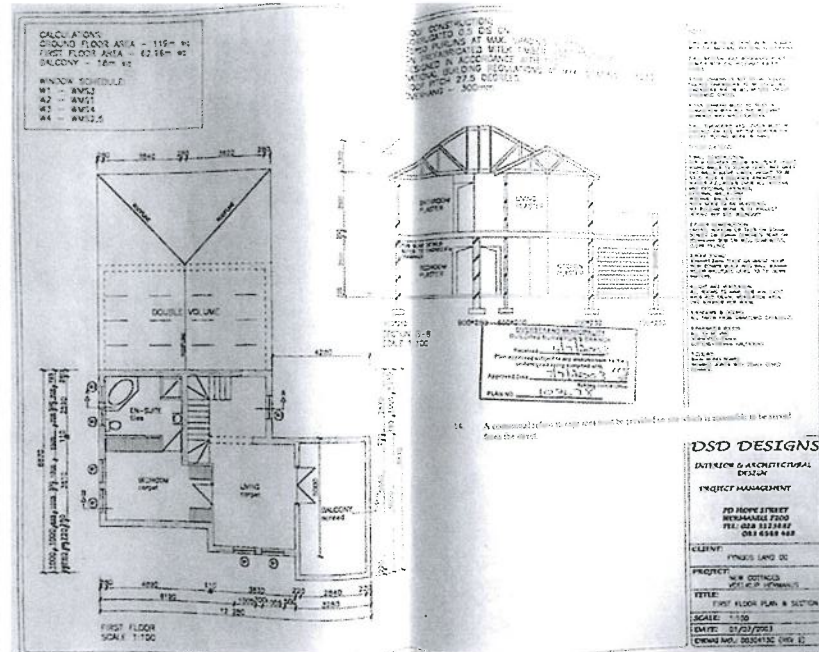


Figure 9: Approved Building Plan, 2003

Therefore, the existing garage was approved, and no building line departure was required.

The previously approved single residential dwelling currently accommodates three bedrooms, with two of the bedrooms situated on the ground floor and a third bedroom situated on the first floor.

The owner wishes to enclose the open balcony on the first floor above the garage, thus adding a fourth bedroom.

The proposed bedroom exceeds the western side building line and therefore requires a building line departure application.

b. Proposal

The proposal is to enclose and convert the existing balcony above the garage to create a new bedroom, as illustrated in the photos, site plan and elevation plans below.

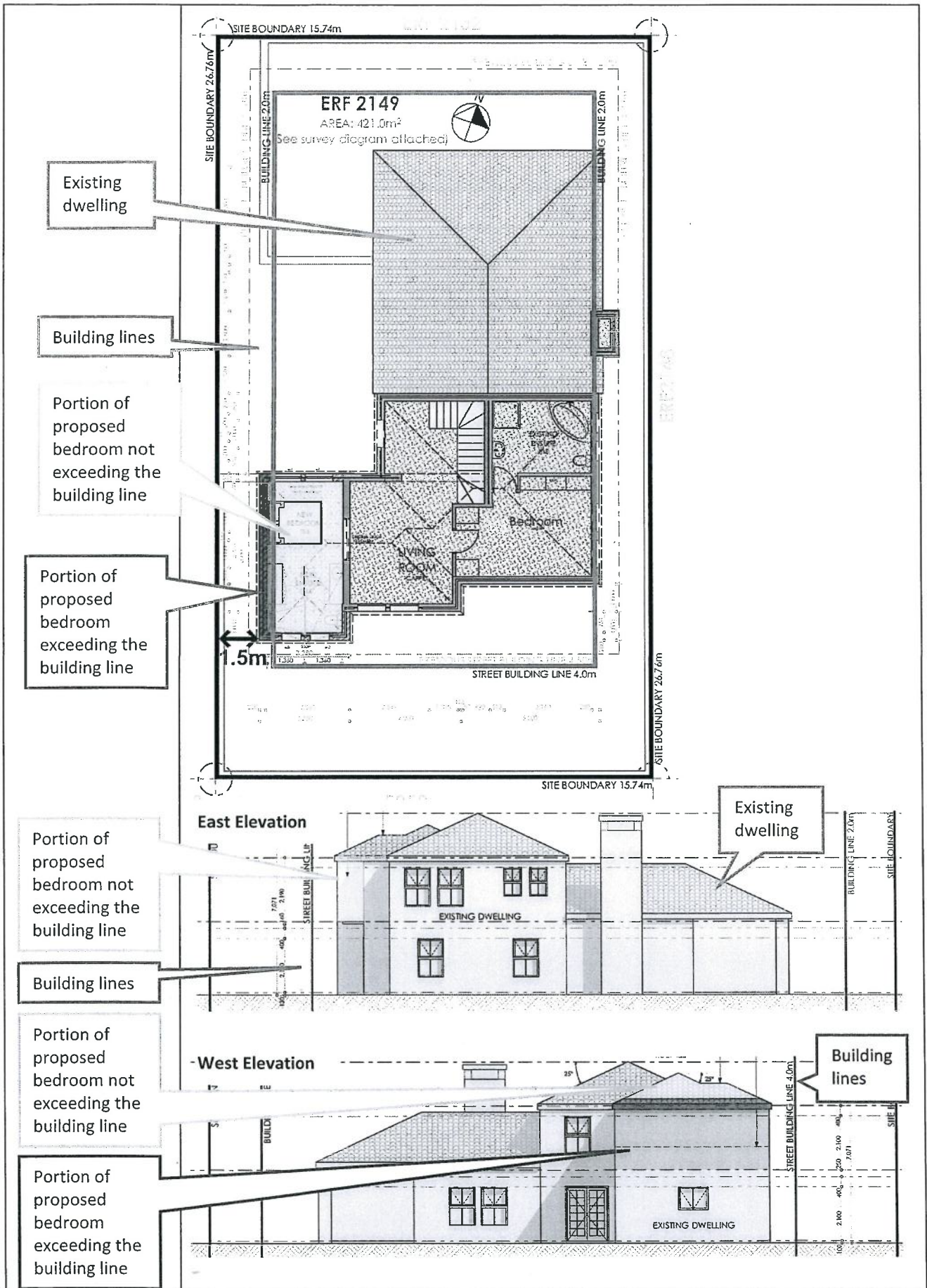
Portion of proposed bedroom not exceeding the building line

Portion of proposed bedroom exceeding the building line

Building line

Erf boundary





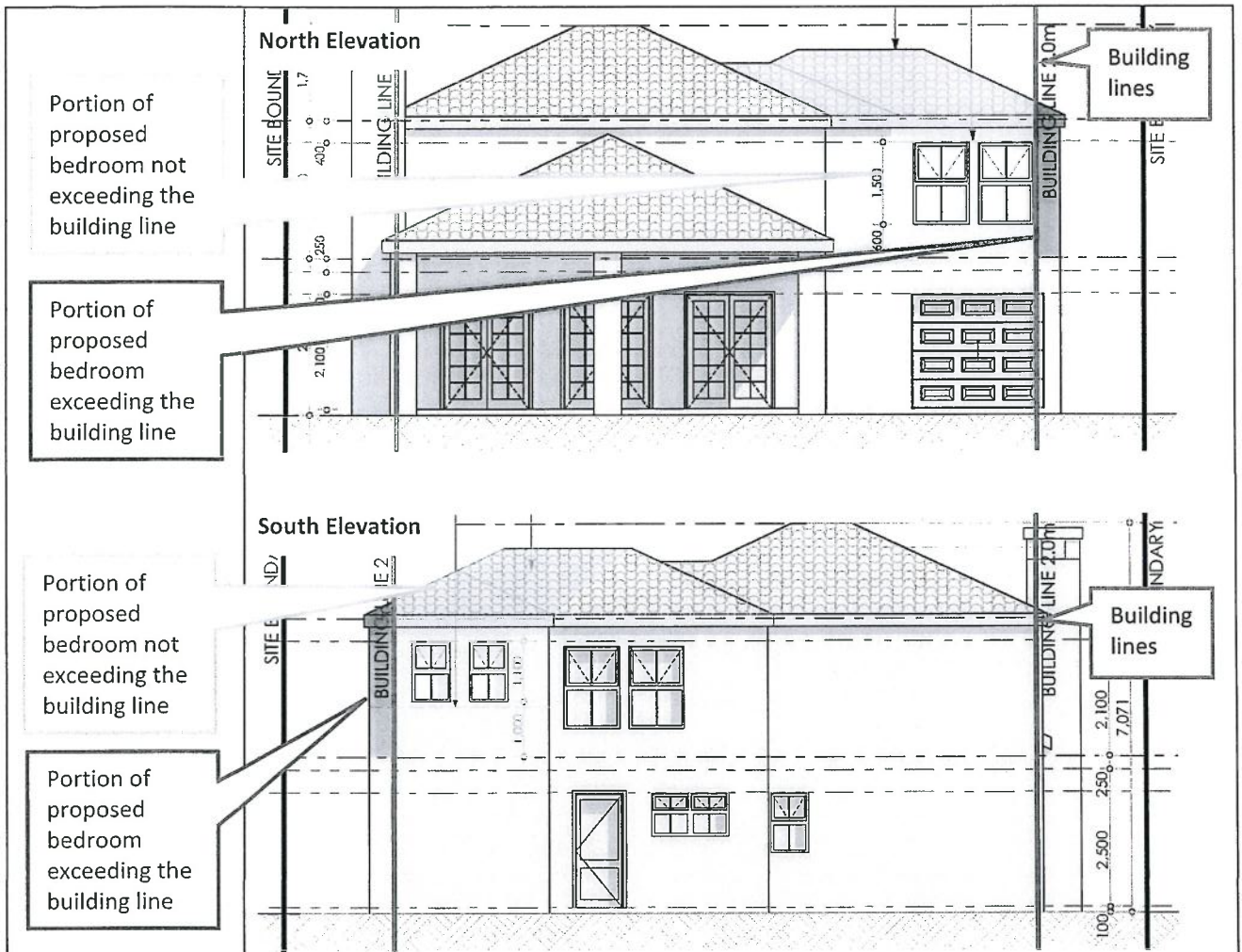


Photo from application area shared driveway

Location of proposed bedroom

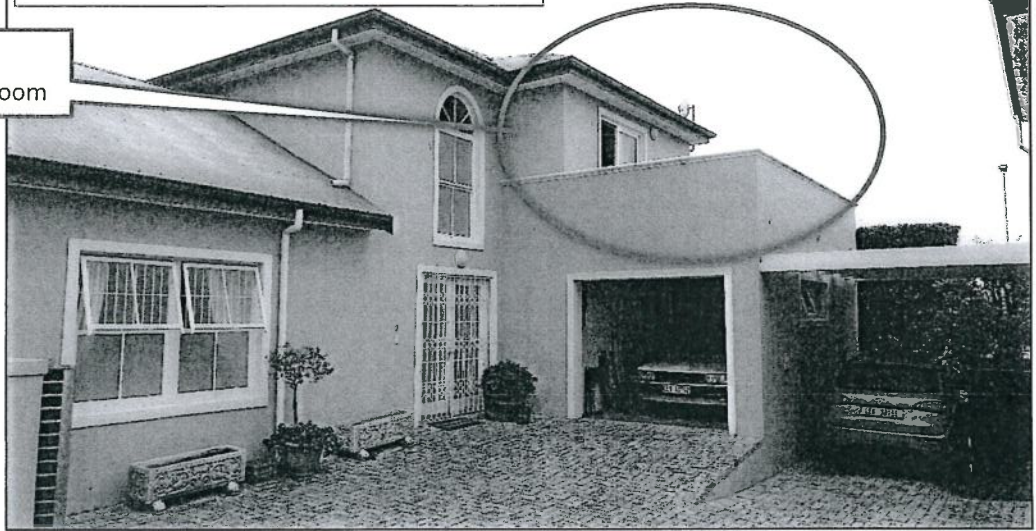


Photo from 7th Street

Location of proposed bedroom

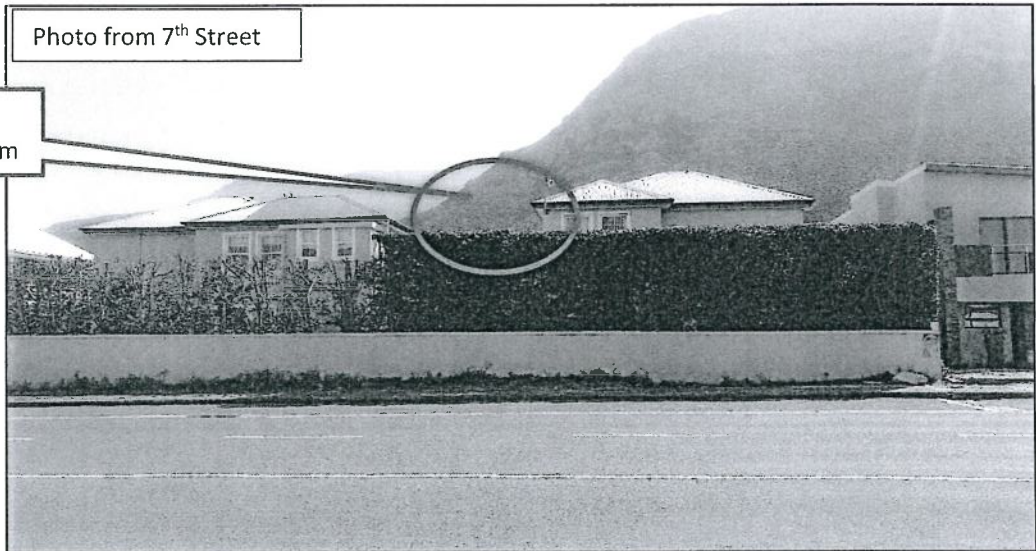


Figure 11: Photos of the application area

The proposed bedroom will exceed the 2m western side building line by 0.5m up to a distance of 1.5m from the western erf boundary.

Subsequently, the **application proposal** is for a departure to relax the western side building line from 2m to 1.5m to accommodate the proposed bedroom which will exceed the 2m side building line by 0.5m.

The construction of the proposed bedroom will utilize and optimize the existing foundations of the dwelling and therefore, the footprint remains exactly the same as approved in 2003.

The purpose of the proposal is to create an extra bedroom, separate from and independent of the main bedroom on the ground-floor. The proposed departure of the building line will provide additional space for the bedroom ensuring a more sensible area and practical usable space.

The proposed bedroom, therefore, is in accordance with the Overstrand Municipal Spatial Wide Development Framework, 2006 which mentions in section 5.5.5 (i) that the SDF is inter alia concerned with the optimum use of land. The clause further mentions the need to provide satisfactory residential environments and further that a full range of residential needs must be catered for.

The motivation of the owners to convert the existing balcony to a bedroom is inter alia due to the fact that existing balcony is not a practical workable open-air recreation area due to exposure to traffic noise and inclement weather. The enclosure of the stoep area addresses the need of the owners for an additional bedroom and is considered a practical and efficient solution.

The fact that Erf 2150 has already enclosed their previous balcony/stoep, seems to confirm that the traffic noise from the busy adjacent Seventh Street is a significant factor to be reckoned with.

The impact of the proposal is considered to be minimal, if any at all, on the surrounding properties for the following reasons:

- Will not deprive privacy from the neighbours as the wall facing the neighbouring property to the west has no windows and the windows on the northern and southern sides are distant from the northern and southern neighbours. In fact as it is currently a balcony with views towards the west, north and south, the enclosure of the balcony will improve privacy to the surrounding properties.
- The enclosure will not impact on shade or sun on adjacent properties due to the solid walls of the property to the west of the application site as well as the location of the surrounding properties recreational areas.
- The proposed extension will also not deprive any neighbours of sea or mountain views due to the positioning / location of the dwellings within the complex and surrounding properties.
- Property values of surrounding properties will also not be affected as the proposal will have limited impact on them, if at all.
- Furthermore, the proposed use as a bedroom is associated with a no or low level of noise and there will be an approximate distance of 3m between the two adjacent dwellings on Erven 2149 and 2150, therefore no privacy intrusion in terms of noise on or from the neighbour is foreseen.

Cognisance should also be taken of the following:

- From a structural point of view and practical consideration for permitting the departure is that no reinforcements will be required for the construction of walls above the garage on the 1.5m building line where the existing garage walls are. However, reinforcement will be required for a bedroom wall on the 2m building line. A further potential problem with requiring the bedroom walls to be constructed on the 2m building line, is potential dampness on the 0.5m portion of the building extending the proposed structure.
- Furthermore, from a design and architectural point of view, not aligning the walls is foreseen to cause a negative visual impact on the surrounding area. This is partly also due to the desired uniformity within the complex where the dwelling on Erf 2150 adjacent to the application area has already enclosed the balcony with the garage and balcony walls aligning. Furthermore, by allowing for the departure, the proposed bedroom will seamlessly integrate with the rest of the building instead of appearing as an "add-on".
- The existing balcony which exceeds the current 2m building line by 0.5m already consists of habitable space and therefore the proposed bedroom will not represent any new habitable space.
- As illustrated in the figure below, the following neighbours within the complex have provided their consent for the proposed bedroom including the building line relaxation, namely the owners of Erf 2184, 2150, 2151 and 2152 Hermanus.

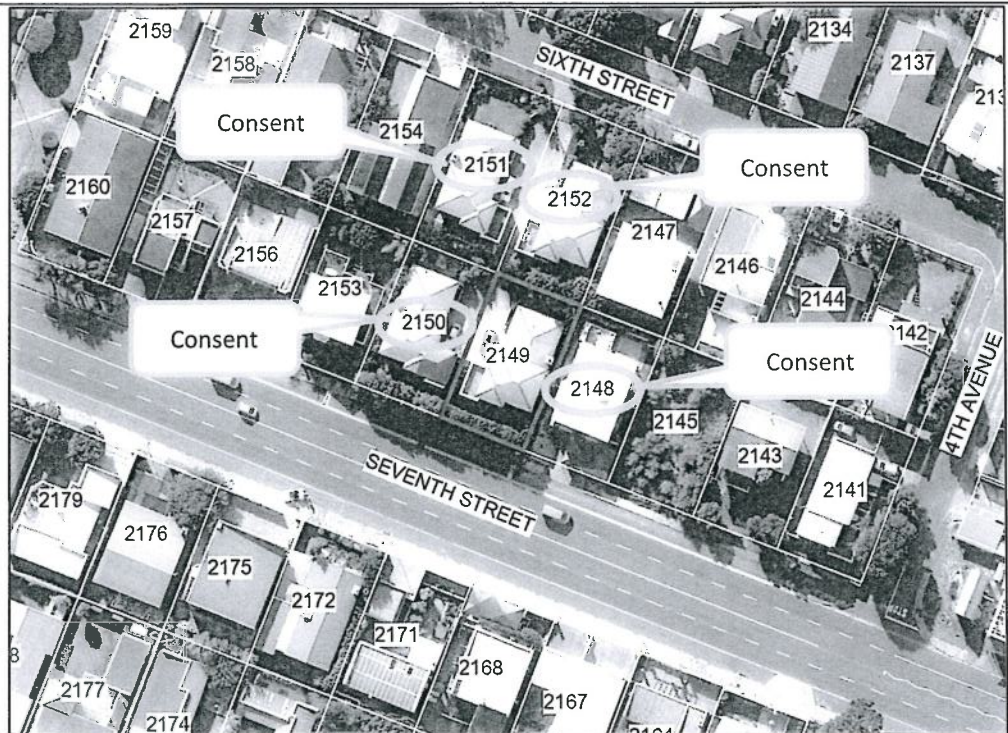


Figure 12: Spatial Representation of Consent Provided by Neighbours

The existing carport between the subject dwelling on Erf 2149 and the neighbour's dwelling on Erf 2150 is to be removed.

c. Desirability

The application proposal is considered **desirable** for the following reasons:

- Consistent with all the relevant spatial planning policies
- Supports and is supported by the higher density residential character of the area
- In accordance with the Overstrand Municipality Land-Use Scheme Regulations, 2020 regarding all existing development parameters including coverage and height
- Existing dwelling and garage are approved
- Existing balcony/stoep not considered a practical and sensible recreational space due to traffic noise and inclement weather
- Represents a practical solution for expansion to create an additional bedroom for accommodating children and grandchildren
- Will not result in any additional coverage as it utilizes and optimizes the existing foundations and footprint
- From a design and architectural view-point, will result in a seamless integration with the rest of the existing building
- More efficient and cost-effective solution from a structural point of view in terms of preventing dampness and no required reinforcements
- No privacy intrusion or negative visual impact on or from the neighbour foreseen
- Consent provided by all relevant neighbours

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 the perpetuation of past apartheid spatial development imbalances as the application proposal will accommodate only a proposed extension to the existing approved single residential dwelling.

Furthermore, the Overstrand Municipal Spatial Wide Development Framework, 2006 is concerned with the optimal use of land and mentions the need to provide satisfactory residential environments and that a full range of residential needs be catered for, with which the proposal is consistent.

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 a proposed extension to the existing approved single residential dwelling within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas.

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

- 3) **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 proposal represents the optimal use of existing foundations and building footprint as well as the most cost-efficient and practical solution to the owner's need for additional space on an erf with limited space available for extensions. The existing balcony does not represent a sensible stoep area due to traffic noise and inclement weather and converting this space into a space which will be well utilized is considered an efficient solution.

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 proposed development will not lead to any economical and/or environmental shocks as the application allows for a proposed extension to the existing approved single residential dwelling within a residential suburb.

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

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.

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. Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment, catering for a full range of residential needs and converting an existing non-optimal space into a highly regarded and required space.

It is therefore recommended that the application **be approved** in terms of the Overstrand Bylaw on Municipal Land Use Planning 2015:

- a departure to relax the **western side building line** from 2m to 1.5m to allow for a proposed bedroom in terms of Chapter IV, Section 16(2)(b).

