

**ERF 1708, 52 FISANTE CRESCENT, VERMONT: APPLICATION FOR DEPARTURE AND DEPARTURE FROM ARCHITECTURAL GUIDELINES: WRAP (obo CC & A GROENEWALD)**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a departure in terms of Section 16(2)(b) as follows:

- to relax the western side building line from 3,0m to 1,0m to accommodate the proposed outbuilding (tool shed).
- to depart from the architectural guidelines (Hes Se Gang Group Housing Design Manual) to accommodate the proposed tool shed and swimming pool.

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 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **26 November 2021**, 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 1708, FISANTESINGEL 52, VERMONT: AANSOEK OM AFWYKING EN AFWYKING VANAF ARGITEKTONIESE RIGLYNE: WRAP (nms CC & A GROENEWALD)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om afwyking ingevolge Artikel 16(2)(b) ontvang is, soos volg:

- om die westelike syboullyn te verslap vanaf 3,0m na 1,0m om 'n voorgestelde buitegebou (gereedskapskuur) te akkommodeer.
- om af te wyk vanaf die argitektoniese riglyne (Hes Se Gang Groepsbehuising Ontwerphandleiding) ingevolge Artikel 16(2)(l) om die gereedskapskuur en swembad 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 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **26 November 2021**, 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 1708, 52 FISANTE CRESCENT, EVERMONT: ISICELO SOKUPHAMBUKA KUNYE NOKUSUKA KWIZIKHOKELO ZOBUNGCALI: WRAP (EGAMENI LIKA CC & A GROENEWALD)**

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 47 no 48 loMthethwana kaMasipala waseOverstrand Otshintshiweyo woYilo lokuSetyenziswa koMhlaba (uMthethwana) wowama-2020 ngokwezicelo ezichazwe ngezantsi esicapazela:

- ukunyenya umda womgca wesakhiwo kwicala elingasentshona ukusuka ku-3,0m ku 1,0m ukulungiselela isakhiwo esicetywayo (isakhiwo sokugcina izixhobo).
- ukuphambuka kwizikhokelo zobungcali bezakhiwo (Hes Se Gang Group Housing Design Manual) ukulungiselela isakhiwo sokugcina izixhobo esicetywayo kunye nepuli yokuqubha.

linkcukacha ngokwemiba yesi sindululo ziyafumaneka ukuze zihlolwe ngamaxesha okusebenza aphakathi kwentsimbi yesi-08:00 ne-16:30 kwiCandelo: Zicwangiso ngeDolophu kwa-16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo ngokwemiba yezibonelelo zeCandelo lama-51 nama 52 oMthethwana kufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi kwe **26 Eyenkanga 2021**, ubhale igama lakho, idilesi yakho, iinkcukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokufaka amagqabaza. Imibuzo ngefowni ingabhekiswa kuMnu **H Olivier** uMwangcisi weDolophu oPhakamileyo ku 028-313 8900. Umasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya afake izimvo zakhe ngokusemthethweni.





**1. ABBREVIATIONS**

1.1	<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
1.2	<b>OM</b>	Overstrand Municipality
1.3	<b>By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.4	<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
1.5	<b>SDF</b>	Overstrand Municipality Spatial Development Framework, 2020
1.6	<b>SDP</b>	Site Development Plan
1.7	<b>GR1</b>	General Residential Zone 1: Town Housing

**2. SUMMARY OF STATUS QUO PROPERTY DETAILS**

2.1	<b>Property description</b>	Erf 1708 Vermont
2.2	<b>Registered owner</b>	Coenraad Cornelius Groenewald and Anelia Groenewald
2.3	<b>Consultant</b>	WRAP Project Office
2.4	<b>Restrictive title deed conditions</b>	None
2.5	<b>Property extent</b>	479m <sup>2</sup>
2.6	<b>Current zoning</b>	General Residential Zone 1: Town Housing
2.7	<b>Land Use</b>	Town house and outbuilding

**3. BACKGROUND**

3.1 The owners of the subject property (hereafter referred to as the applicants, refer **Annexure A**) appointed WRAP Project Office to apply for a departure to accommodate the proposed tool shed located towards the rear of the subject property. The location of the proposed tool shed necessitates a departure from the GR1 zoning building lines.

3.2 In addition to the departure application, a departure from the architectural design manual (Hes Se Gang Group Housing Design Manual, 1992) also needs to be applied for. Within the design manual the following 'additions and renovations' are allowed, and the tool shed (wendy house) and swimming pool are not included into these 'additions and renovations'.

'Additions and renovations' allowed within the Hes Se Gang Group Housing Design Manual, 1992:

- 1) Enclosed steep, up to a maximum width of 2 800 mm, along any two sides of house only;
- 2) Dormer windows;
- 3) Open terraces at first floor level, on (one of) gable end or side only;
- 4) Any detailed Victorian elements as herein described and illustrated, or as commercially available as such elements; and
- 5) Single-car garage (no doubles).



---

#### 4. PROCEDURE TO ACHIEVE THE OWNERS INTENT

---

The following application is submitted to achieve the brief discussed in Section 3 of this report:

**4.1 Departure** from the 3m western side building line to 1,0m to accommodate the proposed outbuilding in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**4.1.1** The proposed tool shed encroaches on the building line on the perimeter of the subject property. The height of the tool shed is 2,5m which is not visually imposing/intrusive, and the footprint is 8,473m<sup>2</sup> with 5,65m<sup>2</sup> encroaching on the building line which illustrates the small-scale nature thereof. The proposed tool shed is made of timber and the rationale for the location thereof at the rear of the property, behind the existing dwelling is to block its visibility from the street, and to minimise the visibility thereof from the neighbouring properties. There is an existing tree located in proximity of the tool shed which acts as natural screening. The proposed tool shed is covered by the definition of an outbuilding which is defined in the OMLUS as follows:

*“outbuilding” means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and **includes a building designed** to be used for the garaging of motor vehicles, **for storage purposes** and any normal activities in so far as these are usually and reasonably required in connection with the main dwelling as well as the accommodation of recreational activities such as a pool room, braai room, lapa and gazebo and the practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises); outbuildings are primary uses under each zoning except in open space zones where the Municipality may permit outbuildings should it be deemed necessary;”*

**4.1.2** The proposed tool shed is used for storage purposes and conforms to the definition above and is not a noise generating activity, therefore unlikely to lead to the discomfort of the owners of neighbouring properties from occupying their respective properties. The proposed tool shed is a land use/building which is ancillary and subservient to residential land use of the dwelling house. There is no space in the existing house which can be used for the storage of tools, hence the location thereof towards the rear of the property. The applicants take great care in ensuring that the existing dwelling and garden are well maintained and the storage of tools at an appropriate location would continue to enable this process.

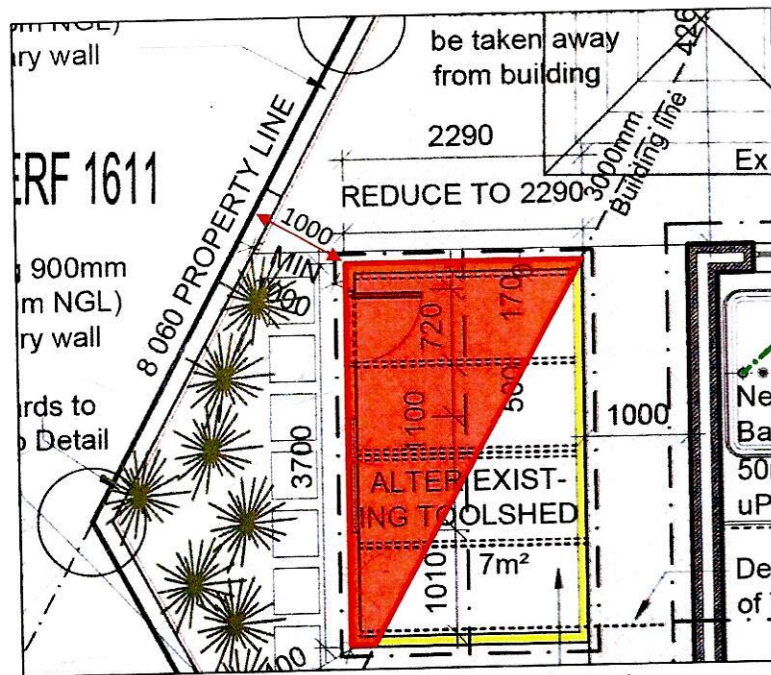


Figure 1: Tool Shed encroachment

**4.2 Departure from the Architectural Guidelines** (Hes Se Gang Group Housing Design Manual) in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

- 4.2.1 As indicated in Section 3.2 above, the Hes Se Gang Group Housing Design Manual only allows for these 5 additions and renovations. The applicant envisions a swimming pool on the subject property to enjoy their property to the fullest.
- 4.2.2 These additions (tool Shed and Pool) are not out of the ordinary with regard to the current zoning of the subject property (General Residential Zone 1: Town Housing). Also, the area where the subject property is located is a predominantly residential area where swimming pools are generally accepted.
- 4.2.3 These additions are proposed to not affect any other surrounding properties or property owners as it can be seen as 'low impact' additions that do not generate nuisance within a residential area.



**5. APPLICATION**

Considering the applicant's intent highlighted in Section 4, the following is applied for:

**5.1 Departure** from the 3m western rear building line to 1,0m to accommodate the outbuilding in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**5.2 Departure from the Architectural Guidelines** (Hes Se Gang Group Housing Design Manual) in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**6. LAND USE ENVIRONMENT**

The surrounding properties within the vicinity of the subject property is residential. The zoning plan illustrated in Plan 2, shows several residential land uses surrounding the subject property. This outbuilding will therefore not be a detraction from the prevailing surrounding land use fabric.

**7. TITLE DEED**

Title deed T55078/2019 was perused and there are no restrictive title deed conditions which prohibit the land use rights which are applied for in this application.

**8. ZONING**

The following zoning parameters were assessed in conjunction with the GR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

<b>General Residential Zone 1: Town Housing</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Town Housing, Private Road and Private Open Space.	Town House	Comply
<b>Consent use that may be applied for</b>	Crèche, Day Care Centre, Dwelling House in Accordance with 6.1.2, Flats, Green House, Home Occupation, Residential Building, Retirement Village and Tourist Accommodation.	N/A	N/A
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 65%.	38.4%	<b>Comply</b>
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Highest point - 6.680m	<b>Comply</b>



**MOTIVATION**

<b>Building lines on the perimeter of a town housing development</b>	(i) The building line on the perimeter of the property is 3,0 m. (ii) The general building line exemptions of 16.1 apply.	(i) 1,0m to allow the tool shed; and (ii) N/A.	<b>Departure motivated</b>
<b>Building lines within the Town housing development</b>	The following building lines apply within a town housing site: (i) The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb. (ii) The lateral and rear building line is 1,0 m. (iii) A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary. (iv) The general building line exemptions of 16.1 apply.	(i) N/A; (ii) Comply (iii) N/A; (iv) N/A	<b>Comply</b>
<b>Parking</b>	(i) Parking and access shall be provided on the land unit in accordance with 17.1. (1 bay per dwelling unit plus 1 bay per dwelling for visitors) (ii) Parking may be provided at the town house concerned, form part of a communal parking, or be a combination of the two.	(i) Parking provided in a single garage and existing onsite parking bay; (ii) N/A.	<b>Comply</b>
<b>Site development plans</b>	The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.	Comply	<b>Comply</b>

**9. SERVICES**

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

**9.1 Solid waste**

The proposed tool shed and pool will not generate additional solid waste from what is currently generated on the subject property.

**9.2 Electricity**

The tool shed will not require any additional electricity connection, while the pool will require electricity to run the pool pump.



---

**9.3 Water**

The proposed tool shed will not increase water consumption on the subject property as it is only used for storage. The pool will require water to keep it full and ensure it stays operational.

**9.4 Sewage**

The proposed tool shed and pool will not necessitate the creation of additional sewage capacity on the subject property.

**9.5 Access and egress**

Access and egress to the subject property is gained from Fisante Street and the approval and implementation of this proposal will not alter that.

---

**10. NEED AND DESIRABILITY**

---

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

**10.1 Need and desirability**

Desirability, amongst others, refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the proposed type of land use/activity? The applicant purchased the premises in 2019 and this proposal would contribute towards increasing the comfort with which the property can be occupied.

**10.2 Impact on views, sunlight and character of the area**

It has been indicated in Section 4.1 and 4.2 of this report that the tool shed and pool will not be visually imposing and that the tool shed is in harmony with general views which are enjoyed by surrounding property owners.

**10.3 Economic impact**

The proposed extensions and alterations will not have a large economic impact as the development of the property is mainly to increase the comfort and enjoyment of the property for the applicant. Although the employment creation may be minimal, in the current economic climate which is characterised by a scarcity of economic opportunities, even the smallest construction projects are essential in guaranteeing the livelihoods of company employees and owners which is not to be taken for granted.

**10.4 Impact on safety and wellbeing**

The proposed outbuilding contributes to the safe storage of equipment that would have to be stored someplace else. The nature of the outbuilding will ensure that the equipment will not be accessible to criminals which can contribute towards the increase in crime in the area.

**10.5 Social impact**

The approval and implementation of this proposal will entail the improvement of the subject property. It is common practice that property improvements to one property in an area or



---

estate have a ripple effect in encouraging other property owners to follow suit by making improvements on respective properties which constitutes a positive social impact.

---

## **11. POLICIES AND REGULATIONS**

---

### **11.1 Overstrand Municipality Environmental Protection Overlay Zone**

The subject property has no designation in the EMOZ.

### **11.2 Heritage Protection Overlay Zone**

The subject property is designated as having a "very high" landscape significance in the HPOZ. The architectural styling which is applicable on the subject property is currently regulated by the Hes Se Gang Group Housing Design Manual, 1992 which contributes towards protecting the landscape significance of the existing buildings and any alterations as proposed in this application. Considering the minute nature of the departure which are sought by the applicant, the approval and implementation of this proposal will not compromise on the architectural integrity of the site, or the land use designation prescribed in the HPOZ.

### **11.3 Spatial Planning Policies**

The PSDF and SDF do not prohibit a tool shed on the subject property which results in this proposal not being inconsistent with the relevant spatial development frameworks.

---

## **12. PLANNING PRINCIPLES**

---

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### **12.1 Spatial justice**

Spatial justice in the context of land use planning refers to development proposals which address historic spatial development imbalances caused by apartheid planning. The departures will not contribute to further imbalances.

### **12.2 Spatial sustainability**

Spatial sustainability entails the creation of viable communities. The presence of garages and outbuilding in communities which protect vehicles and other valuables from break-ins provide residents with peace of mind and enhance safety which is a component of ensuring the establishment of viable communities.

### **12.3 Efficiency**

Efficiency in the context of land use planning refers to the need to enable urban areas to optimally make use of space, land, and resources. The owner's intent is to optimally make use of space on the subject property without exceeding the development parameters applicable on the property and applying for a minimal departure from the prescripts of the design guidelines.



---

**12.4 Spatial resilience**

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable communities to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is not in conflict with the provisions of PSDF, SDF and OMGMS and can be regarded as being in harmony with the principles of spatial resilience.

**12.5 Good administration**

The OM is the organ of state which is responsible for good administration by means of public participation and complying with the prescribed time frames in the By Law. The OM has a credible history of upholding the principles of good administration.



---

**13. EVALUATION**

**13.1** This proposal has motivated the rationale for the location of the outbuilding and the use thereof:

**13.1.1** This proposal is increasing the footprint of the existing buildings by 8.473m<sup>2</sup> and is considered as not visually intrusive. The proposed tool shed does not allow for any habitable space as it is only used for storage of tools and other equipment.

**13.2** The outbuilding (tool Shed) and the pool are new additions which are not included in the Hes Se Gang Group Housing Design Manual. Thus, departure from the provisions of the design manual is also being applied for and motivated in the report above. Both these additions are not seen as out of the ordinary for a residential area.

---

**14. RECOMMENDATION**

Considering the merits of this motivation, it is recommended that the following be approved:

**14.1 Departure** from the 3m western rear building line to 1,0m to accommodate the proposed outbuilding in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and

**14.2 Departure from the Architectural Guidelines** (Hes Se Gang Group Housing Design Manual) in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

