

**ERF 8093, 19 SPARROW HAWK STREET, HEMEL & AARDE ESTATE, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF EP VAN RENSBURG**

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 for departure has been received applicable to Erf 8093, Hermanus for the following:

- relaxation of the western street building line from 4.0m to 2.55m to accommodate the following:
  - new supporting walls for the existing veranda at ground level;
  - a new gym and wine cellar at the lower ground floor level; and to
  - extend the existing veranda and add a new timber deck;
  
- relaxation of the eastern street building line from 4.0m to 2.75m to accommodate a new covered pergola.

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 comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **4 March 2022**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Mr H Boshoff** 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 to formalize their comment.

**ERF 8093, SPARROW HAWKSTRAAT 19, HEMEL EN AARDE ESTATE, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OF AFWYKING: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE NAMENS EP VAN RENSBURG**

Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(b) van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om afwyking ontvang is van toepassing op Erf 8093, Hermanus vir die volgende:

- verslapping van die westelike straatboulyn vanaf 4.0m na 2.55m om die volgende te akkommodeer;
  - nuwe steunmure vir die bestaande veranda op grondvloervlak;
  - 'n nuwe gimnasium en wynkelder op die laer grondvloervlak; en om
  - die bestaande veranda te verleng en 'n nuwe houtdek aan te bou;
  
- verslapping van die oostelike straatboulyn vanaf 4.0m na 2.75m om 'n nuwe onderdak pergola te akkommodeer.

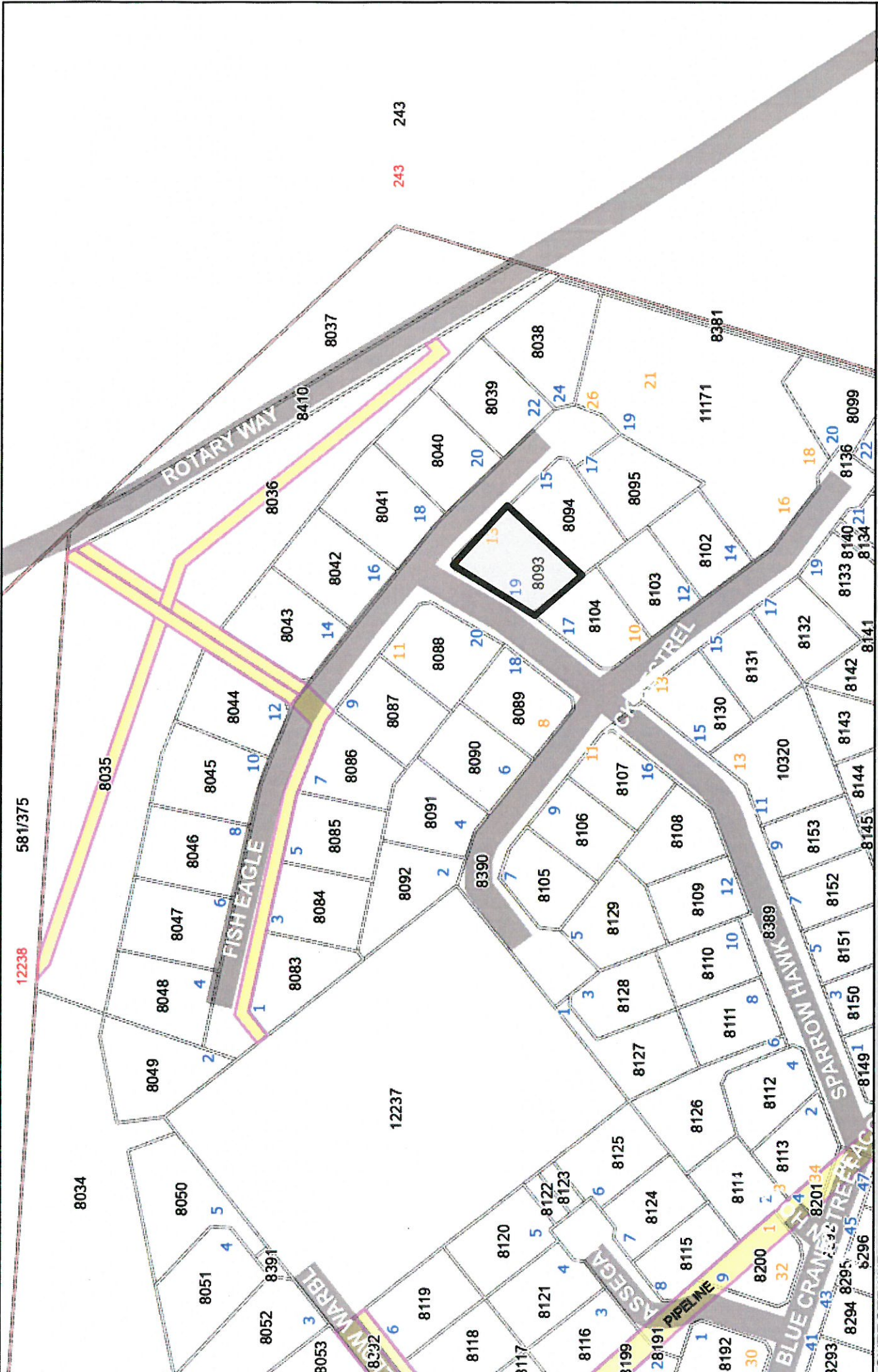
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **4 Maart 2022** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir die kommentaar. Telefoniese navrae kan gerig word aan **Mnr H Boshoff** 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 8093, 19 SPARROW HAWK STREET, HEMEL & AARDE ESTATE, HERMANUS, KUMMANDLA WASEOVERSTRAND: ISICELO SOKUPHAMBUKA: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE EGAMENI LIKA EP VAN RENSBURG**

Isaziso siyanikezelwa ngokweCandelo lama-48 elifundwa kunye neCandelo 16 (2) (b) loMthetho kaMasipala oququliweyo, woMasipala wase-Overstrand malunga noCwangciso loSetyenziso loMhlaba kaMasipala, 2020 (uMthetho kaMasipala) ukuba isicelo sokuhamba sifunyenwe sisebenza kwiSiza 8093, eHermanus ukulungiselela oku kulandelayo:

- Ukucuthwa komda wesakhiwo ongasentshona ukusuka kwi-4.0m ukuya kwi-2.55m ukulungiselela oku kulandelayo:
  - iindonga ezintsha ezixhasayo zeveranda ekhoyo kumgangatho ophantsi;
  - indawo yokuzivocavoca entsha kunye negumbi lokusela iwayini kumgangatho osezantsi ophantsi; kwaye ku
  - Yandisa iveranda ekhoyo kwaye wongeze umgangatho omtsha wamaplanga;
  
- Ukunyenysiswa komda wesakhiwo ongasempuma ukusuka kwi-4.0m ukuya kwi-2.75m ukulungiselela i-pergola entsha egqunyiweyo

linkcukacha ezipheleleyo ngesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini, phakathi kwentsimbi yesi08:00 neye16:30 kwiSebe: Izicwangciso ngeDolophu, Paterson Street, Hermanus. Naziphi na izimvo zingangeniswa ngokwezibonelelo zeSoloty lama51 nelama52 Omthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 028313-2093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **4 uMatshi 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi siphakamiso nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa **kuMnu H Boshoff** ku 028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvalela. Nabani na ongakwazi ukubhala nokufunda angandwendwela kwiSebe leZicwangciso ngeDolophu apho igosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.



TP - A. Theart  
(H. Olivier)



**ENGELBRECHT & SCORGIE**  
ARCHITECTURAL OFFICE

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24 March 2021

The Town Planner  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

For attention: Mr. H Boshoff

FILE NO:	8093 ✓
	Hemel & Aarde Estate
SCAN NO:	HMS 8093
COLLABORATOR NO:	1593837

Dear Sir

**DEPARTURE FROM ZONING SCHEME REGULATIONS: ERF 8093: VAN RENSBURG: 19 SPARROW HAWK STREET; HEMEL & AARDE ESTATE, HERMANUS – OVERSTRAND MUNICIPALITY**

Please find included the following information and Annexures relevant to this departure:

- Motivation report
- Town Planning application form
- Proof of payment
- Title deed
- Power of Attorney
- Photos 1 to 5
- Municipal account
- SG diagram
- Locality plans
- A3 Drawing no.
  - Van Rensburg\_8093\_Rev002\_Page 1 of 2
  - Van Rensburg\_8093\_Rev002\_Page 2 of 2
- A1 Drawing no.
  - Van Rensburg\_8093\_Rev002\_Page 1 of 2
  - Van Rensburg\_8093\_Rev002\_Page 2 of 2
  
- Annexure A – Proof of a meeting between Brandon Scorgie and Me. H. van der Stoep.
- Annexure B – Proposed “new dwelling” drawings approved in 2005.
- Annexure C – Proposed “additions and alterations to an existing dwelling” approved in 2012.
- Annexure D – Professional Land Surveyor’s diagram.
- Annexure E – Costing report in matters of the unauthorized building / construction work.

18 OCT 2021

TP

## 1. Background

The owner of this property, Mrs E.P van Rensburg has instructed B. Scorgie from the firm Engelbrecht & Scorgie Architectural Office to apply for a Departure from the Zoning Scheme Regulations and the Hemel & Aarde Estate Architectural Guidelines. Erf 8093 measures 1052m<sup>2</sup> and is held by Title Deed no. T000009325/2017.

## 2. Application detail

2.1 Application is made in terms of the following:

- Chapter 4 Section 16(2)(b) of the Overstrand Municipality's By-Law on Municipal Land Use Planning 2020, for a permanent Departure from the provisions of the Zoning Scheme.
- Relevant Sections in the Zoning Scheme Regulations applicable to the departure:

Section 6.1.2(b)(i) "Street building lines". The street building line is determined in accordance with the net erf area, as listed in the table below.

<b>NET ERF AREA:</b>	<b>STREET BUILDING LINE:</b>
400m <sup>2</sup> and greater	4.0m

- Relevant Regulations of Hemel & Aarde Estate

Page 5 "Single Residential Erf". Street facing Building lines of 4.5m.

2.2 Overstrand Municipality's amended By-laws on Municipal Land Use Planning states that a person who is in contravention of this By-laws, and submit 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.

## 3. Need and desirability

### 3.1 **Property description**

Erf 8093 is located at 19 Sparrow Hawk Street, within Hemel & Aarde Estate, Hermanus. Erf 8093 is surrounded by Residential erven all of which have improvements on. The dwelling on Erf 8093 is a double storey dwelling comprising typical family type living accommodation.

Mrs. Van Rensburg and her husband Mr. van Rensburg had both reached retirement age and purchased this property in Hemel & Aarde Estate with the intention of living here permanently until it was time to move into a retirement facility.

The Dwelling on Erf 8093 is a large double storey house typical of the existing dwellings of Hemel & Aarde Estate. The adjoining and nearby erven have similar sizes double or single storey dwellings and are all zoned Single Residential Zone 1 Erven.

The dwelling on Erf 8093 boast sea views. The surrounding Dwellings have similar views of the sea. This is due to the topography of the area.

## 3.2 Zoning

Erf 8093 is zoned Residential Zone 1 (SR1). The surrounding properties have similar zonings

## 3.3. Land use

### 3.3.1 Timeline of dwelling from design date to current status:

#### 3.3.1.1 New dwelling as approved and constructed in 2005:

The footprint of the original building on Erf 8093 (as approved in 2005) totaled 334.83m<sup>2</sup> with a coverage percentage of 31.83%

These drawings comprised the following:

1. Lower ground floor level:
  - Double garage and outside toilet.
2. Ground floor level:
  - Lounge
  - Dining room
  - Kitchen and scullery
  - Entertainment area
  - 4 bedrooms and 3 bathrooms (one being en-suite)
  - Study
  - North – West facing terrace.

#### 3.3.1.2 Additions and alterations as approved and partly constructed in 2012:

The current footprint of the existing dwelling as constructed as per the approved plans in 2012 (excluding the reconstructed stoep extensions) totals 344.61m<sup>2</sup> with a coverage percentage of 32.76%. An increase of 0.93%

These changes comprised the following:

- Small balcony above the existing garage (Constructed)
- New timber deck adjacent to the existing kitchen and existing bedroom 3. (Not constructed)
- New balcony extension adjacent Sparrow Hawk street (Not constructed)

#### 3.3.1.3 Proposed additions and alterations (Current – 2021)

The proposed footprint of the of the dwelling will total 367.75m<sup>2</sup> with a coverage percentage of 34.96%. An increase of 2.2%

The proposed additions and alterations to the dwelling will comprise the following:

Lower ground floor:

- External
  - Demolish existing staircase that leads to the existing verandah.
  - New planter and support walls for existing verandah.
  - New screen wall for trailer parking area.
  - New "Vermont Plank" cladding to certain areas as shown on the attached drawings.
- Internal:
  - Internal bathroom changes within the existing double garage.
  - Internal alterations to "void" behind existing double garage to create a new wine cellar and gym.

Ground floor:

- External:
  - Extend existing roof to balcony on South end of main bedroom
  - Demolish existing staircase and extend verandah and add timber deck here-to (North – East of dwelling)
  - New covered pergola adjacent to the existing dining room and bedroom 1 (North – East of the dwelling)
  - External timber deck South – West of bedroom 3
  - New swimming pool
- Internal:
  - Minor internal alterations to existing kitchen, existing passage and existing dining area.
  - Convert existing bedrooms, sitting area, bathroom and bar at the South of the dwelling to a new main bedroom with a new en-suite bathroom.

### 3.4 Proposal

#### 3.4.1 Background to proposal

The owner of Erf 8093, Mrs. E.P van Rensburg, purchased this sought property for a considerable sum of money in 2016. She is now planning to upgrade and renovate the property for the reasons that will be discussed below.

As mentioned elsewhere in this document the property was purchased with the intention of living here permanently. Being a permanent residence, the property needed a few personal changes to accommodate our client's needs. These changes comprise the following:

- The improvement of the flow of the dwelling.
- To create a more comfortable main bedroom with an en-suite bathroom.
- To increase the size of the balcony in order to make it more usable.
- The addition of a new gym
- The addition of a new wine cellar for storing the owner's wine collection.
- The addition of a new swimming pool for their grandchildren.

Engelbrecht & Scorgie Architectural Office was appointed in approx. mid 2019 to prepare drawings for the above mentioned.

When copies of the approved drawings were obtained from the Council, it became clear that the approved drawings on file at Overstrand Municipality's Building Control reflect slight dissimilarities to the Dwelling we measured-up on site. Our office designed the original dwelling and have been involved with all subsequent alteration drawings for the subsequent owners.

The placement of the dwelling footprint that was drawn by the draughtsman, and the placement of the dwelling footprint that was built by the appointed contractor in 2005 shows slight dissimilarities that will be discussed elsewhere in this application document.

This was brought to the owner's attention who then appointed a Land Surveyor to survey the property and to determine the exact placement of the existing dwelling on Erf 8093.

In addition to the Council Submission for the Building Control approval our services were further expanded to apply for building line departures as follows:

Lower ground floor:

- External
  - Demolish existing staircase that leads to the existing verandah.
  - New planter and support walls for existing verandah. **DEPARTURE NEEDED**
  - New screen wall for trailer parking area.
  - New "Vermont Plank" cladding to certain areas as shown on the attached drawings.
- Internal:
  - Internal bathroom changes within the existing double garage.
  - Internal alterations to "void" behind existing double garage to create a new wine cellar
  - Internal alterations to "void" behind existing double garage to create a new gym. **DEPARTURE NEEDED**

Ground floor:

- External:
  - Extend existing roof to balcony on South end of main bedroom
  - Demolish existing staircase and extend verandah and add timber deck here-to (North – East of dwelling) **DEPARTURE NEEDED**
  - New covered pergola adjacent to the existing dining room and bedroom 1 (North – East of the dwelling). **DEPARTURE NEEDED**
  - External timber deck South – West of bedroom 3
  - New swimming pool
- Internal:
  - Minor internal alterations to existing kitchen, existing passage and existing dining area.

- Convert existing bedrooms, sitting area, bathroom and bar at the South of the dwelling to a new main bedroom with a new en-suite bathroom.

### **3.4.2 Details of proposal:**

In order to achieve our mandate to fulfill the owner's requirements and achieve the Architectural vision for the project, the following building line departures would be required:

- Relaxation of the 4.0m Sparrow Hawk Municipal Street Building Line.
- Relaxation of the 4.0m Fish Eagle Municipal Street Building Line.
- Relaxation of the 4.5m Sparrow Hawk Estate Street Building Line.

These street building lines, as mentioned above are affected by the following as mentioned elsewhere in this document:

- New planter and supporting walls for existing verandah
- The addition of a new gym
- The addition of a new wine cellar
- Demolish existing staircase and extend existing verandah and add a new timber deck there-to (North – West of dwelling)
- New covered pergola adjacent to the dining room and bedroom 1 (North – East of dwelling)

### **3.4.3 Proposal:**

Chapter 4 Section 16(2)(b) of the Overstrand Municipality's By-Law on Municipal Land Use Planning 2020 makes provision for a permanent departure from the provisions of the Zoning Scheme

3.4.3.1 Section 6.1.2 (b)(i) – the 4.0m Sparrow Hawk Municipal Street building line requires a relaxation from 4.0m to 2.550m to accommodate the following:

- New planter and supporting walls for existing verandah
- The addition of a new gym
- The addition of a new wine cellar
- Demolish existing staircase and extend existing verandah and add a new timber deck there-to (North – West of dwelling)

3.4.3.2 Section 6.1.2 (b)(i) – the 4.0m Fish Eagle Municipal Street building line requires a relaxation from 4.0m to 2.750m to accommodate the following:

- New covered pergola adjacent to the dining room and bedroom 1 (North – East of dwelling)

3.4.3.3 Page 5 "Single Residential Erf". Street facing Building lines – the 4.5m Sparrow Hawk Estate Street building line requires a relaxation from 4.5m to 2.550m to accommodate the following:

- New planter and supporting walls for existing verandah
- The addition of a new gym

- The addition of a new wine cellar
- Demolish existing staircase and extend existing verandah and add a new timber deck there-to (North – West of dwelling)

3.4.3.4 Page 5 "Single Residential Erf". Street facing Building lines – the 4.5m Fish Eagle Estate Street building line requires a relaxation from 4.5m to 2.750m to accommodate the following:

- New covered pergola adjacent to the dining room and bedroom 1 (North – East of dwelling)

### 3.5 Character of the environment

- The property is situated in the sought – after Hemel & Aarde Estate
- Hemel & Aarde Estate is known for its broad range of local Vernacular Architecture, in a modern and relatively simple idiom, as the unifying theme envisioned for the Hemel & Aarde Estate. To encouraged are design flowing from Hermanus's unique village character, with special reference to its coastal character.
- The location of Erf 8093 is elevated to capture the unsurpassed sea and mountain view.
- The erf is a typical Hemel & Aarde Estate sized erf.
- Most of the surrounding and adjacent erven are similar in size all with similar type dwellings constructed on them.
- Sparrow Hawk & Fish Eagle Street lies relatively high up against the mountain slopes in this node of the Hemel & Aarde Estate. There is one more row of erven to the Northern side of Erf 8093. Most of these dwellings overlook the erven below and all have mostly unobstructed views.

### 3.6 Desirability of the proposal

#### 3.6.1 Background giving motivation to this Departure application

3.6.1.1 Attached to the departure as Annexures these attachments and approved drawings are self-explanatory, but can be summarized as follows:

3.6.1.1.1 Annexure A – Proof that Brandon had a meeting with Me. H van der Stoep to discuss the departure application. Unfortunately, no meeting minutes was circulated, but with the help of my notes I can easily re-call what we discussed.

Me. Van der Stoep, in principle, has no problem with the departure and was positive in supporting the application. She did mention that there is 1 hurdle that needs to be overcome, i.e. the Hemel & Aarde Estate Guidelines.

The Guidelines are prescribed and cannot be deviated from. So, the hurdle we needed to overcome is the building lines prescribed by the guidelines. Me. Van Der Stoep proposed the following: The HOA need to agree to a relaxation of the building lines for **THIS DWELLING ONLY** so as not to create a precedent. Me. H. van der Stoep suggested that we discuss it with the HOA and get their thoughts on how they would want to handle this issue.

- 3.6.1.1.2 Annexure B – Proposed “new dwelling” drawings that were approved in 2005.
- 3.6.1.1.3 Annexure C – Proposed “additions and alterations to an existing dwelling” drawings that were approved in 2012.
- 3.6.1.1.4 Annexure D - Surveyed diagram of Hugh Waters (The appointed Professional Land Surveyor) to determine the exact placement of the dwelling as it was built.

### 3.6.2 **Summary of the Annexures**

If one summarizes the Annexures attached to the departure application the following conclusion can be formed:

When copies of the approved drawings were obtained from the Council, it became clear that the approved drawings on file at Overstrand Municipality’s Building Control reflect slight dissimilarities to the Dwelling we measured-up on site.

The placement of the dwelling footprint that was drawn by the draughtsman, and the placement of the dwelling footprint that was built by the appointed contractor in 2005 shows slight dissimilarities as mentioned earlier in this application document.

This may be due to a reasonable “setting out” mistake by the appointed contractor who built the dwelling in 2005.

The H.O.A of Hemel & Aarde Estate has approved the proposed additions and alterations. They are aware that a portion of the existing structure is built over the Estate Building line, but they will endorse this deviation if the said deviation is supported by the Overstrand Local Authority.

### 3.6.3 Effects on nature / environment, streetscape and surrounding properties.

The proposed contraventions are very minor in nature and do not impact negatively on the environment, streetscape and surrounding properties. The contravention is slightly exacerbated by the fact that the dwelling was repositioned when originally constructed in 2005 which was only discovered, as mentioned elsewhere in this departure application, recently when the site and building were surveyed.

#### 3.6.3.1 View lines and effect on adjoining properties which have reference:

- As already mentioned, most of the properties have sea views due to the topography of the ground
- Hemel & Aarde Estate is relatively high up against the base of the mountain with most erven here having considerable gradients
- The surrounding properties overlook the properties below them.
- The surrounding properties which have references to the structures mentioned in this departure are the following:

##### 3.6.1.1.1 Erf 8104

This erf lies South West of Erf 8093. The dwelling constructed on this erf enjoys views of the sea toward the South, hence no change to current views by the proposal. The proposed additions will not impact on their privacy.

##### 3.6.1.1.2 Erf 8094

Lies to the North – East of Erf 8093. The dwelling constructed on this erf also enjoys views of the sea toward the South, hence no change to current views by the proposal. The proposed additions and alterations are hidden from view by the existing dwelling on erf 8093 and therefore will not impact on privacy in any way.

##### 3.6.1.1.3 Erf 8040

Lies to the North – East of Erf 8093 (across Fish Eagle Street). Views toward the sea are in a Southerly direction. Due to the sloping topography erf 8040 is situated at a considerable higher level than erf 8093, hence views will not be interrupted. The proposed additions being at a much lower level than erf 8040 will not impact on any privacy. Furthermore, the proposals are hardly visible from erf 8040. The proposed additions and alterations are hidden from view by the existing dwelling on erf 8093 and therefore will not impact on privacy in any way.

##### 3.6.1.1.4 Erf 8041

This erf lies North of Erf 8093 (across Fish Eagle Street). Views toward the sea are in a Southerly direction. Due to the sloping topography views from Erf 8041 will not be interrupted as it is situated at a considerable higher level than erf 8093. The proposed additions and alterations are visible from Erf 8041, however as the

proposals will be done in an architecturally pleasing style. The proposed additions will blend in very well and are minor in nature and therefore the impact of the proposed alterations will be negligible.

3.6.1.1.5 Erf 8088

Lies to the North – West of Erf 8093 (across Sparrow Hawk Street). Views toward the sea are in a Southerly direction. The proposed additions do not impede views in any way. The increased impact on streetscape and privacy are negligible.

3.6.1.1.6 Erf 8089

Lies to the North – West of Erf 8093 (across Sparrow Hawk Street). Views toward the sea are in a Southerly direction. The proposed additions do not impede views in any way. The increased impact on streetscape and privacy are negligible.



#### 4. Application for administrative penalty

##### 4.1 **Background and site history**

- The application area is zoned as Single Residential 1 (SR1) in terms of the Overstrand's Town planning scheme.
- Erf 8093 is located at 19 Sparrow Hawk Street, within Hemel & Aarde Estate, Hermanus. Erf 8093 is surrounded by Residential erven all of which have improvements on. The dwelling on Erf 8093 is a double storey dwelling comprising typical family type living accommodation.
- The unauthorized building / construction work is highlighted throughout this Application document and does not cause negative impact on nature, the environment, streetscape, surrounding properties or on traffic as discussed earlier in this Departure Document.
- In total, 10.28m<sup>2</sup> contravenes the Overstrand Municipality's amended Zoning Scheme Regulations

##### 4.2 **Summary of the motivation**

Our client's motivation of the proposed is highlighted throughout this Departure Application, but can be summarized as follows:

- The owner of Erf 8093, Mrs. E.P van Rensburg, purchased this sought property for a considerable sum of money in 2016. She is now planning to upgrade and renovate the property for the reasons as discussed elsewhere in this Departure Application document.
- As mentioned elsewhere in this document the property was purchased with the intention of living here permanently. Being a permanent residence, the property needed a few personal changes to accommodate our client's needs. These changes comprise the following:
  - New planter and supporting walls for existing verandah
  - The addition of a new gym
  - The addition of a new wine cellar
  - Demolish existing staircase and extend existing verandah and add a new timber deck there-to (North – West of dwelling)
  - New covered pergola adjacent to the dinning room and bedroom 1 (North – East of dwelling)
- When we, as the appointed Architectural firm to handle this application, obtained copies of the approved drawings from the Council, it became clear that the approved drawings on file at Overstrand Municipality's Building Control reflect slight dissimilarities to the Dwelling we measured up-on site. The placement of the dwelling footprint that was drawn by the Architectural firm, and the placement of the dwelling footprint that was built by the appointed contractor in 2005 shown slight dissimilarities as discussed earlier in this document.
- No previous contraventions were listed.

#### 4.3 Assessment of application

- As indicated above, the unauthorized building work is in contravention of the Overstrand Municipality's amended By-Laws on Municipal Land Use Planning 2020. Application is made for the determination of an administrative penalty in respect of part of a as built pergola constructed over the 4.0m Fish Eagle Municipal Street building line as well as part of a as built verandah constructed over the 4.0m Sparrow Hawk Municipal Street building line. The full extent of the unauthorized building work is 10.28m<sup>2</sup>.
- In terms of section 90(5)(b) of the By-Law, an administrative penalty for a building work contravention may not be more than 100% of the value of the building, construction and engineering work unlawfully carried out.
- Administrative Penalty: Calculation

Unauthorized section that encroaches the 4.0m Fish Eagle Municipal Street building line

**Value per m<sup>2</sup> (R 7 121.66) x Total unlawful area (6.74m<sup>2</sup>) = R 48 000.00**

Unauthorized section that encroaches the 4.0m Fish Eagle Municipal Street building line

**Value per m<sup>2</sup> (R 32 954.55) x Total unlawful area (3.52m<sup>2</sup>) = R 116 000.00**

An amount which is not more than 100% of R 164 000.00 may be imposed as an administrative penalty.

#### 4.4 The nature, duration, gravity and extent of the contravention

The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 90 of the Overstrand Municipality's amended By-laws on Municipal Land Use Planning:

##### 4.4.1 Nature:

The unauthorized building work involves part of a as built pergola constructed over the 4.0m Fish Eagle Municipal Street building line as well as part of a as built verandah constructed over the 4.0m Sparrow Hawk Municipal Street building line as discussed earlier in this Departure document.

##### 4.4.2 Duration:

The duration is not really applicable I would not think. Our client was not served with a notice, but if a time frame must be allocated, then the structure has been standing in place for approximate 9 Years (2012 – present).

#### **4.4.3 Gravity:**

The proposed contraventions are very minor in nature and do not impact negatively on the environment, streetscape and surrounding properties. The contravention is slightly exacerbated by the fact that the dwelling was repositioned when originally constructed in 2005 which was only discovered, as mentioned elsewhere in this departure application, recently when the site and building were surveyed.

#### **4.4.4 Extent:**

10.28m<sup>2</sup>

#### **4.5 A report by a quantity surveyor in matters of unauthorized building / construction**

Refer to Annexure E for the costing report in matters of the unauthorized building / construction work

#### **4.6 Whether the unlawful conduct was stopped**

Overstrand Municipality did not stop the building work and have also not issued a notice with regards to the transgression.

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

As far as can be ascertained, there is no evidence that the owner of the property has previously contravened this By-law

#### **4.8 Reasons for decision**

Reasons for the recommended decision may be summarized as follows:

- As mentioned above, the placement of the dwelling footprint that was drawn by the draughtsman, and the placement of the dwelling footprint that was built by the appointed contractor **in 2005** shows slight dissimilarities as mentioned in the Departure Application submitted 24 March 2021. This was brought to the owner's attention who then appointed a Land Surveyor to survey the property and to determine the exact placement of the existing dwelling which confirmed the above mentioned.
- This can only be due to a reasonable "setting out" mistake by the appointed contractor who built the dwelling in 2005. Since then, the property was purchased by Mr. T O'Hagan who also did improvements on the existing dwelling. In 2017 the property was purchased by Mrs. E.P van Rensburg 12 years after the "setting out" mistake.
- Please refer to the "timeline of dwelling from design to current status" as discussed in the submitted Departure application.

- To summarize the above mentioned, it is concluded that it was not the doing of the new owner of the property, Mrs. E.P van Rensburg, and therefore it is not fair towards our client to hold her responsible for a "setting out" mistake caused by the appointed contractor in 2005.
- The 10.28m<sup>2</sup> encroachment for the unauthorized as built structures that encroaches the 4.0m Municipal Street Building Lines is not considered a negative visual structure and does not impact negatively on the environment, streetscape or the surrounding properties.

#### 4.9 Recommendation

In light of the above assessment, we appeal to your generosity that an administrative penalty of 0% be imposed for the unauthorized as-built building structures.

### 5. Conclusion

#### 5.1 Heritage value

The property is not situated within a heritage overlay zone and has no grading or any heritage value.

#### 5.2 Impact on Municipal Engineering Services

No additional electrical, water or sewerage will be required. The current Municipal provision is adequate to supply the dwelling

#### 3.9 Forward planning

The Overstrand Spatial Development Framework (SDF) 2006 earmarks the Hemel & Aarde Estate for residential purposes. The additions and alterations requiring departures are minor in nature and the proposals will be done in an architecturally pleasing style and will blend in very well with the existing dwelling. All additions and alterations are minor in nature and are typically residential in type. In addition to this, the streetscape will also not be negatively impacted.

The Overstrand Municipality Land Use Scheme makes provision for the consideration of departures to permit building and structures within building lines.

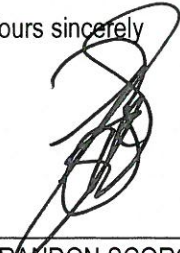
The use, character and zoning of the property will remain unchanged and hence complies with the Architectural Guidelines of Hemel & Aarde Estate.

The H.O.A of Hemel & Aarde has approached surrounding owners for consent and all have agreed to the proposals on erf 8093.

The H.O.A of Hemel & Aarde Estate has given their approval for the proposed additions and alterations. See stamped plans attached to this departure application.

I trust you will consider our application and I look forward to your correspondence.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Brandon Scorgie', written over a horizontal line.

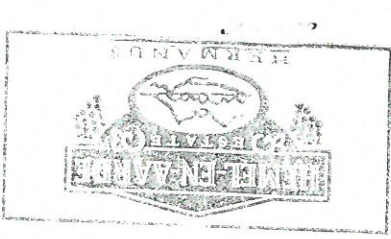
BRANDON SCORGIE  
*for Engelbrecht & Scorgie*



COUNCIL SUBMISSION

GENERAL NOTES

REFER TO NOTES ON ORIGINAL PLAN



REVISIONS:

No.	Description	Date
01	Issue for Council	15.12.2020
02		
03		
04		
05		
06		
07		
08		
09		
10		

**Architectural Office**  
 ARCHITECTURAL OFFICE  
 49 New Road  
 PO Box 161  
 WIMBORNE VIC 3155  
 Tel: (03) 9593 1100  
 Fax: (03) 9593 1105  
 Email: info@architecturaloffice.com.au  
 www.architecturaloffice.com.au

PROPOSED

Proposed additions and alterations to an existing dwelling

Er 8093 Hemei & Aarde Estate, Sandbaai

Client: E. P. van Rensburg

Drawings: 1 of 2

Site layout & Floor layouts

Scale: As per Drawing @ A1

Author: L. Smith

Checker: DJR

Date: December 2020

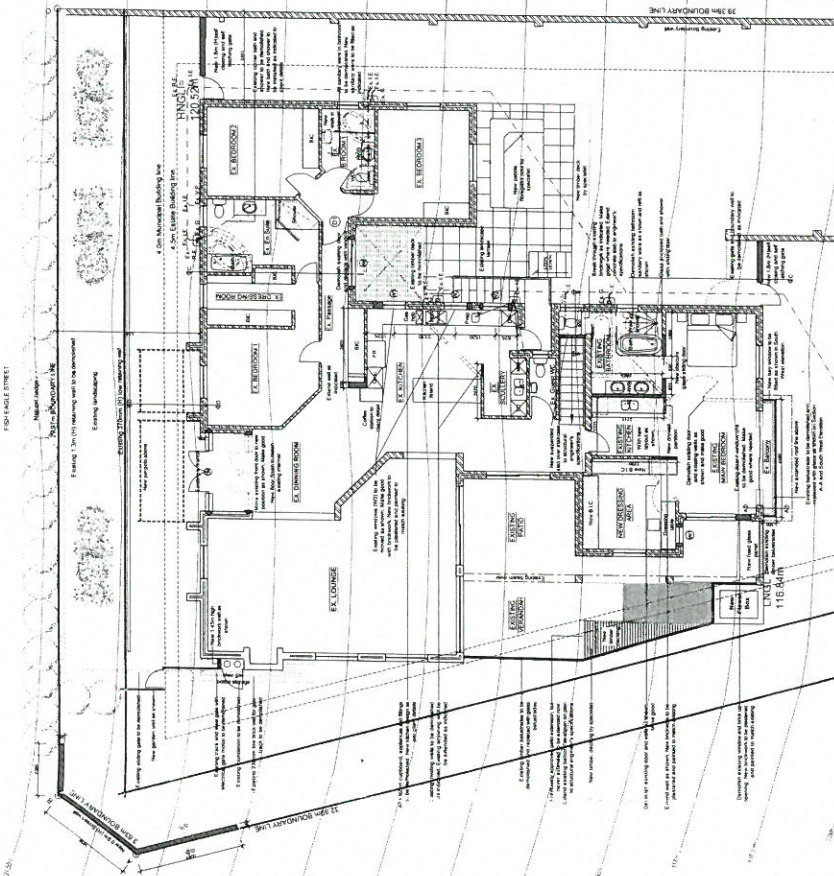
Project No. van Rensburg\_8093\_Rev002

Drawing No. van Rensburg\_8093\_Rev002\_Page 1a2

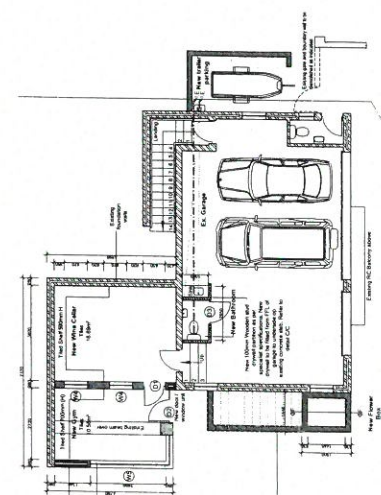
Revision No. Rev:002

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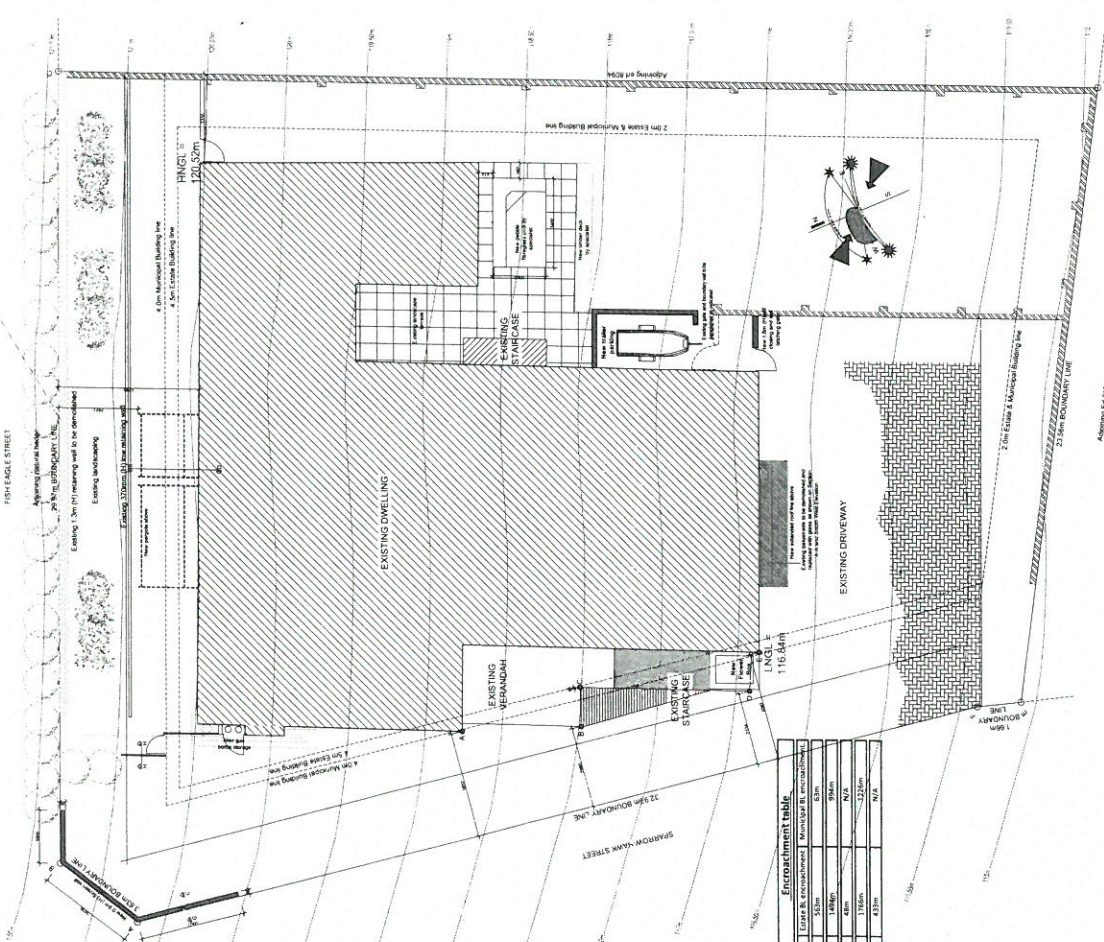
Architectural Office (Pty) Ltd.



GROUND FLOOR LAYOUT  
SCALE 1:100



LOWER GROUND FLOOR LAYOUT  
SCALE 1:100



SITE LAYOUT  
SCALE 1:100

Category	Area (m <sup>2</sup> )
Existing dwelling	~ 34 m <sup>2</sup>
New additions	~ 22 m <sup>2</sup>
New driveway	~ 3.0 m <sup>2</sup>
New proposed replacement	~ 3.0 m <sup>2</sup>
Existing driveway	~ 207.75 m <sup>2</sup>
Total area	~ 240.75 m <sup>2</sup>
Total coverage allowed	~ 50%
Proposed coverage	~ 31.58%

Erf restrictions - E-18P	
Street building line	4.5m
Street/yard/area building line	2.0m
Height restriction	N/A
Coverage limit	N/A

Coverage Calculations	
Street	Residential
Erf Size	1284m <sup>2</sup>
Proposed Coverage	50%
Occupation Classification of proposed building as per SANS 10400	H4

Erf Boundaries	
A-B	3.65m
B-C	29.95m
C-D	39.45m
D-E	23.80m
E-F	14.00m

Erf restrictions - Municipal	
Street building line	4.0m
Street/yard/area building line	2.0m
Height restriction	8.0m
Coverage limit	50%

Erf restrictions - Title deed	
Street building line	4.00m
Street/yard/area building line	2.00m
Height restriction	N/A
Coverage limit	N/A

Encroachment table	
A	1.00m
B	1.00m
C	1.00m
D	1.00m
E	1.00m
F	1.00m

COUNCIL SUBMISSION

GENERAL NOTES:

REFER TO NOTES ON ORIGINAL PLAN.



REVISIONS:	NO.	DESCRIPTION	DATE
	001	ISSUED FOR PERMIT	18/12/2020

**Architectural Office**  
 GERHARD ENGBELMCHT  
 ARCHITECT (PROF. 1001)  
 1100 WILSON STREET  
 WILSON ST. SCOTCH  
 NEWCASTLE (NSW) 2294  
 TEL: 081 439 3324  
 TEL: 081 439 3324  
 CELL: 081 439 3324  
 FAX: 081 439 3324

PROJECT:

Proposed additions and alterations to an existing dwelling

Erf 6093 Hemel & Aarde Estate, Sandhuai

CLIENT:

E. P. van Rensburg

DRAWING:

2 of 2  
 Sections & Elevations

Scale	Drawn
As per Drawing @ A1	L.Smit
Checked	D.Bill
B. SCORIE	December 2020
SACAP registration: 511939	

PROJECT NO.:

van Rensburg\_5093L\_Rev-002

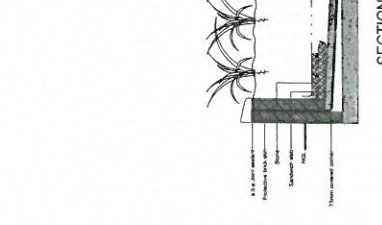
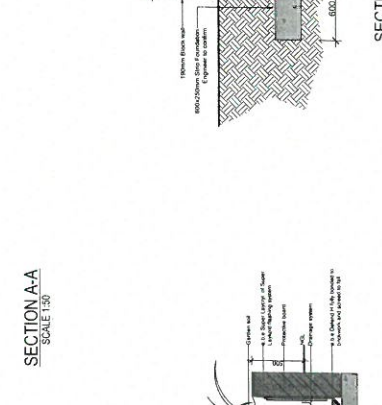
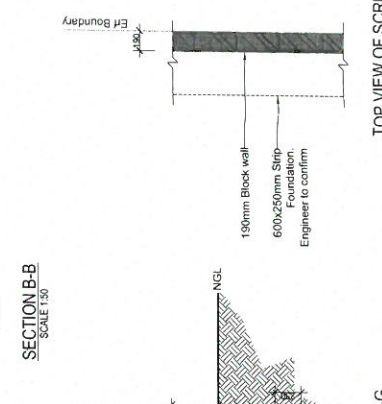
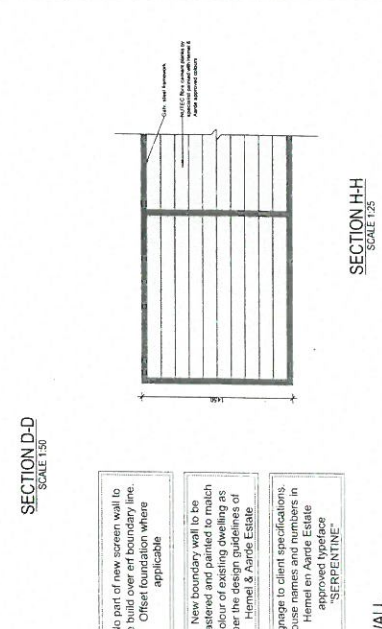
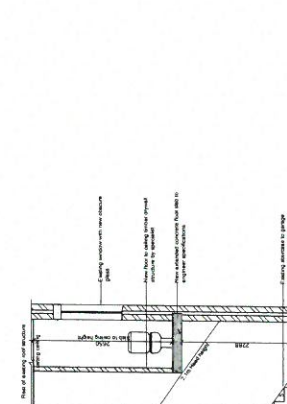
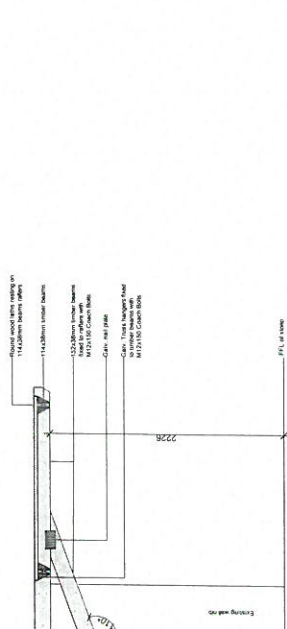
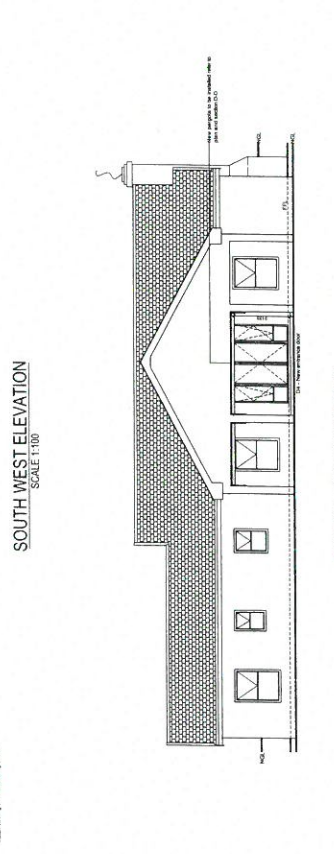
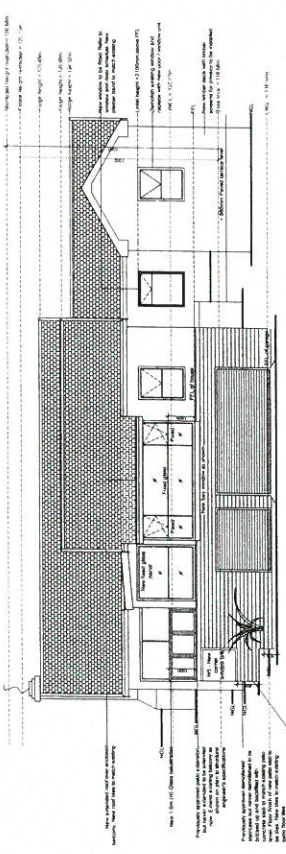
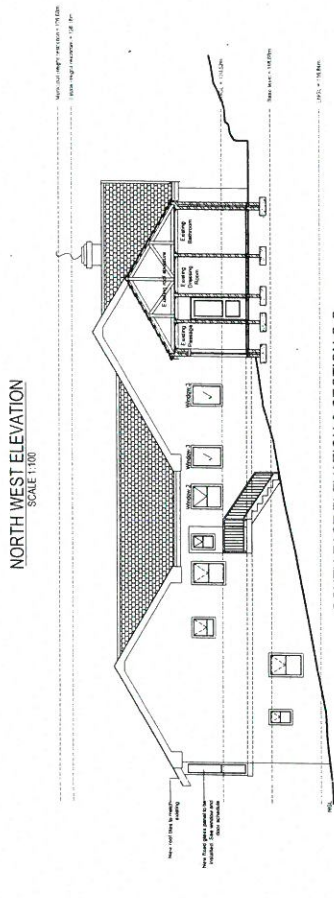
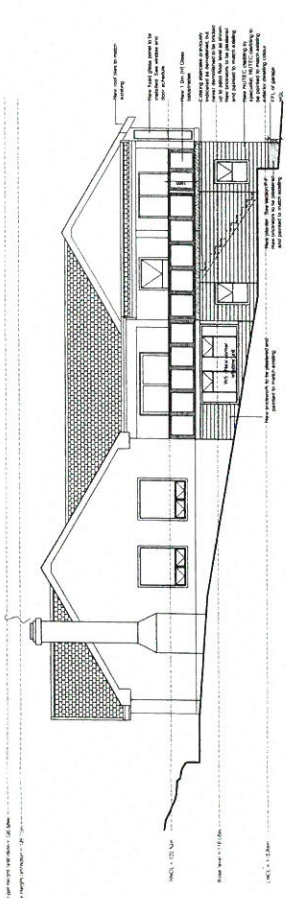
DRAWING NO.:

van Rensburg\_5093L\_Rev-002\_Page 2/02

REVISION NO.:

Rev-002

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No part of new screen wall to be built over erf boundary line. Offset from screen where applicable.

New boundary wall to be plastered and painted to match existing wall. Refer to drawing for the design outlining of Hemel & Aarde Estate.

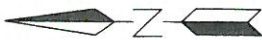
Signage to client specifications. House names and numbers in Hemel en Aarde Estate approved typeface 'SERPENTINE'.

TOP VIEW OF SCREEN WALL

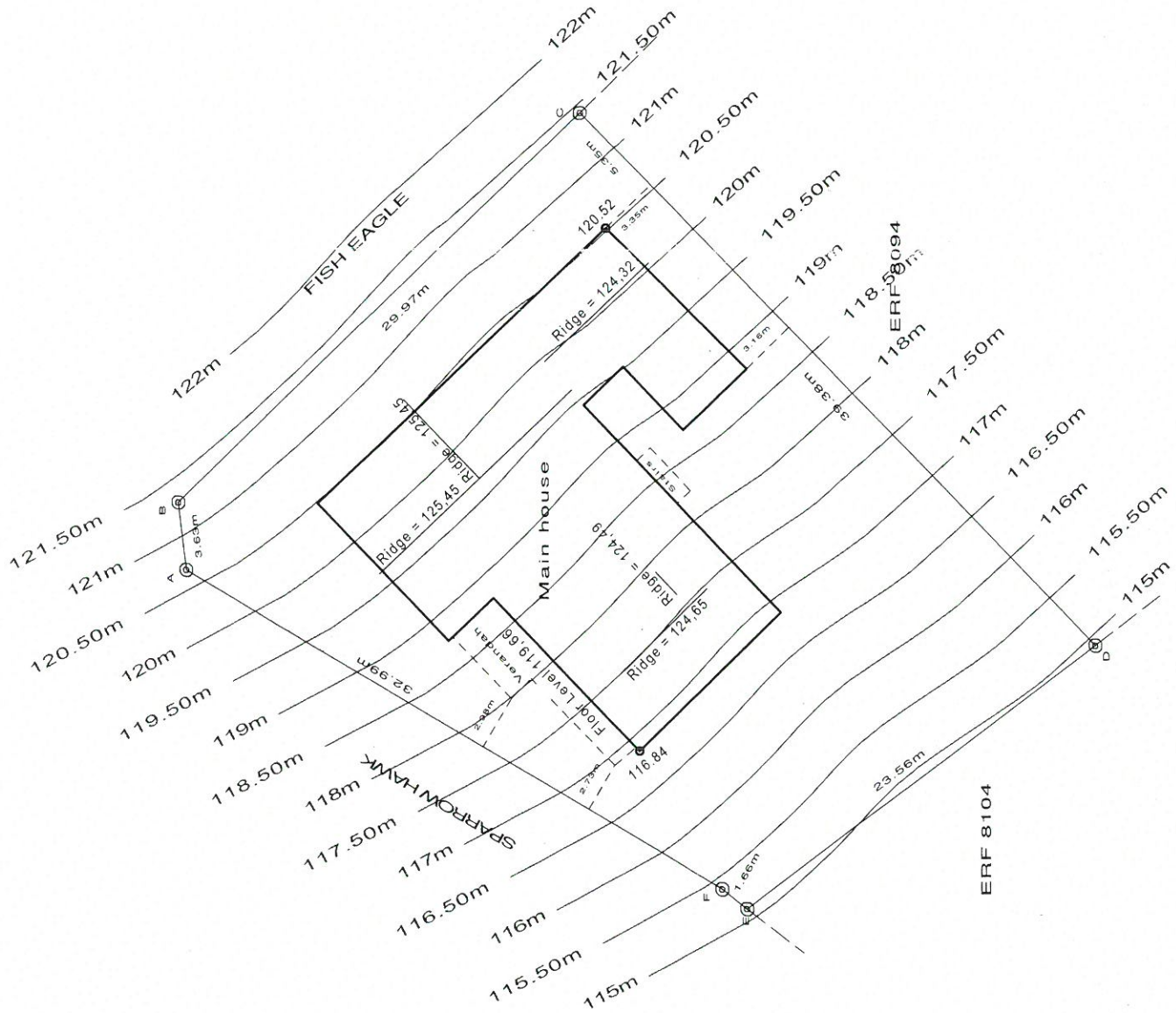
SECTION G-G

SECTION F-F

Note: Contours represent Natural Ground Level and Not the actual ground levels



**Height Restriction**  
 Lowest NGL = 116,84m  
 Highest NGL = 120,52m  
 Base Level = 118,68m  
 7,5m Height Restriction = 126,18m



**VAN DYK**  
 LAND SURVEYORS  
 LAND MEASUREMENTS  
 E: info@vandyksurvey.co.za W: www.vandyksurvey.co.za



Surveyed by me in August 2021  
 L A van Dyk PLS 1089

SHEET:	
SITE:	
<b>VAN DYK &amp; ASS. inc.</b>	
P.O. Box 2237 Durbanville 7551 SOUTH AFRICA TEL: (021) 975 5505 E-mail: info@vandyksurvey.co.za	
SYSTEM:	WGS84
HEIGHT SYSTEM:	LOCAL
SCALE:	1 : 250
DATE:	AUGUST 2021
LAND SURVEYOR:	L A VAN DYK
Project Title:	ERF 8093 Hermanus
HEIGHT CERTIFICATE	
Project Number:	V21489
Engineering Number:	V21489
Sheet	1 of 1







COUNCIL SUBMISSION

GENERAL NOTES

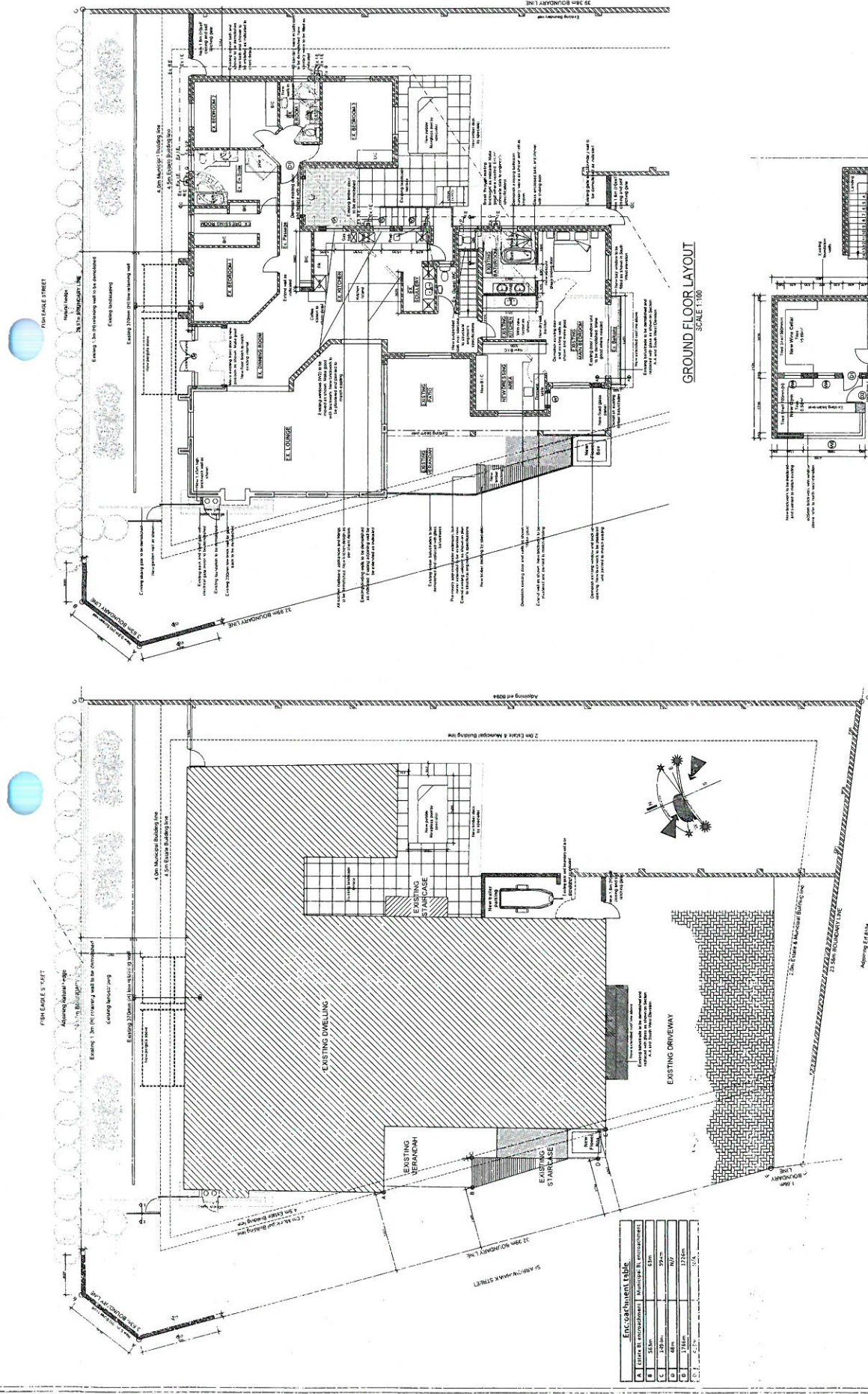
REVISIONS

Rev No	Description	Date
001	New submission	16/12/2020

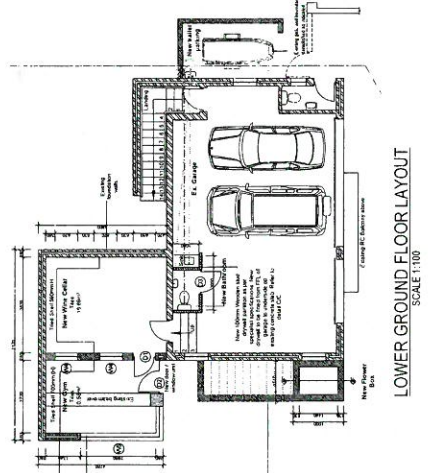
**Architectural Office**  
 14/100 ANSON ROAD, SUITE 101  
 SINGAPORE 150001  
 TEL: (65) 6333 2288  
 FAX: (65) 6333 2289  
 CELL: (65) 9000 5923  
 EMAIL: info@architecturaloffice.com.sg

**Project:** Proposed additions and alterations to an existing dwelling  
**Erf:** 8093 Hemel & Aarde Estate, Sandbaai  
**Client:** E. P. van Rensburg  
**Drawing:** 1 of 2  
**Site layout & Floor layouts**  
**Scale:** As per Drawing @ A1, L.S.M.  
**Client's No.:** B. SCORGIE  
**Date:** December 2020  
**SACAP Registration:** S11839  
**Page No.:** van Rensburg\_8093\_Rev002  
**Drawing No.:** van Rensburg\_8093\_Rev002\_Page 1 of 2  
**Revision No.:** Rev002

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GROUND FLOOR LAYOUT  
SCALE 1:100



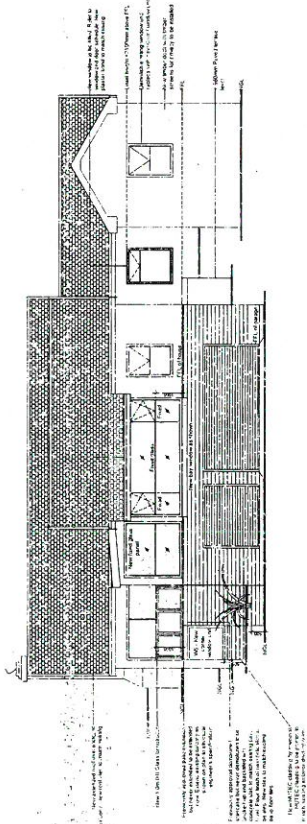
LOWER GROUND FLOOR LAYOUT  
SCALE 1:100

**Encumbrance table**

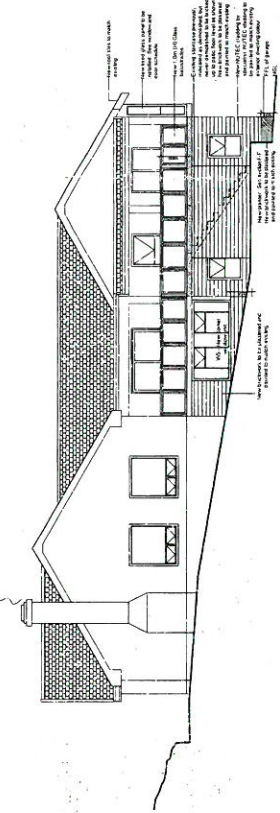
Area	Description	Area (m <sup>2</sup> )
A	Area to encumbrance	10.00
B	Site	10.00
C	Area to encumbrance	10.00
D	Area to encumbrance	10.00
E	Area to encumbrance	10.00
F	Area to encumbrance	10.00
G	Area to encumbrance	10.00
H	Area to encumbrance	10.00
I	Area to encumbrance	10.00
J	Area to encumbrance	10.00
K	Area to encumbrance	10.00
L	Area to encumbrance	10.00
M	Area to encumbrance	10.00
N	Area to encumbrance	10.00
O	Area to encumbrance	10.00
P	Area to encumbrance	10.00
Q	Area to encumbrance	10.00
R	Area to encumbrance	10.00
S	Area to encumbrance	10.00
T	Area to encumbrance	10.00
U	Area to encumbrance	10.00
V	Area to encumbrance	10.00
W	Area to encumbrance	10.00
X	Area to encumbrance	10.00
Y	Area to encumbrance	10.00
Z	Area to encumbrance	10.00

SITE LAYOUT  
SCALE 1:100

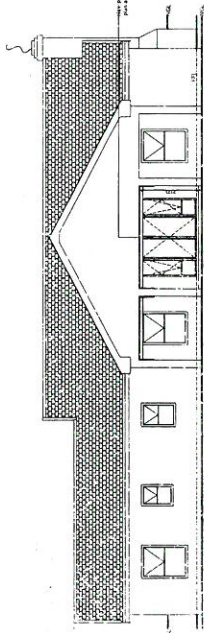
Erf boundaries		Erf restrictions - Estate		Coverage Calculations		Erf restrictions - Title deed	
A-B	3.12m	Street Building Line	4.5m	Existing building	1.31m <sup>2</sup>	Street Building Line	0.00m
B-C	10.00m	Time add'l/m <sup>2</sup>	2.0m	Time add'l/m <sup>2</sup>	0.00m	Time add'l/m <sup>2</sup>	0.00m
C-D	10.00m	New structure, no verandah	2.0m	New structure, no verandah	0.00m	New structure, no verandah	0.00m
D-E	10.00m	Height restriction	15.00m	Height restriction	15.00m	Height restriction	15.00m
E-F	10.00m	Front setback	1.50m	Front setback	1.50m	Front setback	1.50m
F-G	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
G-H	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
H-I	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
I-J	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
J-K	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
K-L	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
L-M	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
M-N	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
N-O	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
O-P	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
P-Q	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
Q-R	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
R-S	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
S-T	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
T-U	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
U-V	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
V-W	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
W-X	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
X-Y	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
Y-Z	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m
Z-A	10.00m	Side setback	1.50m	Side setback	1.50m	Side setback	1.50m



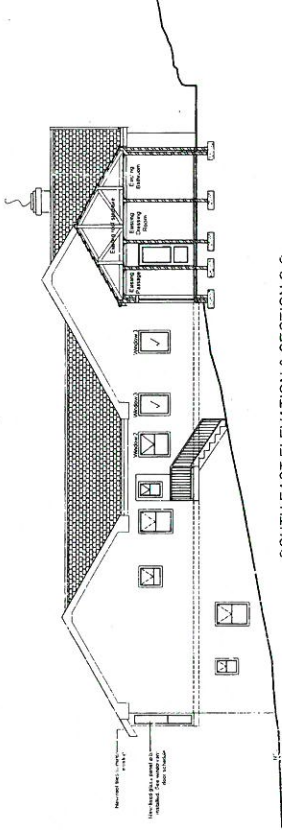
SOUTH WEST ELEVATION  
SCALE 1:100



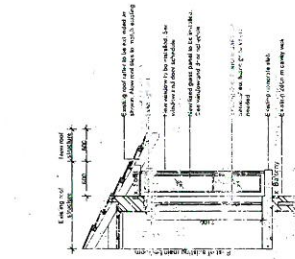
NORTH WEST ELEVATION  
SCALE 1:100



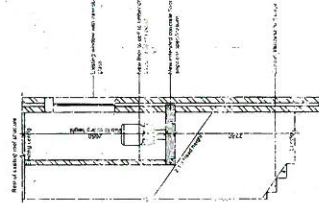
NORTH EAST ELEVATION  
SCALE 1:100



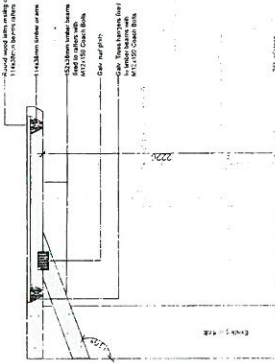
SOUTH EAST ELEVATION & SECTION C-C  
SCALE 1:100



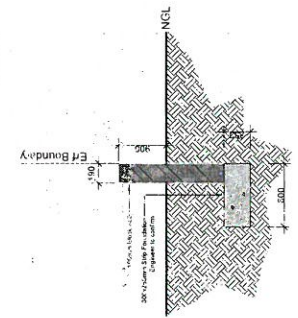
SECTION A-A  
SCALE 1:50



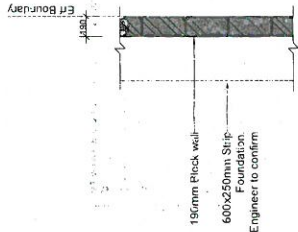
SECTION B-B  
SCALE 1:50



SECTION D-D  
SCALE 1:50



SECTION C-C  
SCALE 1:50

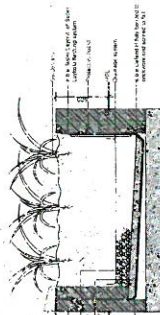


SECTION H-H  
SCALE 1:50

No part of new screen wall to be built over erf boundary line. Offset foundation where applicable.

New boundary wall to be plastered and painted to match colour of existing dwelling as per the design guidelines of Hemel & Aarde Estate.

Signage to client specifications. House names and numbers in Hemel & Aarde Estate are SERPENTINE.



SECTION F-F  
SCALE 1:50

REVISIONS	NO.	DESCRIPTION	DATE
1	1	New screening wall	15.12.2020

**Architectural Office**  
 48 Main Road  
 Boksburg, Gauteng  
 1451, 011 852 1122  
 011 852 1122  
 1451, 011 852 1122

Proposed additions and alterations to an existing dwelling

Erf 6093 Hemel & Aarde Estate, Sandbasi

Client: E. P. van Rensburg

2 of 2: Sections & Elevations

Scale: As per Drawing @ 1:100

Check: B. SCORJE

Date: December 2020

Project No: van Rensburg\_6093\_Rev02

Drawing No: van Rensburg\_6093\_Rev02\_Page 02d

Revision No: Rev-002

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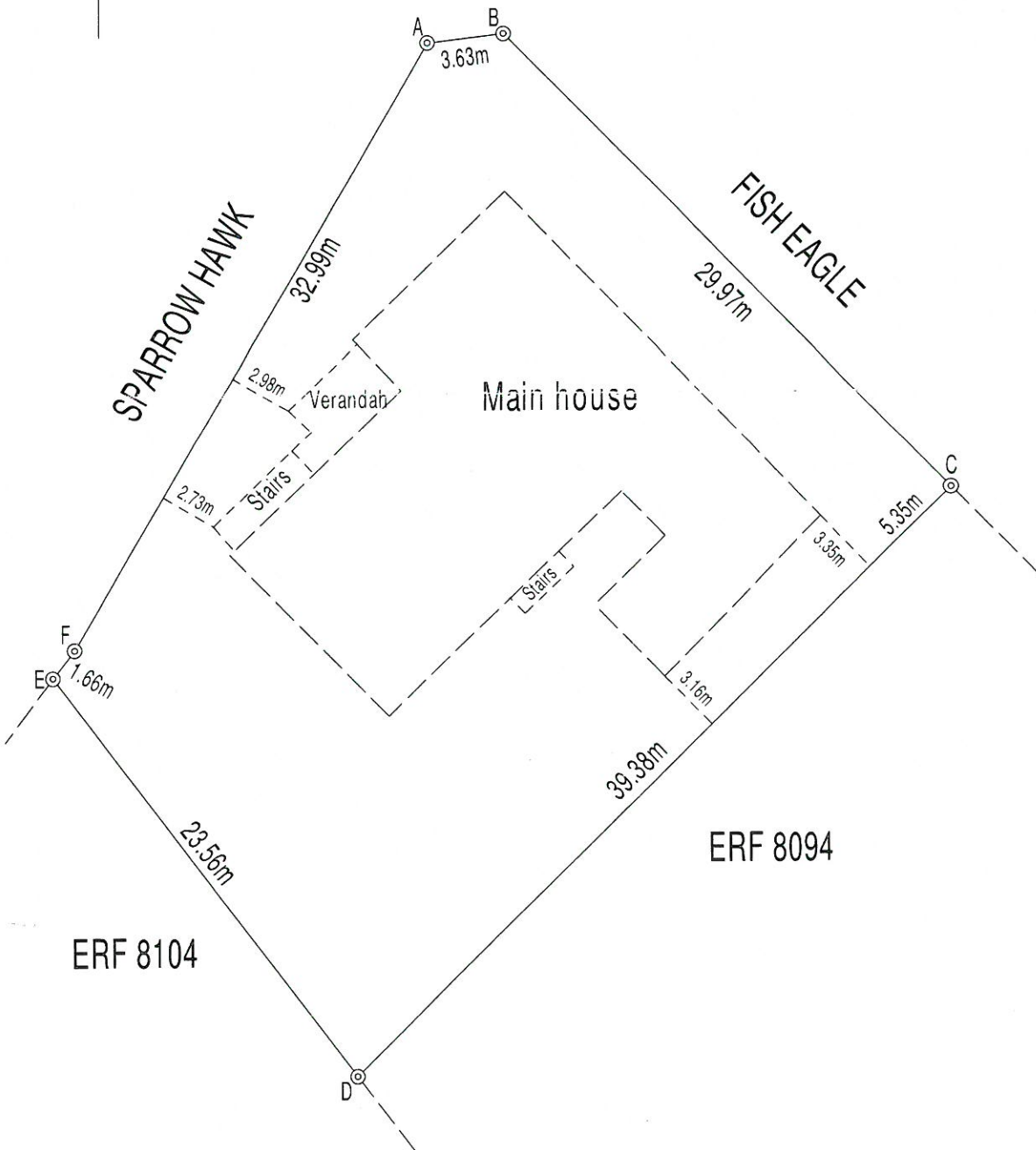


# BEACON CERTIFICATE

ERF 8093 HERMANUS

SCALE 1/300

BEACONS All corner beacons are 12mm iron pegs in the ground



HUGH WATERS  
Cel : 0843661048

Professional Land Surveyor  
Ref : H/888 Date : March 2018