

4.5**ERF 3965, 70 DIASTELLA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA :
PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : JA & JA
COPE****3965 KBB (3755)****H van der Stoep
16 January 2018****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 22 August 2017 from JA & JA Cope on Erf 3965, Betty's Bay for the following:

- ❖ Removal of restrictive title condition with reference to Clause B.7. of Title Deed T2653/11 applicable to Erf 3965, Betty's Bay in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 from 3m to 1,96m to accommodate the existing house.

The restrictive condition contained in Title Deed T26532/11 to be removed read as follows:

Condition B.7. :

"No building or structure or any portion thereof except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 3 metres of the lateral boundary, common to any adjoining erf, provided that with the consent of the Local Authority:-"

- ❖ Departure in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line from 2m to 1,96m to accommodate the existing house.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C. The Title Deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The dwelling on Erf 3965 was approved and built during 1995. The building however was not built according to the building plan. The present owners bought the property during 2011 and requested a Land Surveyor to identify the correct property boundaries. It was found that the house was not built as per the building plan.

The application is to legalize the building that is older than 20 years. The adjacent neighbour does not want to give consent as per the Title Deed and therefore the removal of restrictive condition application.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the removal of the applied condition is as follows:

The present owners discovered that the existing house was not built in the position shown on the approved drawings. This can be clearly seen on the Land Surveyor, Mr C van Rooyen's diagram dated 16 April 2016. (See Annexure B.)

This mistake must have occurred when the house was built originally. Similar problems occur where there is dense vegetation and no neighbouring properties with fences around them. The fact that the house and outbuilding do not line up with any boundary also indicates that they were unsure where the corner pegs are.

It is noteworthy that over the past 20 years nobody has complained or noticed that the house was built in the incorrect position.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	26 October 2017	1 December 2017
Gazette	Yes	20 October 2017	1 December 2017
Notices	Yes	18 October 2017	1 December 2017
Ward councillor	Yes	17 October 2017	1 December 2017
Total comments	ONE (1)		
Was public participation undertaken in accordance with section 45- 49 of the Proposed Draft By-law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Engineering Services	18/12/17	See Annexure G.	Supported
Environmental Section	27/10/17	Supported. Building has been there for ±20 years without issue. ±2m from boundary only one corner of the house.	Supported

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) letter of objection was received from the owner of Erf 3966, Ms Humby. The objection can be summarized as follows:

- ❖ Should the building line be removed, the owner or future owner will be able to build in the now illegal building line and will infringe seriously on the value of the objector's property.
- ❖ Should the owner not intend to transgress the building line in future, why is it necessary for the application.

Reply from the applicant

The application is to regularize the building work done more than 20 years ago. The application does not deal with any new additions.

Town Planner's response

The application is to legalize the existing building and not for new work. The objector is incorrect in the assumption that the Title Deed condition will apply for new work as well, since the Zoning Scheme building line restrictions remains in place.

Internal Departments

No negative comments were received.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

Spatial Justice

The application is not to the detriment of previously disadvantaged groups since it is an existing development.

Spatial sustainability

The proposed application is to ensure the sustainability of the erf, which entails social and economic well-being. The dwelling has been built 23 years ago and it is not economic or socially viable to demolish approximately 2,5m² of the dwelling.

Efficiency

The main objective is the integration of services relating to urban and rural. The proposed development will enable the applicant to use his erf more efficiently and has no need for any additional Municipal services.

Spatial Resilience

The legalizing of the existing dwelling will ensure the sustainability of the dwelling and ensure the viability of not only the dwelling but residents as well.

Good administration

The application followed due procedure.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

Same as Point 10.2 above.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

10.6 Impact on Municipal engineering services

None.

10.7 Outcomes of investigations/applications i.t.o other legislation

Not applicable.

10.8 Existing and proposed zoning comparisons and considerations

The Title Deed and the Zoning Scheme building lines are transgressed however the built house is more than 20 years old, of which the latter must be taken into consideration in evaluating the application.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**The financial or other value of the rights**

The applicant does not accrue any financial value.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

There is no personal benefit

The social benefit of the restrictive condition remaining in place, and/or being removed / amended

There is no social benefit.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

The application will not remove all the rights enjoyed by the beneficiaries since the application is to legalize the existing dwelling.

12. THE DESIRABILITY OF THE PROPOSAL

The applicant bought the property during 2011. During the building plan phase it became clear to the owners that the dwelling is not situated as per the building plan, dated 1995. In order to legalize the existing situation, the applicant was informed to lodge an application for a relaxation; however the adjacent neighbour did not give consent to the relaxation application, thus leaving the applicant with no choice but to lodge a removal of restriction application.

The objector indicates that the removal will infringe on her rights in terms of value and privacy. However she bought her house with the applicant's house in existence and did at no stage query the position of the house. Thus it is unclear why the legalization of the existing house poses a problem. The applicant did not request the removal for anything other than the regulation of the existing house.

The garage, which is located at the rear of the property, was approved with consent with the neighbour, which is allowed in terms of the Title Deed.

The application was on request from the municipality to ensure that the building plan is correctly reflected on the ground. One should take into consideration that the building is more than 20 years old and it is only approximately 2,5m² that is over the Title Deed building line. The incorrect placing of the building also entails that the Zoning Scheme building line of 2m is transgressed and the same argument is applicable in recommending the legalization of the existing dwelling. It will be irresponsible for the Municipality to request that 2,5m² be demolished, which consists of a portion of two bedrooms and a loft. It will serve no purpose since the internal layout of the dwelling will be impractical and can only be changed at a huge cost, thus making the dwelling not sustainable.

The fact that the objector bought next to the applicant's erf and did not object to the placement of the building indicates that it was accepted. The aspect that it is unnecessary for the applicant to lodge such an application is not correct, since it became known that a transgression took place, the transgression must be rectified.

The removal of the restrictive condition will not enable the applicant to extend the building on the 1,96m building line, since the Zoning Scheme building is still in place. However in this case due to the close proximity of the existing building, it is recommended that the removal of the restrictive condition is amended to cater for the existing dwelling, but remains in place to ensure that future developments remain within the prescribed building lines.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clause B.7. of Title Deed T26532/11 applicable to Erf 3965, Betty's Bay, **not be approved**, due to the following reasons:
 - (a) the existing dwelling is in close proximity to the neighbouring erf and additions on first floor level to 1,96m may have an impact in terms of value and privacy, and
 - (b) the possibility of future extensions to the 1,96m on first floor level to habitable space becomes a reality and is not supported by the Municipality.

2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clause B.7. of Title Deed T26532/11 applicable to Erf 3965, Betty's Bay, **be amended** to read as follows:

"No building or structure or any portion thereof except boundary walls, fences and the existing house shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 3 metres of the lateral boundary, common to any adjoining erf, provided that with the consent of the Local Authority:-"

3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 3965, Betty's Bay for a departure in order to relax the lateral building line from 2m to 1,96m to accommodate the existing house, **be approved**;

4. that the amendment in Point 2. and the approval in Point 3. be subject to the following conditions:
 - (a) that the approval for the departure is only for the building line relaxation as indicated on Plan Numbers 06, 07, 08, 09, 10 and 11 dated 26 April 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report (attached as Annexure G), be complied with.

5. that the applicant and objector be notified of its right of appeal in terms of

Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The dwelling is more than 20 years old.
- ❖ The demolition of the transgression will result in a non-sustainable structure.
- ❖ In 20 years no complaints have been received regarding the placement of the dwelling.
- ❖ The condition be amendment for the existing dwelling and not a blanket removal of the condition.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Site Development Plan & Land Surveyor diagram
Annexure C: Motivation Report
Annexure D: Title Deed T26532/11
Annexure E: Objections received
Annexure F: Applicant's response to objections received
Annexure G: Services Report

SIGNATURES

REGISTERED PLANNER

Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature : _____

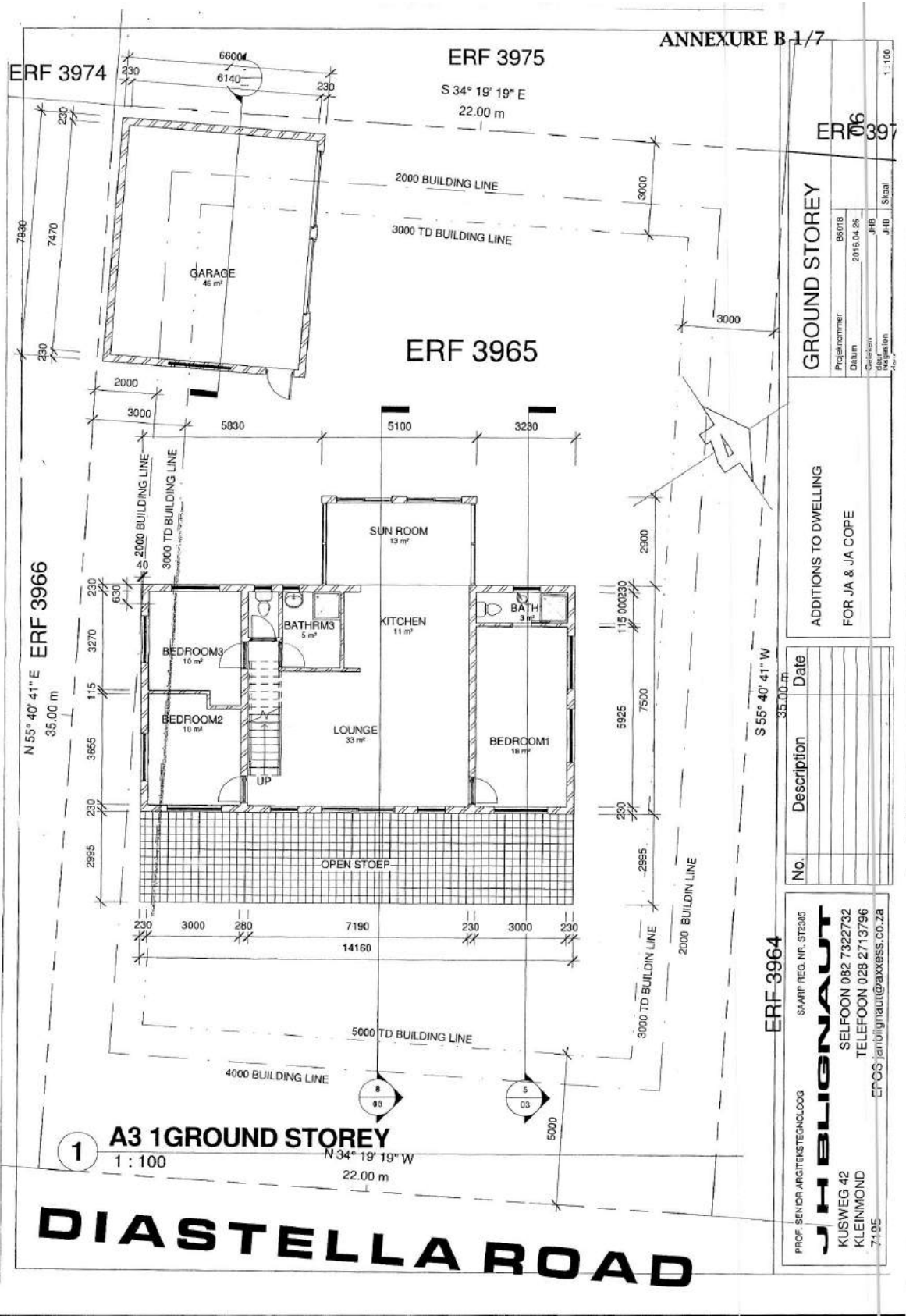
Date: _____



Erf 3965 Betty's Baai



Date: 2017-09-08



1 A3 1 GROUND STOREY
1 : 100

DIASTELLA ROAD

ANNEXURE B 1/7

GROUND STOREY

ADDITIONS TO DWELLING
FOR JA & JA COPE

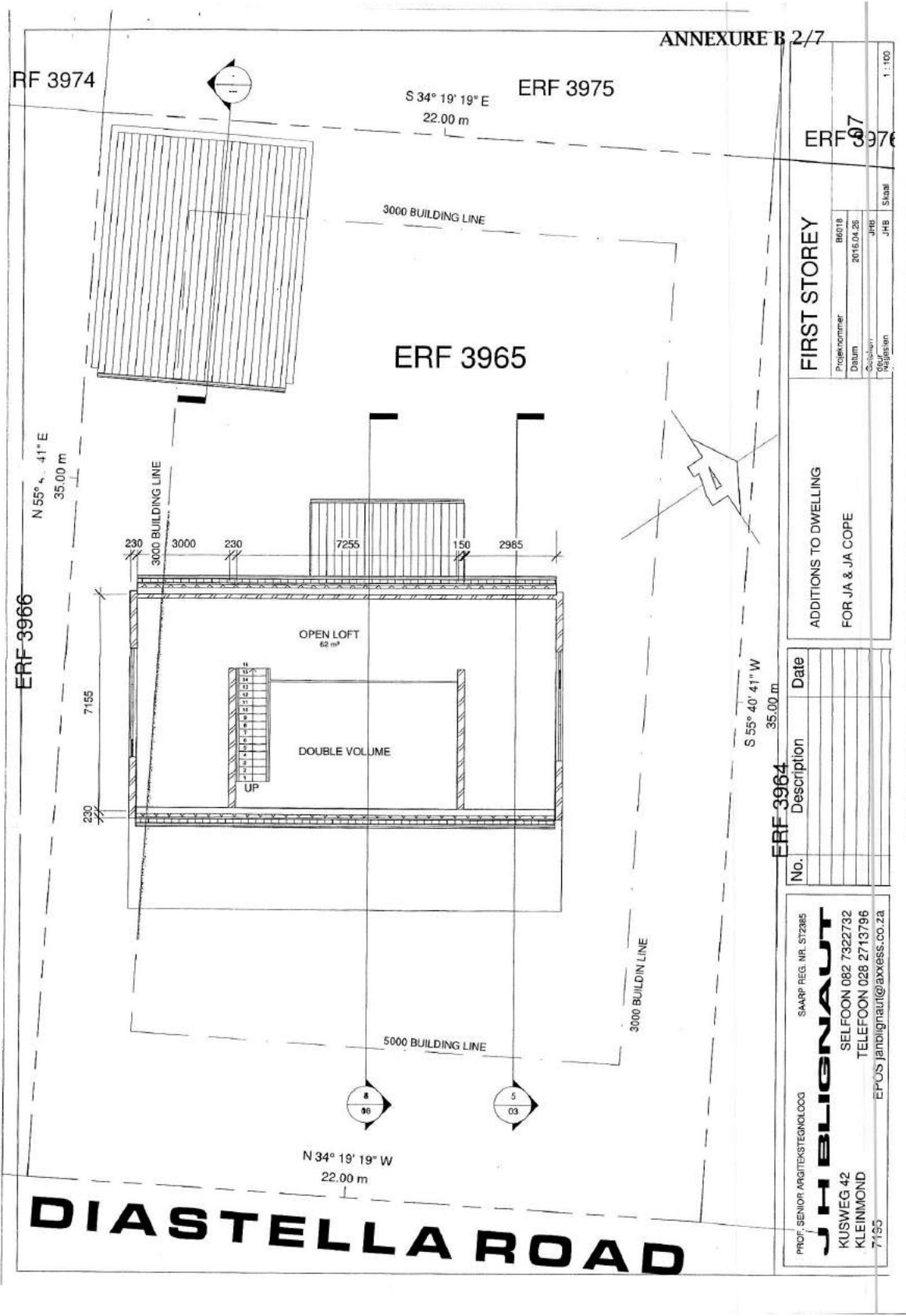
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ERF 3964
SAMP REG. NR. ST2385

J H BLIGNAUT
PROF. SENIOR ARCHITECT/ENGINEER
KUSWEG 42
KLEINMOND
7195
EPCS_jhblignaut@axxess.co.za

SELFOON 082 7322732
TELEFOON 028 2713796

Projektnummer	B0018
Datum	2016.04.26
Ontwerper	JHB
Skala	1:100



FIRST STOREY	
Projektnummer	B0018
Datum	2015.04.28
Ontwerper	JHB
Waarneemster	JHB
Skala	1:100

ADDITIONS TO DWELLING
FOR JA & JA COPE

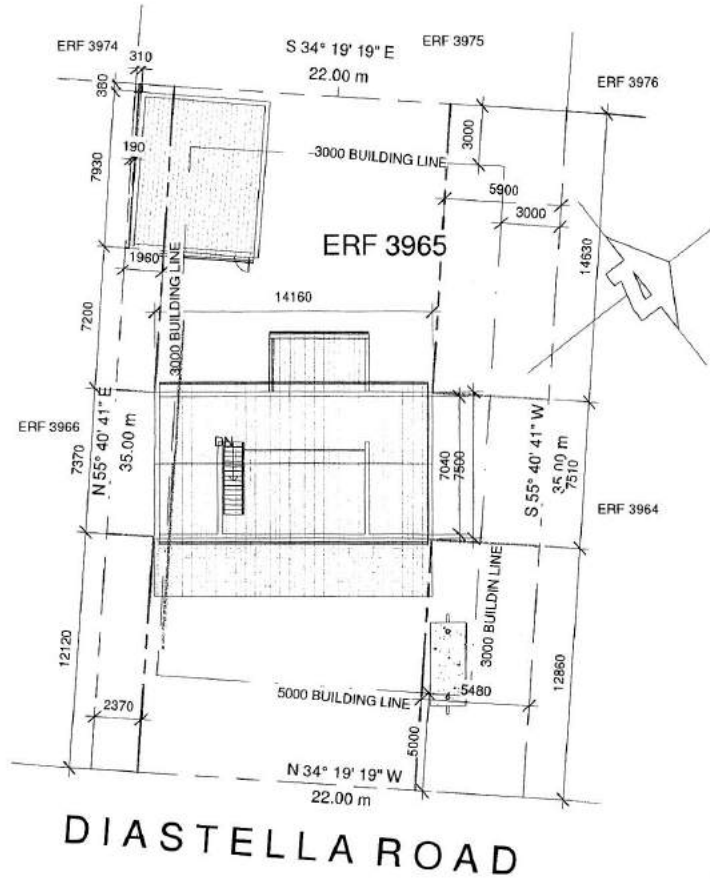
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PROF. SENIOR-ARGITEKTEKNOLOG

JHB BLIGNAUT
SMARP REG. NR. ST2885

KUSWEG 42
KLEINMOND
7193

SELFHOON 082 7322732
TELEFOON 028 2713796
EPOS jhb@blignaut@axxess.co.za



DIASTEELLA ROAD

1 A3 SITE PLAN
1 : 200

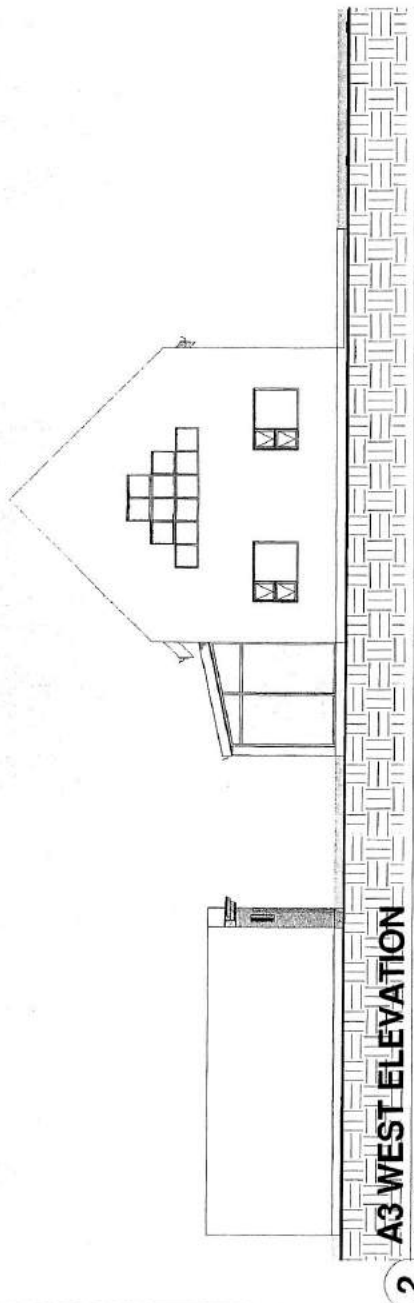
SITE PLAN

ADDITIONS TO DWELLING
FOR JA & JA COPE

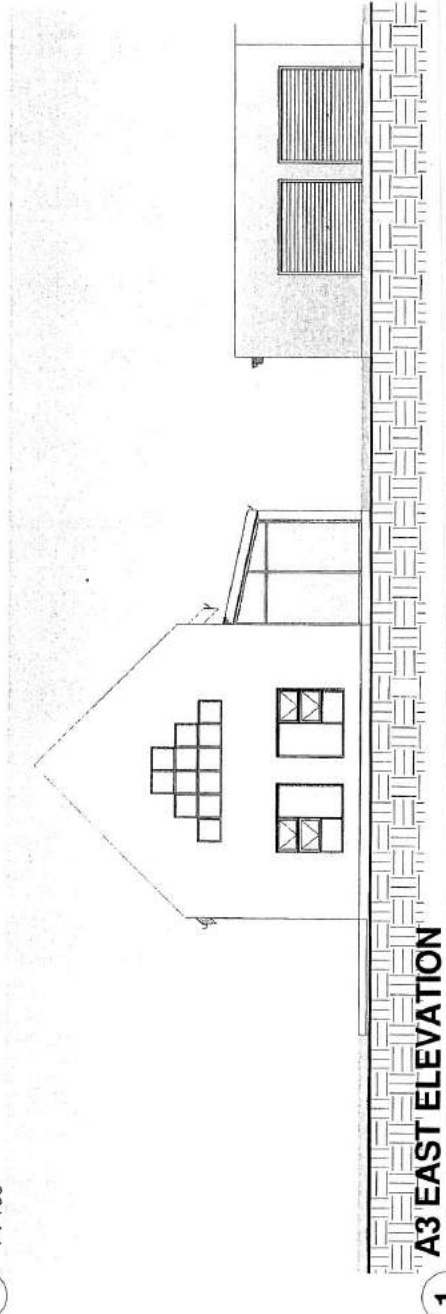
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Datum	2016.04.26
Gebruiker	JHB
Beaufraagde	JHB
Skaal	1 : 200

No.	Description	Date

SAARP REG. NR. 572385
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 PROF. SENIOR-ARCHITEKTEKNOLOG
 KUSWEG 42
 KLEINMOND
 7195
 SELEFOON 082 7322732
 TELEFOON 028 2713796
 EPOS janbignaut@axxess.co.za

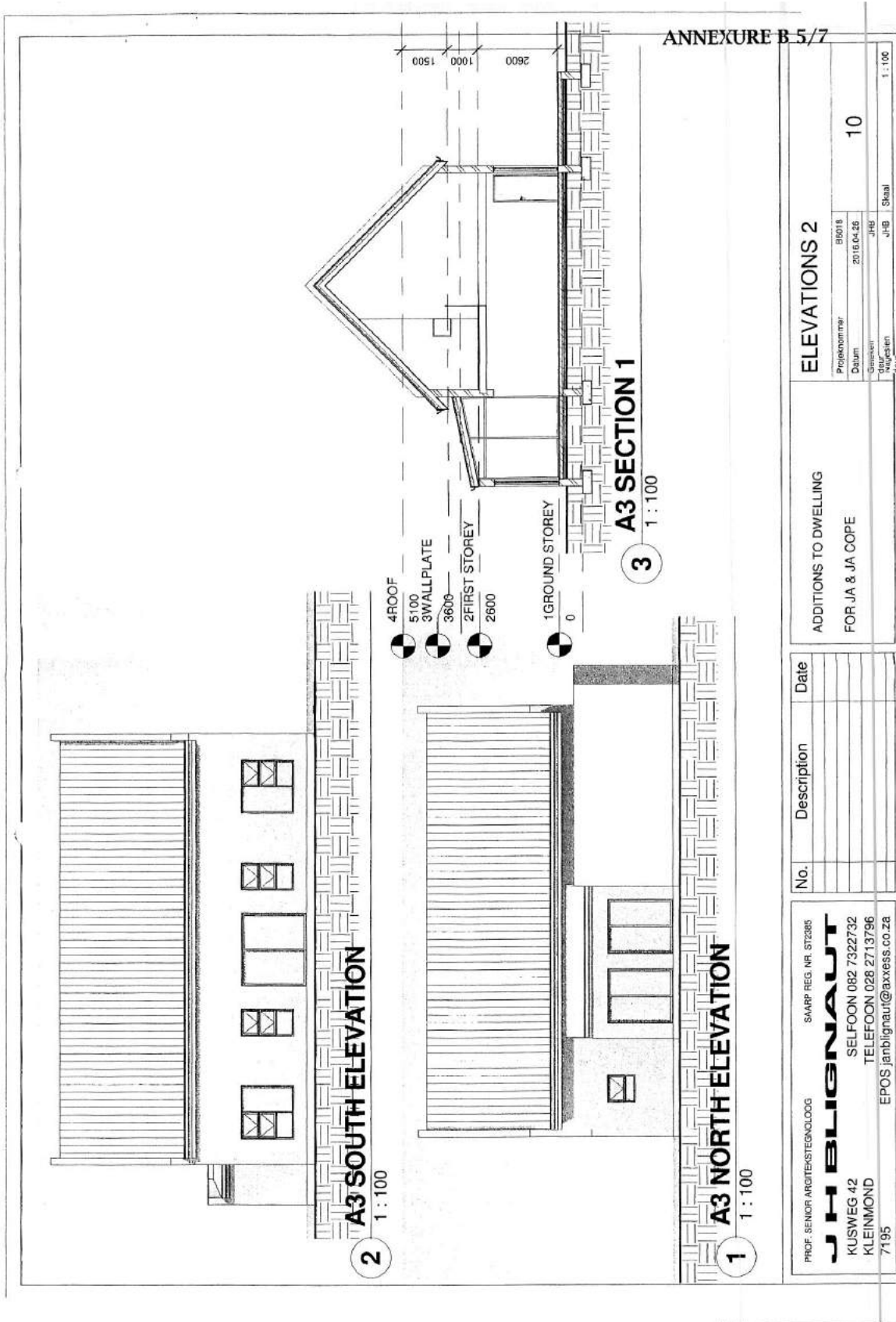


2 1:100



1 1:100

PROF. SENOR ARGENTEKNOLOGG JH BLIGNAUT KUSWEG 42 KLEINMOND 7135 SAARP REG. NR. ST2385 SELFHOON 082 7322732 TELEFOON 028 2713796 EPOS jhblignaut@axxess.co.za		ADDITIONS TO DWELLING FOR JA & JA COPE		ELEVATIONS 1 Projektnommer: B6016 Datum: 2016.04.26 Oorsigter: JHB Tekenster: JHB Skaal: 1:100	
No.	Description	Date			



ANNEXURE B.5/7

ELEVATIONS 2

Projektnummer	B10018
Datum	2016.04.26
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Maatskappij	JHB
Skala	1 : 100

ADDITIONS TO DWELLING
FOR JA & JA COPE

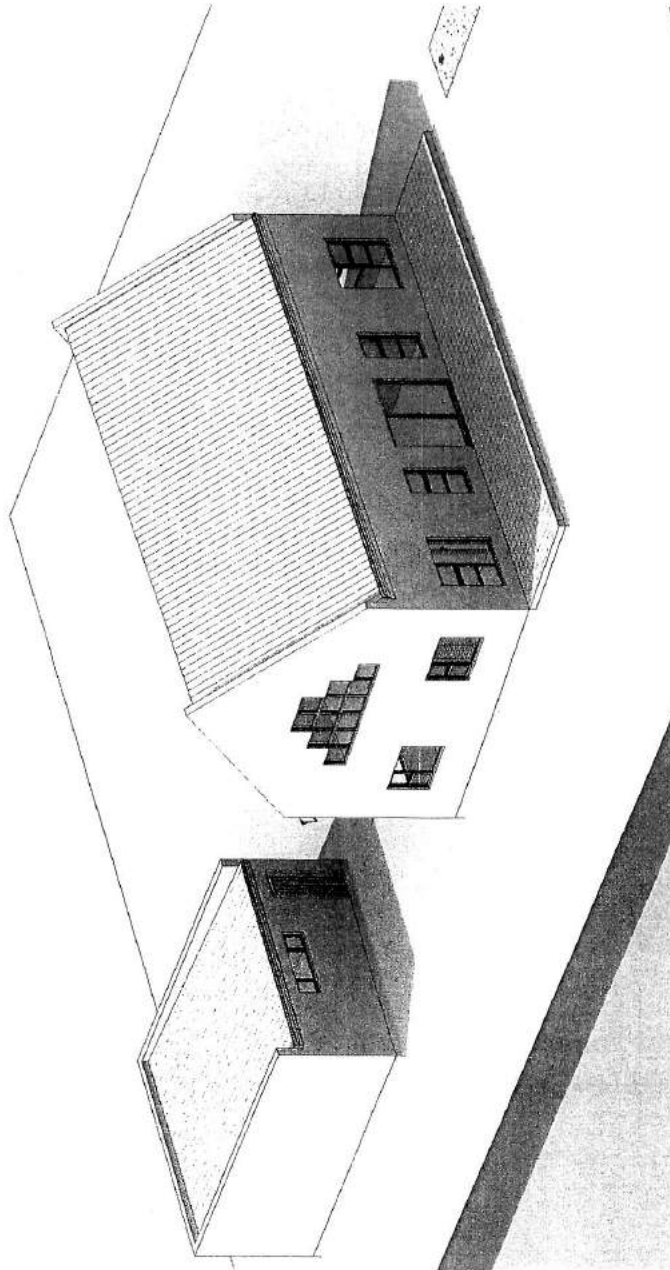
No.	Description	Date

PROF. SENIOR ARGITEKSTEGNOLOG
J H B LIGNAUT
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 KLEINMOND
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2 A3 SOUTH ELEVATION
1 : 100

1 A3 NORTH ELEVATION
1 : 100

3 A3 SECTION 1
1 : 100



1 **SOUTHWEST ELEVATION**

SOUTHWEST ELEVATION

ADDITIONS TO DWELLING
FOR JA & JA COPE

Projektnummer: B8018
Datum: 2016.04.28
11
Oskwiler: JHB
Registries: JHB Shaal

No.	Description	Date

PROF. SENIOR ARGITESTEGNULOOG
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COR VAN ROOYEN

Bsc (Landmeetkunde) UP

Tel. 028 271 4566
Faks/Fax 086 693 2727
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Posbus / P.O.Box 594
BETTYS BAY 7141

Epikaya Olienhoutstr. Kleinmond (Res)

e-pos / e-mail seaview@sonicmail.co.za



PLAN of ERF 3965
BETTYS BAY
Scale 1/250

Surveyed in April 2016 by me
Cor van Rooy

ANNEXURE C 1/1



J H BLIGNAUT

PROFESIONELE SENIOR ARGITEKSTEGNOLOOG

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42 BEACH ROAD
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CELL. 082 732 2732
EMAIL jhblignaut@access.co.za

10 May 2017

The Area Manager
Overstrand Municipality
Private Bag X3
KLEINMOND
7195

Dear Sir,

Erf 3965, Diastella Road, Bettys Bay – Motivation for relaxation of side building line

Mr. JA and Mrs. JA Cope, the owners of Erf 3965, Diastella Road, Bettys Bay, herewith applies for (1) the relaxation of the 3 metre title deed side boundary line as well as (2) the departure from the 2 metre town planning side boundary line on the western side of the plot.

It was discovered that the existing house was not built in the position shown on the approved drawings. This can be clearly seen on the land surveyor, Mr. Cor van Rooyen's, diagram dated April 2016.

This mistake must have occurred when the house was built originally. Similar problems often occur where there is dense natural vegetation and no neighbouring properties with fences around them. The fact that the house and outbuilding do not line up with any boundary also indicates that they were unsure where the corner pegs are.

We would like to motivate the applications as follows:

- (1) Relaxation 3 metre title deed side building line: The existing house has been infringing the 3 metre title deed building line since the house was built. As far as we know no one noticed or complained that the house is over the building line.
- (2) Departure from 2 metre town planning building line: Only a very small part of the existing house is infringing on the 2 metre town planning building line. A Small triangle of the northwest corner of the house exceeds the building line by 40mm at its worst for a distance of 630mm along the building line. This slipup occurred when the house was built originally.

Yours sincerely,

JH Blignaut
Professional Senior Architectural Technologist - ST2385

153

VISAGIE VOS & VENNOTE
P O Box 90, Goodwood 7459

Prepared by me.

M Ferreira
Conveyancer
~~JF VOS~~
M FERREIRA

FEE
R. 650,00

DEED OF TRANSFER NO T.

T 026532 / 11

KNOW ALL MEN WHOM IT MAY CONCERN :

THAT **DAVID ERASMUS ROUX**
appeared before me, Registrar of Deeds, at Cape Town, he/she, the said Appearer,
being duly authorised thereto by Powers of Attorney, granted by

1. **BRYAN DOUGLAS BRAY**
IDENTITY NUMBER 600910 5020 080
MARRIED OUT OF COMMUNITY OF PROPERTY
(as bare dominium owner)
2. **ELIZABETH SUSAN BRAY**
IDENTITY NUMBER 620706 0143 083
MARRIED OUT OF COMMUNITY OF PROPERTY
(as bare dominium owner)

09 JUL 2011
REGISTERED

- 2 -

3. **RODNEY STURDEE LEPPAN**
IDENTITY NUMBER 331002 5013 087
MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF ZIMBABWE
(as holder of a right of Habitatio)
4. **ANN LEPPAN**
IDENTITY NUMBER 341227 0017 084.
MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF ZIMBABWE
(as holder of a right of Habitatio)

dated the 2nd April 2011 and signed at BETTY'S BAY and

dated the 15th February 2011 and signed at BETTY'S BAY

and witnessed in accordance with law which Powers have been lodged with me;

And the said Appearer declared that the transferor/s had on **2 February 2011** truly and legally sold by Private Treaty, and that he/she, in his/her capacity as attorney aforesaid, did by virtue of these presents cede and transfer to and on behalf of

1. **JOHN ANTHONY COPE**
IDENTITY NUMBER 550813 5202 080
MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF ENGLAND
2. **JULIE ANNE COPE**
IDENTITY NUMBER 580131 0203 084
MARRIED, WHICH MARRIAGE IS GOVERNED BY THE LAWS OF ENGLAND

their heirs, executors, Administrators or Assigns

in full and free property

ERF 3965 BETTY'S BAY, IN THE OVERSTRAND MUNICIPALITY, DIVISION CALEDON, PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 770 (SEVEN HUNDRED AND SEVENTY) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No. T33672/1977 with General Plan No. TP8267 relating thereto and held by Deeds of Transfer Nrs T53245/1992 and T32564/1999, as well as Notarial Deed of Habitatio Nr K393/1999S.

A. SUBJECT to the conditions referred to in Deed of Transfer No. T26686/1970.

- 3 -

B. SUBJECT FURTHER to the following conditions mentioned in the said Deed of Transfer No. T33672/1977 imposed by the Administrator of the Province of the Cape of Good Hope, in terms of Ordinance No. 33 of 1934, when approving of the establishment of Betty's Bay Township Extension No. 3, namely:

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14th August 1970.
2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf, shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this Township to be conveyed across this erf, if deemed necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank, owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may from time to time after reference to the Townships Board and the Local Authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the Local Authority may permit such other buildings as are permitted by the Scheme, subject to the conditions and restrictions stipulated by the Scheme.
7. No building or structure or any portion thereof except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 3 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority:-

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- 4 -

(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary on the erf, provided that in the case of a corner erf, the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf.

(ii) an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.

8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.
9. In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes shall be subject to the conditions herein set forth as if it were the original erf.

C.

H/1

- 5 -

WHEREFORE the Appearer, renouncing all the right and title the said

1. **BRYAN DOUGLAS BRAY (as bare dominium owner)**
2. **ELIZABETH SUSAN BRAY (as bare dominium owner)**
3. **RODNEY STURDEE LEPPAN (as habitatio holder)**
4. **ANN LEPPAN (as habitatio holder)**

heretofore had to the premises, did, in consequence, also acknowledge the transferor/s to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the said

1. **JOHN ANTHONY COPE**
2. **JULIE ANNE COPE**

their heirs, executors, Administrators or Assigns, now is/are and henceforth shall be entitled thereto, conformably to local custom; The State, however, reserving its rights; and finally acknowledging the whole of the purchase price amounting to **R1 150 000,00 (One Million One Hundred and Fifty Thousand Rand)** to have been duly paid or secured.

IN WITNESS whereof I, the said Registrar, together with the Appearer, q.q., have subscribed to these presents, and have caused my Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at Cape Town on 23 MAY 2011



q.q.

In my presence,



 REGISTRAR OF DEEDS



ANNEXURE E 1/1



TP-A Theart
(H vld Stoep)

15 St. James Terrace,
124 Main Road,
St James
7975
30 November 2017

The Senior Town Planner
Overstrand Municipality

Dear Ms van der Stoep

Erf 3965, 70 Diastella Road, Betty's Bay, Overstrand Municipal Area: Proposed Relaxation and Departure: J. Cope

I, Helen Humby, owner of the adjacent property erf 3966 to the subject property hereby object to the application for the accommodation of the following encroachments of the existing dwelling on the property:

- A departure in terms of Section 16(2)b to relax the lateral building line from 2m to 1.96 m in terms of the of the Scheme regulations
- A removal of Restrictions in the Title Deed in terms of section 16(2)f to relax the lateral building line

The reason for the objection is substantially the same as my letter of objection dated 18th January 2017 to a previous application by the owners of the subject property.

In essence there has been no change in substance in this new application. If the restriction on the building line is removed in will merely allow the owner of the property or any future owner or successor in title to build within the now illegal building line and as such seriously infringe my rights and value of my property.

Furthermore, if the existing owner professes not to want to build on the property as per his previous application, why then the necessity to have this matter regularized other than to enable the owner to launch a fresh application in the future to build a structure that will infringe on my rights and value of the property.

Therefore I cannot approve of application under any terms whatsoever.

Yours faithfully,
Mrs. H.L. Humby

FILE NO: EL 3965-BB
SCAN NO: 33
COLLABORATOR NO: 1108251

TP 1 DEC 2017

JOHN COPE



*TR A Theart
(Huld Stoep)*

ANNEXURE F 1/1 *leg*

3965 Diastella Road
Bettys Bay
7141
Western Cape
Postal: PO Box 401
Bettys Bay
7141

Tel: 0728234657
E: johncopejcadesign@btinternet.com

12 December 2017

ATT: The Senior Town Planner
Overstrand Municipality

RE: ERF 3965 Bettys Bay

Dear Mrs van der Stoep,

With reference to the objection raised by Mrs. H Humby in her letter to you dated 30 November 2017, I comment as follows:

Our current Town Planning application is based solely on the requirement to bring the Title Deeds in-line with the existing as-built dwelling. As is now known, the existing dwelling was not built in the position shown on the original approved building plans. This oversight occurred over 20 years ago and long before we purchased the property. Therefore it is our intent to simply regularize the current building and the necessary supporting documentation.

Any reference to any potential future building extensions or alterations to our dwelling is irrelevant to the main issue of updating the Title Deeds to reflect the existing dwelling position. We look forward to your comments on this matter.

Yours Sincerely,

John Cope

FILE NO:	EL 3965
	Betty's Bay
SCAN NO:	12
COLLABORATOR NO:	1112184

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE:
ERF 3965, BETTY'S BAY (3755)**

Stormwater (SW) : In order
Electricity : Escom
Water : In order
Sewer : In order
Roads and traffic : In order

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that stormwater be allowed to discharge through Erf 3965, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18/12/2017
DATE