4.10

ERF 1709, 7 HES SE GANG, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF THE PIET BRAND FAMILY TRUST

1709 HVM (3245/2019)
H Olivier (028) 313 8900 Hermanus Administration
6 March 2020

1. EXECUTIVE SUMMARY

An application has been received on 17 June 2019 from Messrs Plan Active on behalf of the Piet Brand Family Trust on Erf 1709, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax:

- The street building line from 5m to 4,66m to accommodate a portion of the existing dwelling;
- The south-western lateral building line from 1m to 0,687m and 0,257m to replace the concrete roof slab on top of the existing garage, and
- To depart from the Hes-se-Gang Design Manual.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUD / SITE HISTORY

The erf measures 420m² in extent and is located in a town house complex. The erf is zoned General Residential Zone I and is developed with a dwelling with garage.

The complex has a design manual, but no Home Owners Association was established to police the design manual.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is as follows:

- There are no restrictions in the Title Deed prohibiting the application.
- The extensions to the dwelling will not negatively affect the character of the area.
- The application is to depart from building lines and the Hes-se-Gang Design Manual.
- Erven in the complex are zoned General Residential Zone I, with a surrounding area with a predominantly residential character.
- The portion of the dwelling that encroach the 5m street building line is a bathroom area for which the roof will be raised, which only encroach 34cm over the street building line. It will have no real impact.
- The existing slab over the garage will have to be replaced and raised by 30cm. The existing garage is 0,687m and closest up to 0,257m from the south-western lateral boundary, hence a departure from the 1m building line is applied for. It will have no impact on neighbours.

- The departure from the design guideline includes:

  - To allow a unit larger than 7m x 14m dimensions.
  - To not limit the unit to approximate 6m in length and single storey 45° pitched roof, but a double storey unit of 8m in height with a 30° pitched roof.
  - Different types of deck railings are proposed.
  - A double garage is proposed, instead of single garages allowed.
  - A different type of window is proposed.
  - Double garage doors with a different colour than the manual are proposed.

- Other units in the development have already departed significantly from the Hes se Gang Manual, similar to the new proposal.
- Impact on surrounding properties will be kept to a minimum, therefore property values will not be negatively affected.
- All services already exists on the property.
- Access to the property will be from the existing driveway, with no additional traffic impact.
- The erf does not fall in a heritage area or is earmarked for heritage conservation.
- No environmental listed activities are triggered.
- The application is in line with the Overstrand Municipality SDF, 2006 and Overstrand Municipal Growth Management Strategy, 2010.

- Planning Principles

  Spatial Sustainability
  The proposal will promote compaction, which is compatible with the character of the area. Will not lead to urban sprawl or impact a sensitive environment.

  Efficiency
  The extensions to the unit is efficient as it discourage the phenomenon of urban sprawl and promote more compact towns.

  Good Administration
  The process was followed in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to ensure a good administrative process.

- The existing built character of Hes-se-Gang varies from the design manual.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		**Date published**	**Closing date for comments**
Notices	**Yes**	17 September 2019	18 October 2019
Ward councillor	**Yes**	17 September 2019	18 October 2019
Total comments	**TWO (2)**		
Total letters of support	**NONE**		
Was public participation undertaken in accordance with Section 46 - 50 of the 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			**Yes**

SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	

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

Name	Date received	Summary of comments
Engineering Services	25/10/2019	See Annexure F.
Building Department	17/09/2019	No objection. Building plan application to be compliant with all applicable law.
Fire Department	17/10/2019	No objection.
Telkom	14/10/2019	See Annexure G
Eskom	21/10/2019	See Annexure H.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Note that notices were sent out to all surrounding possibly affected property owners on 17 September 2019. From such process one (1) letter of objection was received from J Lester (Erf 1708). (See Annexure E.)

Due to the national lockdown a site inspection could only be conducted during June 2020 by the writer and the Senior Town Planner, in an attempt to finalize the application. The then new owner of Erf 1708, CC & A Groenewald, then for the first time found out about the application, and submitted an application for intervener status to submit comments on the application.

The applicant requested that the CC & A Groenewald be included into the process as an objector, and they were therefore provided with an additional period to submit any additional comment before or on 21 August 2020. No additional comments were received.

The applicant was then provided with an opportunity to respond to the objections submitted by CC & A Groenewald. (See Annexure F.)

The two (2) letters of objection, the applicant's response and the municipal town planner's response can be summarized as follows:

1. The application and plans received were incomplete.

Applicant's response

A complete application was submitted to the Municipality. The notice of the Municipality also clearly states the full application can be viewed at the Municipality.

Town Planner's comment

The applicant's comments are supported.

It is to be noted that the objector, J Lester, did sent an email to the Municipality dated 30 September 2019, referring to previous verbal consultation with the Municipality and also questioning what plans have been approved.

The objector was contacted telephonically by the Town Planner to explain the process, and the objector indicated that she did not receive a copy of the notice which forms the front page of the registered mail parcel sent to her and neighbours. The notice page was forwarded to the objector on 1 October 2019 (See attached as Annexure I). No further information was then requested at that stage by the objector, and in the second objection letter dated 17 October 2019, the objector made reference to an "incomplete" application with regard to other information.

It is the opinion that the objector was provided with sufficient opportunity to obtain any further documents, but did not request the same. The administrative process was therefore correctly followed.

2. ***How could approved building plans exist for the property, as neighbours' permission was not provided.***

Applicant's response

There are already approved building plans on municipal records including for the deck which encroach the building line.

Town Planner's comment

The garage and patio on top of the garage was already approved in 1997, and also included a built braai on the south-western side of the patio on first floor. Note different Zoning Scheme Regulations were applicable prior to 2014.

In September 2017 a building plan was submitted for some minor internal changes, and also to show the correct position of the braai on the first floor patio. Note that the architect motivated that the building work was already done in 1998, and was therefore dealt with as "as built structures". The braai was actually constructed on the north-western part of the first floor patio. It also traversed less than 0,5m over the 1m building line with Erf 1709, which is allowed in terms of the Overstrand Municipality Zoning Scheme Regulations approved in 2014.

Considering the above the "as built plan" was approved as it would have no additional impact on neighbours or impact the character of the area.

3. ***The proposed appearance of the building on page 7 of the application is misrepresentation, as it shows a single storey building whilst the application is for a double storey building.***

Applicant's response

The picture on page 7 was described in the wording above the picture, which clearly indicates that there is reference to only some of the features in the picture.

Town Planner's comment

The objection is noted and the applicant's explanation is duly noted.

4. ***A two storey building of 9m high will close in the property to the rear and devalue Erf 1708.***

Applicant's response

The roof height complies with the 8m maximum height restriction as stipulated in the Overstrand Municipality Zoning Scheme. The slab on the garage will also only be raised 30cm.

The applicant is not responsible for neighbours' views and the slab to be raised is not over the building line abutting Erf 1708.

The double storey portion on top of the garage, nor the slightly raised roof slab obstruct the objector's view, and it will not be constructed over the building line.

Town Planner's comment

The comments are duly noted.

The Zoning Scheme does provide for an 8m height restriction, but in the Hes-se-Gang Design Manual roof height of approximately 6m were recommended.

The applicant is correct in his interpretation when only considering the Zoning Scheme, but totally ignoring the Hes-se-Gang Design Manual. Although it could be debated if the Hes-se-Gang Design Manual must still be considered applicable, considering many dwellings have departed from the style and height in some form.

However, up to as recent as 2013 departures from the Design Manual was still considered by the Municipality to ensure that the character recommended in the Design Manual be protected to a certain extent.

This will be further elaborated on in the evaluation part of this report.

5. ***The 9m double storey building will be right adjacent to the entertainment area of Erf 1708.***

Applicant's response

The new building will not impede any views from the objectors' entertainment area. There is no view at this stage due to the objectors' entertainment areas location 55cm from the common boundary, nor will it further be impeded on with the new building extension.

Town Planner's comment

It is not clear from the objection if the objector is referring only to the outside braai area or possibly the first storey deck as entertainment areas. The applicant's opinion is supported with regard to the impact of new building work on the outside braai area. However, if there are any views from the deck it might be impacted. This will also be discussed in more detail in the evaluation part of this application.

6. ***The current building on Erf 1709 is not 1m from the common boundary with Erf 1709, but 0,72cm to the middle of the boundary wall. (The wall is a sharing wall.)***

Applicant's response

A survey done by Messrs van Dyk Surveyors confirmed the corner of the building is 1,25m away from the property boundary.

Town Planner's comment

The comments are noted, and considering a professional land surveyor surveyed the site, it is difficult to debate the applicant's opinion.

7. ***Other modifications and extensions to houses in Hes-se-Gang are in line with the character of the development, but this proposal is for an addition of a complete second floor.***

Applicant's response

Some houses developed in Hes-se-Gang are already double storey, has double garages and more than one deck with railings other than wood were allowed. The objector's dwelling is also double storey.

Town Planner's comment

The applicant's comments regarding the construction of double garages, more than one deck and railings other than made of wood are supported.

The comments regarding "double storey" must be considered in terms of the aims of the Hes-se-Gang Design Manual and also what was allowed for existing houses. This point will be discussed in more detail under the evaluation part of the application.

8. ***The proposed pitch of the roof will not be in line with the pitch of other dwellings in the complex.***

Applicant's response

A 30° roof pitch is proposed to limit the height to comply with the 8m height restriction. There is not a significant difference between a 30° and 45° roof pitch, and it will not impact on the character.

Town Planner's comment

The comments are noted.

It is to be noted that in a previous application to raise a roof of a dwelling the Building Control Department indicated that it could change the character of the complex. The Building Control Department and Local Heritage Committee however did not provide any objection to this application.

9. ***The proposed dwelling will be better suited in a free standing single residential plot.***

Applicant's response

Many of the properties have already departed from the Hes-se-Gang Design Style, which changed the development's character.

Town Planner's comment

The comment of the applicant can to a certain extend be supported, as the existing development does differ significantly from the Hes-se-Gang Design Manual.

10. Not clear why existing dwelling traverse building lines.

Applicant's response

No comment provided.

Town Planner's comment

See point 2 above.

11. Request that a site inspection be done with the objector present.

Applicant's response

No comment provided.

Town Planner's comment

A site inspection was done by the Town Planner and Senior Town Planner, but due to the fact that the Town Planner may not be influenced by any party to the application in making a recommendation, objectors or applicants are not invited to such site visits

12. The owner of Erf 1708 previously objected to building plans at the Municipality which was forwarded to the owner by an architect.

Applicant's response

No comment provided.

Town Planner's comment

The plans that were forwarded during 2018 to the objector by the architect were the plans which are now considered in this application. Due to the lack of a Home Owners Association for Hes-se-Gang, the applicant attempted to obtain the consent of all owners for the approval of the plan.

Due to the fact that the objector did not consent thereto and questioned its compliance with the Design Manual, a formal planning process with notices to all property owners in Hes-se-Gang was the only option for the applicant to follow, should he/she still wanted to attempt to obtain approval for the building plan.

13. Erf 1708 is the only property within the Development of Hes-se-Gang that is boxed in by five (5) other properties, and it is boxed in with the only open space situated next to Erf 1709. The further development of Erf 1709 will impact privacy on Erf 1708 and the use of the open area.

Applicant's response

The layout of the properties within Hes-se-Gang development were well established when the owners purchased Erf 1708. The proposed alterations does not impact the layout.

Town Planner's comment

The comments are duly noted.

The applicant's comments are true that when the new owner purchased the property the property was already boxed in due to its location.

The objector's opinion however also relate to the extensions and raising of the building overlooking their property, and the comments regarding loss of privacy does have merit.

The point will be further elaborated on in the Evaluation section.

14. The existing entrance to Erf 1708 is not entirely 6m as the case with the other properties in the development and this contributes to the fact that the property has less open space and are more boxed in.

Applicant's response

This has no relevance to the application. It is also to be noted that the street frontage is 6m, and that the entrance gate only deducted 3m.

Town Planner's comment

The comments are noted.

The applicant only refer to this fact to again emphasize the boxed in shape of Erf 1708.

15. The existing dwelling on Erf 1709, Vermont is not double storey, but single storey with a loft, as are stipulated in the Hes-se-Gang Design Manual.

Applicant's response

See answer under Point 4.

Town Planner's comment

The applicant want to stipulate the fact that the dwelling should comply with the parameters as stipulated in the Hes-se-Gang Design Manual, which allows for a one storey house with a loft.

The applicant in his response refer to two storeys in terms of the Zoning Scheme. The Zoning Scheme stipulates that as soon as a specific level in a dwelling has an area between the floor and ceiling, such level is a storey. The "loft" space is therefore in terms of the Zoning Scheme also considered a second storey, hence such description by the applicant.

This will further be elaborated on in the Evaluation section.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See 7. above.

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

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.

The objectives relating to:

Spatial Justice
N/A

Spatial Sustainability
The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and will not have any negative influence on the natural environment.

Efficiency
The application will discourage urban sprawl and promote a more compact town.

Spatial Resilience
N/A

Good administration
The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Due to the scale of the application it does not impact on these policies.

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

N/A

10.6 Impact on Municipal Engineering Services

No new services will be required.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

Hes-se-Gang is a group housing development with an architectural design manual. Many of the units have departed from the Hes-se-Gang Design Manual and each plan/application is therefore considered on its own merit.

11. THE DESIRABILITY OF THE PROPOSAL

Erf 1709, 5 Hes-se-Gang, Vermont measures 420m² in extent. The erf is zoned General Residential Zone I. There is an existing dwelling on the property.

The Hes-se-Gang complex is a Group Housing Complex, which was developed in line with a specific building style and with an Architectural Design Manual to allow only certain additions in line with such style. Any departure from the Design Manual is considered a privilege and must obtain consent from other property owners in Hess-se-Gang and/or apply for it in the format of a departure.

The applicant now wishes to do additions to the dwelling which is considered a departure of the Architectural Design Manual, and also to relax one lateral and the external street building line.

It is to be noted that no Home Owners Association was ever created for this group housing complex. Therefore, consent letters must usually be provided for new extensions to units. Due to the fact that the owner of Erf 1708 did not want to consent to the additions and alterations, and also indicated that the proposal is not in line with the Hes-se-Gang Design Manual, a formal process was started and registered notices were sent to all property owners in the complex for their consideration.

The major proposal departure is to build a higher building and altered roof to change the loft space into a second storey. A first storey addition above the existing garage is also proposed.

As can clearly be seen from the objection and applicant's response thereon, the greatest difference in opinion between the applicant and objectors are about the scale of the alterations and its compatibility with the Hes-se-Gang Design Guidelines, secondly impact on the character of the existing units in the development and lastly impact on Erf 1708 to its west.

It is to be noted that other applications for departures were considered in the Hes-se-Gang Development in the past.

This application must be considered on its own merit, to determine its desirability.

If the application is considered or evaluated in terms of the Hes-se-Gang Design Manual, the alterations could be considered a significant departure from such style. However, as indicated by the applicant, most units in the complex have departed significantly from the Design Manual. It is therefore the opinion that a departure from the Design Manual are more the rule than the exception, and the applicant's expectation that he can depart from the design manual, is not unreasonable.

The second matter is, how you measure the level of the merit of the departure. The only way is to consider what was allowed in the past and also the impact thereof on neighbours.

The applicant proposes to raise the walls of this loft type unit to create a semi double storey dwelling. To ensure that the building at least complies with the height restriction of the Overstrand Municipality Zoning Scheme, he/she wants to change the roof pitch of the main building from 45°, as was applied to other units, to a 30° pitch. The proposal is to also extend this semi double storey element onto the garage patio area. This is the main amendments the objectors feel would impact the private space and entertainment area on Erf 1708, will box the property in and ultimately impact their property value.

The application was forwarded to the Building Control Department and the Local Heritage and Aesthetics Committee for their comments.

It was established that the proposed additions were considered by the Local Heritage and Aesthetics Committee on 6 December 2018, and certain amendments were recommended. (See Annexure J). The applicant tabled the plan to the committee specifically for their aesthetics comment to consider if it fits in with the character of the other units. The applicant also tabled copies of photos of some existing units in the Hes-se-Gang development to show the existing character of the complex, and consent letters in support of the building plan from owners of 6 of the other 8 units in the complex were provided.

The plan submitted with the departure application included the amendments requested by the committee, hence the reason why the Local Heritage Committee representative and Building Control Department provided no objection to the application for departure.

Considering the above, the proposed amendments is considered in line with the existing character or style of existing units in Hes-se-Gang. There are also other units that have been transformed into double storey or semi-double storey units. (See photo's that served before the Aesthetics Committee (attached as Annexure J).

The objection that this application will change the character of the area can therefore not be supported, as the character has already been changed significantly, and the changes to this unit is supported by the Local Heritage & Aesthetics Committee and Municipal Building Control, the specialists when it comes to considering building style or aesthetics.

The objector's opinion that Erf 1708 will be boxed in, however does have some merit.

The existing dwelling on Erf 1709 is situated north east of the dwelling on Erf 1708, and should the second level of the dwelling be raised, new windows will mostly overlook the narrow front yard with driveway and onto the covered entertainment lapa on Erf 1708, ensuring limited impact on Erf 1708 regarding shade or privacy. The impact of this extension will therefore have a limited impact.

The applicant's proposal to create a double storey element (braai room) on the existing garage (with deck on top), could however have a much greater impact. The double storey building will be directly in front of the objector's deck, with its views over the existing garage and deck on Erf 1709 in an eastern direction. Although the objectors did not mention impact on view, the applicant did motivate the view from Erf 1708 will not be impeded.

With the original placement of the units, units were placed in such a manner that there would still be views over lower lying units, or over decks and garages on the side of the main structures. In page 11 of the Hes-se-Gang Design Manual (see attached as Annexure K) under Point 1.3 Conceptual Development the following comment is made regarding garages and enclosed stoeps: "Any proposed departure or variation from the indicated position would be incumbent on the proposer to motivate the revision including an analysis of views and amenity of adjacent affected properties, and to obtain approval of adjoining owners in the group housing scheme."

The new proposed second storey on the garage would also be just more than 1m from the common boundary with Erf 1708, and will be an imposing structure right above the backyard and deck on Erf 1708. Impact on privacy will however be less considering there is an existing approved open deck on the garages. The proposed extension will however provide a boxed in feeling in the back yard of Erf 1708, and this sentiment is supported.

As it can be the applicant's reasonable expectation that he be allowed to make alterations that depart from the design manual, due to the fact that it is not out of line with the alterations allowed for other units in the complex, so it can also be a reasonable expectation of the objectors that the objectives of the Hes-se-Gang Design Manual be respected.

It is the opinion that the proposed construction of the braai stoep on the garage and deck would have a significant impact on the applicant's view and create a boxed in feeling. One objector is the existing property owner, and does not want to consent to the building plan. It is considered that should the extension of an enclosed stoep above the garage be allowed, it would be infringing on the owner of Erf 1708 rights, and not in line with the reasonable expectation test.

It is therefore the opinion that the applicant's departure from the design manual be allowed for alterations to allow a dwelling with different dimensions, roof pitch, a double storey type structure, amended deck railings and window types, but that the

addition of the braai room on top of the existing deck area above the garage area not be supported. It must also be noted that there was an existing double garage on the property, as is the case of other units, and therefore the change to a double garage is supported. This is only an internal change.

The replacement of the slab on top the garage that encroach the 1m lateral building line is therefore not supported, and the relaxation of the 5m street building line is a minor encroachment, which is supported.

12. RECOMMENDATION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a departure from the Hes-se-Gang Design Manual on Erf 1709, Vermont, **be partially approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that all alterations be approved except the new first storey extension on the existing deck area (above the existing garage) south of the main dwelling, and the deck may also not be raised, and

   (b) that amended plans be submitted in line with Condition 1(a) for consideration and final approval by the Building Control Department.

2. that the application in terms of Section 16(2)(b) of the By-Law for a departure on Erf 1709, Vermont to relax the southern lateral building line from 1m to 0,687m and 0,257m respectively to raise the concrete slab on top of the existing garage (existing deck), **not be approved** in terms of the provisions of Section 61 of the By-Law.

3. that the application in terms of Section 16(2)(b) of the By-Law for a departure on Erf 1709, Vermont to relax the street building line from 5m to 4,66m to accommodate a portion of the dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that this approval is only for the relaxation of the building lines as indicated on the plan submitted by the architect (Plan No. erf 1709-Brand/03-Rev 1 dated June 2018) excluding the building extension on top of the garage on the existing deck area;

   (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;

   (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

   (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;

   (e) that all the conditions in the Service Report (attached as Annexure F), be complied with;

(f) that all the conditions by Telkom (attached as Annexure G), be complied with, and

(g) that all the conditions by Eskom (attached as Annexure H), be complied with.

4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

13. REASONS FOR RECOMMENDATION

Paragraph 1 – PARTIALLY APPROVED

SUPPORTED

- Many departures have been allowed from the Hes-se-Gang Design Manual, and the proposed alteration to the main dwelling is in line with the character of surrounding units.
- The Municipal Building Control Department and Local Heritage and Aesthetics Committee support the departure from the Design Guidelines, and therefore it is the opinion that the aesthetical appearance of the proposed extensions will not be out of character with the surrounding area.
- The proposed changes to the main dwelling will not be too imposing on the yard and dwelling on Erf 1708, as the dwelling slants away from the common boundary, and also mainly faces (windows) the open front yard and driveway on Erf 1708. This would ensure less impact on privacy.
- It is speculative to say the extensions above the dwelling would devalue the neighbour's property, as the property value of Erf 1709 will rise, and property values are also calculated in relation to property values surrounding a property.
- The changes to the dimensions, roof, pitch and double storey element, deck railings, window types, double garaging and colour of garage door is considered in line with aesthetical appearance of the complex, as it was approved by the Municipal Building Control Branch and Local Heritage and Aesthetics Committee.

NOT SUPPORTED

- The proposed first storey area on the deck will impose on the view from Erf 1708, and as stipulated in Point 3.1 in the Hes-se-Gang Design Manual such addition should only be allowed should the affected neighbour consent thereto. The neighbour does not consent thereto and if it is approved will be in conflict with the neighbour's (Erf 1708) reasonable expectations.
- The proposed extension on the deck will only be just more than 1m from the common boundary with Erf 1708, and will be an imposing structure that would provide a blocked in feeling of the back yard, entertainment area and first storey deck of Erf 1708.

Paragraph 2 – NOT BE APPROVED

- The deck does not have to be raised as the first storey section above the garage is not supported, as indicated for the same reasons as the second non-support reason as mentioned in Paragraph 1 above.
- The area below the deck is used for garaging purposes and there is no reason that it has to be raised.
- The structural and dampness problems can be resolved by purely replacing the existing slab on the same height and replacing the railing.

Paragraph 3 – APPROVED

- The application has followed due process.
- The encroachment for the dwelling over the street building line is only 34cm, and considered a minor encroachment.
- The encroachment will not have a negative impact on neighbours or the character of the area.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Building Plan (Proposed)
Annexure C:	Motivation Report
Annexure D:	Letters of objection
Annexure E:	Applicant's response to objections
Annexure F:	Services Report
Annexure G:	Comment: Telkom
Annexure H:	Comment: Eskom
Annexure I:	E-mail to objector (regarding notice)
Annexure J:	Local Heritage and Aesthetics Committee Minutes dated 06/12/2018, photos and comments dated 17/09/2019 relating to the departure.
Annexure K:	Hes-se-Gang Design Manual
Annexure L:	Last approved building plan

SIGNATURES

REGISTERED PLANNER:

Name: **H OLIVIER**

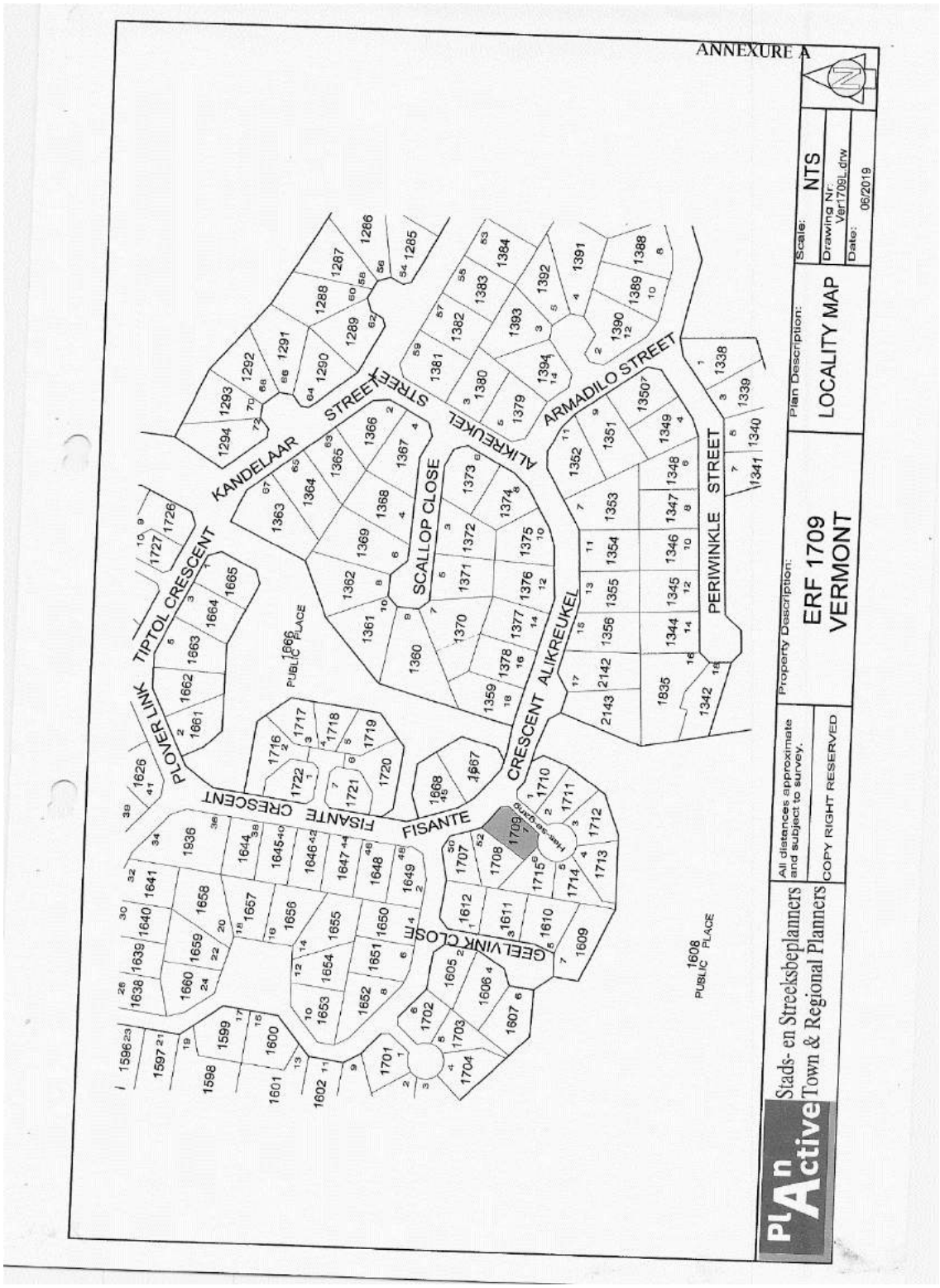
SACPLAN Reg No: **B/8128/2004**

Signature: _____

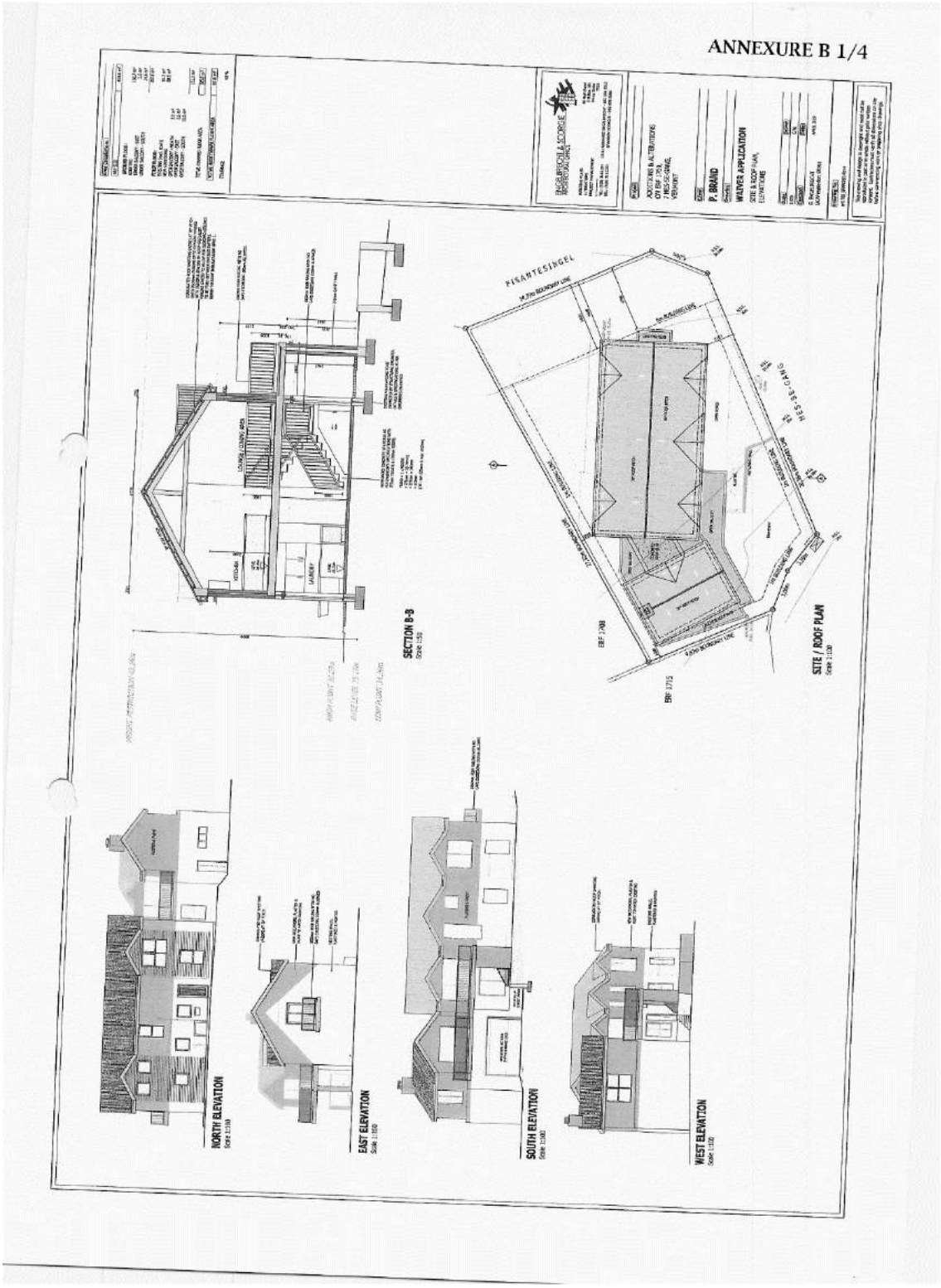
Date: _____

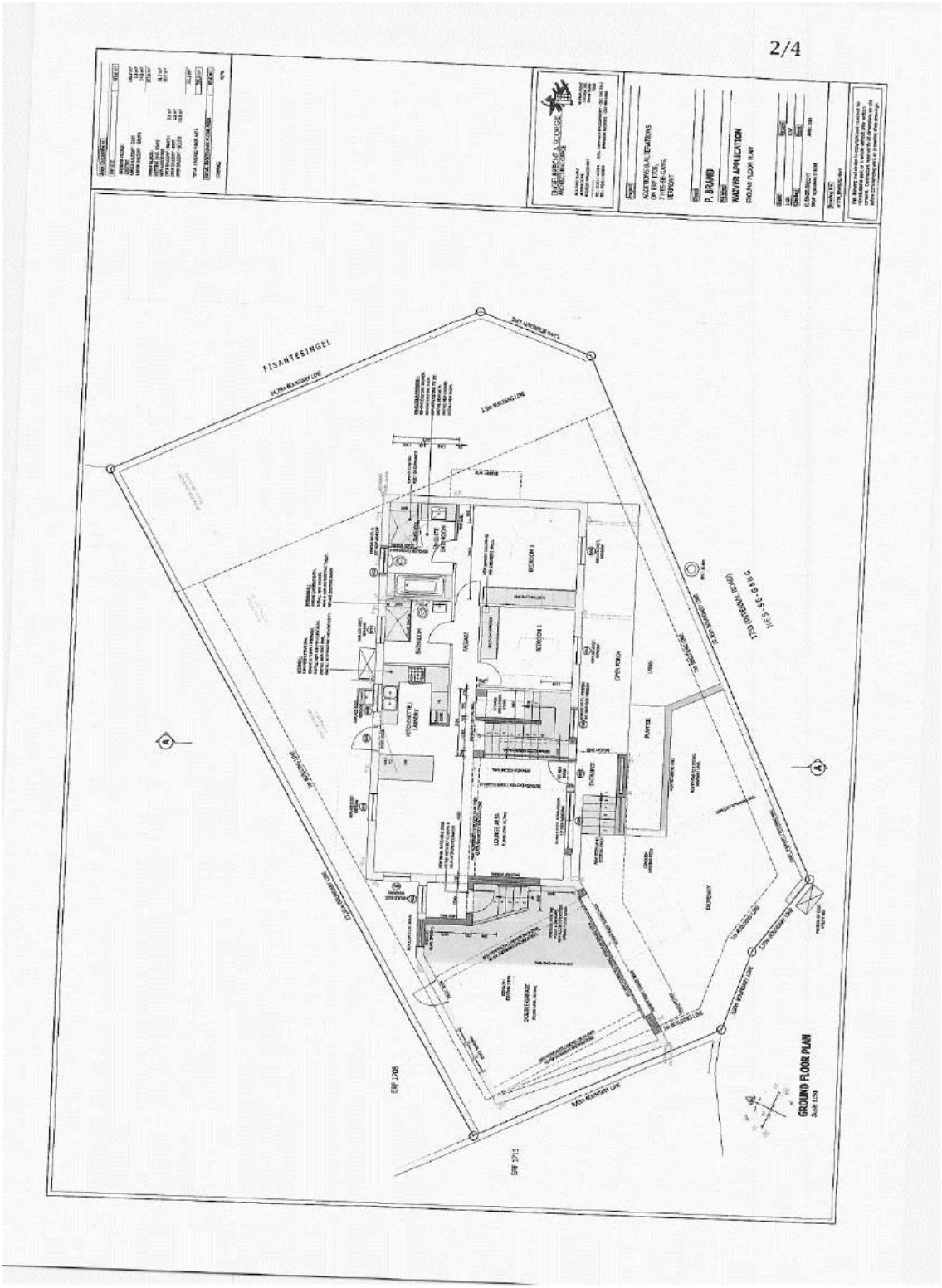
REGISTERED PLANNER:

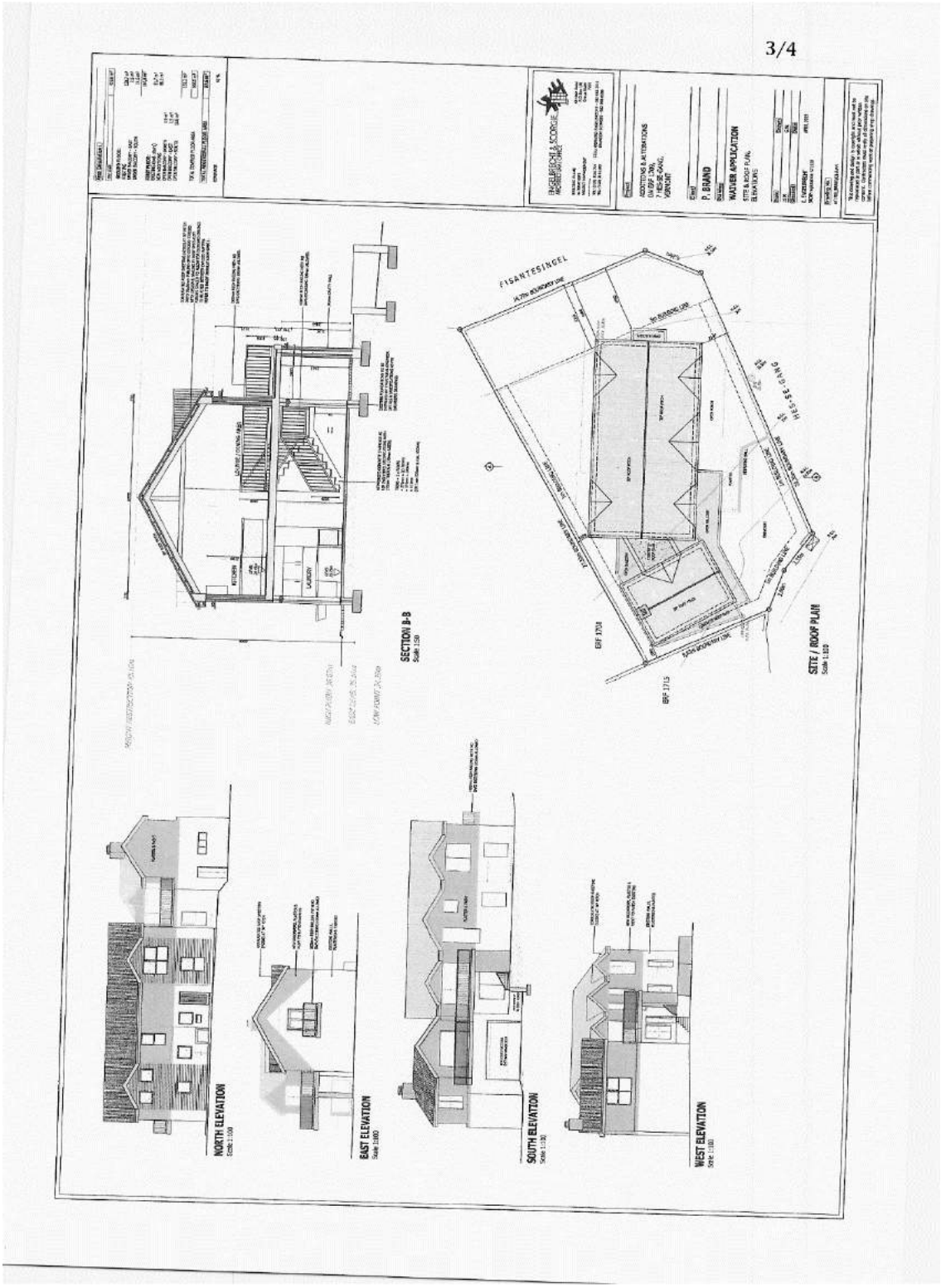
Name:	**H VAN DER STOEP**
SACPLAN Reg No:	**A/1708/2013**
Signature:	_____
Date:	_____

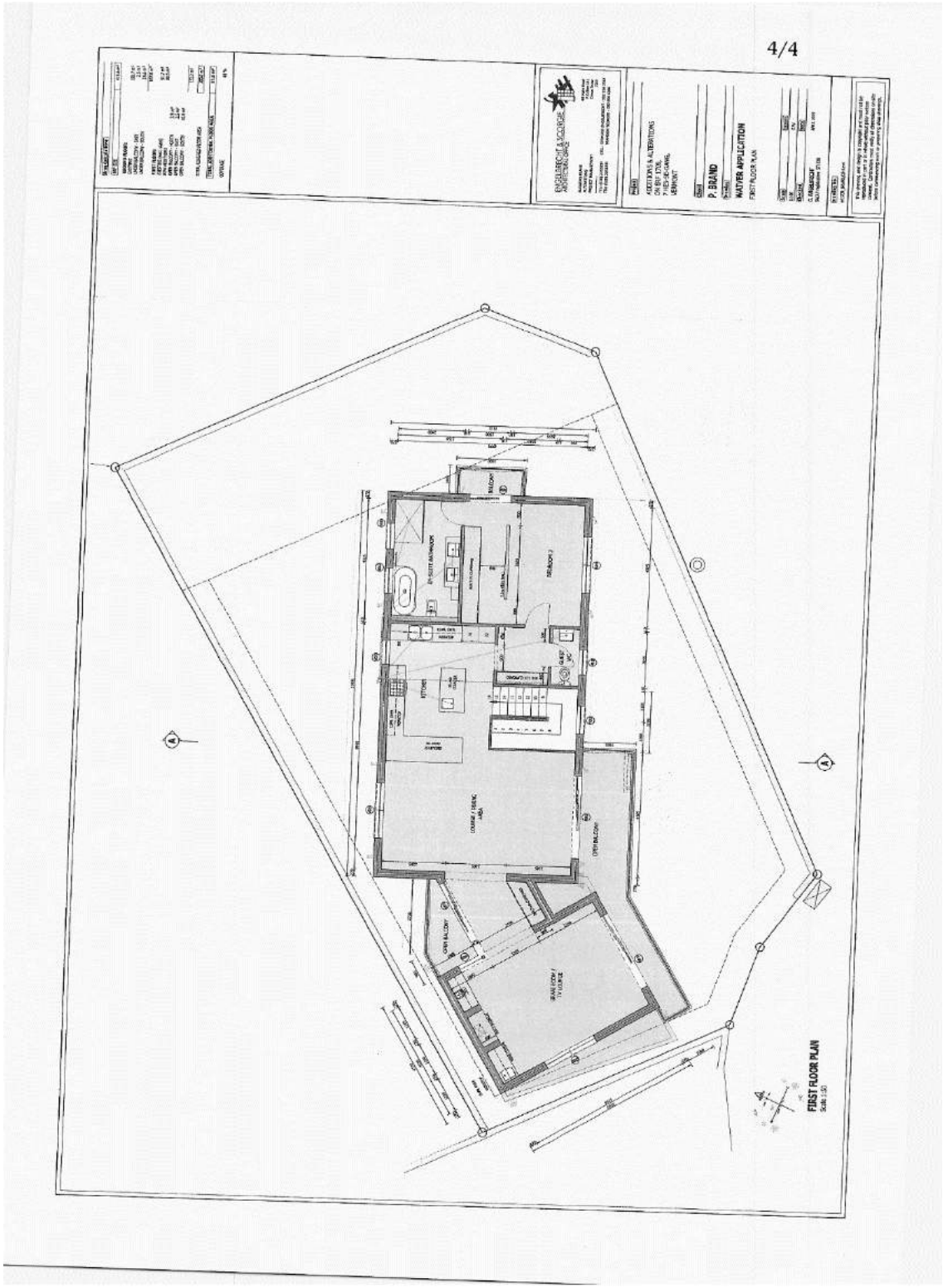

ANNEXURE A
KANDELAAR STREET
ALIKREUKEL STREET
ARMADILO STREET
PERIWINKLE STREET
SCALLOP CLOSE
CRESCENT ALIKREUKEL
PLOVER LINK
TIPTOL CRESCENT
FISANTE CRESCENT
FISANTE
GEELVINK CLOSE
PUBLIC PLACE
1608 PUBLIC PLACE
Three-sided Open
Property Description:
ERF 1709
VERMONT
Plan Description:
LOCALITY MAP
Scale: NTS
Drawing Nr: Ver1709L.dw
Date: 06/2019
All distances approximate and subject to survey.
COPY RIGHT RESERVED
PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners

ANNEXURE B 1/4




FISANTESINGEL
GROUND FLOOR PLAN


FISANTESINGEL
ERF 1704
ERF 1715
SECTION B-B
Scale 1:50
SITE / ROOF PLAN
Scale 1:100
NORTH ELEVATION
Scale 1:100
EAST ELEVATION
Scale 1:100
SOUTH ELEVATION
Scale 1:100
WEST ELEVATION
Scale 1:100
WAIVER APPLICATION
P. BRAND


4/4
P. BRAND
MASTER APPLICATION
FIRST FLOOR PLAN
FIRST FLOOR PLAN

PROPOSED DEPARTURES

ERF 1709 VERMONT

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The owner of Erf 1709 Vermont, the Piet Brand Family Trust, has instructed the company Plan Active to apply for the building line departures from the street building lines and lateral building lines in order to accommodate an existing dwelling and garage that was constructed on Erf 1709 Vermont and proposed alterations and additions to the dwelling. Please note that the position of the dwelling and garage in relation to the boundaries of Erf 1709 Vermont was approved as such. Please refer to a copy of the approved building plan that we have enclosed as Annexure A.

Erf 1709 Vermont and the surrounding erven of which the majority gains access from the cul-de-sac, Hes-se-gang Street, is a small townhouse scheme called Hes-se-gang. The townhouse scheme consist of erven 1707 to 1715 Vermont. A design manual for

the development of the erven within this townhouse scheme was approved. With reference to the existing dwelling that was built on Erf 1709 Vermont and the proposed alterations and additions to the dwelling is it required that we apply for a departure from the design manual.

Erf 1709 Vermont is 420m² in extent and is held by Title Deed No. T89560/98. Enclosed please find a copy of the Title Deed for easy reference. There are no Title Deed restrictions within this Title Deed that prohibits the proposed building line departures.

The subject property is currently developed, and it is the intention of the owner to extend the dwelling. The property is located within a predominant residential area and the proposal will not have a negative impact on the character of the area.

2. APPLICATION DETAILS

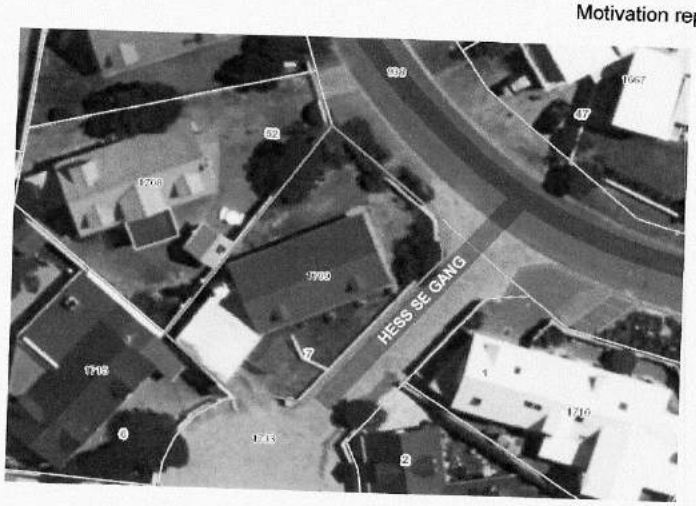
Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the departure of building lines for Erf 1709 Vermont and to depart from the Hes-se-Gang Design Manual;

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 1709 Vermont is situated on the corner of Hes-se-gang Street and Fisante Crescent, Vermont. Please refer to the enclosed locality map and aerial photograph below.



Erf 1709 is 440m² in extent and situated in a predominant residential environment of which erven 1707 to 1715 Vermont are zoned General Residential Zone 1.

3.2 ZONING

Erf 1709 Vermont is zoned General Residential Zone 1: Town Housing 1 and is developed. Surrounding erven excluding erven 1707 to 1715 Vermont, that is zoned General Residential Zone 1, are predominantly Zoned Residential Zone 1 and are utilised as such.

3.3 LAND USE

The subject property is developed. A double storey dwelling, and single garage are established on the property.

Land uses that surround Erf 1709 Vermont are single dwellings, public roads and public open spaces. It is therefore evident that Erf 1709 Vermont is within a predominantly residential area.

3.4 PROPOSED DEVELOPMENT

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the departure from the prescribed building lines applicable to Erf 1709 Vermont and to depart from the Hes-se-Gang Design Manual;

Objective:

- To Accommodate an existing portion of the dwelling and the garage concrete roof slabs partially within the prescribed building lines in terms of the Overstrand Municipality Zoning Scheme.

- To depart from the Hes-Se-Gang Design Manual.

The existing dwelling with the proposed additions on Erf 1709 Vermont consists of the following:

- 3 bedrooms;
- 2 en-suite bathrooms;
- 1 bathroom;
- Open plan Kitchenet and living room;
- Kitchen
- Scullery;
- Covered terrace;
- Double Garage.

The proposed building line departures are as follow:

- The relaxation of the street building line from 5m to 4.660mm in terms of the Overstrand Municipality Zoning Scheme to accommodate a portion of the existing dwelling.

- The relaxation of the lateral building line from 1m to 0.687m and 0.257m in terms of the Overstrand Municipality Zoning Scheme to replace the

concrete roof slab on top of the existing garage .

- The departure from the Hes-Se-Gang Design Manual.

It is important to note that the existing structures were approved at the current positions.

3.4.1 PROPOSED DEPARTURE FROM THE BUILDING LINES

The existing dwelling was approved by the Overstrand Municipality on 18th of September 2017 with reference to Plan No. 33290. The existing dwelling was approved at its current position on the subject property with the street building line indicated as 3.5m on the approved building plan. It came to light that the street building line was recorded incorrectly and that the correct street building line should be 5 meters from the boundary abutting Fisante Crescent, Vermont. The portion of the dwelling that encroaches the street building line by 0.34m forms part of the bathroom and does not have any impact on the activities in Fisante Crescent, Vermont. The fact that the dwelling was previously approved at its current position indicates that the dwelling has no impact on the surrounding properties in the vicinity.

A garage is situated in the South Western corner of the subject property. Moisture has caused steel corrosion and in effect weakened the integrity of the roof slab. The owner intends to replace the roof slab and will have to raise the roof height by approximately 300mm higher than the original height of the existing damaged roof slab within the side building line. The proposed concrete roof slab will encroach the side building line and will be 0.687m and 0.257m from the side building line. The proposed departure will have no impact on the neighbouring properties as it was already approved at the current position but will only be 300mm higher than the existing height of the slab.

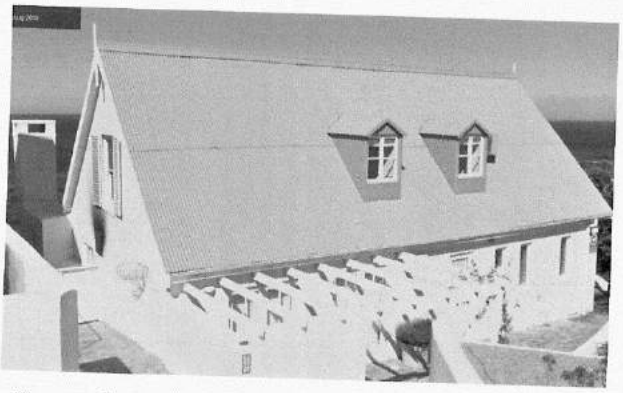
Damage caused by corrosion

3.4.2. Departure from the Hes-se-Gang Design Manual.

A design manual for Hes Se Gang (Erf 1613 Vermont) dated November 1992 exists and the owner's intention is to depart from this guideline. The proposed departures from the Hes-se-Gang Design manual Guidelines can be described as follow:

Hes-se-Gang Design Guidelines	Proposal for Erf 1709 Vermont
A 7mx14m single storey house is proposed with a 45° pitched roof (approximately 6m in total height).	A double storey dwelling is proposed with an approximate height of 8m. The proposed dwelling will have a 30° pitched roof. We are therefor departing from the number of storeys, height, roof pitch and the 7mx14m configuration.
Only one deck per house is permitted. Deck railings must be of timber, with diagonal cross-struts and inlaid rectangles.	The proposed railings will be finished with stainless steel that will be painted to the owner's specifications.
Double garages are not permitted for space reasons.	A double garage is proposed on the subject property.
The windows shape and proportions are restricted to the traditional forms as illustrated. Timber is recommended, either natural, lightly stained or painted. No dark stained is permitted. Recommended colours: green and white.	White aluminium windows will be fitted to the proposed additions.

The shape and proportions of doors are restricted to the traditional form as illustrated in the design guidelines. Timber is recommended for the doors in colours green and white. Garage doors must be single door width and only timber planking construction is allowed.	A double garage with a double garage door is proposed for the subject property. The doors and garage door will be white aluminium.



Proposed appearance for the structure on Erf 1709 Vermont

The proposed departures from the Hes-Se-Gang Manuel is not new to the already constructed houses within the development. The existing dwellings within the development have already departed from the guidelines and are similar to some of the features that are proposed by the property owner of Erf 1709 Vermont. In the picture below are some of the features that have been changed in the development that are in contrast with the Hes-Se-Gang Manuel.

The additions that are proposed for Erf 1709 Vermont will not have any impact on the surrounding property owners. The development phase of the proposal will also create job opportunities for local people which will be beneficial for the local community.

3.5 CHARACTER OF THE ENVIRONMENT

The proposals will not change the primary land use of the subject property. The impact on the character of the area will remain unchanged with the proposed application . The proposed building line relaxations and departures from the general provisions will not have a negative impact on the neighbouring property or residential character of the area.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The subject property's zoning will remain unchanged. The location of the subject property within a residential area allows the property to be developed as a town housing unit.

The proposed departures from the prescribed building lines and general provisions will not handicap any future land use applications on Erf 1709 Vermont. Since the primary land use and zoning will remain unchanged the impact on the surrounding properties will be kept to a minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

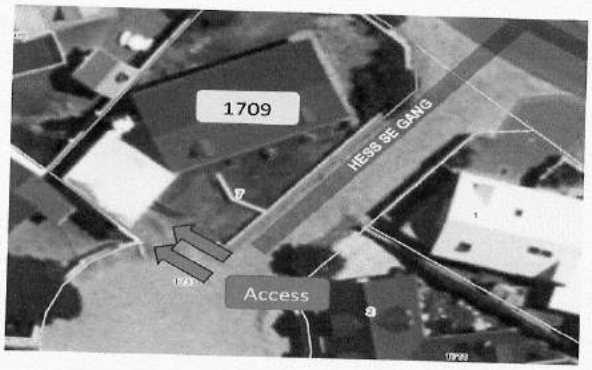
3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. Additional services are not required and therefore the proposal will not have a negative impact on existing services that are provided by the Overstrand Municipality.

3.7.2 TRAFFIC IMPACT AND ACCESS

The proposed application will have no impact on the traffic in the area as the departures are to accommodate existing structures.

The access to the subject property will also be retained as the garage is already existing and the proposal is merely to fix the roof of the existing structure.



3.8 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1 HERITAGE VALUE

Erf 1709 Vermont is not situated within the Heritage Overlay Zone as determined by the Overstrand Heritage Report (2009). The subject property is also not earmarked for heritage conservation purposes.

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

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

3.8.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

3.9 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (2006)*** earmarks the area where erf 1709 Vermont is situated, for residential purposes.

The zoning of the subject property will remain unchanged (General Residential Zone I) and therefore the proposed application falls within the existing planning for the Vermont area.

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that 1709 Vermont forms part of Planning Unit no. 1. Given the nature and current character of the specific area there is no densification for this area proposed.

From the above it is evident that the proposed departures are in line with the spatial planning policies for the Vermont area and consequently falls within the existing planning for the Vermont area.

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial sustainability: The proposed additions and double garage will be compatible with the character of the area and do not impact negatively on the land use rights of the surrounding landowners. The proposal promotes land development that is spatially compact as motivated in terms of the relevant spatial planning policies. No impact on the biophysical environment or the heritage value of the site and area is anticipated. The additions to an existing dwelling is an improvement to an existing dwelling within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus, shopping centres and beaches. It is motivated that the additions to an existing dwelling will be efficient as it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible use of resources, infrastructure use and sustainable development.

Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

4. RECOMMENDATION

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

- All services on the subject property already exist and no additional services are required;
- The access point will be retained and will have no impact on traffic;
- The proposal is compatible with the existing built character of the area;
- The proposed departures will not have a negative impact on the current character and land values of the surrounding erven;
- The existing built character of Hes-Se-Gang varies from the design manual.
- The proposed departures from the design manual is compatible with the established built character of Hes-Se-Gang.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the building line departures of Erf 1709 Vermont.

OVERSTRAND MUNISIPALITEIT
18 OCT 2019
OVERSTRAND MUNICIPALITY

TP D. Theart (H Olivier)

ANNEXURE D 1/39

Loretta Kotzion - Vermont - erf 1709 (Objecting to plans)

From: "Janette Lester (MEA)" <Janette.Lester@dimensiondata.com>
To: "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>
Date: 17/10/2019 10:23 PM
Subject: Vermont - erf 1709 (Objecting to plans)

FILE NO: 8/1709
Vermont
SCAN NO:
HVM 1709
COLLABORATOR NO:
1339606

Dear Loretta

I am responding to a letter we received from Overstrand dated 16 September 2019.

Please note that the documents I received from Overstrand includes a motivation report from PlanActive. This report does not include a page 4 and page 6. Section 3.4 is incomplete. Only pages 1,2,3,5,7,8,9,10,11,12 and plans referred to as Appendix A in the document but not marked as such. I consider the information received, incomplete. Please provide a full set of documentation.

We are the owners of the property on erf 1708, directly adjacent to erf 1709.

We have studied the documents and are NOT giving consent for departure of building lines and design manual.

We offer the following reasons:

- This letter refers to "*approved building plan*" page 1. How is this possible that these plans were approved without consent from the neighbours?
- Page 7 contains a photo with "*proposed appearance for the structure on erf 1709*". This is NOT correct. The image reflects a single story building with roof pitch, same angle as the existing roof. No added double story is on this image. This is a misrepresentation.
- Extending the Brand's house to a full two story dwelling (9m high) will completely close in our property – devalue it and impact on our enjoyment of our property.
- Our outside area and entertainment area are facing the Brand's house. Extending their building to a height of 9m, directly infont of us and within the building line, closes our outside area.
- The current building is already very close to our property. The one corner is 72 cm from end of their garage to middle of the boundary wall. (The plans indicate a 1m boundary but actually measuring it – from wall end to middle of boundary wall is 72 cm). Previous interaction with the Brands, when we increased the height of the boundary wall, was done with the understanding from Mr Brand that the boundary wall was a sharing wall.
- Other houses in Hes-se-Gang have been modified, extending the footprint but the style was kept, in-line with the character of the development. Houses had rooms added in the roof area, with balconies. The proposed addition is a complete second floor with a different pitch roof.
- The proposed pitch of the roof (to create the extra space) is not in character with the other houses in the complex. This will be the ONLY house with a pitch different to the others.
- The proposed plan suits a single, residential plot and not that in a development. We are of the opinion that this erf is being used in a manner best suited for a free standing residential plot and not a dwelling in the Hes-se-Gang development.
- Additions to the Brand's dwelling as proposed will not only devalue our property but also directly impact our enjoyment of our property.

Our erf marked in green.

18 OCT 2019

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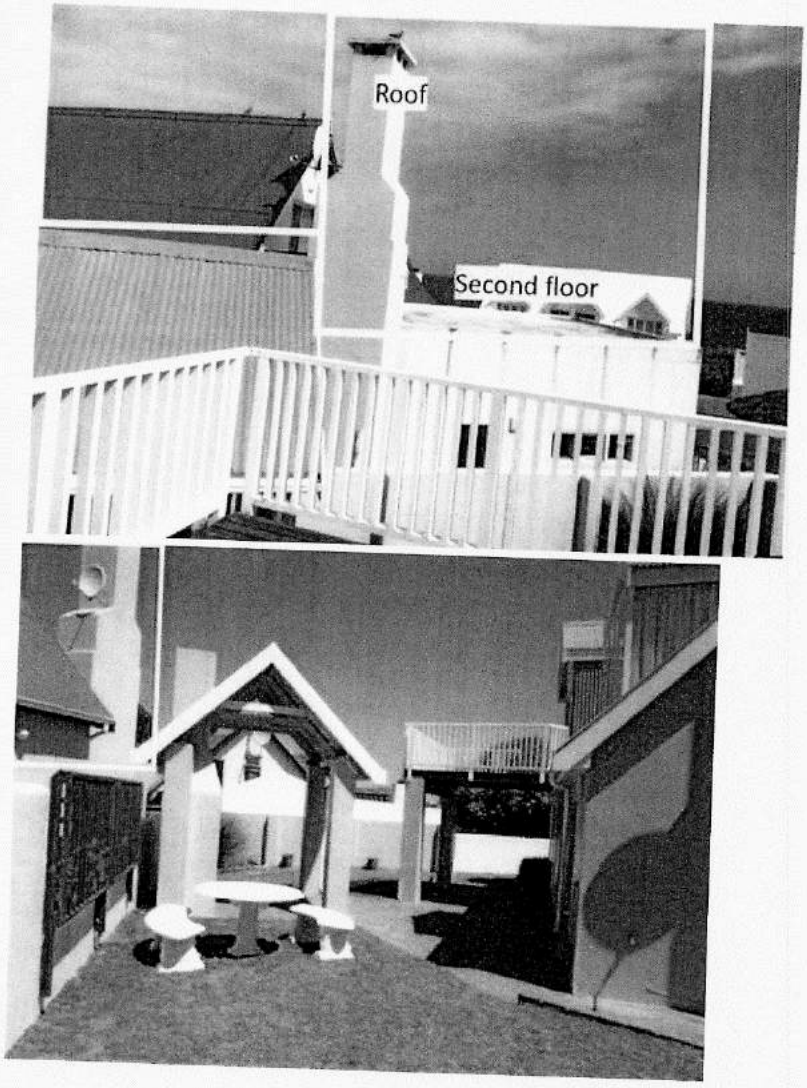
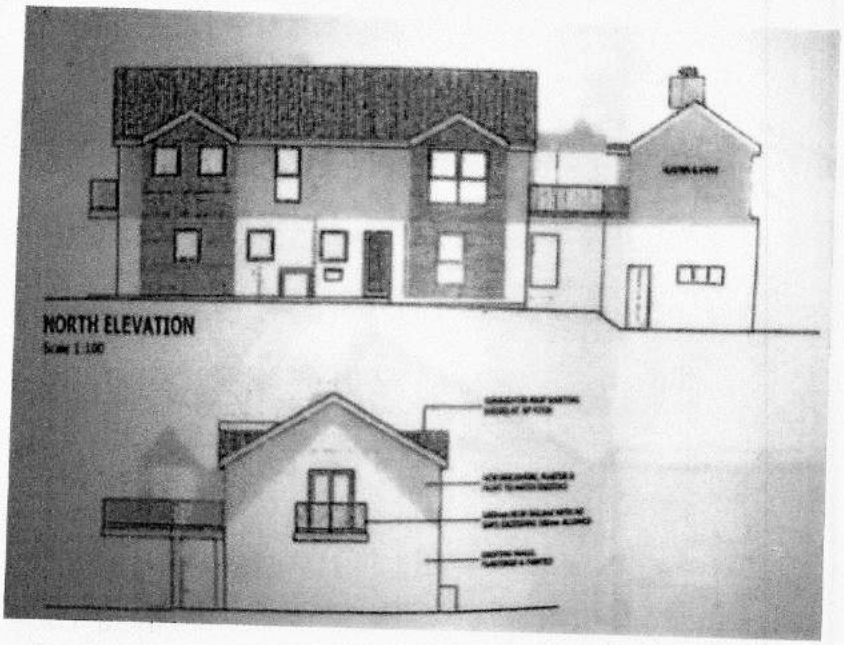
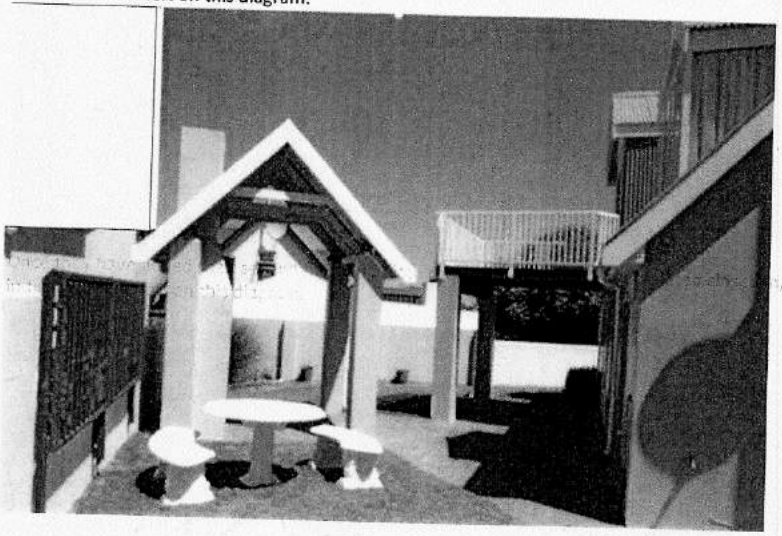


The proposed plan, include a double story with a full, pitch roof. Including an extension over the garage area. The proposed plan:



Once they have added their second floor and pitch roof our house will be completed closed in, as indicated in the left on this diagram.



It is not clear from this incomplete document why the existing dwelling violates the building lines. I noted that it has been approved as such but cannot recall that we were informed of this process / application.

Was or will an onsite inspection be done ? If so, can I please be informed when as I wish to attend. We further request to be included in further emails, information relating to this matter.

Further to this matter, in November 2018 we received an email from Gerhard Welmans (Engelbrecht & Scorgie Architects) for proposed building on erf 1709 (Vermont). To this we OBJECTED with reasons. I sent the email to Overstrand. I also sent an email to Gerhard Welmans. I further called the municipality (telephone) and stated that we object the changes Erf 1709 proposed. I was informed that at that time NO building plans were approved and that we will be kept up to date should any plans be submitted for approval. Unfortunately I received no reply to my email.

We trust the above will be properly taken into account in your deliberations.

Please acknowledge receipt of this email.

Kind regards

Janette Lester
Dimension Data South Africa
Office: +27 (0) 21 486 5652
Cell: +27 (0) 82 378 1524
Email: janette.lester@dimensiondata.com

dimension data

For more information about Dimension Data, please go to www.dimensiondata.com

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This email and all contents are subject to the following disclaimer:

TP M. Mead 7/39
C.J. Olivier

OVERSTRAND MUNICIPALITEIT
30 SEP 2019
OVERSTRAND MUNICIPALITY

Loretta Gillion - RE: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans

From: "Janette Lester (MEA)" <Janette.Lester@dimensiondata.com>
To: "tfischer@overstrand.gov.za" <tfischer@overstrand.gov.za>, "ezimri@overs...
Date: 30/09/2019 04:45 PM
Subject: RE: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans
Cc: "'Lester, Ant (Cape Town)'" <Ant.Lester@willistowerswatson.com>

Dear Mr Olivier , Ms Fischer Mr Zimri and Loretta

I am following up on my email of 26.11.2018 (below) and the registered letter I received today. We are the owners of Erf 1708, directly looking onto erf 1709.

My telephone conversation with Mr Olivier on morning of 6 November 2018 also refers.

In 2018 we received an email from Gerhard Welmans (Engelbrecht & Scorgie Architects) for proposed building on erf 1709 (Vermont). To this we OBJECTED with reasons. I sent the email below to Overstrand. I also sent an email toe Gerhard Welmans. During my conversation with Mr Olivier (6.1.18) I stated that we object the changes Erf 1709 proposed. I was informed that at that time NO building plans were approved and that we will be kept up to date should any plans be submitted for approval.

Today I received a letter from Overstrand dated 16 September 2019.

- This letter refers to *"approved building plan"* page 1. How is this possible that these plans were approved without consent from the neighbours?
- Page 7 contains a photo with *"proposed appearance for the structure on erf 1709"*. This is NOT correct. The image reflects a single story building with roof pitch like the existing roof. No added double story is on this image.

Can I please have detail on the process that was followed and when were these plans approved.
Please acknowledge receipt of this email.

Thanks
Kind regards
Janette

FILE NO: Erf 1709
bimark
SCAN NO:
HvM 1709
COLLABORATOR NO:
1328134

Janette Lester
Dimension Data South Africa
Office: +27 (0) 21 486 5652
Cell: +27 (0) 82 378 1524
Email: janette.lester@dimensiondata.com

dimension data

For more information about Dimension Data, please go to www.dimensiondata.com

- 1 OCT 2019

Please consider the environment before printing this email

[Below the email from 26.11.18. To this email I received automated delivery replies, excluding the 'tfisher' address.]

From: Janette Lester (MEA)
Sent: Monday, 26 November 2018 22:35
To: 'tfischer@overstrand.gov.za' <tfischer@overstrand.gov.za>; 'holivier@overstrand.go.za' <holivier@overstrand.go.za>; 'ezimri@overstrand.gov.za' <ezimri@overstrand.gov.za>
Subject: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans

Dear Ms Fischer, Mr Olivier and Mr Zimri

(Not sure if this is directed to the correct department. If not, can you please redirect me to the correct person/department. I received your contact detail from the municipality).

We have received an email from Gerhard Welmans (Engelbrecht & Scorgie Architects) for proposed building on erf 1709 (Vermont), the house of Mr Pieter Brand of no.7 Hes-Se-Gang.

The Building department at the municipality confirmed that they have already received the plans.

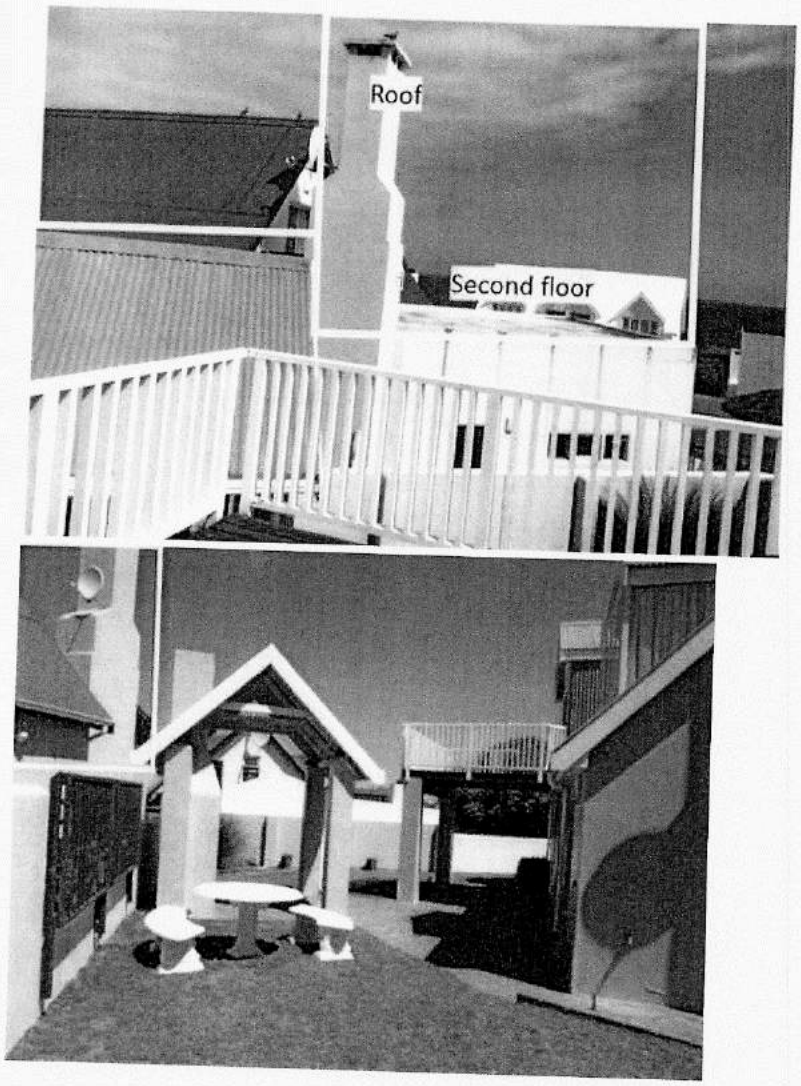
We are the owners of the property on erf 1708, directly adjacent to erf 1709.

We have replied to Gerhard Welmans stating we are NOT giving consent.

We offer the following reasons:

- Extending the Brandt's house to a full two story dwelling (9m high) will completely close in our property – devalue it and impact on our enjoyment of our property.
- Our outside area and entertainment area is facing the Brand's house. Extending their building to a height of 9m, directly infont of us and within the building line, closes our outside area.
- The current building is already very close to our property. The one corner is 72 cm from end of their garage to middle of the boundary wall. (The plans indicate a 1m boundary but actually measuring it – from wall end to middle of boundary wall is 72 cm)
- Other houses in Hes-se-Gang have been modified, extending the footprint but the style was kept, in-line with the character of the development. **Houses had rooms added in the roof area, with balconies. The proposed addition is a complete second floor with full pitch roof.**
- The proposed plan suits a single, residential plot and not that in a development. We are of the opinion that this erf is being used in a manner best suited for a free standing residential plot and not a dwelling in the Hes-se-Gang development.
- The proposed modification is not in line with the appearance and character of the other houses in Hes-se-Gang.

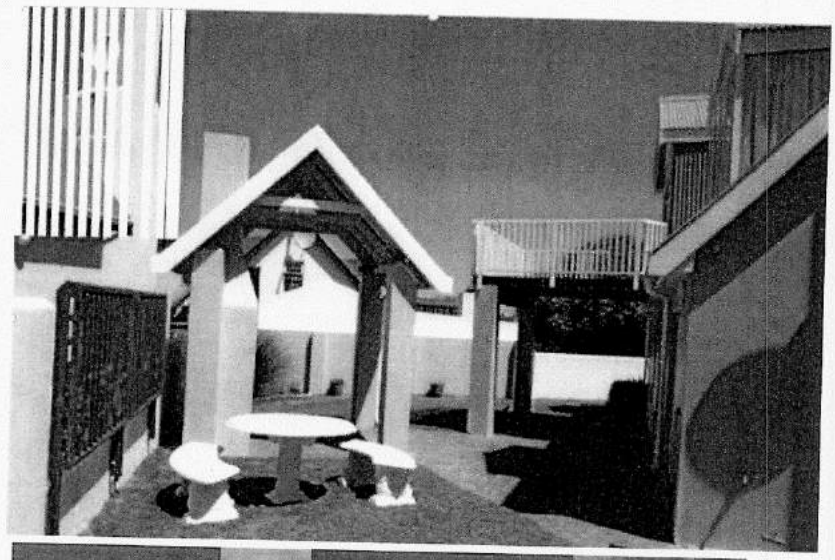
The photos below show the current buildings. **The garage part is 72 cm from the boundary wall.** The roof area now have additional rooms.
The marked areas are the proposed changes.



The proposed plan, include a double story with a full, high pitch roof. Including an extension over the garage area. The proposed plan:

NORTH ELEVATION
Scale 1:100

Once they have added their second floor and pitch roof...



We trust the above will be properly taken into account in your **deliberations**.

Please acknowledge receipt of this email.

Kind regards

Janette Lester
Dimension Data South Africa
Office: +27 (0) 21 486 5652

Cell: +27 (0) 82 378 1524
Email: janette.lester@dimensiondata.com

dimension data

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14/39

OVERSTRAND MUNISIPALITEIT / OVERSTRAND MUNICIPALITY
02 JUL 2020

TP-A Theart (H Olivier)

G.G.K
Groenewald Geyser Khoele
ATTORNEYS NOTARIES CONVEYANCERS

62 Glenwood Estate
71 Kapok Street
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Tel: (012) 361 5160
Fax: 086 562 8307
Cell: 082 079 2004
Email: anelia@ggkattorneys.com
Vat: # 4730270784

Die Munisipale Bestuurder
Overstrand Munisipaliteit
HERMANUS
7201

FILE NO: EL 1709-HVM
SCAN NO: 18
COLLABORATOR NO: 1426122

Per e-pos: loretta@overstrand.gov.za
holivier@overstrand.gov.za

Meneer,

Ons Verw/Our Ref	U Verw/Your Ref	Datum/Date
A GROENEWALD	ERF 1709 VERMONT	30 JUNIE 2020

INSAKE: **PETISIE IN TERME VAN ARTIKEL 45 (2) VAN DIE *"SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013"* VIR TOETREDINGSTATUS IN DIE AANSOEK OM AFWYKING: ERF 1709, VERMONT (PIET BRAND FAMILIE TRUST)**

Ons verwys graag na bogemelde asook ons skrywe aan u gerig op 24 Junie 2020.

Soos bevestig in ons skrywe gedateer 24 Junie 2020 het ons oordrag geneem van erf 1708, Vermont op 19 Desember 2019.

Op 23 Junie 2020 het dit tot ons aandag gekom dat die eienaar van erf 1709, Piet Brand Familie Trust (hierna genoem "die Applikant") 'n aansoek ingedien het vir die verslapping van die voorgeskrewe boulyne sowel as die afwyking van die Hes-se-Gang Argitektoniese Riglyne (hierna genoem "die Riglyne").

In terme van bogemelde wetgewing en regulasies (hierna genoem "SPLUMA") sowel as die *"Overstrand Municipality By-Law on Municipal Land Use Planning 2015"* (hierna genoem "die verordeninge"), is die onus op ons om te bewys dat ons as belanghebbende party mag toetree tot hierdie aansoek en moet ons in terme van SPLUMA en die verordeninge 'n petisie indien by die Overstrand Munisipaliteit (hierna genoem "die Munisipaliteit), binne 7 (sewe) dae na die aansoek tot ons kennis gekom het, welke tydperk verstryk op datum van hierdie skrywe.

U sal let in terme van Artikel 4 van die *"Interpretation Act 33 of 1957"*, word die eerste dag van bewuswording uitgesluit en die laaste dag van die tydperk van 7 (sewe) dae daarna, ingesluit.

U word derhalwe versoek om hierdie brief te sien as aansoek om toetredingstatus en insgelyks ook ons petisie vir u verdere oorweging. 'n Bedrag van R3 207,00 is vir hierdie

G.G.K
Groenewald Geyser Khoele
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doel per elektroniese fondsoorplasing gedoen en waarvan die nodige bewys hierby aangeheg word.

Na aanleiding van die inligting wat ons bekom het, het ons die vorige eienaars (hierna genoem "Lester") onmiddellik gekontak om uit te vind of hulle bewus was van hierdie aansoek.

Ons heg graag hierby aan 'n e-pos gedateer 23 Junie 2020, wat van Lester ontvang is. Dié e-pos bevat twee e-posse wat van Engelbrecht & Scorgie Argitekte (hierna genoem "die Argitekte") op 8 November 2018 en 11 November 2018 respektiewelik, ontvang is. Die betrokke e-posse word as aanhangsel "A1"-"A3" vir maklike verwysing hierby aangeheg.

Volgens hierdie e-posse het beide die Argitekte sowel as die Applikant Lester versoek om toestemming te verleen tot hulle aansoek om verslapping van die boulyne en afwyking van die Riglyne.

Op 26 November 2018 stuur Lester 'n e-pos aan die verteenwoordigers van die Munisipaliteit ter bevestiging dat hulle beswaar maak teen die Applikant se aansoek en dit teenstaan. Ons heg hierby aan aanhangsel "B1" - :B7" tesame met grafiese voorstellings deur Lester gemaak.

Ons stem saam met die besware uitgelig in Lester se epos gedateer 26 November 2018, sowel as die grafiese voorstellings deur hulle gemaak om die impak wat hierdie ontwikkeling op ons erf sal hê, tentoon te stel sou die aansoek goedgekeur word. Ons haal gaag hierby aan hulle besware vir u gerief:

" ***We have replied to Gerhard Welmans stating we are NOT giving consent.***

We offer the following reasons:

- *Extending the Brandt's house to a full two story dwelling (9m high) will completely close in our property – devalue it and impact on our enjoyment of our property.*
- *Our outside area and entertainment area is facing the Brand's house. Extending their building to a height of 9m, directly in front of us and within the building line, closes our outside area.*
- *The current building is already very close to our property. The one corner is 72 cm from end of their garage to middle of the boundary wall. (The plans indicate a 1m boundary but actually measuring it – from wall end to middle of boundary wall is 72 cm)*

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- *Other houses in Hes-se-Gang have been modified, extending the footprint but the style was kept, in-line with the character of the development.* ***Houses had rooms added in the roof area, with balconies. The proposed addition is a complete second floor with full pitch roof.***
- *The proposed plan suits a single, residential plot and not that in a development. We are of the opinion that this erf is being used in a manner best suited for a free standing residential plot and not a dwelling in the Hes-se-Gang development.*
- *The proposed modification is not in line with the appearance and character of the other houses in Hes-se-Gang…"*

Ons deel dieselfde sentiment as Lester, maar wil ons ook verder wat hierna volg onder u aandag bring. Ons heg hierby aan aanhangsel "C", welke die laaste bladsy (liggingskaart) is van die Applikant se aansoek, aan ons verskaf deur Me. Loretta Gillion van u kantoor en wat duidelik die Hes-se-Gang ontwikkeling tentoonstel, naamlik erwe 1707 – 1715.

U sal let op die liggingskaart dat ons erf 1708 (ingekleur op die liggingskaart in groen) die enigste erf in die Hes-se-Gang ontwikkeling is wat nie net aangresend is tot 1 (een) of 2 (twee) erwe nie, maar "ingeboks" (vir die gebrek aan 'n beter woord) deur 5 (vyf) omliggende erwe. Die ingang tot ons erf is nie eers heeltemal 6 meter in lengte nie en verminder dit ook die oopheid en ruimte wat die res van die ander erwe wel het.

Ons enigste oop ruimte en genot en gevoel van vryheid is die spasie aanliggend tot erf 1709, welke bestaan uit ons tuin, braaigeriewe, AL ons slaapkamers en buitedek.

U sal let uit die Applikant se aansoek sowel as foto's welke ons hierby aanheg as aanhangsels "D", "E" en "F" (geneem uit ons "loft" area en buitedek) dat hulle eiendom reeds so naby gebou is aan ons grensmuur dat dit eindelik reeds inbreuk maak op die genot van ons eiendom betreffende privaatheid en spasie. Wat betref die bestaande gebou, bevestig die Applikant se aansoek dat die bestaande woning 'n 2 (twee) verdieping woning is, maar ons is van mening dat die bestaande woning slegs 'n 1 (een) verdieping woning is met 'n " loft" area, soos voorgeskryf deur die Riglyne en is hul aansoek in die opsig defektief.

Weens die kort tydperk wat ons het om hierdie petisie te rig, kon ons nie afskrifte bekom van die bestaande goedgekeurde bouplanne vir die Applikant se erf nie en kon ons nie bepaal of die motorhuis inderdaad reg geleë is nie en of die planne slegs voorsiening maak vir 'n plat konkreet dak nie.

Selfs al bly die bestaande motorhuis soos dit geleë is en die Munisipaliteit laat toe vir 'n dak of 'n ekstra verdieping op die bestaande motorhuis, sal dit ons erf byna heeltemal inperk,

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Groenewald Geyser Khoele
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om nie eers te noem wat die impak van 2 motorhuise met 'n ekstra verdieping en dak bo op en wat die hoogte byna tot 9 meter sal bring op ons woning sal hê nie.

Daar is wel sekere aspekte van die applikant se aansoek betreffende die vervanging van houtrame met aluminium wat ons geen beswaar teen het nie weens die nabyheid van die see en die onderhoud wat gepaardgaan met houtrame in vergelyking met aluminium.

Ons beswaar is wel teen die goedkeuring van 'n dubbelverdieping, waar die Riglyne spesifiek bepaal dat slegs een verdieping wooneenhede toegelaat moet word. Die verdere versoek vir 'n dubbel motorhuis en om 'n 2de verdieping bo-op die motorhuis aan te bring sal nie net, soos reeds genoem, inbreuk maak op die genot en vryheid van ons eiendom nie, maar sal ook inbreuk maak op die privaatheid van ons woning.

Ons pleit graag dat die versoek om die eiendom in 2 verdiepings te omskep sowel as om 'n dak of 'n verdieping bo-op die bestaande motorhuis toe te laat deur die Munisipaliteit afgekeur sal word ten einde ons regte as eienaars vir die genot, gebruik en vryheid van ons aangrensende erf te beskerm.

Soos hierbo genoem het al die ander erwe in die Hes-se-Gang ontwikkeling meer oopte en vryheid as ons erf en indien die Munisipaliteit die Applikant se aansoek in totaliteit goedkeur dit 'n growwe inperking van die genot en gebruik van ons eiendom tot gevolg sal hê.

Ons versoek ook graag dat die Applikant sal volhou by die Riglyne betreffende 1 verdieping wonings en 1 motorhuis per Erf.

Ons vertrou dat u bogenoemde besware in aanmerking sal neem met die oorweging van die Applikant se aansoek en bedank ons u byvoorbaat vir die geleentheid om hierdie petisie aan u te rig.

Vriendelike groete,

Anelia Groenewald
(namens CC & A Groenewald)

Tel: (012) 361 5160
Faks: 086 562 8307
Epos: anelia@ggkattorneys.com

Gmail

Aanhangsel "A1"

Anelia Groenewald <anelia@ggkattorneys.com>

FW: Hes-Se-Gang Neighbour's Consent (1/5)

Janette Lester (MEA) <Janette.Lester@dimensiondata.com> Tue, Jun 23, 2020 at 11:13 AM
To: Anelia Groenewald <anelia@ggkattorneys.com>
Cc: "Lester, Ant (Cape Town)" <Ant.Lester@willistowerswatson.com>

Hi Anelia

FYI

Kind regards

Janette

Janette Lester
TS Principal Business Analyst
T: 0214865652
M: 0823781524
E: janette.lester@dimensiondata.com

For more information, please go to www.dimensiondata.com/en-ZA

From: Pieter Jacobus Brand <p.brand@finefarefood.com>
Sent: 11 November 2018 08:13
To: Engelbrecht & Scorgie (Gerhard Welmans) <gerhard.archoffice@gmail.com>; Janette Lester (MEA) <Janette.Lester@dimensiondata.com>
Subject: FW: Hes-Se-Gang Neighbour's Consent

Dear Janette

I hope you are well.

I am planning to do some renovations and improvements to my house , Hes Se Gang 7. I'm certain that what we plan will add value to Hes Se Gang.

I'm working with Gerrit Engelbrecht of Engelbrecht and Scorgie and Gerhard Welmans, who is with him in the business, has recently sent you the details and a "Neighbour's Consent" to be filled in and send back to Gerhard and cc me please, should you be in agreement with what I want to do. The documents are attached again for your convenience.

I will really appreciate if you can assist. I have over the years sign many of these for Hes Se Gang owners and the improvements to the properties in Hes Se Gang has benefitted all of us.

Thank you so much in advance and I will personally come and say thanks to you when I plan to stay in Hes Se Gang in December for a few nights.

Spinneys

Pieter Jacobus Brand | HR Manager
Fine Fare Food Market LLC, PO Box 677, Dubai, United Arab Emirates
www.spinneys-dubai.com
Mobile: +971 56 520 0482
Direct: +971 4 274 3411
Email: p.brand@finefarefood.com

From: Engelbrecht & Scorgie (Gerhard Welmans) [mailto:archoffice@maxitec.co.za]
Sent: Thursday, November 8, 2018 6:53 PM
To: janette.lester@dimensiondata.com
Cc: Pieter Jacobus Brand <p.brand@finefarefood.com>
Subject: Hes-Se-Gang Neighbour's Consent

Good afternoon,

We are in the process of submitting building plans for our client, Mr Pieter Brand of no.7 Hes-Se-Gang - Erf 1709, Vermont.

According to the Overstrand Municipality's Town Planning Department there should be a Home Owner's Association for the Hes-Se-Gang development.

This is, however, not the case and therefore we require neighbour's consent from all the relevant owners of the Hes-Se-Gang development.

Attached are copies of the plans in PDF-format for you to look at, 5 x pages (-council 01 to 5).

If you have no objections, please complete the attached "**Neighbour's Consent**"-form and send back to us at your earliest convenience.

You are welcome to contact us if anything is unclear or if you have any questions.

Kind regards,

Gerhard Welmans

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE
Tel 028 316 3294 • Fax 028 316 2200 • E-mail archoffice@maxitec.co.za • 46 Main Rd • PO Box 181 • Onrust River 7201

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"A3"

7 attachments

hes-se-gang aerial view.jpg
250K

Erf 1709 Vermont - council 01.pdf
357K

Erf 1709 Vermont - council 02.pdf
624K

Erf 1709 Vermont - council 03.pdf
585K

Erf 1709 Vermont - council 04.pdf
1086K

Erf 1709 Vermont - council 05.pdf
630K

Neighbours Consent.pdf
96K

Gmail

Aanhangsel "B1"

Anelia Groenewald <anelia@ggkattorneys.com>

FW: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans (5/5)

Janette Lester (MEA) <Janette.Lester@dimensiondata.com> Tue, Jun 23, 2020 at 11:14 AM
To: Anelia Groenewald <anelia@ggkattorneys.com>
Cc: "Lester, Ant (Cape Town)" <Ant.Lester@willistowerswatson.com>

Hi Anelia

FYI

Kind regards

Janette

Janette Lester
TS Principal Business Analyst
T: 0214865652
M: 0823781524
E: janette.lester@dimensiondata.com

For more information, please go to www.dimensiondata.com/en-ZA

From: Janette Lester (MEA)
Sent: 26 November 2018 22:57
To: holivier@overstrand.gov.za
Subject: FW: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans

Correct email address.

From: Janette Lester (MEA)
Sent: Monday, 26 November 2018 22:35
To: 'tfischer@overstrand.gov.za' <tfischer@overstrand.gov.za>; 'holivier@oversstrand.go.za' <holivier@oversstrand.go.za>; 'ezimri@overstrand.gov.za' <ezimri@overstrand.gov.za>
Subject: Vermont - erf 1709 (Piet Brand Family trust) - Objecting to building plans

Dear Ms Fischer, Mr Olivier and Mr Zimri

(Not sure if this is directed to the correct department. If not, can you please redirect me to the correct person/department. I received your contact detail from the municipality).

We have received an email from Gerhard Welmans (Engelbrecht & Scorgie Architects) for proposed building on erf 1709 (Vermont), the house of Mr Pieter Brand of no.7 Hes-Se-Gang. "B2

The Building department at the municipality confirmed that they have already received the plans.

We are the owners of the property on erf 1708, directly adjacent to erf 1709.

We have replied to Gerhard Welmans stating we are NOT giving consent.

We offer the following reasons:

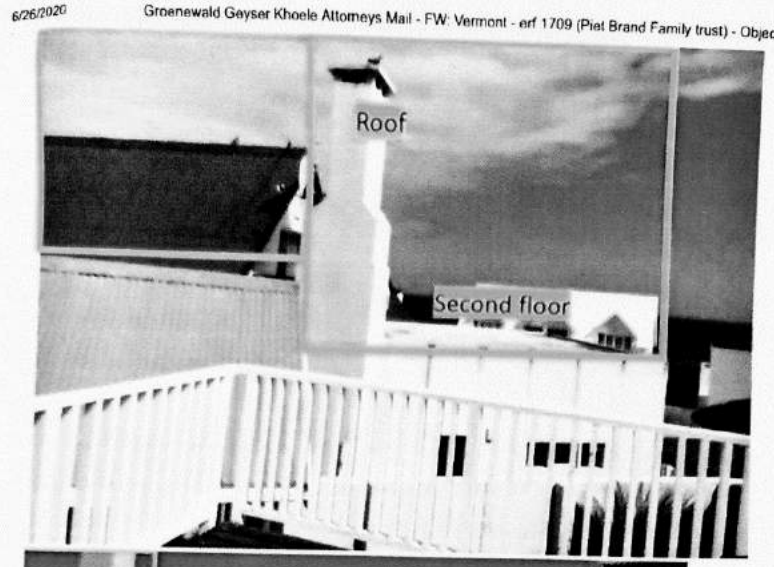
- Extending the Brandt's house to a full two story dwelling (9m high) will completely close in our property – devalue it and impact on our enjoyment of our property.
- Our outside area and entertainment area is facing the Brand's house. Extending their building to a height of 9m, directly infont of us and within the building line, closes our outside area.
- The current building is already very close to our property. The one corner is 72 cm from end of their garage to middle of the boundary wall. (The plans indicate a 1m boundary but actually measuring it – from wall end to middle of boundary wall is 72 cm)
- Other houses in Hes-se-Gang have been modified, extending the footprint but the style was kept, in-line with the character of the development. **Houses had rooms added in the roof area, with balconies. The proposed addition is a complete second floor with full pitch roof.**
- The proposed plan suits a single, residential plot and not that in a development. We are of the opinion that this erf is being used in a manner best suited for a free standing residential plot and not a dwelling in the Hes-se-Gang development.
- The proposed modification is not in line with the appearance and character of the other houses in Hes-se-Gang.

"B3"

The photos below show the current buildings. The garage part is 72 cm from the boundary wall. The roof area now have additional rooms.

The marked areas are the proposed changes.

"B4"



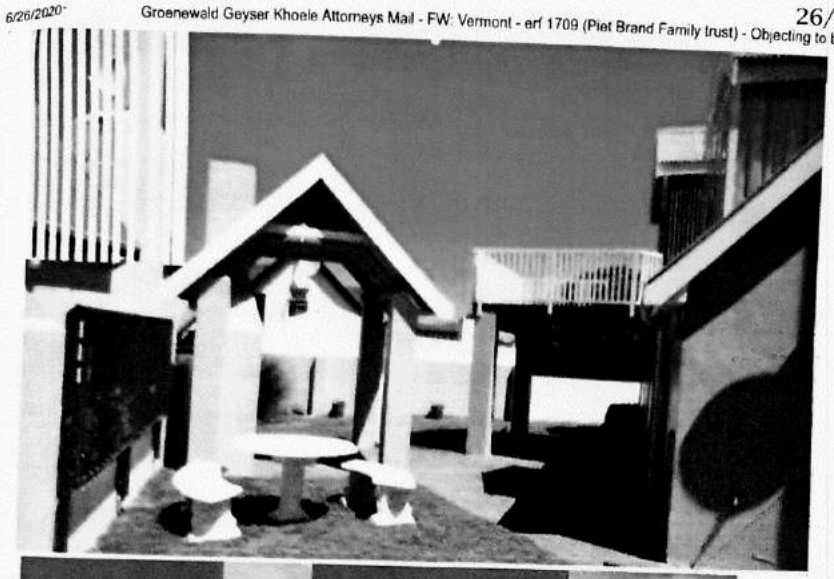
The proposed plan, include a double story with a full, high pitch roof. Including an extension over the garage area.
The proposed plan:

"B5"

NORTH ELEVATION
Scale 1:100

Once they have added their second floor and pitch roof...

"B6"



We trust the above will be properly taken into account in your **deliberations**.

Please acknowledge receipt of this email.

Kind regards

Janette Lester

"B7"

Dimension Data South Africa

Office: +27 (0) 21 486 5652

Cell: +27 (0) 82 378 1524

Email: janette.lester@dimensiondata.com

dimension data

For more information about **Dimension Data**, please go to www.dimensiondata.com

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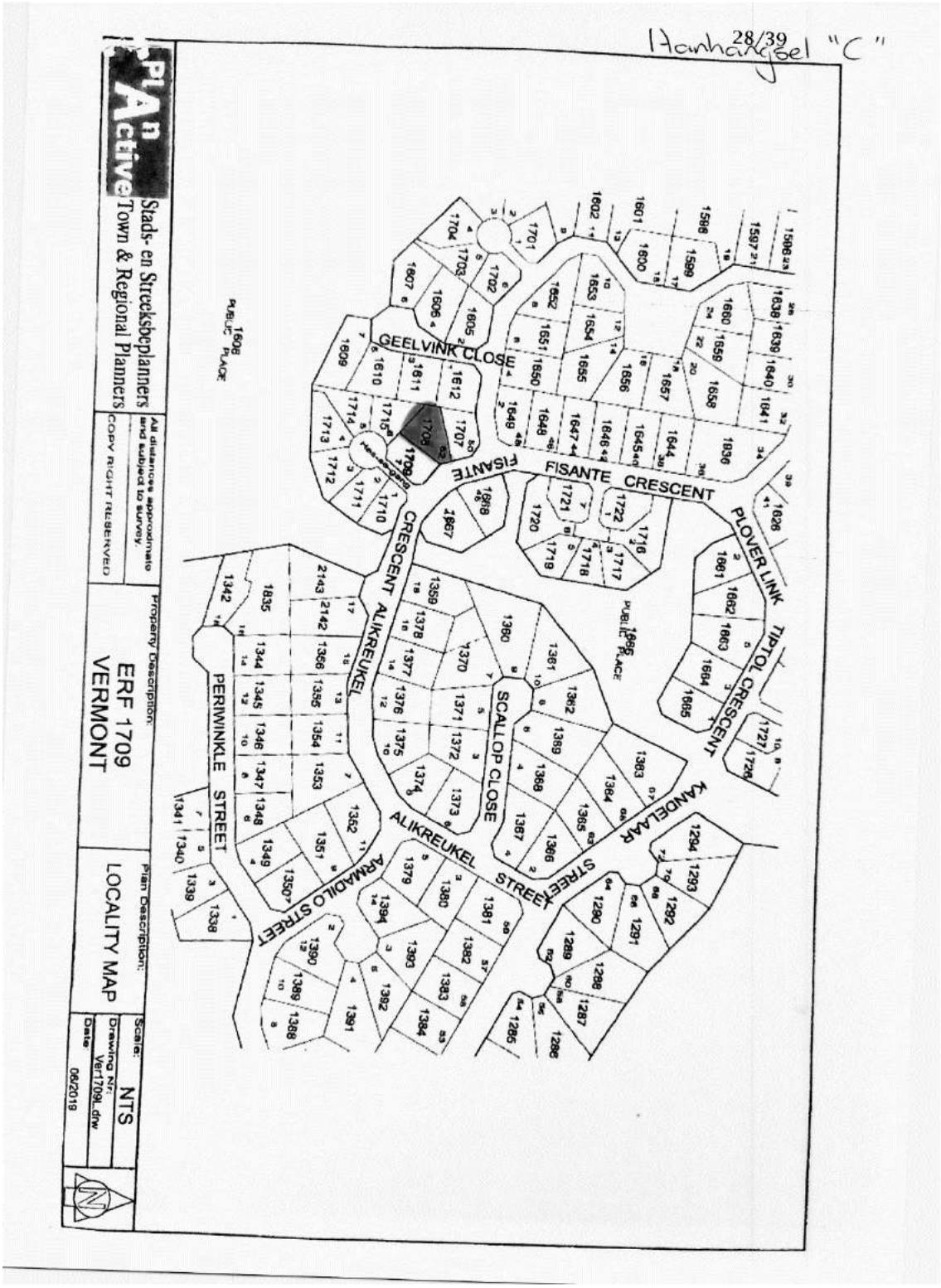
Annexure "C"
28/39



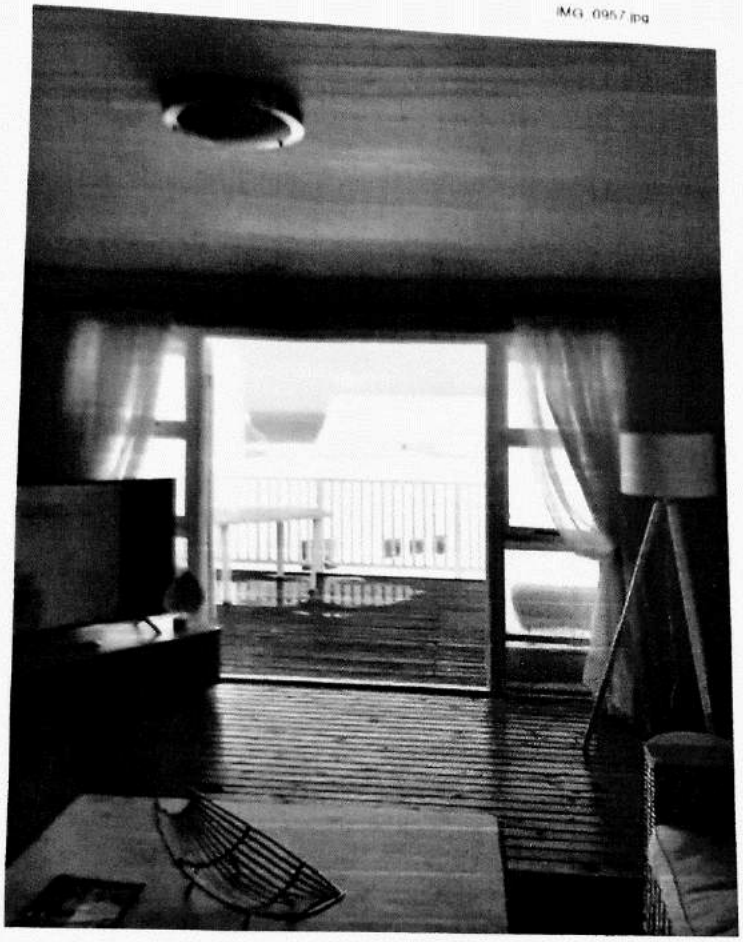
29/39

IMG_0954.jpg

Hanhangsel "D"

30/39

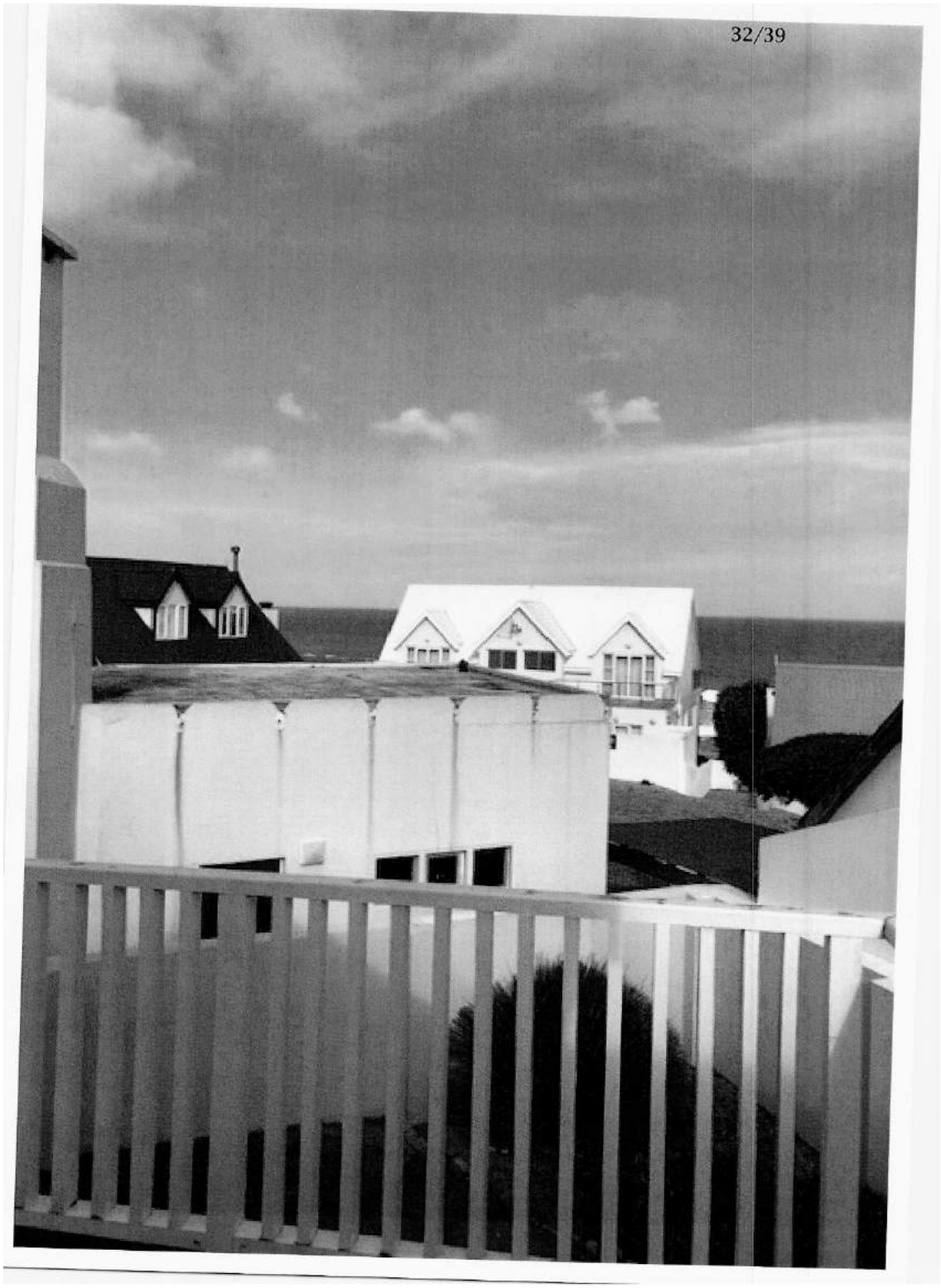
IMG_0957.jpg



Anhangsel "E"

IMG_0955.jpg

Hanhangsel "F"


32/39

33/39

Loretta Gillion - FW: Erf 1709 Vermont

From: <planactive@maxitec.co.za>
To: "'Loretta Gillion'" <lpage@overstrand.gov.za>
Date: 09/07/2020 03:10 PM
Subject: FW: Erf 1709 Vermont
Cc: "Henk Olivier" <holivier@overstrand.gov.za>, "Hanneen Van der Stoep" <hv...

Goeiedag Loretta,

Jou e-pos hieronder verwys. Dit is in orde om die betrokke party kans te gun soos hieronder uiteengesit is in jou e-pos. Stel ons asseblief spoedig in kennis wanneer die kennisgewing aan die betrokke party gestuur is. Ons sal dit ook waardeer as u so gou moontlik enige kommentaar van die party aan ons kan stuur om enige probleme dadelik met die party uit te klaar en sodoende die proses te bespoedig.

Ons vertrou dat u dit in orde sal vind.

Vriendelike groete

John Mc Lachlan
Tch.Pln B/8250/2014
MSAPI Nr.10908

PLAN ACTIVE

Cell: 060 617 7459
Tel: 028 313 1673
Fax: 028 312 1351
web: www.planactive.co.za

From: Loretta Gillion
Sent: 07 July 2020 10:45 AM
To: Pauline <pauline.planactive@gmail.com>; John McLachlan <planactive@hermanus.co.za>
Cc: Henk Olivier <holivier@overstrand.gov.za>; Hanneen van der Stoep <hvdstoep@overstrand.gov.za>
Subject: Erf 1709 Vermont

Beste Pauline

Na aanleiding van die gesprek tussen uself en Me Hanneen van der Stoep oor die versoek vir Toetredingstatus in terme van SPLUMA, word u hiermee versoek om aandui te dui dat die betrokke party

deel vorm van die proses op hierdie tydstip. Die betrokke party sal dus 'n geleentheid gegun word om kommentaar/beswaar te lewer op die aansoek. 'n Tydperk van vyf (5) weke sal verleen word vir laasgenoemde proses.

Bevestig asb.

Groete

Loretta Gillion
Administrator, Town & Spatial Planning
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 **P**: P O Box 20
T: 028 313 8900 | **F**: 028 313 2093 | **E**: loretta@overstrand.gov.za

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Navrae:
Enquiries: H Olivier (Town Planner)

Lêerverwysing:
File Reference: 1709 HVM

Aansoek ID:
Application ID: 3245/2019

Datum:
Date: 15 July 2020

Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

TOWN PLANNING / STADSBEPLANNING
HERMANUS

GGK Attorneys
CC & A Groenwald
PO Box 72031
LYNNWOOD RIDGE
0040

anelia@ggkattorneys.com

Dear Sir / Madam

REQUEST FOR COMMENT / OBJECTION

ERF 1709, 7 HESS SE GANG, VERMONT: PROPOSED DEPARTURE: PLAN ACTIVE ON BEHALF PIET BRAND FAMILY TRUST

Your letter regarding the above dated 30 June 2020 refers.

It is hereby confirmed that after discussions with the applicant, Plan Active Town & Regional Planners, that you will now form part of the planning application submitted on 17 June 2019. The latter entails the following:

- that you will be dealt with as a person who commented (*"objector"*) and will a right to appeal the decision be granted, should you wish to do so, and
- the request for intervener status will be cancelled, and will the application fee of R3207-00 be refunded.

Should you wish to accept the above option, you are therefore hereby granted an opportunity to provide any additional comment/objection on the proposal. Written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **21 August 2020**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H. Olivier** at 028-313 8900.

Alternatively kindly confirm that the letter dated 30 June 2020 is comprehensive in nature, and no additional comment/objection will be provided.

Tel: 028 313 8900
Fax: 028 313 2093
E-mail: loretta@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

Yours faithfully

S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING

Tel: 028 313 8900
Fax: 028 313 2093
E-mail: loretta@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

OVERSTRAND MUNISIPALITEIT / OVERSTRAND MUNICIPALITY
22 JUL 2020

Loretta Gillion - Re: Request for comment - Erf 1709 Vermont

TP-A Theart (HOlivier)

From: Anelia Groenewald <anelia@ggkattorneys.com>
To: Loretta Gillion <lpage@overstrand.gov.za>
Date: 22/07/2020 07:28 AM
Subject: Re: Request for comment - Erf 1709 Vermont
Cc: Henk Olivier <holivier@overstrand.gov.za>, Hanneen van der Stoep <hvdsto...

Dear Ms Gillion,

We thank you for the correspondence received herein as well the confirmation that we now form part of the initial planning application process and that our intervener status will be cancelled.

We will provide further comments on or before 21 August 2020.

I would just like to place on record, my firm works with numerous councils across South Africa and the effectiveness of this team and speedy response is highly commendable, thank you.

Warm regards,

FILE NO: EL 1709-HVM
SCAN NO: 04
COLLABORATOR NO: 1432924

Anelia Groenewald
GROENEWALD GEYSER KHOELE ATTORNEYS
Cell: 082 079 2004
Fax: 086 562 8307
Tel: (012) 361 5160

On Wed, Jul 15, 2020 at 3:56 PM Loretta Gillion <lpage@overstrand.gov.za> wrote:

Dear Mr & Mrs Groenewald

Attached please find a self-explanatory letter for your attention.

Should you wish to discuss the matter feel free to contact Mrs Hanneen van der Stoep (Senior Town Planner) at 0283138900 or Mr Henk Olivier via e-mail.

Regards

Loretta Gillion
Administrator, Town & Spatial Planning
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 **P**: P O Box 20
T: 028 313 8900 | **F**: 028 313 2093 | **E**: loretta@overstrand.gov.za

Overstrand Municipality
TP 22 JUL 2020

ANNEXURE E 1/22

OVERSTRAND MUNISIPALITEIT
14 NOV 2019
OVERSTRAND MUNICIPALITY

PlAn Active
Town & Regional Planners
Stads-en Streeksbeplanners

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

TP- D. Wheart
(H. Olivier)

Our reference: PA19027
Your reference: 1709 HVM

12 November 2019

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

FILE NO: Erf 1709 Vermont
SCAN NO: HVM 1709
COLLABORATOR NO: 1356710

FOR ATTENTION: MR H. OLIVIER

Sir

ERF 1709 VERMONT: PROPOSED DEPARTURES
- **PIET BRAND FAMILY TUST**

Reference is made to our application dated 17 June 2019 as well as your letter dated 23 October 2019.

The objections received from Mrs J. Lester, property owner of Erf 1708 Vermont refers and can be summarized as follow:

- **The objector states that the document that was received by her was incomplete and certain pages were missing from the document (motivational report). The motivational report referred to "approved building plans" marked as Appendix A but was not marked as such. According to the objector the information received was incomplete.**

We as the applicant submitted our application to the Overstrand Municipality. The advertising process was controlled by the Overstrand Municipality. It is our opinion that the proposed application was complete as it was evaluated by a municipal official and can we as the applicant nor the owner of the subject property, be held responsible for incomplete documents being sent to the affected

neighbours. The objector complains that the document that was sent was incomplete, but the notice received by the complainant clearly states that the full application can be viewed at the Overstrand Municipality's Town Planning Department.

The statement as per the municipal notice referred to read as follows:

"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".

Although the objector complains that the document received was incomplete, the opportunity is also provided to neighbours to view the full detail of the proposed application at the Overstrand Municipality.

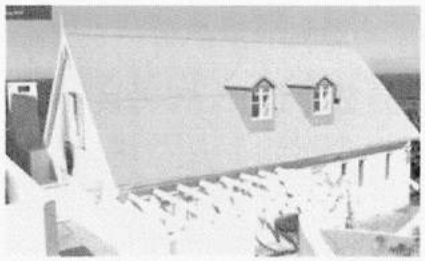
- **The objector questions the fact that approved building plans do exist for the subject property and believe that neighbours should have given a chance to provide comment before the building plans were approved.**

Attached to the proposed application as Annexure A, and as mentioned in the motivational report approved building plans do exist for the existing structures on the subject property. The encroachment of the deck is already approved at the current position, the owner only intends to raise the roof slab by ±300mm in order to address the safety hazard of the roof which is caused by the moisture. The roof slab which encroaches the building line does not have any impact on the surrounding properties as it was already approved and by raising the floor slab by ±300mm is minimal.

- **Page 7 of the motivational refers to a picture from one of the buildings situated in the Hes-Se-Gang development. The picture have the title "Proposed appearance for the structure on Erf 1709 Vermont" and the owner feels that the title of the picture is misleading as the building in the picture is a single storey building with roof pitch that is at the same angle as the roof.**

The picture mentioned by the objector, with reference to page 7 of the motivational report of the proposed application for the subject property is seen below with the paragraph describing the objective of the picture.

The proposed departures from the Hes-Se-Gang Manuel is not new to the already constructed houses within the development. The existing dwellings within the development have already departed from the guidelines and are similar to some of the features that are proposed by the property owner of Erf 1709 Vermont. In the picture below are some of the features that have been changed in the development that are in contrast with the Hes-Se-Gang Manuel.



Proposed appearance for the structure on Erf 1709 Vermont

As described in the paragraph above, we clearly indicate that we only refer to **some** of the features as seen in the picture above. It is not stated that our proposal will be identical to the building in the picture used in the motivational report.

On page 8 of the motivational report reference is made to another picture which also indicates some of the changes that already occurred within the development as seen below. These buildings in the picture below are buildings within the Hess-se-Gang development.

- **The objector indicates that the extension of the building on the subject property to a full 2 storey building of 9 meters will completely close the property of the objector. The**

objector also assumes that the property value will decrease if the proposal is approved.

The subject property is zoned General Residential Zone 1: Town housing (GR1). According to the Zoning Scheme Regulations in the Overstrand Municipal Area the following development rules apply to properties with a General Residential 1 zoning:

6.2 GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)

Use of the property

6.2.1 The following use restrictions apply to property in this zone

(a) **Primary uses** are: dwelling house in accordance with 6.1.2, town housing, private road, private open space;

(b) **Consent uses** are: crèche, day care centre, flats, green house, home occupation, residential building, retirement village, tourist accommodation.

Development rules

6.2.2 The following development rules apply:

(a) Density

The maximum gross density in this zone is 35 units a hectare.

(b) Coverage

The maximum coverage for all buildings on the land unit is 50%.

(c) Height

(i) The maximum height of a building, measured from the base level to the top of the roof is 8,0 m;

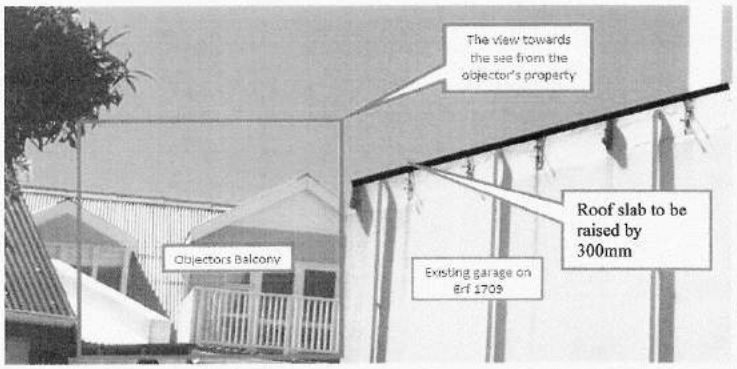
(ii) Earth banks and retaining structures shall comply with 16.6.

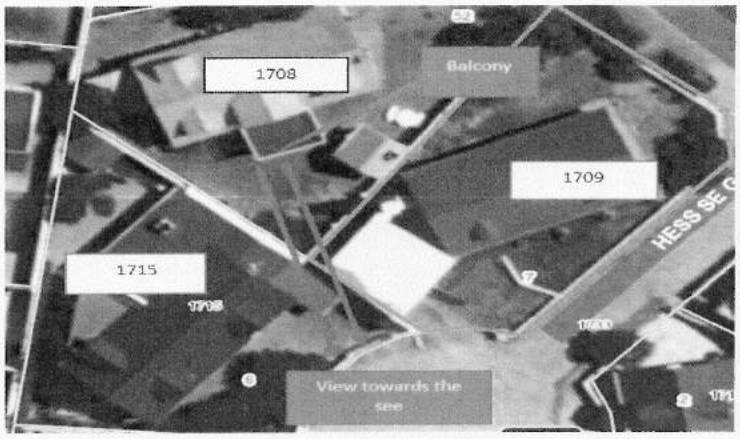
As per the plans attached to the proposed application drawn by G. Engelbrecht from Engelbrecht & Scorgie Architects, with drawing number **erf1709_BRAND/01-REV0 dated July 2017,** the maximum height for the proposal is 8 meters and **not** 9 meters as disclosed by the objector. The proposal with reference to the height of the building on the subject property is within the development rules of the Zoning Scheme Regulations which indicate a height restriction of 8 meters. It is within the owners right to extent the height of the dwelling to 8m and the only portion that encroaches the building line is the small portion of the open deck for which building plans do exist, but because of the damage done to the concrete roof slab by the moisture the roof slab will just be raised by 300mm in an effort to repair the damage.

The owner of the subject property is not responsible for the view of the neighbouring properties as long as he acts within the development rules that are imposed by the zoning of the subject property.

The portion of the roof slab being raised does not encroach the building line abutting Erf 1708 Vermont and it is our opinion that it does not have any impact on Erf 1708 Vermont.

With the proposal the objectors view will not be obstructed (as seen in the picture below). The objector assumes that the proposed double storey building will obstruct the view. This statement is irrelevant as the double story does not encroach any building lines. :Please take note that only the roof slab that will be replace and that will be slightly higher, ±300mm, than the current height of the roof slap encroaches the lateral building line. The objector will still have a view between the proposed building and the building on Erf 1715 Vermont as indicated on the photograph below.





- **The entertainment area of the objector faces the main dwelling on the subject property, Erf 1709 Vermont. The objector indicates that the extension of the building to 9m will close the outside area of the objector's property.**

The intention of the owner is to raise the dwelling, on top of the garage to a maximum height of 8m well within the development rules. The new proposed extension on the first floor of the existing dwelling (above the garage) does not encroach the building lines proposed for the subject property and therefor the property owner of Erf 1709 Vermont will act well within his rights. The following building lines apply to the subject property:

(e) **Building lines within the town housing development**

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;

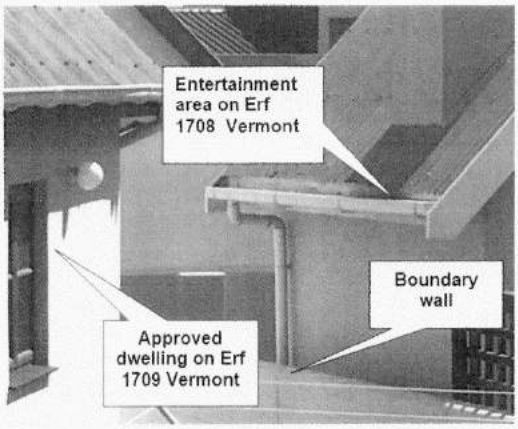
(ii) The rear building line is 1,0 m, provided that Council may require a greater rear building line for safety or health considerations, in which case it is 3,0 m;

(iii) A building 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; and

(iv) The combined side space between buildings on adjacent land units may not be less than 2,0 m;

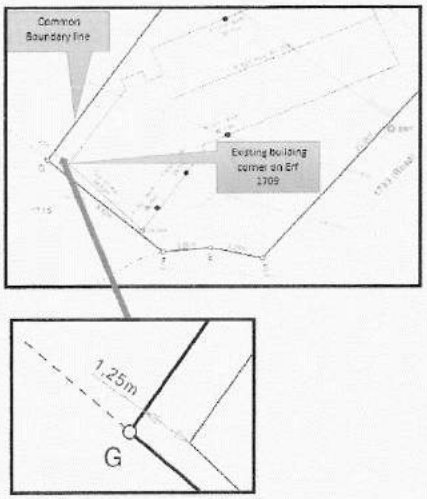
(v) The general building line exemptions of 16.1 apply.

With the approved building plans (and existing building) the view from the entertainment area of the objector is already obstructed. The proposal will not have any impact on the surrounding properties. As seen in the picture below the objector's entertainment area is ±55cm away from the common boundary wall. The entertainment area is constructed so close to the boundary wall and the existing dwelling, as approved on Erf 1709 that the view from the neighbouring properties entertainment area, on Erf 1708 Vermont which the neighbour complains about is already obstructed. It does not matter if the existing building remains as is or the proposal is made to the dwelling, the neighbour will still have no view from her entertainment area.



- **According to the objector the corner of the building on the subject property is 0.72m away from the boundary of the objector and not 1m as indicated by the plans submitted.**

The objector states that the corner of the building is approximately 0.72m away from the rear boundary abutting Erf 1708 Vermont. A survey done by Van Dyk Land Surveyors in June 2017 indicates that the aforementioned corner of the building situated on Erf 1709 Vermont is 1.25m away from the abutting boundary line (common boundary line of Erf 1709 and 1708 Vermont).

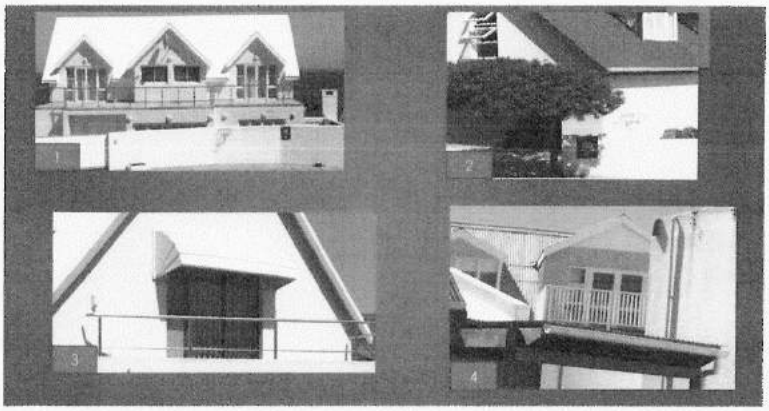


- **According to the objector there are changes within the Hes-Se-Gang development, but it was all done within the character of the development. It is also mentioned that the houses had rooms added with balconies but the proposal on the subject property is a complete second floor with a different pitch roof.**

It is clear that there are already changes to the character of the houses constructed within the Hes-Se-Gang development. As seen in some of the pictures below, other features are already visible in the development that were not included in the Hes-Se-Gang Development guidelines.

These features with reference to the pictures below are:

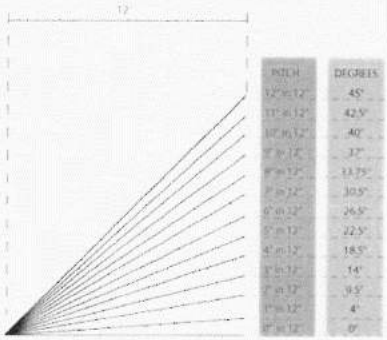
1. It is clear that there are already double storey dwellings within the Hes-Se-Gang development.
2. The dwelling with reference to picture no. 2 has a double garage and the Hes-Se-Gang Guidelines only propose single garages.
3. The railing in picture no. 3 is made from stainless steel. According to the Hes-Se-Gang Guidelines, "Only one deck per house is permitted. Deck railings must be of timber, with diagonal cross-struts and inlaid rectangles".
4. The fourth picture below is the house of the complainant. As seen in the picture below it is clear that the dwelling of the complainant is also a double storey dwelling. The objector complains that the proposal is not within the character of the area, but the complainant's dwelling also have features not include in the original Guidelines.



- **The proposed pitch of the roof will be out of character of the houses in the Hes-Se-Gang development and will be the only house with a different roof pitch.**

The proposal proposes a lower pitch roof to allow the proposed building to be constructed within the height restriction of 8 meters. The new proposed roof pitch will not have any impact on the surrounding properties, on the contrary the new proposed 30° roof pitch will have a lesser impact as a 45° pitch roof as seen in the picture below illustrating the different roof pitches. It is clear that there is not a significant difference between the roof pitches of 30° and 45° pitches. The 15° roof pitch difference will not have any impact on the existing character of the surrounding area or the Hes-Se-Gang development.

ROOF PITCH EXPRESSED IN DEGREES



- **According to the objector the proposed plan does not suit within the development of Hes-Se-Gang but will be better suited for a freestanding residential plot.**

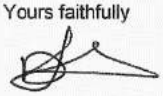
With the establishment of the Hes-Se-Gang development, development guidelines were imposed on the development. It is evident from the above-mentioned points that a lot has changed within the development and buildings have varied from the development guidelines. The objector is of the opinion that the proposal does not suit the property within the development, but as previously mentioned a lot of properties have departed from these guidelines, that includes the property of the objector where the intended character of the development has already been lost. The proposed development will not have any impact on the character of the area, as many of the features that have

been proposed by the owner of Erf 1709 Vermont have already been adopted by surrounding landowners within the Hes-Se-Gang development.

In conclusion it is important to understand that part of the reason for the building line departures is caused by the safety hazard that the roof slab poses. The departure application is only to address the height encroachment of the roof of the garage by only ±300mm. The proposed second floor on top of the garage does not encroach any building lines and is proposed within the development rules of the Zoning Scheme Regulations. It is also critical to understand that some of the features that are proposed are already established within the Hes-Se-Gang development.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



Darren Adams

PlAn Active Town & Regional Planners
Stads-en Streeksbeplanners

6 Magnolia St / Str
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Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

OVERSTRAND MUNISIPALITEIT
14 SEP 2020
OVERSTRAND MUNICIPALITY

Our reference: PA19027
Your reference: 1709 HVM

TP - A Theart (Holivier)

14 September 2020

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

FILE NO: EL 1709 - HVM
SCAN NO: 19
COLLABORATOR NO: 14 57457

FOR ATTENTION: MR H. OLIVIER

Sir

ERF 1709 VERMONT: PROPOSED DEPARTURES
- **PIET BRAND FAMILY TUST**

Reference is made to our application dated 17 June 2019 as well as your email dated 28 August 2020.

Background

We have applied for the proposed departures on the subject property. During the public participation process, the previous owner of Erf 1708 Vermont, Mrs Janette Lester has submitted objections towards the proposed application which we have formally commented on. Please refer to our comments on the objections dated 12 November 2019.

In the meanwhile, Erf 1708 Vermont has been purchased by new owners, Mr. CC & Mrs. A Groenewald. They took up their right to provide comments on the proposed application in terms of **Section 45 (2) of the Spatial Planning and Land Use Management Act 16 of 2013.**

TP 14 SEP 2020

The objections received from the new owners, Mr. CC & Mrs. A Groenewald were mainly the same as the objections previously received from the previous owner of Erf 1708 Vermont with a few additional points made.

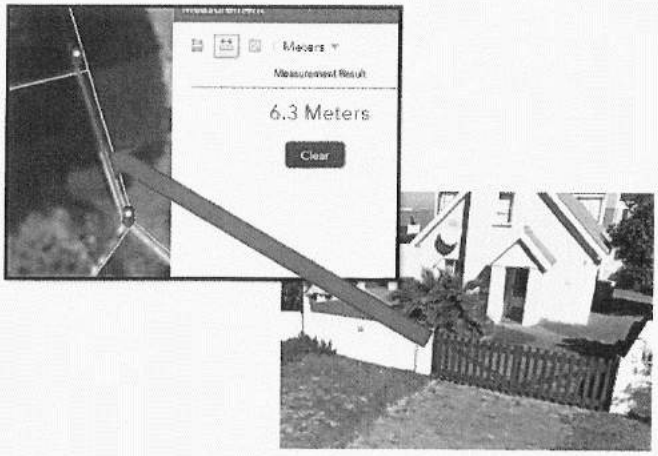
<u>The additional objections (additional to the ones already submitted by the previous owner) received from Mr. CC & Mrs. A Groenewald can be summarized as follow:</u>

- **According to the objectors, Erf 1708 Vermont is the only property which is boxed in by 5 other properties in the Hes-Se-Gang development.**

The layout of the properties within the Hes-Se-Gang development were well-established when the owners purchased Erf 1708 Vermont. The proposal on Erf 1709 Vermont does not have impact on the established layout.

- **According to the objectors, the existing entrance to Erf 1708 Vermont is not entirely 6 meters as the case with the other properties in the development and this contributes to the fact that the property has less open space and are more boxed in.**

The above statement has no relevance to the application at hand. Our client, the property owner of Erf 1709 Vermont did not have any influence in the construction of the entrance to Erf 1708 Vermont. As seen below the side that fronts Fisante Crescent, where the entrance is situated, is approximately 6 meters but the entrance gate was constructed less than 6 meters.



Please see the objections received from the previous owner, Mrs. J. Lester with the comments provided with reference to our letter dated 12 November 2019 which is similar to the objections raised by the new owners, Mr. CC & Mrs. A Groenewald.

- **The objector states that the document that was received by her was incomplete and certain pages were missing from the document (motivational report). The motivational report referred to "approved building plans" marked as Appendix A but was not marked as such. According to the objector the information received was incomplete.**

We as the applicant submitted our application to the Overstrand Municipality. The advertising process was controlled by the Overstrand Municipality. It is our opinion that the proposed application was complete as it was evaluated by a municipal official and can we as the applicant nor the owner of the subject property, be held responsible for incomplete documents being sent to the affected neighbours. The objector complains that the document that was sent was incomplete, but the notice received by the complainant clearly states that the full application can be viewed at the Overstrand Municipality's Town Planning Department.

The statement as per the municipal notice referred to read as follows:

"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".

Although the objector complains that the document received was incomplete, the opportunity is also provided to neighbours to view the full detail of the proposed application at the Overstrand Municipality.

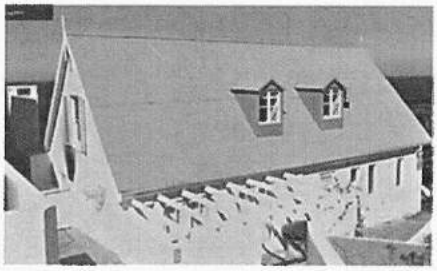
- **The objector questions the fact that approved building plans do exist for the subject property and believe that neighbours should have given a chance to provide comment before the building plans were approved.**

Attached to the proposed application as Annexure A, and as mentioned in the motivational report approved building plans do exist for the existing structures on the subject property. The encroachment of the deck is already approved at the current position, the owner only intends to raise the roof slab by ±300mm in order to address the safety hazard of the roof which is caused by the moisture. The roof slab which encroaches the building line does not have any impact on the surrounding properties as it was already approved and by raising the floor slab by ±300mm is minimal.

Page 7 of the motivational refers to a picture from one of the buildings situated in the Hes-Se-Gang development. The picture have the title "Proposed appearance for the structure on Erf 1709 Vermont" and the owner feels that the title of the picture is misleading as the building in the picture is a single storey building with roof pitch that is at the same angle as the roof.

The picture mentioned by the objector, with reference to page 7 of the motivational report of the proposed application for the subject property is seen below with the paragraph describing the objective of the picture.

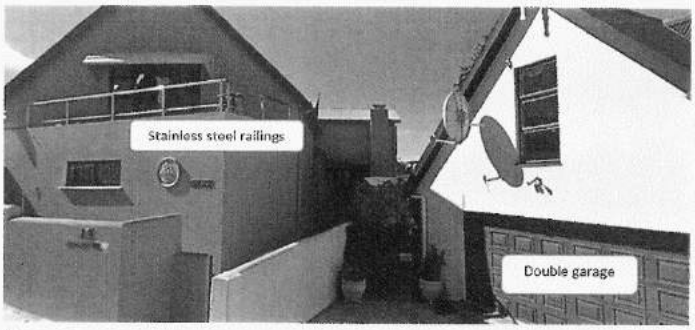
The proposed departures from the Hes-Se-Gang Manuel is not new to the already constructed houses within the development. The existing dwellings within the development have already departed from the guidelines and are similar to some of the features that are proposed by the property owner of Erf 1709 Vermont. In the picture below are some of the features that have been changed in the development that are in contrast with the Hes-Se-Gang Manuel.



Proposed appearance for the structure on Erf 1709 Vermont

As described in the paragraph above, we clearly indicate that we only refer to **some** of the features as seen in the picture above. It is not stated that our proposal will be identical to the building in the picture used in the motivational report.

On page 8 of the motivational report reference is made to another picture which also indicates some of the changes that already occurred within the development as seen below. These buildings in the picture below are buildings within the Hess-se-Gang development.



- **The objector indicates that the extension of the building on the subject property to a full 2 storey building of 9 meters will completely close the property of the objector. The objector also assumes that the property value will decrease if the proposal is approved.**

The subject property is zoned General Residential Zone 1: Town housing (GR1). According to the Zoning Scheme Regulations in the Overstrand Municipal Area the following development rules apply to properties with a General Residential 1 zoning:

6.2 GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)

Use of the property

6.2.1 The following use restrictions apply to property in this zone

(a) **Primary uses** are: dwelling house in accordance with 6.1.2, town housing, private road, private open space;

(b) **Consent uses** are: crèche, day care centre, flats, green house, home occupation, residential building, retirement village, tourist accommodation.

Development rules

6.2.2 The following development rules apply:

(a) **Density**

The maximum gross density in this zone is 35 units a hectare.

(b) **Coverage**

The maximum coverage for all buildings on the land unit is 50%.

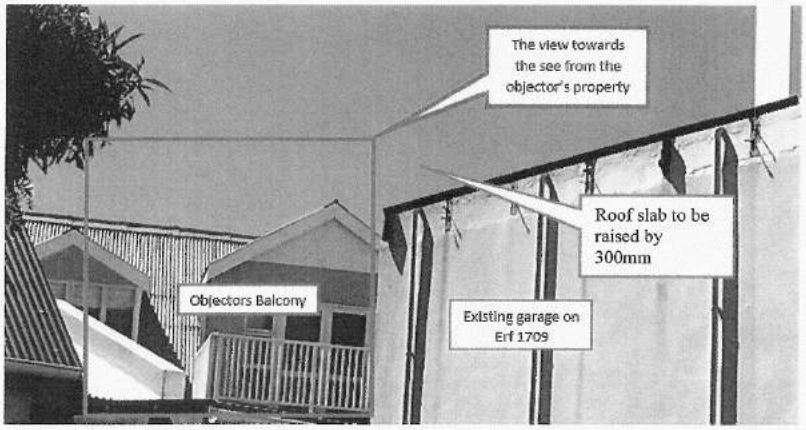
(c) **Height**

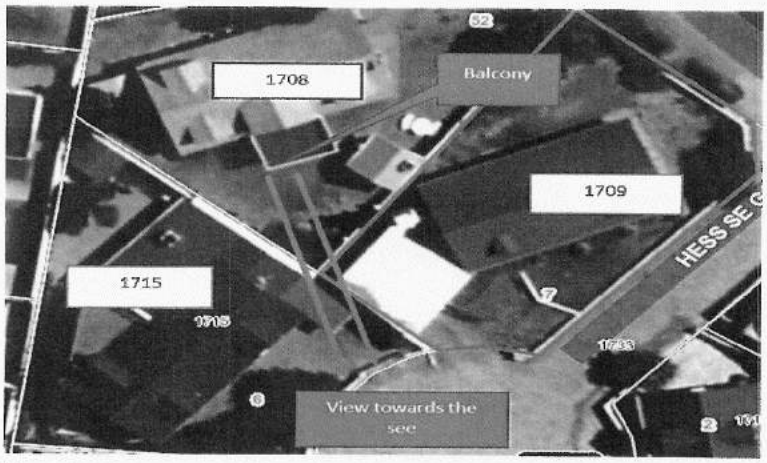
(i) The maximum height of a building, measured from the base level to the top of the roof is 8,0 m;
(ii) Earth banks and retaining structures shall comply with 16.6.

As per the plans attached to the proposed application drawn by G. Engelbrecht from Engelbrecht & Scorgie Architects, with drawing number **erf1709_BRAND/01-REV0 dated July 2017,** the maximum height for the proposal is 8 meters and **not** 9 meters as disclosed by the objector. The proposal with reference to the height of the building on the subject property is within the development rules of the Zoning Scheme Regulations which indicate a height restriction of 8 meters. It is within the owners right to extent the height of the dwelling to 8m and the only portion that encroaches the building line is the small portion of the open deck for which building plans do exist, but because of the damage done to the concrete roof slab by the moisture the roof slab will just be raised by 300mm in an effort to repair the damage.

The owner of the subject property is not responsible for the view of the neighbouring properties as long as he acts within the development rules that are imposed by the zoning of the subject property. The portion of the roof slab being raised does not encroach the building line abutting Erf 1708 Vermont and it is our opinion that it does not have any impact on Erf 1708 Vermont.

With the proposal the objectors view will not be obstructed (as seen in the picture below). The objector assumes that the proposed double storey building will obstruct the view. This statement is irrelevant as the double story does not encroach any building lines. :Please take note that only the roof slab that will be replace and that will be slightly higher, ±300mm, than the current height of the roof slap encroaches the lateral building line. The objector will still have a view between the proposed building and the building on Erf 1715 Vermont as indicated on the photograph below.





- **The entertainment area of the objector faces the main dwelling on the subject property, Erf 1709 Vermont. The objector indicates that the extension of the building to 9m will close the outside area of the objector's property.**

The intention of the owner is to raise the dwelling, on top of the garage to a maximum height of 8m well within the development rules. The new proposed extension on the first floor of the existing dwelling (above the garage) does not encroach the building lines proposed for the subject property and therefor the property owner of Erf 1709 Vermont will act well within his rights. The following building lines apply to the subject property:

(e) **Building lines within the town housing development**

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;

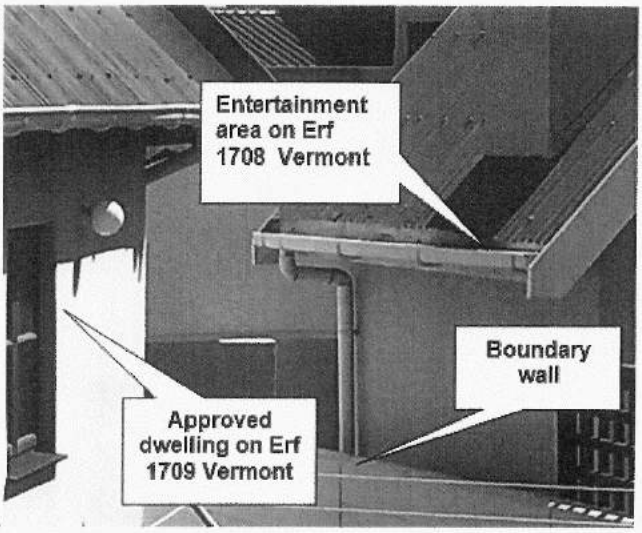
(ii) The rear building line is 1,0 m, provided that Council may require a greater rear building line for safety or health considerations, in which case it is 3,0 m;

(iii) A building 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; and

(iv) The combined side space between buildings on adjacent land units may not be less than 2,0 m;

(v) The general building line exemptions of 16.1 apply.

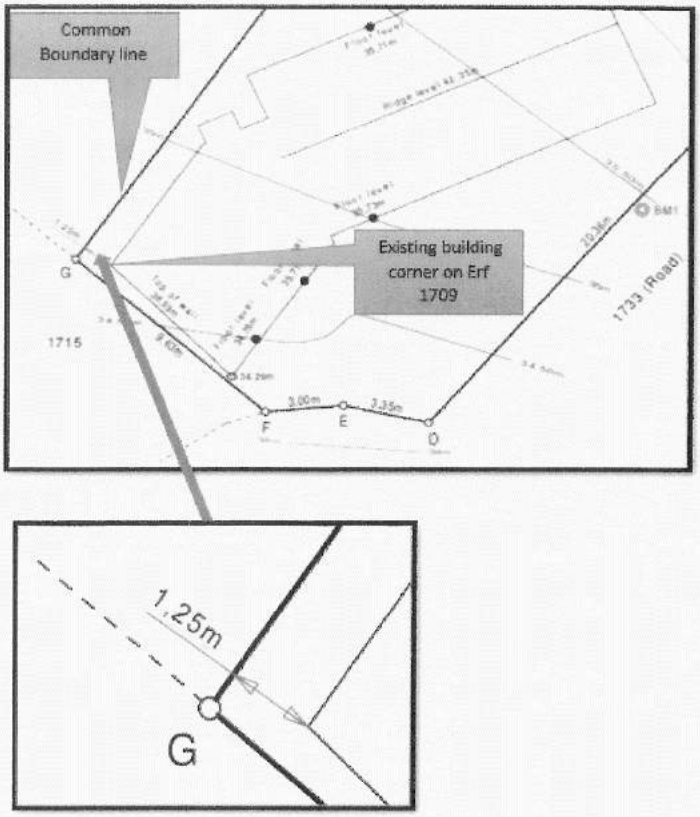
With the approved building plans (and existing building) the view from the entertainment area of the objector is already obstructed. The proposal will not have any impact on the surrounding properties. As seen in the picture below the objector's entertainment area is ±55cm away from the common boundary wall. The entertainment area is constructed so close to the boundary wall and the existing dwelling, as approved on Erf 1709 that the view from the neighbouring properties entertainment area, on Erf 1708 Vermont which the neighbour complains about is already obstructed. It does not matter if the existing building remains as is or the proposal is made to the dwelling, the neighbour will still have no view from her entertainment



area.

- **According to the objector the corner of the building on the subject property is 0.72m away from the boundary of the objector and not 1m as indicated by the plans submitted.**

The objector states that the corner of the building is approximately 0.72m away from the rear boundary abutting Erf 1708 Vermont. A survey done by Van Dyk Land Surveyors in June 2017 indicates that the aforementioned corner of the building situated on Erf 1709 Vermont is 1.25m away from the abutting boundary line (common boundary line of Erf 1709 and 1708 Vermont).

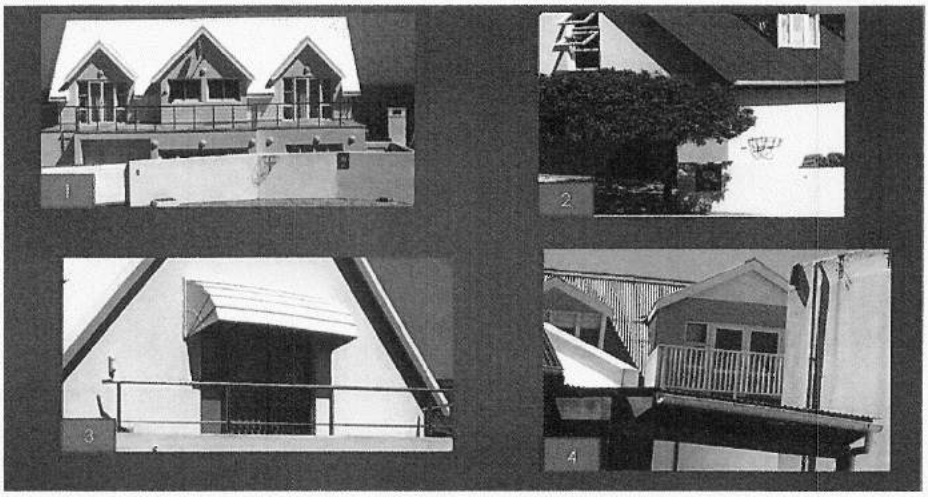


- **According to the objector there are changes within the Hes-Se-Gang development, but it was all done within the character of the development. It is also mentioned that the houses had rooms added with balconies but the proposal on the subject property is a complete second floor with a different pitch roof.**

It is clear that there are already changes to the character of the houses constructed within the Hes-Se-Gang development. As seen in some of the pictures below, other features are already visible in the development that were not included in the Hes-Se-Gang Development guidelines.

These features with reference to the pictures below are:

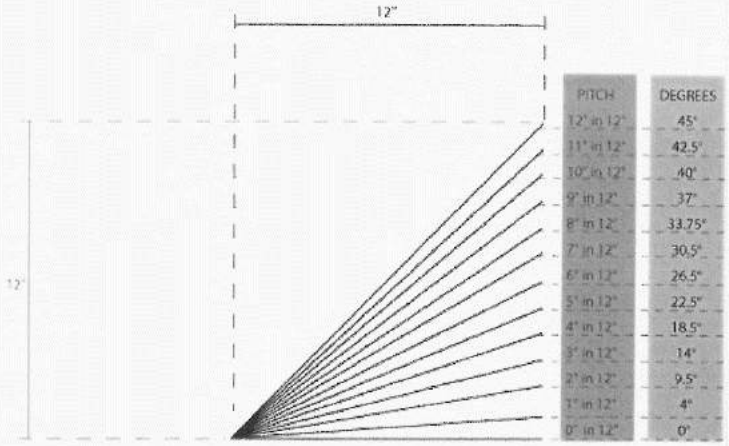
1. It is clear that there are already double storey dwellings within the Hes-Se-Gang development.
2. The dwelling with reference to picture no. 2 has a double garage and the Hes-Se-Gang Guidelines only propose single garages.
3. The railing in picture no. 3 is made from stainless steel. According to the Hes-Se-Gang Guidelines, "Only one deck per house is permitted. Deck railings must be of timber, with diagonal cross-struts and inlaid rectangles".
4. The fourth picture below is the house of the complainant. As seen in the picture below it is clear that the dwelling of the complainant is also a double storey dwelling. The objector complains that the proposal is not within the character of the area, but the complainant's dwelling also have features not include in the original Guidelines.



- **The proposed pitch of the roof will be out of character of the houses in the Hes-Se-Gang development and will be the only house with a different roof pitch.**

The proposal proposes a lower pitch roof to allow the proposed building to be constructed within the height restriction of 8 meters. The new proposed roof pitch will not have any impact on the surrounding properties, on the contrary the new proposed 30° roof pitch will have a lesser impact as a 45° pitch roof as seen in the picture below illustrating the different roof pitches. It is clear that there is not a significant difference between the roof pitches of 30° and 45° pitches. The 15° roof pitch difference will not have any impact on the existing character of the surrounding area or the Hes-Se-Gang development.

ROOF PITCH EXPRESSED IN DEGREES



- **According to the objector the proposed plan does not suit within the development of Hes-Se-Gang but will be better suited for a freestanding residential plot.**

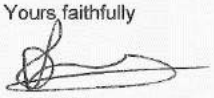
With the establishment of the Hes-Se-Gang development, development guidelines were imposed on the development. It is evident from the above-mentioned points that a lot has changed within the development and buildings have varied from the development guidelines. The objector is of the opinion that the proposal does not suit the property within the development, but as previously mentioned a lot of properties have departed from these guidelines, that includes the property of the objector where the intended character of the development has already been lost. The proposed development will not have any impact on the character of the area, as many of the features that have been proposed by the owner of Erf 1709 Vermont have already been adopted by surrounding landowners within the Hes-Se-Gang development.

In conclusion it is important to understand that part of the reason for the building line departures is caused by the safety hazard that the roof slab poses. The departure application is only to address the height encroachment of the roof of the garage by only ±300mm. The proposed second floor on top of the garage does not encroach any building lines and is proposed within the development rules of the Zoning Scheme Regulations. It is also critical to understand that some of the features that are proposed are already established within the Hes-Se-Gang development.

Most of the objections raised by the new owners of Erf 1708 Vermont have already been raised by the previous owner that was addressed in our letter dated 12 November 2019. The current owners also refer to the previous objections and therefor we have included it in our response above.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



Darren Adams

ANNEXURE F

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 1709, VERMONT (3245/2019)

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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;

3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P:2010:* Drainage;

4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

5. that stormwater be allowed to discharge through Erf 1709, Vermont, unobstructed;

6. that any additional and / or extended vehicles entrances will be for the owner's account;

7. that no on-street parking be allowed.

p.p. R Clarke
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

25/10/2019
DATE

ANNEXURE G 1/4

TP N. Thoart
(L) Olivia)

OVERSTRAND MUNISIPALITEIT
23 OCT 2019
OVERSTRAND MUNICIPALITY

G4

openserve

FILE NO: 8/1709
Vermont
SCAN NO:
HVM 1709
COLLABORATOR NO:
1340867

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHWS3472_19
Your Ref.: 1709 HVM 3245/2019

14 October 2019

Attention: S Muller

Overstrand Municipality
HERMANUS

PLANT AFFECTED:

PROPOSED DEPARTURE: ERF 1709, 7 HESS SE GANG, VERMONT

With reference to your application received **16 September 2019.**

As important cables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za 48 hours prior to commencement of construction work.

I hereby inform you that OpenServe approves the proposed work indicated on your drawing in principle. This approval is valid for **12 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, OpenServe infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

TP 23 OCT 2019

Telecommunication services position is shown as accurately as possible but should be regarded as **approximate only.**

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should OpenServe infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All OpenServe rights remain reserved.

Yours faithfully

Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT AFFECTED : COPPER

This wayleave, Reference Number WWIP WHWS3472 19 is valid for 12 months from date hereof and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three meters of any Openserve Plant (I.E. any Telecommuncation equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Frederik Swart at Telephone No 081 363 7815 must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration, should the of the work, upon which the actual location of Openserve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately, should the applicant locate any Openserve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibilty.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2019/10/14

By: C Spammer
For Regional General Manager
Western Cape

Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	

open serve

WONRA222
WONRG213
1667
WONR222J
WONR222C
1710
1709
WONR222H
1711
1712
1707
WONR222B
1708
1715
WONR222D
WONR222E
1714
1713
1612
1611
1610
1609
Legend
Existing Manhole
Planned Manhole
To Be Abandoned Manhole
Existing Jointing Pit
Planned Jointing Pit
To Be Abandoned Jointing Pit
Existing PJB
Planned PJB
To Be Abandoned PJB
Existing SDC
Planned SDC
To Be Recovered SDC
Existing DLC
Planned DLC
To Be Recovered DLC
Existing Pillar Joint
Planned Pillar Joint
To Be Recovered Pillar Joint
Existing Indoor DP
Planned Indoor DP
To Be Recovered DP
Existing DP
Planned DP
To Be Recovered DP
Existing Pole
Planned Pole
To Be Recovered Pole
Existing Underground Route
Planned Underground Route
To Be Abandoned Underground Route
Existing Overhead Route
Planned Overhead Route
To Be Recovered Overhead Route
Existing Mini CMDF
Planned Mini CMDF
Existing Strut and Stay
TELKOM
REGIONAL EXECUTIVE
Compiled By
C Squimmer
Client
Date
14/10/2019
Client ref
OpenServe ref
WWIP_WHWSMXP2_19
Details
COPPER SERVICES AFFECTED
Page Size
A4
Sheet No
of

ANNEXURE H 1/3

TP. N. Mead
(L. Olivier)

Eskom Distribution

OVERSTRAND MUNISIPALITEIT
22 OCT 2019
OVERSTRAND MUNICIPALITY

OVERSTRAND MUNICIPALITY

loretta@overstrand.gov.za H3

Date: 2019/10/21

Enquiries:
WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: PROPOSED DEPARTURE : 7 HESS SE GANG : VERMONT

YOUR REF: 1709 HVM

ESKOM REF: 02620-19

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:.**

   a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
   b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
   c) There may be LV overhead services / connections not indicated on this drawing.
   d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart
028 214 5710
SwartDi@eskom.co.za

FILE NO: GK 1709 Vermont
SCAN NO: HVM 1709
COLLABORATOR NO: 1340192

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela on 084 745 8990 / PotelaS@eskom.co.za.

Distribution Division - Western Region [Land Development]
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za
Eskom Holdings SOC Limited Reg No 2002/015527/30

21 OCT 2019

2. **Underground Services**

The following conditions to be adhered to at all times:

a) Works will be carried out as indicated on plans.
b) No mechanical plant to be used within 3.0m of Eskom underground cables.
c) All services to be verified on site.
d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
h) No manholes; catch- pits or any structure to be built on top of existing underground services.
i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

3. **O.H. Line Services:**

a) No work or no machinery nearer than the following **distances from the conductors**:

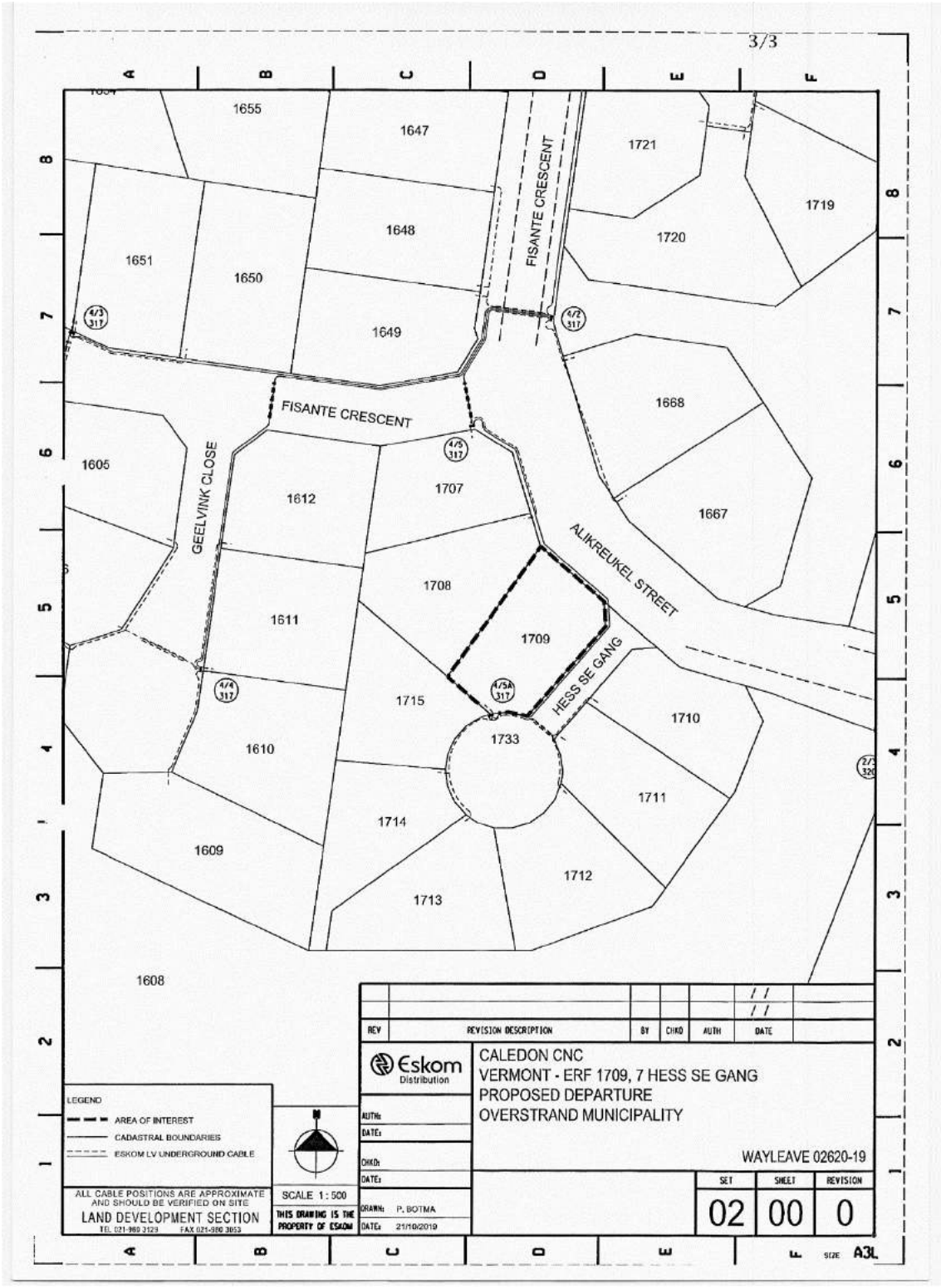
Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)


3/3
1655
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1721
1719
1648
1720
1651
1650
1649
FISANTE CRESCENT
1668
FISANTE CRESCENT
1605
GEELVINK CLOSE
1612
1707
1667
ALIKREUKEL STREET
1708
1611
1709
HESS SE GANG
1715
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1610
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1711
1714
1609
1712
1713
1608
REV
REVISION DESCRIPTION
BY
CHKD
AUTH
DATE
Eskom
Distribution
CALEDON CNC
VERMONT - ERF 1709, 7 HESS SE GANG
PROPOSED DEPARTURE
OVERSTRAND MUNICIPALITY
WAYLEAVE 02620-19
LEGEND
AREA OF INTEREST
CADASTRAL BOUNDARIES
ESKOM LV UNDERGROUND CABLE
ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
SCALE 1 : 500
THIS DRAWING IS THE PROPERTY OF ESKOM
DRAWN: P. BOTMA
DATE: 21/10/2019
SET
SHEET
REVISION
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00
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SIZE A3L

ANNEXURE I 1/2

Henk Olivier - Erf 1709, Vermont

From: Henk Olivier
To: Janette Lester (MEA)
Date: 2019/10/01 03:13 PM
Subject: Erf 1709, Vermont
Attachments: doc00135420191001150049.pdf

Me Lester

Copy of Notice as requested.

Regards

Henk Olivier
Town Planner : Town & Spatial Planning
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 **P**: P O Box 20
T: 028 313 8900 | **F**: 028 313 2093 | **E**: holivier@overstrand.gov.za

ERF 1709, 7 HESS SE GANG, VERMONT : PROPOSED DEPARTURE : PLAN ACTIVE ON BEHALF OF PIET BRAND FAMILY TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 that an application has been received in terms of Section 16(2)(b) for the following departures :

- To relax the street building line from 5m to 4,660mm to accommodate a portion of the existing dwelling;
- To relax the lateral building line from 1m to 0,687m and 0,257m respectively to replace the concrete roof slab on top of the existing garage, and
- To depart from the Hes-Se-Gang Design Manual.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **18 October 2019**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **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 1709, 7 HESS SE GANG, VERMONT : PROPOSED DEPARTURE : PLAN ACTIVE ON BEHALF OF PIET BRAND FAMILY TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Verordening vir Munisipale Grondgebruikbeplanning, 2015 dat 'n aansoek ingevolge Artikel 16(2)(b) ontvang is op bogenoemde eiendom vir die volgende afwykings :

- Verslapping van die straatboulyn vanaf 5m na 4,660mm ten einde 'n gedeelte van die bestaande woning te akkommodeer;
- Verslapping van die syboulyn vanaf 1m na 0,687m en 0,257m ten einde die betondak bo die bestaande motorhuis te vervang, en
- Afwyking van die Hes-Se-Gang Argitektoniese Riglyne.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **18 Oktober 2019**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **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.

ERF 1709, 7 HESS SE GANG, VERMONT : ISICELO SOKUPHAMBUKA: PLAN ACTIVE EGAMENI LE- PIET BRAND FAMILY TRUST

Kukhutshwe isaziso ngokwemiba yeSolotya lama-48 loMthethwana kaMasipala waseOverstrand ngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2015, othi kufunyenwe isicelo ngokwemiba yeSolotya le16(2)(b) ngokwahlula ngolu hlobo lulandelayo:

- Ukunyenyisa umgca wesakhiwo ongamene nesitrato ukusuka kwiimitha ezi5m ukuya kwiimilimitha ezi-4,660mm ukulungiselela inxalelnye yendawo yokuhlala eseyikhona;
- Ukunyenyisa umgca omelene nesakhiwo ukusuka kwimitha e-1m ukuya kwiimitha ezi-687m neziyi-0,257m ngokulandelelanayo ukususa uphahla lwegaraji olisisilebhu sekonkrithi kufakwe olunye, kunye
- Nokwahlula ukusuka kwiHes-Se-Gang Design Manual.

Iinkcukacha ngesisiphakamiso ziyafumaneka ukuze zihlolwe phakathi evekini ukususela kwintsimbi ye8:00 neye16:30 kwiSebe: Izicwangciso zeSDolophu, ePaterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSolotya ama-51 nama- 52 oMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla ka **18 ku-uOktobha2019**, uchaze igama lakho, idilesi neenkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefoni ingabuzwa ku**Mnu. H. Olivier ku**028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angaya kwiSebe Lesicwangciso ngeDolophu apho igosa likamasipala liza kunceda ukufaka izimvo zakho ngokusemthethweni.

Tel: 028 3138900
Fax: 028 3132093
E-mail: loretta@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

OVERSTRAND

ANNEXURE J 1/13

HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday - 06 DECEMBER 2018
Time: 14h00 – 17h00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs K. Smuts

Mrs N. Lloyd

Mr L. Smith

Mr B. Jones

Mrs Lize Neethling

Mr S. February

Mr N. Saayman

Mr A. Finlayson

Mr B. Brink

Mr C. Roux

In Attendance:

Mr J Simson (Manager Building Services) . Gerrit Coetzee (Building inspector) & Mrs E. Lowings (Admin Assistant: Building Services)

3.1 ***HERMANUS : ERF 1709 : VERMONT : HESS SE GANG : PIET BRAND FAMILY TRUST : AESTHETICS COMMENT: PROPOSED ALTERATIONS AND ADDITONS :***

GERHARD ENGELBRECHT PRESENTED

Comment:
Drawing No Erf 1709- BRAND/01, 02, 03 Rev1 scrutinized. The primary roof form, predominantly the ridge & eave, do not read strongly enough, the quantity of "dormers"/gables overwhelms the form & proposed window openings are therefore not centralized.

Action:
Reduce & simplify the dormers, decrease the dormer roof ridges in relation to the primary ridge. Submit revised drawings.

NEXT MEETINGS:

17TH JANUARY 2019

OVERSTRAND

File on Hold departures

2/13 Vermont

HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday - 06 DECEMBER 2018
Time: 14h00 – 17h00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs K. Smuts

Mrs N. Lloyd

Mr L. Smith

Mr B. Jones

Mrs Lize Neethling

Mr S. February

Mr N. Saayman

Mr A. Finlayson

Mr B. Brink

Mr C. Roux

In Attendance:

Mr J Simson (Manager Building Services) . Gerrit Coetzee (Building inspector) & Mrs E. Lowings (Admin Assistant: Building Services)

3.1 ***HERMANUS : ERF 1709 : VERMONT : HESS SE GANG : PIET BRAND FAMILY TRUST : AESTHETICS COMMENT: PROPOSED ALTERATIONS AND ADDITONS :***

GERHARD ENGELBRECHT PRESENTED

Comment:
Drawing No Erf 1709- BRAND/01, 02, 03 Rev1 scrutinized. The primary roof form, predominantly the ridge & eave, do not read strongly enough, the quantity of "dormers"/gables overwhelms the form & proposed window openings are therefore not centralized.

Action:
Reduce & simplify the dormers, decrease the dormer roof ridges in relation to the primary ridge. Submit revised drawings.

EXT MEETINGS:

17TH JANUARY 2019

3 **Erf 1710**

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE
Tel 028 316 3284 • Fax 028 316 2200 • Email archoffice@maxitec.co.za • 48 Main Rd • PO Box 181 • Onrust River 7201

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I/We, VALENTINE + DESIRÉ RUBY CLOETE,

the registered owner/s of

Erf no: 1710

Street address: #1 HES-SE-GANG, ALIKREUKEL ST, VERMONT 7201

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

I / We hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations.

Signed _____ DRCloete

Date 9/11/2018

Members: G Engelbrecht & B Scorgie

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE
Tel 028 316 3284 · Fax 028 316 2200 · Email archoffice@mweb.co.za · 48 Main Rd · PO Box 181 · Onrust River 7201

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I / We, Hennie & Ria Baard,

the registered owner/s of

Erf no: 1711

Street address: Hes se Gang 2 Vermont,

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

I / We hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations.

Signed H J Baard

Date 19/11/2018

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE
Tel 028 316 3294 • Fax 028 316 2200 • Email architoffice@mweb.co.za • 46 Main Rd • PO Box 181 • Onrust River 7201

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I / We David Erasmus Roux & Johann Francois Vos

the registered owner/s of

Erf no: 1712

Street address: 3 Hes se Gang, Vermont ,

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

I / We hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations.

Signed J&Roux

Date 9/11/2018

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE
Tel 028 316 3294 · Fax 028 316 2200 · Email archoffice@mweb.co.za · 48 Main Rd · PO Box 181 · Onrust River 7201

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I / We, Roy Silver,

the registered owner/s of

Erf no: 1713

Street address: 4 Hess Se Gang,

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

I / We hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations.

Signed Roy Silver

Date 15 November 2018

ENGELBRECHT & SCORGIE
ATTORNEYS NOTARIS EN LEIERS
Tel 028 313 0 5334 · Fax 028 316 2202 · Email arclaflaw@mweb.co.za · 48 Main Rd · PO Box 181 · Hermanus 7201

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I / ~~We~~, Jeanette M. Gilliers,

the registered owner/s of

Erf no: 1714

Street address: 5 Hes-Se-Gang,

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

I / ~~We~~ hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations.

Signed

Date 13/11/2018

ENGELBRECHT SCORGIE

HES-SE-GANG DEVELOPMENT

Neighbour's Consent in lieu of established Home Owner's Association

Applicant: **Piet Brand Family Trust**

Erf no: **1709**

Street address: **no. 7 Hes-Se-Gang**

I / We, JP NETHLING

the registered owner/s of

Erf no: 1715

Street address: HES SE GANG 6

which forms part of the Hes-Se-Gang Development,

hereby confirm that I / we have received and studied the drawings showing the proposed additions and alterations to the existing dwelling on Erf 1709.

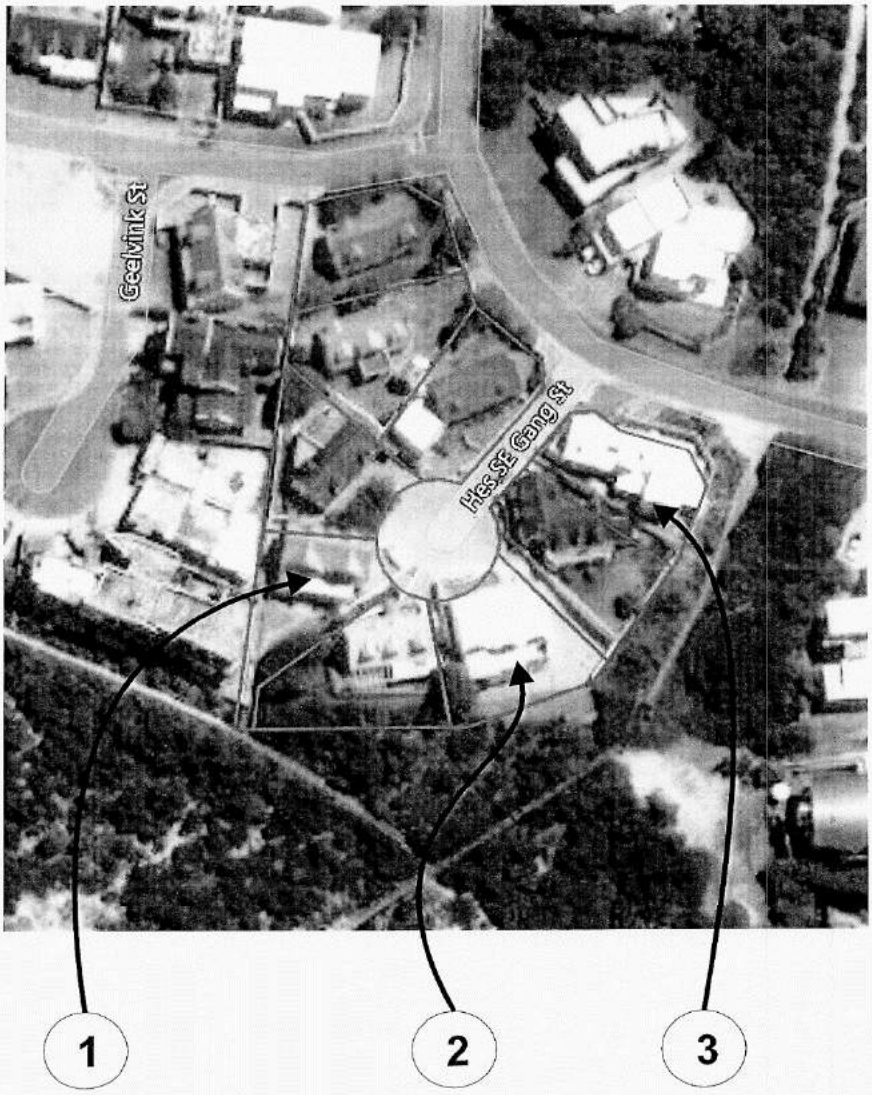
I / We hereby grant permission to the applicant to carry out the proposed building work in accordance with the Overstrand Municipality's relevant regulations, en op voorwaarde dat daar GEEN skade aan my eiendom aangerig word tydens

Signed _____ Andries Bothma Me

Date 12 NOVEMBER 2018

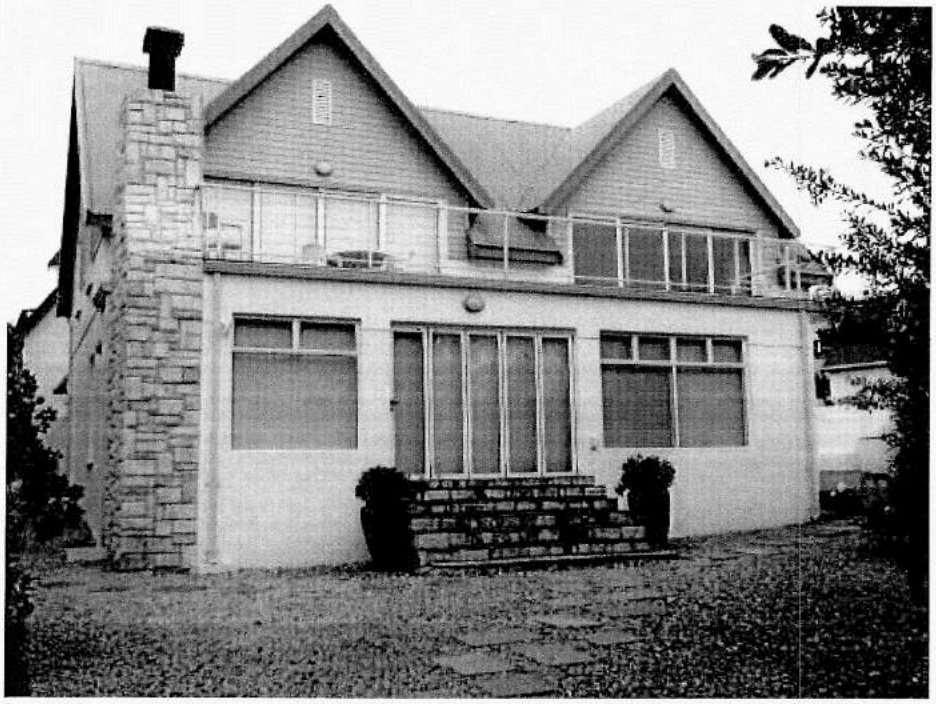
10/13

HES-SE-GANG, VERMONT:

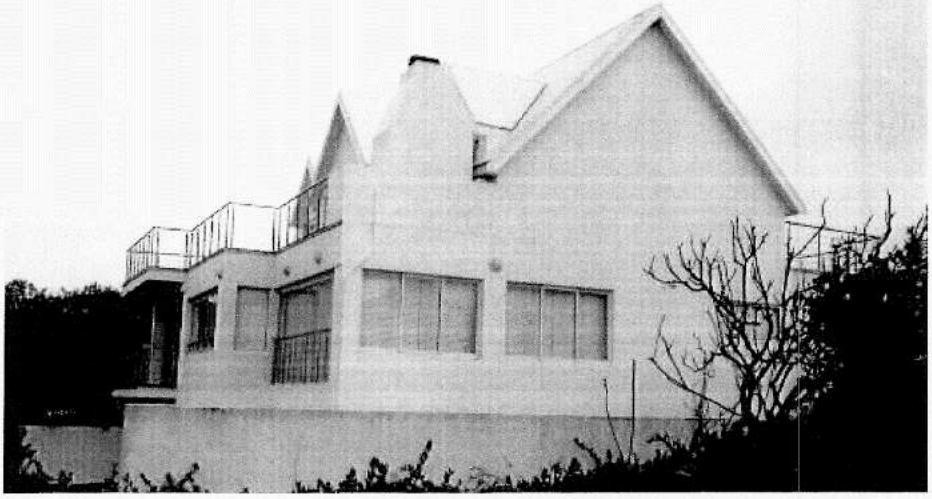


11/13

1 Erf 1714



2 **Erf 1712**



13/13

File reference:	1709 (3245/2019) HVM
Date:	17 September 2019

OVERSTRAND

INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	H Olivier (Town Planner)

TO:

Area Manager	***Building Department***	***District Health***	***Electrical Department***
Environmental Officer	***Fire Department***	***Infrastructure and Planning***	***Local Heritage Committee***
Operational Services	Traffic Department	***Ward Councillor***	Waste Management

Applicant	**PLAN ACTIVE ON BEHALF OF PIET BRAND FAMILY TRUST**
Property Details	**ERF 1709, 7 HESS SE GANG, VERMONT**
Application Description	**PROPOSED DEPARTURE**

ATTACHMENTS :

1.	Notice
2.	Locality Plan
3.	Site Development Plan
4.	Motivation

Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.

YOUR DEPARTMENT'S COMMENTS:

Building Control: No objection. Building Plan application to be compliant with all applicable law.

OHAC: No Comment 2019-09-25

Signature: Mathee Date: 17.09 2019

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing.** Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- ***Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.***

COMMENTS REQUIRED BY: 18 OCTOBER 2019

ANNEXURE K 1/14

10

DESIGN MANUAL

HES SE GANG

GROUP HOUSING : ERF 1613, VERMONT

November 1992

THE PLANNING PARTNERSHIP
CAPE TOWN

1. INTRODUCTION

The intention of this manual is to ensure that additions and alterations to the existing dwellings are designed and constructed in a manner that will attain architectural cohesiveness in the context of a Victorian theme.

1.1 General

Rather than prescriptive limiting regulations, this manual will describe the essence of Victorian architecture in an open-ended interpretative manner. In that sense the manual can be considered as a catalogue of individual elements, which can be assembled in any order as a means of preserving and extending the Victorian character.

1.2 Purpose

The architectural and building constraints have evolved from the definitive Victorian architectural theme, and aim to preserve the investment value of the entire group housing development by safeguarding that theme as an appropriate character of a quality development.

1.3 Conceptual Development

It is accepted that individual requirements for expression should be encouraged in a group housing scheme, as the need for additions and alterations evolves. Due to the tight radial pattern of the group housing, it is incumbent on all homeowners to consider additions and alterations in the context of the entire group, both in terms of the form and appearance of external items with respect to the Victorian character, and the overall bulk of large items such as garages and enclosed stoeps. The two latter items in particular must be considered contextually in terms of their large bulk, which could block views from adjacent properties. Figure 13 is a block area plan indicating the most suitable positions of garages or carports for each plot. Any proposed departure or variation from the indicated position would be incumbent on the proposer to motivate the revision including an analysis of views and amenity of adjacent affected properties, and to obtain the approval of adjoining owners in the group housing scheme.

2. BUILDING DESIGN GUIDELINES

2.1 National Building Regulations

Any proposed addition or renovation contemplated must conform to the national building regulations SABS 0400 - 1987 as amended, as well as to the town planning regulations of the local authority.

2.2 Vehicular Access

Vehicular access may not be more than one vehicle-crossing width, as existing.

2.3 Levels

Any garage building must closely follow the existing contours and gradations. The finished floor must be as close to existing ground level as possible. Large engineered structures for access ramps and raised garages will not be permitted.

2.4 Earthworks

Earthworks must minimize cut-and-fill work. Any retaining walls required should ideally be of a maximum height of 600mm with landscaped terraces between, as required.

2.5 Additions and Renovations

Additions and renovations will only be permitted in the five following categories:

1) Enclosed stoep, up to a maximum width of 2 800, 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.

5) Single-car garage (no doubles).

(Items 1 and 5 are intended to prevent over-bulking of buildings).

3. BULK AND FORM GUIDELINES

3.1 Victorian Domestic Design

The basic premise of Victorian domestic design is a simple rectangular form with a 45° pitched roof, onto which vernacular elements are attached, viz., stoeps, dormers, shutters, and the detail of timber latticework and cast iron fittings including "broekie-lace".

Riaan : 50% coverage

3

3.2 Dimensions

With respect to the Hes se Gang group housing scheme, the approximate dimensions and form are as indicated in figure 1 : a 7 X 14 m single storey plan with a 45° roof (approximately 6m in total height).

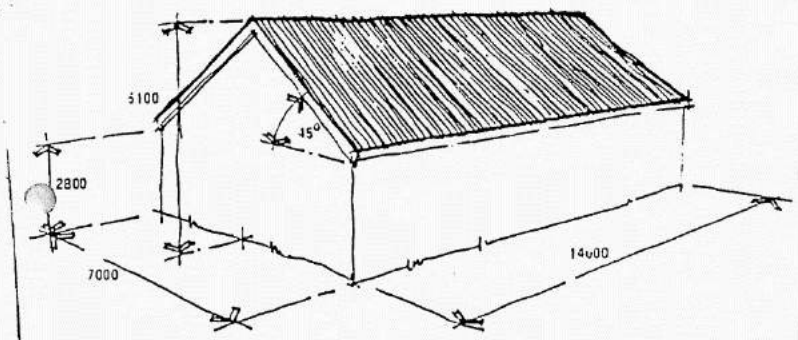


Fig. 1 : Dimensions and form of existing houses

3.3 Stoep

As per item 2.5.1, the proposed envelope of a stoep enclosure 2,8m wide (maximum) running along any two adjacent sides of the house is indicated in figure 2.

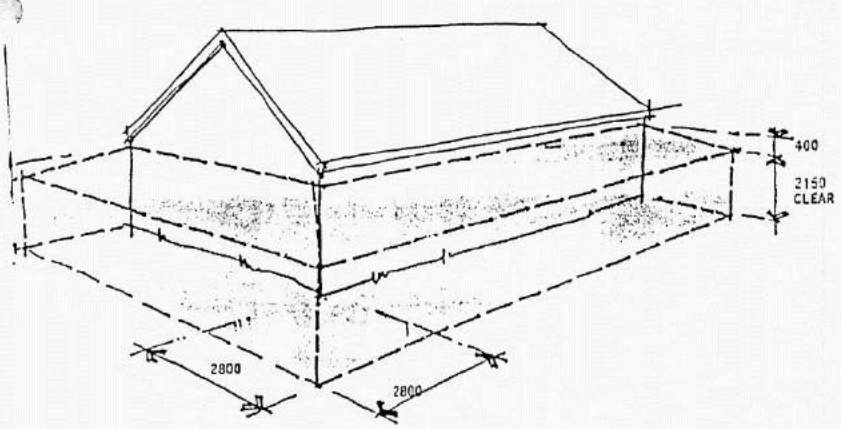


Fig. 2 : Envelope of stoep enclosure

3.4 Roof Finish and Column Spacing

Whether the stoep remains open, or whether the intention is to enclose it, the roof structure and column spacing must conform to a standard appearance. Roof finishing must be small profile sheets to match existing roof colour. Column spacing must be 3 400 c/c or less if required to close ends.

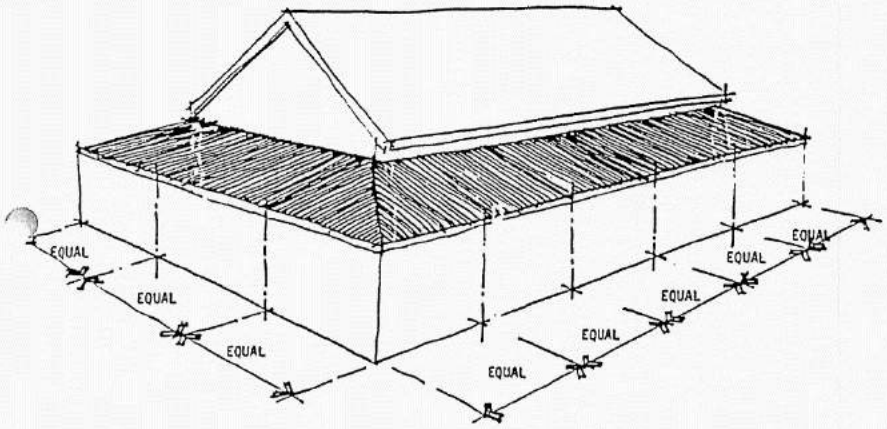


Fig. 3 : Roof finish and column spacing

Columns must be 90 X 90 timber, seated with galvanised U-bolts into a 300 deep concrete footing. Fig. 3 illustrates the required relationship of stoep roof/canopy and column spacing.

3.5 Infill Items

Other infill items beneath the stoep roof may be used as per figure 4. Solid wall enclosures should repeat the rhythm and appearance of the existing windows and replicate the existing wall finish texture and colour. Corner props at the column/lintel head should be of 90 X 90 timber and rebated into the column/lintel assembly. Detail infills of light wood latticework should be either to handrail height, full height, or the depth of the 45° prop strut.

5

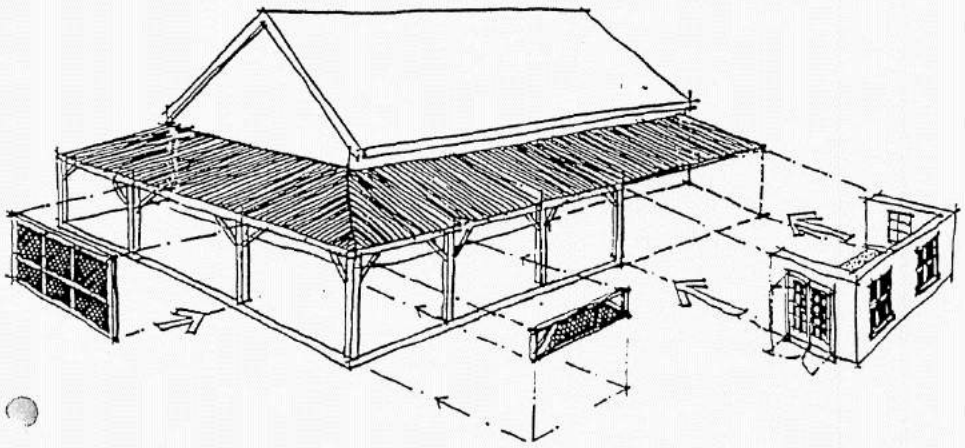


Fig. 4 : Infill items

3.6 Vernacular Details

Further detail treatment of the column/lintel junction in the Victorian vernacular is indicated in figure 5.

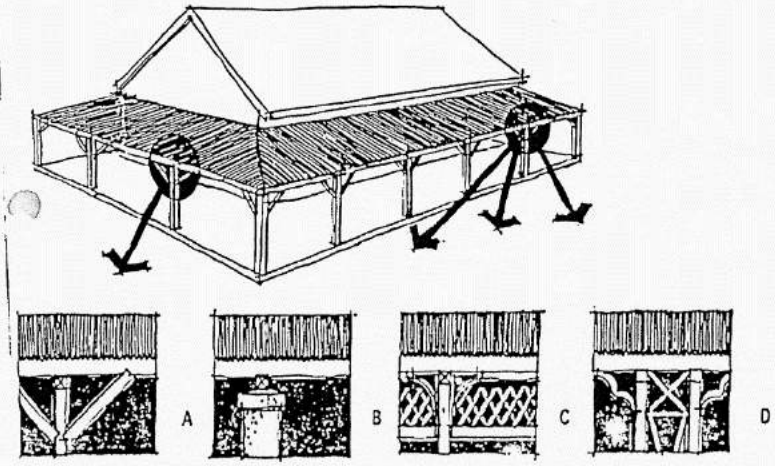


Fig. 5 : Victorian vernacular details

The post can be treated as a simple 45° butt connection (A) or more lavishly detailed as per (C) and (D) with lattice-fretwork, "Broekie-lace" or paired columns. Robust 230 X 230 masonry columns (B) would also be in character, rendered to match the existing external walls.

3.7 Dormer Windows

Dormer windows are acceptable within the roof plane; single, paired or tripled using identical units. The width of the dormer should, ideally, not exceed 71% of its height to ensure the correct vernacular proportion, as per Figure 6.

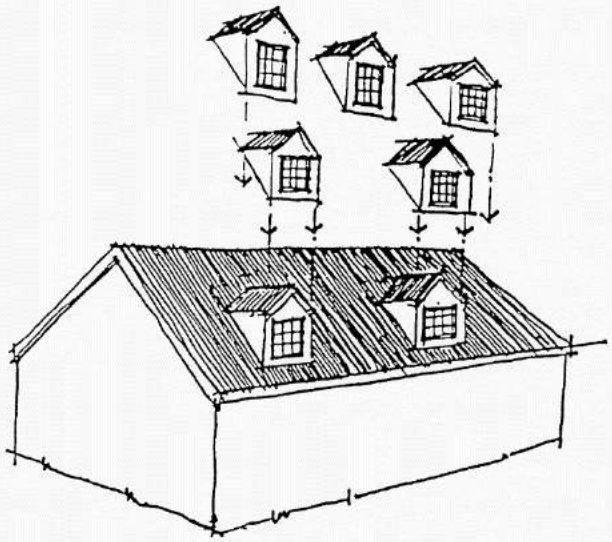


Fig. 6 : Dormer windows

Two or more dormer units must be identical in appearance, and symmetrically arranged in the roof plane at a consistent height, preferably with the interior cill not more than 850mm above the internal floor. The dormer roofs must be 45° pitched. Flat or monopitch dormer roofs are not permitted.

3.8 Larger Windows

Larger windows required for room creation at first floor level should be incorporated in a new full gable at right angles to the main ridge, and must be centred on the roof's length. (Refer Figure 7) The new triangular wall thus created could consist of masonry, framed timber, or a composition of window elements which must be comprised of individual panes; large expanses of glass are not in character with the Victorian appearance.

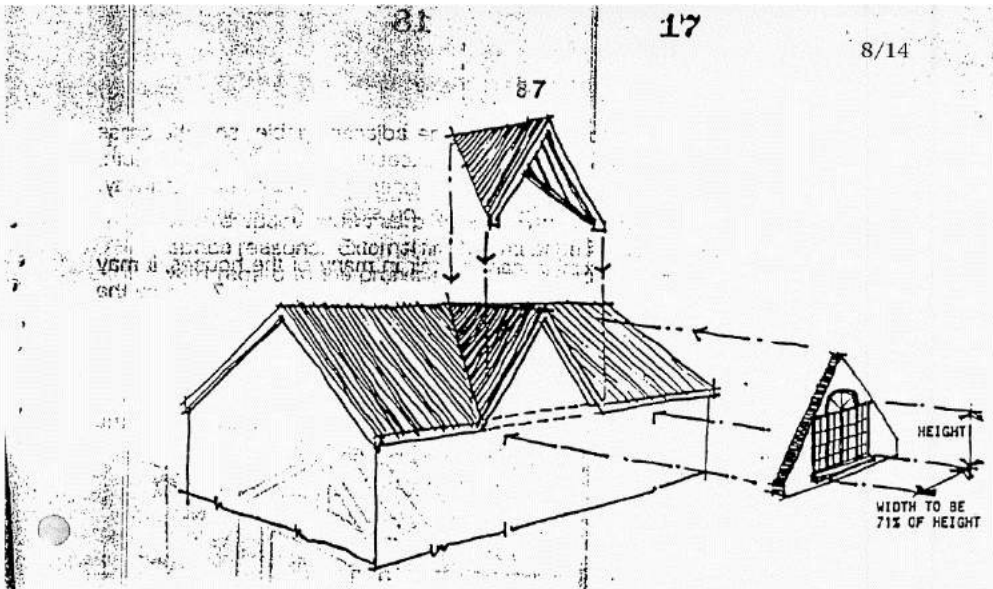


Fig. 7 : Large roof windows/first floor

The window framing should consist of assembled rectangular modules with the width being 71% of the height, to ensure the correct Victorian proportion.

3.9 Raised Decks

Raised decks up to and including first floor level are permitted on a similar column-framing system as the stoep canopies, as per figure 8.

Deck railings must be of timber, with diagonal cross-struts and inlaid rectangles as per the illustration.

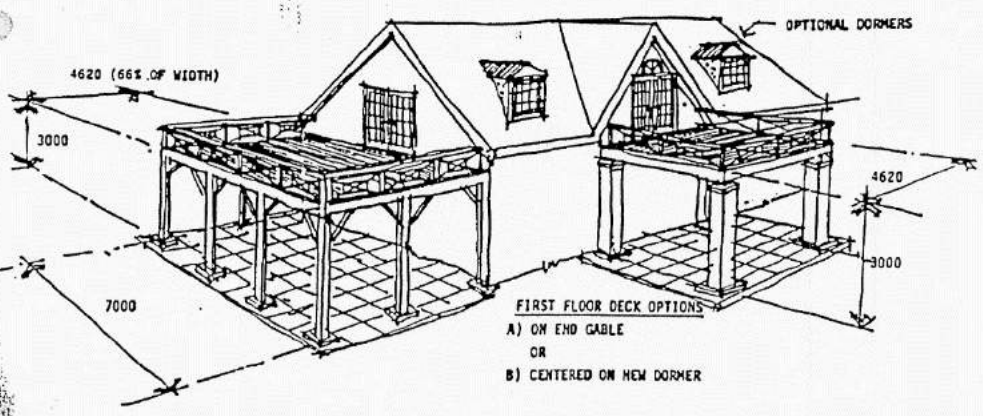


Fig. 8 : Decks

Decks are permitted only to the width of the adjacent gable, and the cross dimension out from the building may not exceed 66% of the gable width, excluding any additional width required for an exterior ground-access stairway. Only one deck per house is permitted, either on side or gable-end.

Due to the position of the existing central stair in many of the houses, it may not be practical to provide a central glazed gable as per figure 7. Since the internal stair divides the loft into two equal areas, a pair of dormers (each with a pair of full-height glazed doors) would enhance the amenity of the loft, and conserve the Victorian vernacular. The stipulated minimum width of 1500 is derived from the proportion of door height required; narrow single doors would do little to enhance the internal space and would be out of proportion for the architectural massing of the roofscape. Refer to Figure 9.

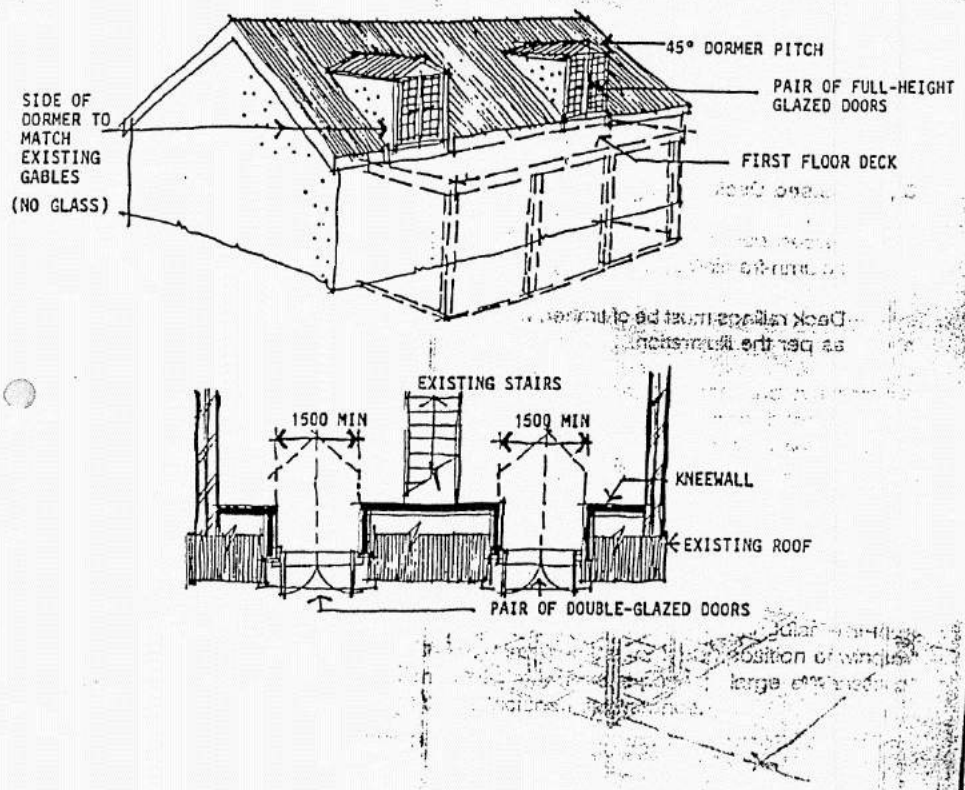


Fig. 9 : Double-door dormers onto first-floor deck

3.10 Garages

Single garages may be built adjoining the house, or as a freestanding structure where space allows as per Figure 10. Double garages are not permitted for space reasons. External finishes must be identical to the house. Refer also 2.3 with regard to the prohibition of large engineered parking structures.

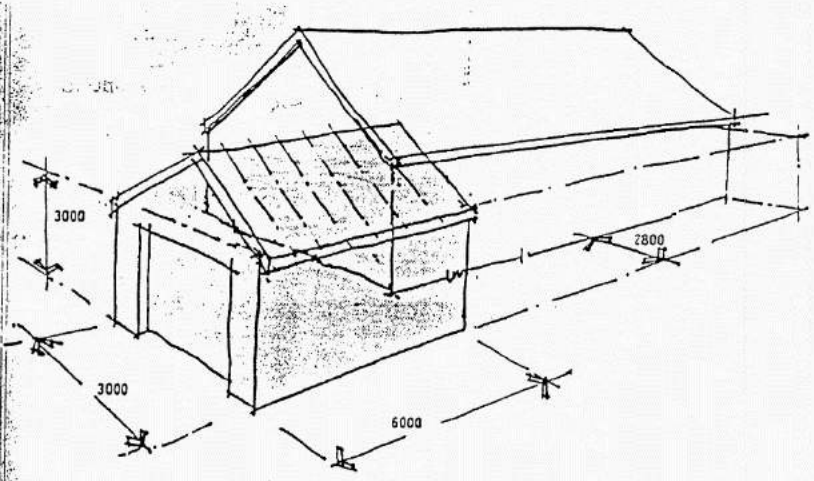


Fig. 10 : Garages

The ideal positions of garages with respect to accessibility and conservation of views is indicated on Figure 13; Development Plan. Other additions such as covered stoeps and kitchen yards are also indicated.

* Where garages are not practical due to limited space, awkward access, or the continuing need for natural ventilation and light provision, carports may be used as alternative where indicated.

* Any carport structure should allude carefully to the proportions, roof slope, material, colour, column spacing and finishes for stoep enclosures, as described elsewhere in this manual. Due to the clear height required (2 500 for a kombi with roofrack) it may be necessary to splice the carport roof into the main roof, rather than into the wall below the eaves as per the stoep roofs. Refer to Figure 11.

* A lattice enclosure for sun-control and integration with the stoep enclosures is preferable to a solid wall.

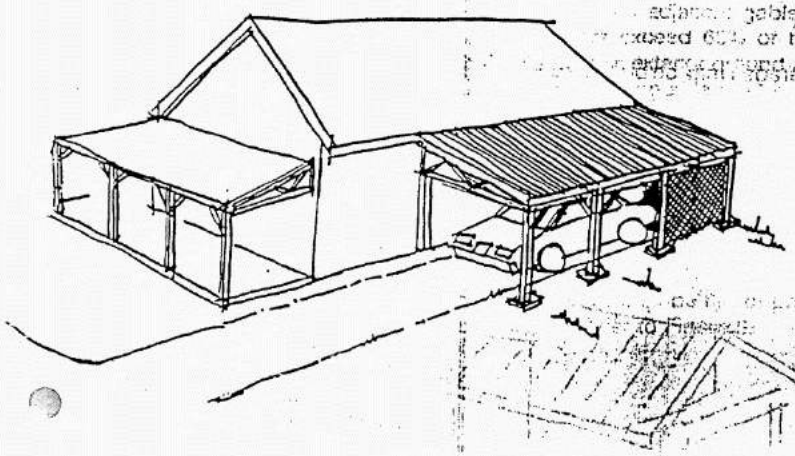


Fig. 11. Carports alongside main house

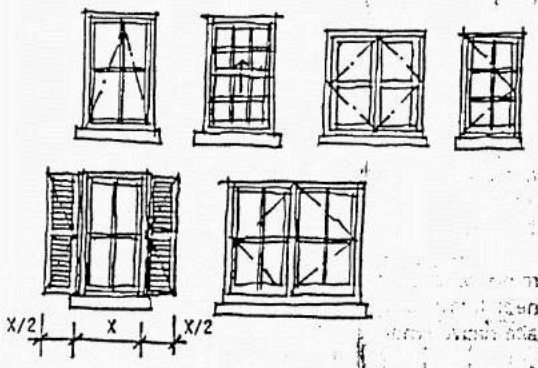


Fig. 12. Windows

3.11 Windows

* The shape and proportions are restricted to the traditional forms as illustrated.

* Timber is recommended, either natural, lightly stained or painted. No dark stain is permitted.

* Colours : green and white are recommended.

Si 11

Burglar Bars

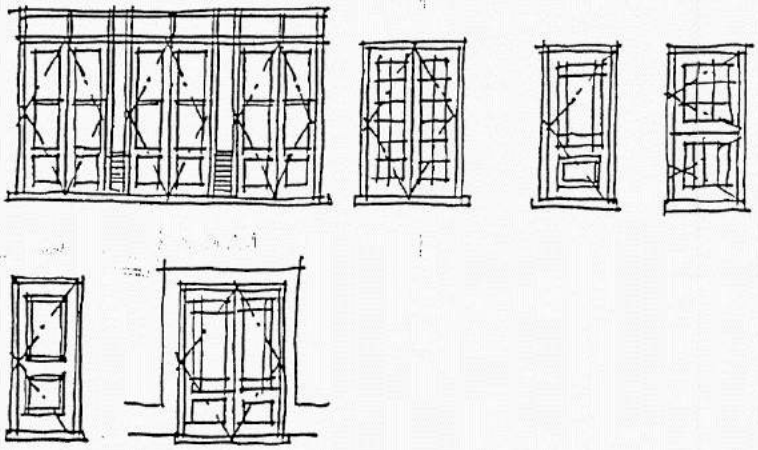
* External burglar bars are only acceptable if fitted flush with wall. Projecting "Spanish" bars are not permitted nor is grill metal.

* Burglar bars should be of simple rectangular form if placed internally, and if possible line up with window mullions. Ideally, timber windows specially manufactured with steel bars within the mullion should be used.

Shutters

Functional shutters internal or external, folding and sliding, louvred or solid are recommended, lightly stained or painted green or white. For pairs of hinged shutters, each shutter must be half the width of the window, and be operable.

3.12 Doors



* The shape and proportions are restricted to the traditional form as illustrated.

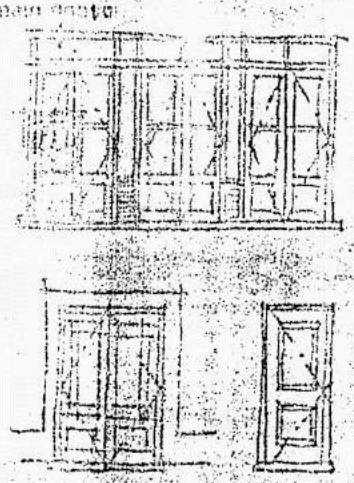
* Timber is recommended either natural, lightly stained or painted.

* Colours : green and white are recommended.

* Garage doors must be of single door width. Only timber planking construction is allowed.

3.13 Accessories

Any proposed installation of solar panels must follow the pitch of the roof, must be as close to flush and as inconspicuous as possible.



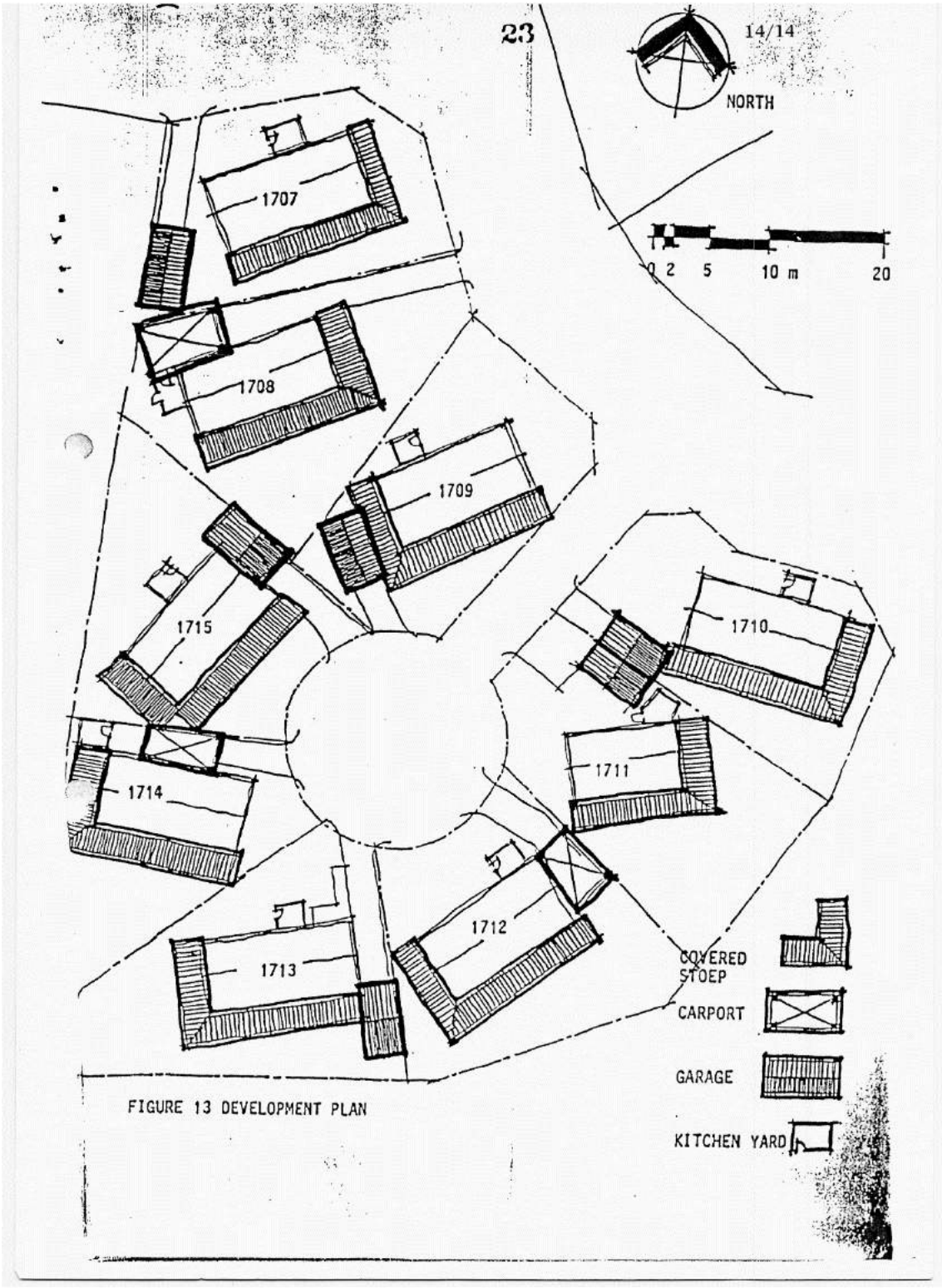
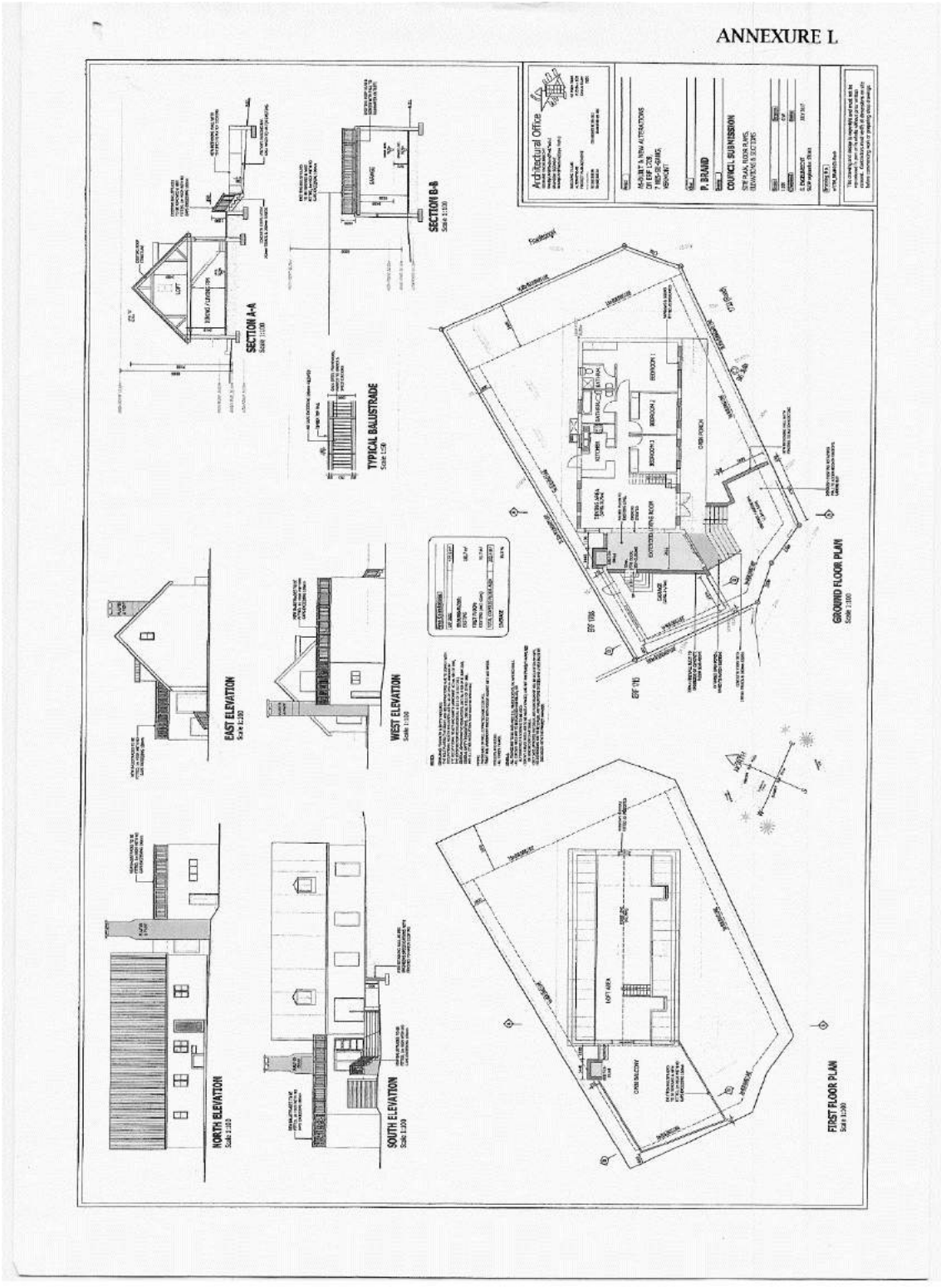


FIGURE 13 DEVELOPMENT PLAN

ANNEXURE L


Architectural Office
P. BRAND
COUNCIL SUBMISSION
SECTION A-A
SECTION B-B
TYPICAL BALUSTRADE
EAST ELEVATION
WEST ELEVATION
NORTH ELEVATION
SOUTH ELEVATION
GROUND FLOOR PLAN
FIRST FLOOR PLAN