

**AGENDA of the
Portfolio Committee :Infrastructure and Planning
18 August 2015
(Also the agenda for the Mayoral Committee Meeting : 26 August 2015)**

**5.
ERF 497, 30 CHURCH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : MA LEDINGHAM**

497HWC (2791)

H van der Stoep

3 July 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 14 January 2015 from MA Ledingham on Erf497, Hermanus for a departure from the relevant Scheme Regulations to relax the street building line from 4m to 3m in order to accommodate an enlargement to the existing en-suite bathroom and to relax the lateral building line from 2m to 1m in order to accommodate a proposed new servant's room on the property concerned.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

An application was received for the relaxation of the lateral building lines from 2m to 1m to accommodate a servant's room and the relaxation of the street building line from 4m to 3m to accommodate a paraplegic bathroom.

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Registered letters were sent to surrounding possibly affected neighbours and no objections were received.

The application was circulated to all relevant municipal departments. No objections were received.

Discussion / Evaluation

The erf is located in Westcliff residential area on the corner of Church Street and Albertyn Street. The erf is 774m² in extent. The surrounding land uses are predominantly residential, professional occupation practices and guest houses. The owner did submit a building plan for a residential dwelling which was approved. The applicant started building according to the plan approved.

The application for the relaxation of the lateral building lines from 2m to 1m is to accommodate a servant's room. The room does not indicate a kitchen and thus does not qualify for a second dwelling, however in terms of the Overstrand Zoning Scheme Regulations, a habitable room will be deemed as a second dwelling. The following aspects in the evaluation need to be taken into consideration namely that the erf is vacant and planning and designing of the residential dwelling can be designed in such a manner to respect the building lines. The plan submitted with the application clearly indicates that there is sufficient space available to accommodate the servant's room within the allotted building lines, should the room be smaller in size. The departure of the lateral building lines to 1m is not supported by the Building Control Department and the Local Heritage Committee.

The relaxation of the street building line from 4m to 3m to accommodate a paraplegic bathroom on ground level is supported. The extension of the structure on ground floor level will have minimum impact on the surrounding buildings and will not be seen due to the boundary wall of 2,1m. This type of leniency is necessary for residential dwellings in the Overstrand area due to its aged population and that paraplegic and wheel chair friendly designed houses should be encouraged in order to create flexibility in the housing market.

The plan submitted with the application does not have the correct dimensions of a paraplegic bathroom and the applicant will have to adhere to the legal requirements with regard to the dimensions required to give effect of the departure of the street building line. Should this not be the case, the departure for a 3m street building line will lapse and the 4m street building line will be applicable.

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Conclusion

The application is partly recommended.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Building Control Department

The site was undeveloped and therefore could have been designed to accommodate the buildings. Departures at first floor level also have a greater impact therefore not supported. Support encroachment on west street side – disabled facilities.

Local Heritage Committee

Over massed – not supported.

Fire Department

No objection in accordance with National Building Regulations SANS 10400 T:2011.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report
- Annexure E: Extract from SANS 10400-S:2011 (Edition 3) – paraplegic toilet

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RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 497, Hermanus in order to relax the street building line from 4m to 3m in order to accommodate an enlargement to the existing en-suite bathroom (paraplegic) on the property concerned, **be approved**, subject to the following conditions:
 - (a) that the bathroom adhere to the SANS 10400-S:2011, Edition 3 (attached as Annexure E);
 - (b) that, should the applicant not provide a paraplegic bathroom as per 1(a) above, this departure approval is null and void;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) 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 at that stage; and
 - (f) that all the conditions in the Service Report (attached as Annexure D), be complied with.

2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 497, Hermanus to relax the lateral building line from 2m to 1m in order to accommodate a proposed new servant's room on the property concerned, **not be approved**, due to the following reasons:
 - (a) the erf is vacant and the development can be designed in such a manner to accommodate the maid's room within the prescribed lateral building lines of 2,0m;
 - (b) there is sufficient space available on the erf to accommodate the servant's room within the lateral building lines; and
 - (c) the Overstrand Zoning Scheme Regulations deem a structure utilized for accommodation purposes as a second dwelling and needs to comply with the parameters of the Scheme.

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3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	9 SEPTEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 SEPTEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

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PROPOSED DEPARTURE : MA LEDINGHAM**

497HWC (2791)

H van der Stoep

3 July 2015

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 AUGUST 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION :

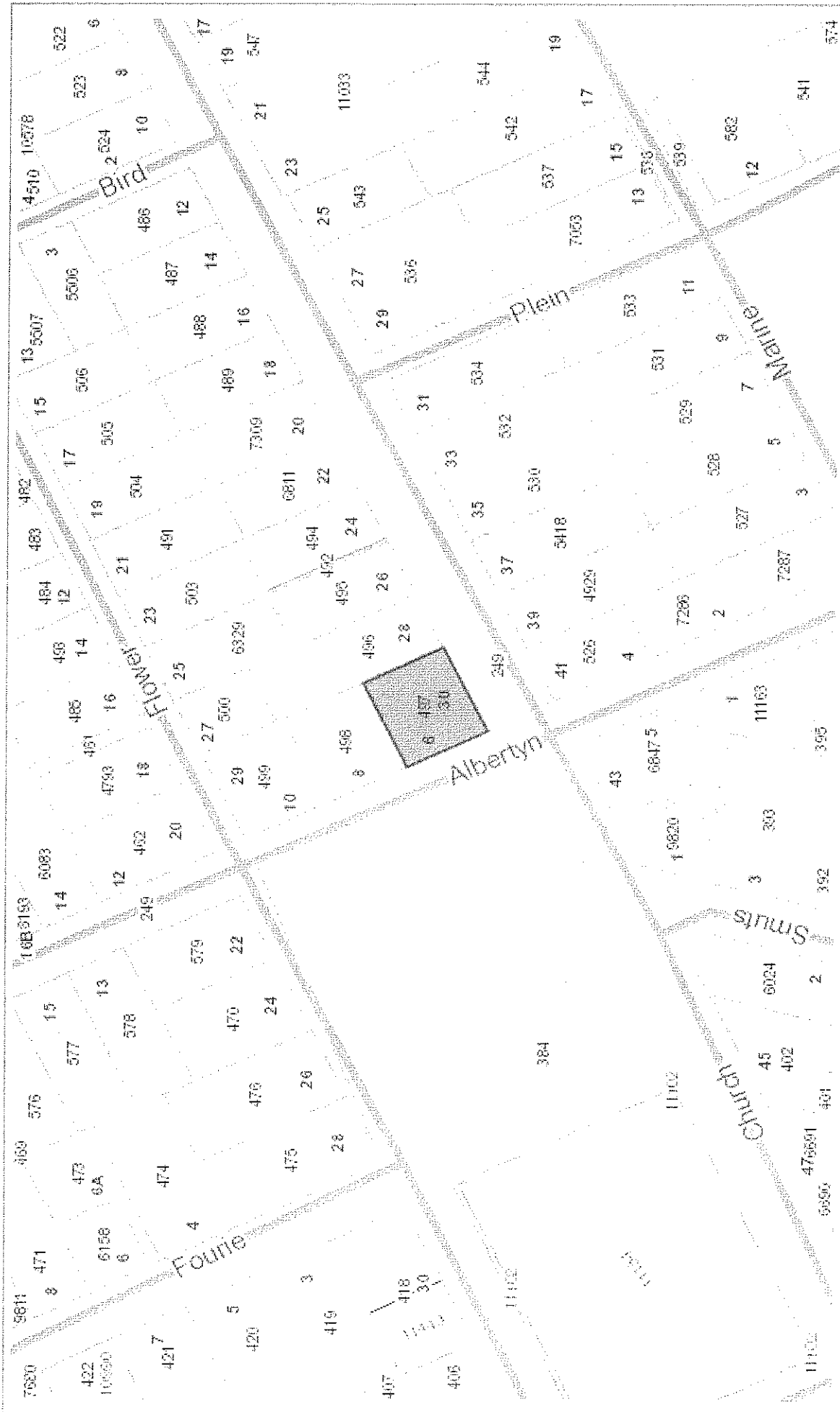
9 SEPTEMBER 2015

TARGET DATE TO INFORM APPLICANT :

9 SEPTEMBER 2015

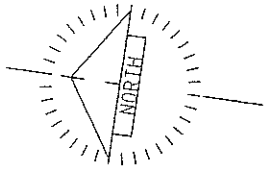
TARGET DATE TO INFORM OBJECTOR :

N/A



Erf 497 Westcliff, Hermanus
Locality Map





SITE 773.4 Sq M
AREA 304.0 Sq M
COVERAGE 39.3 %

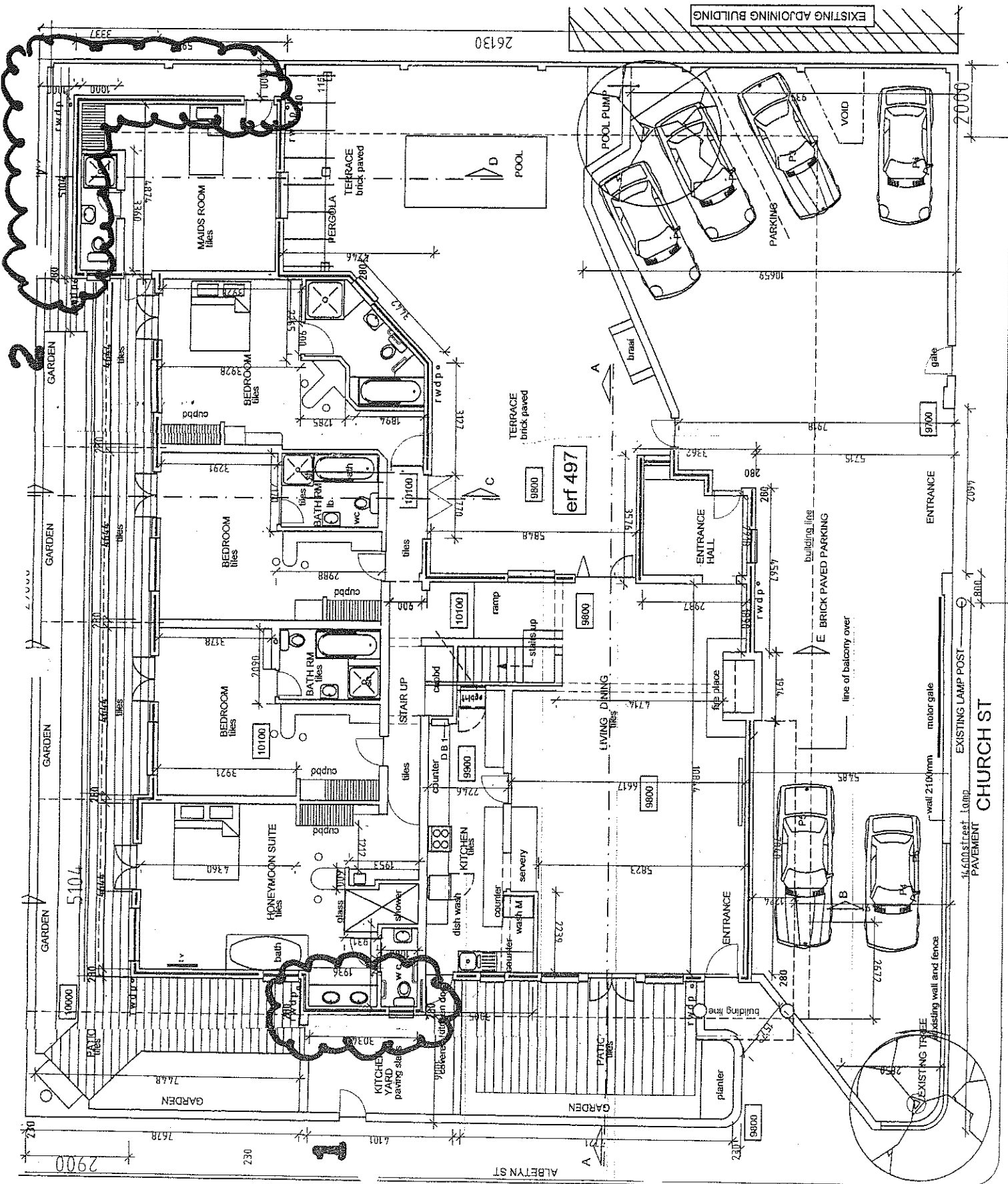
NEW DWELLING
GROUND FLOOR LAYOUT
DIMENSION DRAWING

drawing no.
CHURCH ST 05

30 CHURCH STREET
HERMANUS
ERF 497

SCALE 1:1
SEPTEMBER 2014

michael ledingham
architect owner
062552281
SHAWNEE



EXISTING ADJOINING BUILDING

erf 497

CHURCH ST

PAVEMENT

EXISTING LAMP POST

14,600mm

EXISTING TREE

EXISTING WALL AND FENCE

motor gate

2100mm

ENTRANCE

9100

gate

2000

10659

PARKING

VOID

POOL PUMP

POOL

TERRACE brick paved

PERGOLA

TERRACE brick paved

MAIDS ROOM tiles

BEDROOM tiles

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MOTIVATION: 30 CHURCH ST HERMANUS

- 1) DEVIATION OF BUILDING LINE FROM 4 → 3m FOR BATHROOM PURPOSE.
- 2) DEVIATION OF BUILDING LINE FROM 2 → 1m FOR MAID'S ROOM PASSAGE BETWEEN ROOM AND BOUNDARY ON SIDE BOUNDARY.

1 THE MOTIVATION ON ALBERTYN ST IS THAT THIS IS IN THE MAIN ON THE 4M BUILDING LINE, FOR APPROX 3M IT OVER STEPS THE BUILDING LINE TO PROVIDE BETTER SPACE FOR A PARAPLEGIC BATH ROOM. AS EXTRA SPACE IS REQUIRED, BUILDINGS IN ALBERTYN ST ARE ON OR OVER THE 4^m BUILDING LINE.

2. THE MAIDS ROOM AT THE REAR OF BOTH SIDE BOUNDARIES HAS IN THE PLANNING A ACCESS OF 1M ALL ROUND BETWEEN BOUNDARY AND BUILDING, THIS WAS DONE TO MAXIMISE THE RECREATION (GARDEN) AREA OF THE HOUSE.

OWNER:

Deleer

12/01/2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 497, WESTCLIFF (2791)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : 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 only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 497, Westcliff, unobstructed;
4. that no on-street parking be allowed.

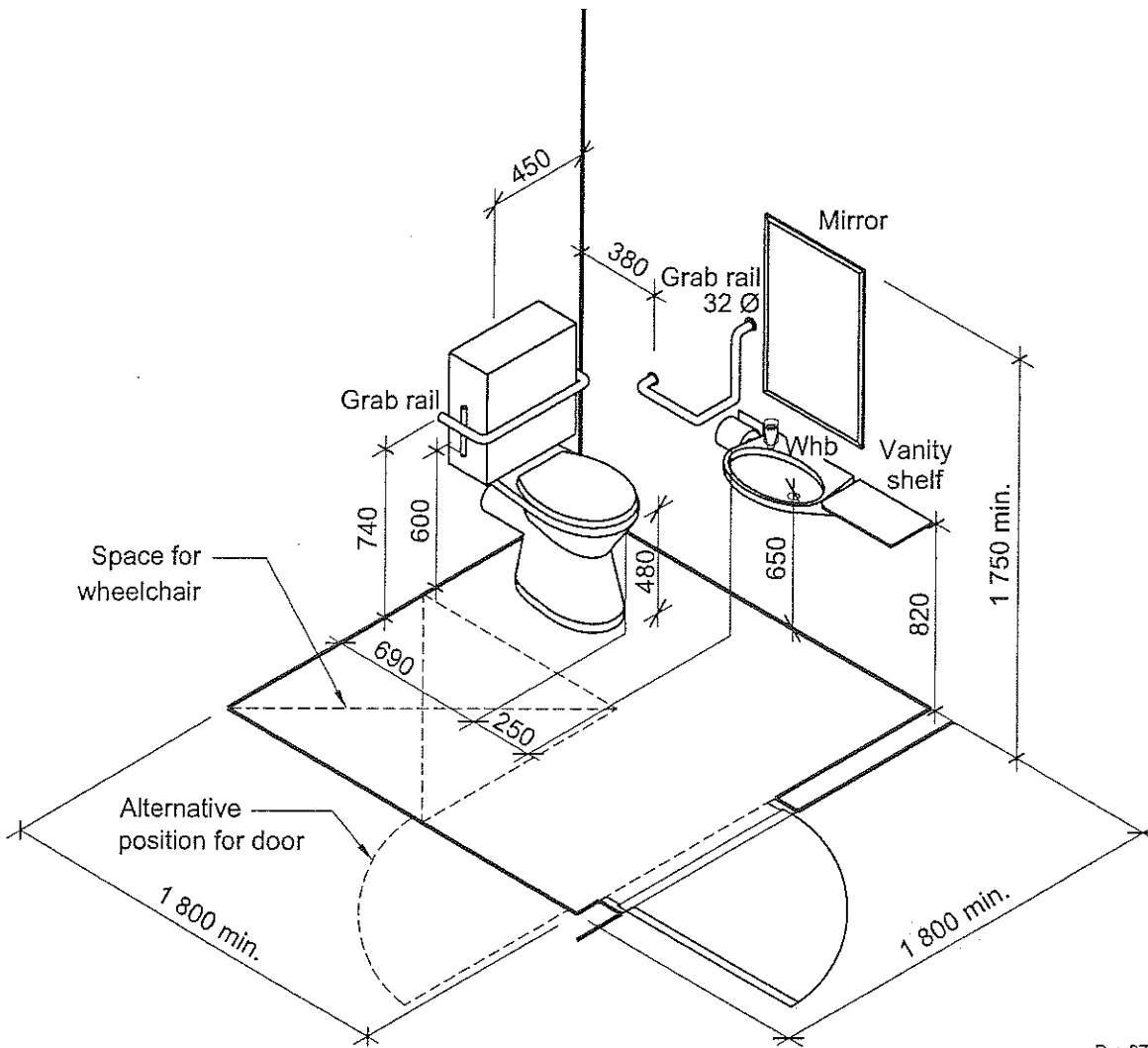


**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

8 / 04 / 2015

DATE

Dimensions in millimetres



Drg.874

Whb = wash hand basin

Figure D.1 — Layout of a typical facility with a close-coupled toilet system