

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting: 30 September 2015)**

**9.
ERF 4851, 142 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE: PC EVANS ON BEHALF OF
JS BOYES**

4851HVK (2868)

P Roux

23 July 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 19 March 2015 from PC Evans on behalf of the property owners JS Boyes on Erf4851, Voëlklip for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,5m to extend the existing bedroom and patio.

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 Priority

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/Discussion

Erf 4851, Voëlklip, Hermanus is developed with a dwelling with a double garage.

The erf is zoned Residential Zone I and measures 496m².

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The applicant motivates that the building plans for the open balcony was approved in 2014. One of the conditions of approval was that the balustrade be moved back in order to comply with the 2m lateral building line. The owner intends to extend the existing bedroom onto the open patio and move the balustrade to be in line with the existing ground storey bedroom wall which is situated 1,5m from the lateral boundary.

Registered letters were sent to surrounding possibly affected neighbours, and no letters of objection were received.

The application was circulated to all relevant municipal departments. One objection was received from the building department and reads as follows:

“Railing to be set back to 2.0m building line. Impact from a balcony is not accepted. Not supported.”

Evaluation

The eastern side of the existing structure was developed 1,5m from the lateral boundary of the property. The balustrade of the proposed open balcony and the extension of the bedroom will be developed on 1,5m from the lateral boundary. The applicant motivates that if the balcony were to be setback to the 2m that it would be aesthetically displeasing.

Cognisance must be taken of how the proposed application will affect the adjacent property owner. No additional windows will be incorporated in the section of the proposed extension of the bedroom, which encroaches over the lateral boundary. The door leading out of the bedroom onto the open balcony will not encroach over the 2m lateral building line. Thus, the opinion is held that the proposed extension of the bedroom will not have a negative impact on the privacy of the adjacent neighbour.

The extended open patio will allow anyone who uses it to infringe upon the privacy of the adjoining neighbour. The objection received from the building department concurs with the abovementioned statement. Furthermore the dwelling situated on the adjacent property, Erf 2704 is situated to the back of the property which allows for an open front property and the open balustrade on the Erf 4851 over looks this portion. A condition will be imposed which will state that the balustrade should be setback to comply with the 2m lateral building line in order to protect the amenity of the adjacent property owners.

Conclusion

The extension of the existing bedroom over the open balcony will not have a negative effect on surrounding property owners or the character of this residential area. Thus the proposal to extend the existing bedroom is supported.

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The proposal to relax the 2m lateral building line to 1,5m is not supported due to the fact that the adjacent property owner's privacy can be easily infringed upon.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Control

"Railing to be set back to 2.0m building line. Impact from a balcony is not accepted. Not supported."

Fire Department

"Total size of openings in structure on 1,5m building line may not exceed 5m² in terms of National Fire Protection Regulations – SANS 10400 T: 2011 – Table 2."

Engineering Department

See Annexure D.

Operational Manager

No objection

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report

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 4851, Voëklip, in order to relax the lateral building line from 2m to 1,5m to extend the patio balustrade, **not be approved**, for the following reasons:

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- (a) it could have a negative impact on the character of the surrounding area;
 - (b) the amenity of the adjacent property owner will be negatively affected; and
 - (c) should this application be approved it would create an unwanted precedent for more such applications in the Voëlklip area which could then have even a greater impact on the character of this area.
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 4851, Voëlklip, in order to relax the lateral building line from 2m to 1,5m to extend the existing bedroom onto the patio, **be approved**, subject to the following conditions:
- (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on DWG No. BOY001, assubmitted with the application; and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage.
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 :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

14 OCTOBER 2015

TARGET DATE TO INFORM APPLICANT :

14 OCTOBER 2015

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4851HVK (2868)

P Roux

23 July 2015

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

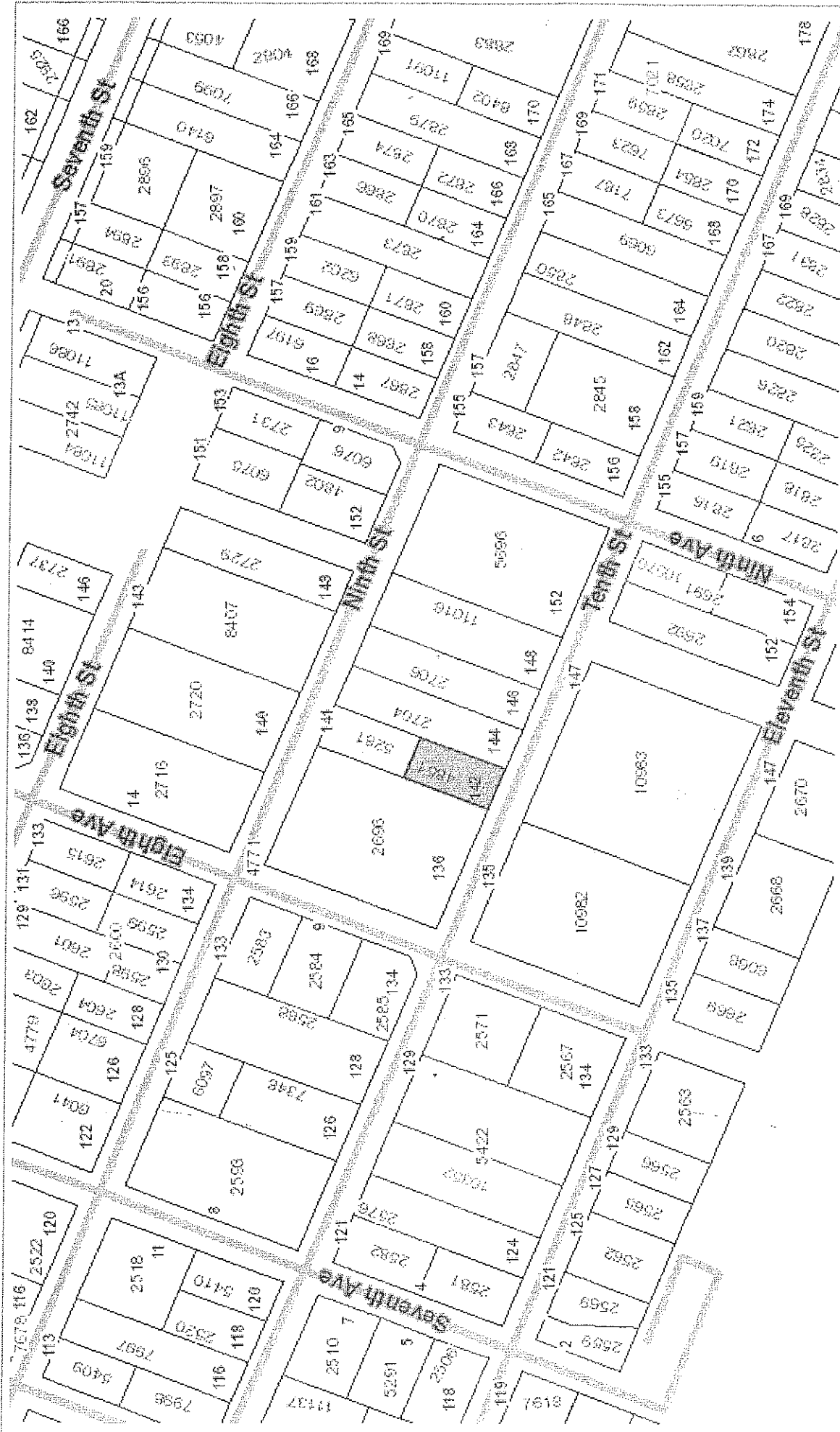
14 OCTOBER 2015

TARGET DATE TO INFORM APPLICANT :

14 OCTOBER 2015



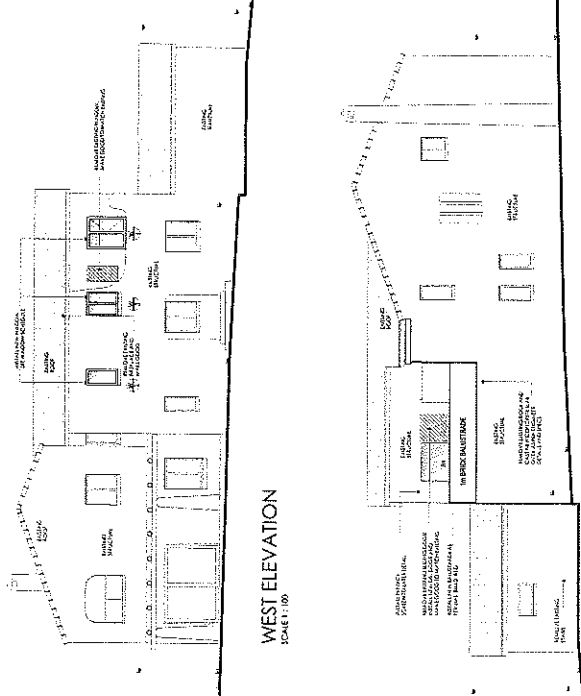
Erf 4851 Voëlklip, Hermanus
Locality Map



DISCLAIMER: THE ARCHITECT HAS PREPARED THESE DRAWINGS AND SPECIFICATIONS TO THE BEST OF HIS KNOWLEDGE AND BELIEF, AND HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OF THE PROJECT PRIOR TO THE PREPARATION OF THESE DRAWINGS.

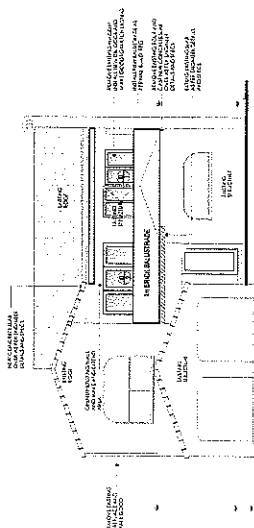
NOTES:

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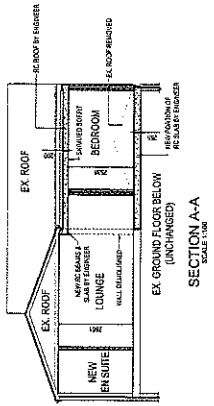


WEST ELEVATION
SCALE 1:100

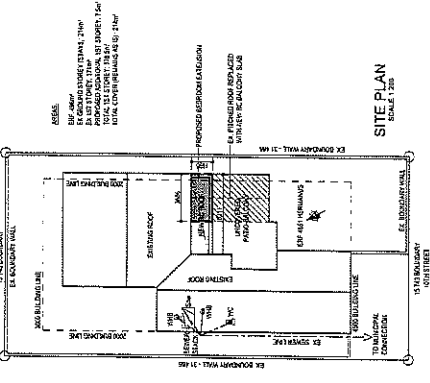
EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100



SITE PLAN
SCALE 1:200

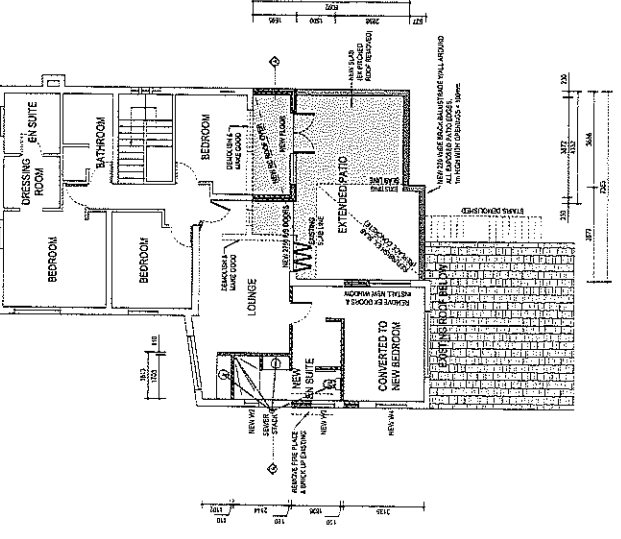
Roof Assembly SANS 1008 & S.A.4

Material	R-value
Moving Air	0.17
Concrete roof slab	0.04
Uninsulated roof space	0.18
135mm Aerogel insulation	0.18
PVC Ceiling	0.04
Insulation of Ribs	0.17
Total	0.77

Roof Assembly SANS 1008 & S.A.4

Approved by: [Signature]

Checked by: [Signature]



1ST STOREY PLAN
SCALE 1:200

TDRM

Project No: [Number]
 Date: [Date]
 Author: [Name]
 Checked: [Name]
 Drawn: [Name]

FORMALIZATION CALCULATIONS SANS 1008 & S.A.4

Client: [Name]
 Address: [Address]
 Site: [Site]

Approved by: [Signature]
 Checked by: [Signature]
 Drawn by: [Signature]

TDRM

Project No: [Number]
 Date: [Date]
 Author: [Name]
 Checked: [Name]
 Drawn: [Name]

HOUSE BOYES
ERF 4851
10TH ST. HERMANUS
COUNCIL SUBMISSION PLAN

CLIENT: [Name]
 DESIGNER: [Name]

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12 THE VALLEY WALK
 CONSTANTIA
 CAPE 7806

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Email jensiboyes@elect.co.za

14 April 2015

To whom it may concern

Motivation for encroaching new building line at 142 10th Str Voelklip

We have approved plans to extend our balcony over our existing downstairs bedroom but due to the new 2 metre building line the balustrade and a small section of the extended bedroom will have to be built half a metre in as the original building is built on the old 1.5m building line.

We feel that this aesthetically detracts from the house as the balustrade and bedroom will not be aligned with the rest of the existing Eastern side of the house. I can understand if we were casting new foundations but we are building onto existing walls. We are not adding any height but purely trying to keep the lines of the house clean.

We are asking for 3m² over our building line not 30m². Our direct neighbour is in agreement with our argument as he too would have to look into the ledge on the other side of the balustrade which would besides an annoyance also create a dirt trap.



Signed.....
 Jennifer Susan Boyes

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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4851, VOELKLIP (2868)**

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 stormwater be allowed to discharge through Erf 4851, Voelklip, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

13/5/2015
DATE