

ERF 1175, 15 GULL CLOSE, VERMONT: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF M CICHON

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received in terms of Section 16(2)(b) of the By-Law for a departure to relax the northern street building line from 3m to 1,78m to accommodate a proposed new bedroom on ground floor level and a balcony on first floor level.

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) 028-313 2093 / (e) loretta@overstrand.gov.za) on or before **3 November 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, 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 1175, GULLSLOT 15, VERMONT: AANSOEK OM AFWYKING: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS M CICHON

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ingevolge Artikel 16(2)(b) van die Verordening ontvang is vir 'n afwyking om die noordelike straatboulyn vanaf 3m na 1,78m te verslap om 'n voorgestelde nuwe slaapkamer op grondvloer vlak en 'n balkon op eerstevloer vlak te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) voor of op **3 November 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, 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.

ISIZA 1175, 15 GULL CLOSE, VERMONT: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA M CICHON

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala 2020 (uMthetho kaMasipala) ukuba kufunyenwe isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuba kunyenyiswe umgca wesakhiwo okwicala elingasemntla ukusuka ku-3m ukuya ku-1.78M ukulungiselela igumbi lokulala elicetywa kumgangatho osezantsi kunye neveranda kumgangatho ophezulu.

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 neCandelo 52 loMthetho kaMasipala ochaziweyo (16 Paterson Street, Hermanus / (f) 028- 313 2093 / (e) loretta@overstrand.gov.za) ingadlulanga i-3 uNovemba 2023, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Mcebi Dolophu, Mnu. H Olivier** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

1. Introduction

a. Brief

Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owners of the property, Mariusz Cichon, to prepare and submit an application for a building line departure on Erf 1175, Vermont in terms of the relevant legislation.

b. Background, Development Objective & Application Proposal

The application area consists of a single residential property with an existing dwelling.
 The property owners wish to add a bedroom on the ground floor which exceeds the northern street building line. A stoep is proposed above the proposed bedroom with glass balustrades.
 The property's northern boundary borders an undeveloped road reserve as can be seen on the locality plan and zoning plan reflected in figures 4 & 6 respectively.

Proposed bedroom exceeding the northern street building line

Building lines

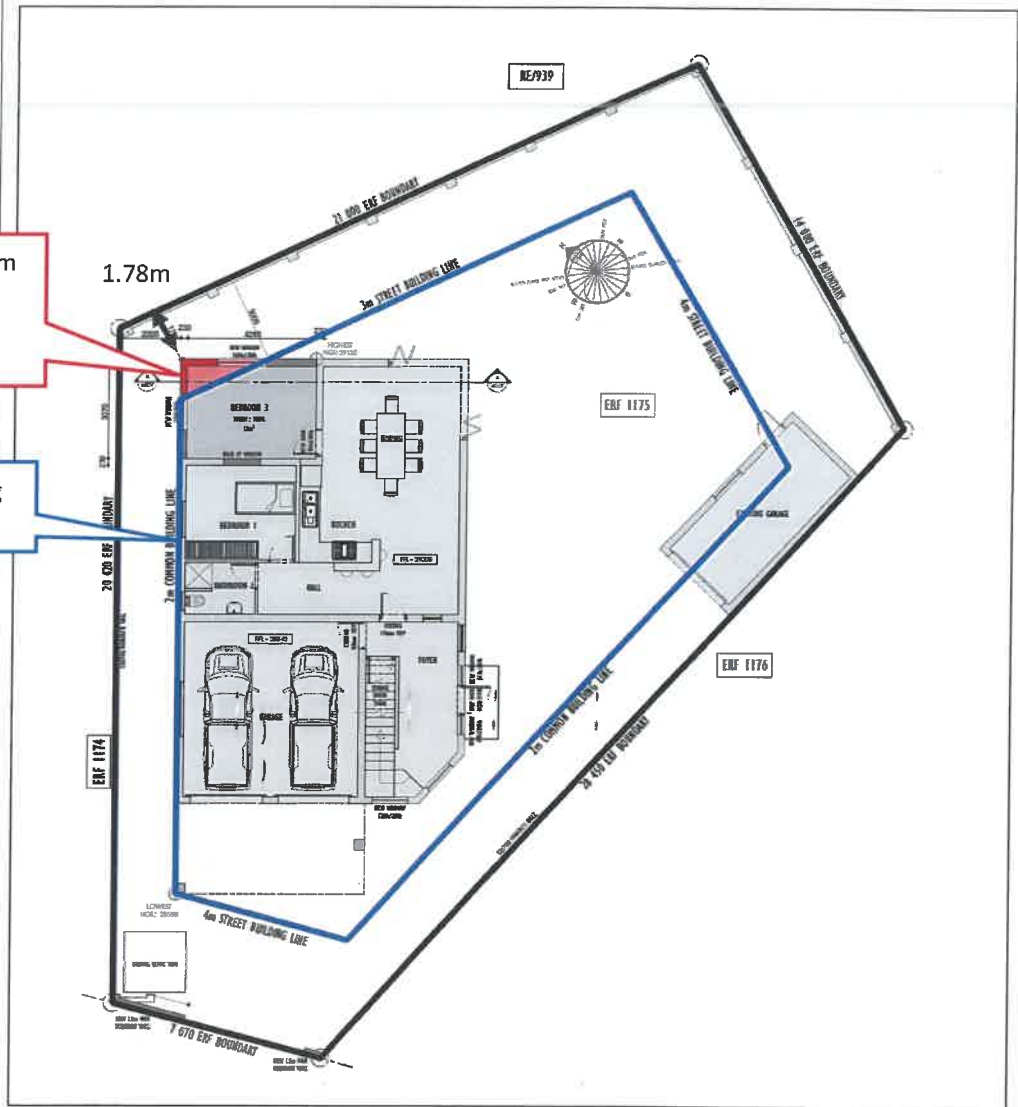


Figure 1: Application illustration

Subsequently the **application proposal** is for:

- A departure to relax the northern street building line from 3m to 1.78m to allow for a proposed bedroom & stoep.

2. The Application

a. Analysis: Title Deed	The Conveyancer Monica Korf issued a certificate confirming that no restrictive title deed conditions exist against the proposal on Erf 1175 Vermont.				
b. Analysis: Development Criteria: The development parameters for Erf 1175 Vermont, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, read with the subject title deed are summarised as follows:	Parameters		Existing Zoning Scheme Requirements:	Proposed	Comments
	Zoning		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent
	Primary Use		Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house	Consistent
	Consent Uses		Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent
	Coverage		50%	37.5%	Consistent
	Height		8m	6.9m	Consistent
	Building lines		Street 4m east & southwest 3m north	4m east & southwest 1.78m north	Application is for a building line departure
			Side 2m	2m 0m south for garage (already approved)	Consistent
	Parking		Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent
c. Application: The application form is attached as Annexure A.	Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for: <ul style="list-style-type: none"> • A departure to relax the northern street building line from 3m to 1.78m to allow for a proposed bedroom in terms of Chapter IV, Section 16(2)(b). 				

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
1175 Vermont	528m ²	T7699/2023	Mariusz Cichon

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 1175 Vermont.

The following Surveyor General Plans reflect the application site:

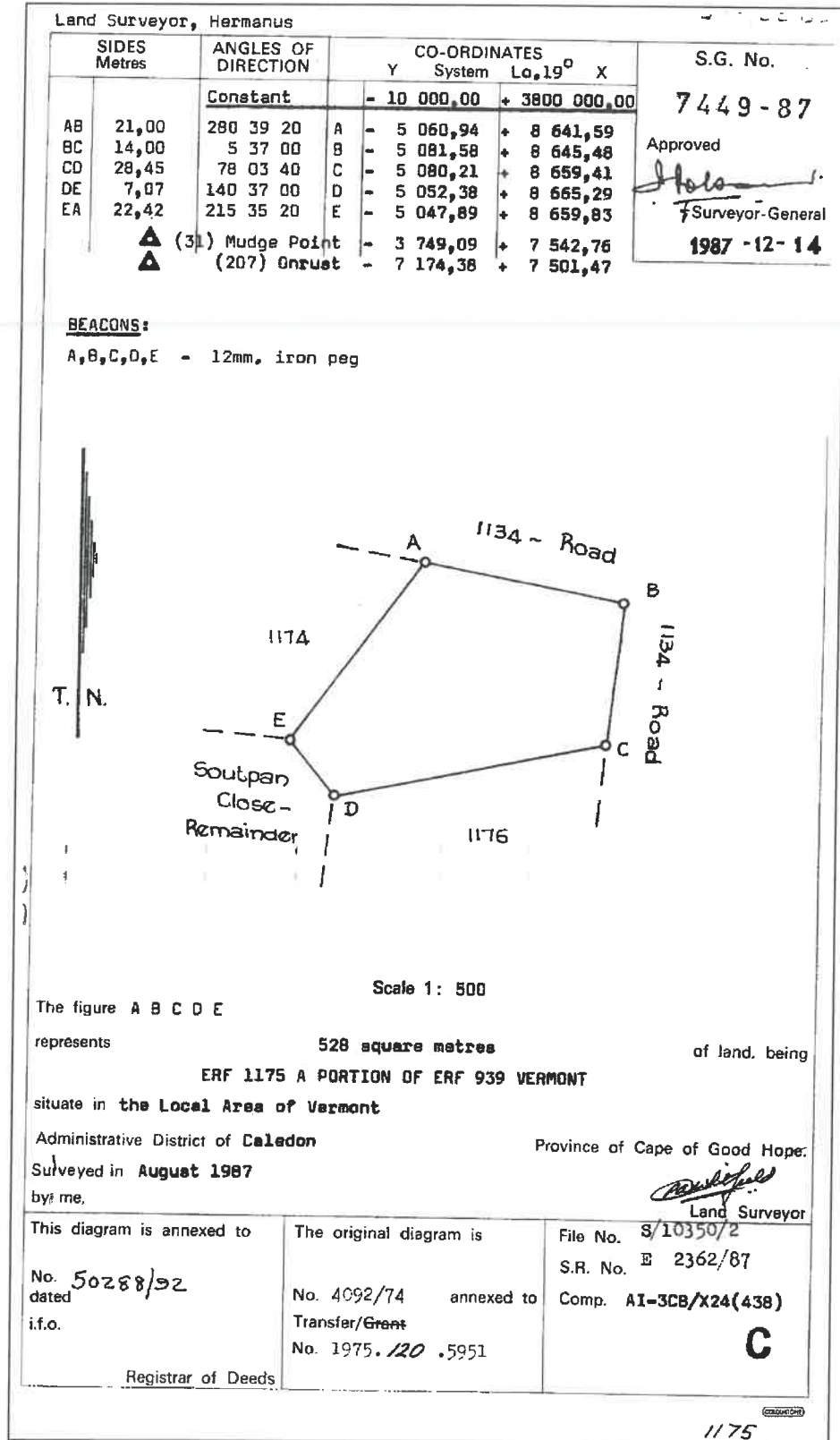


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

Within the regional context, the application area is located within the Vermont residential suburb. Vermont is located approximately 7km west of the Hermanus CBD.

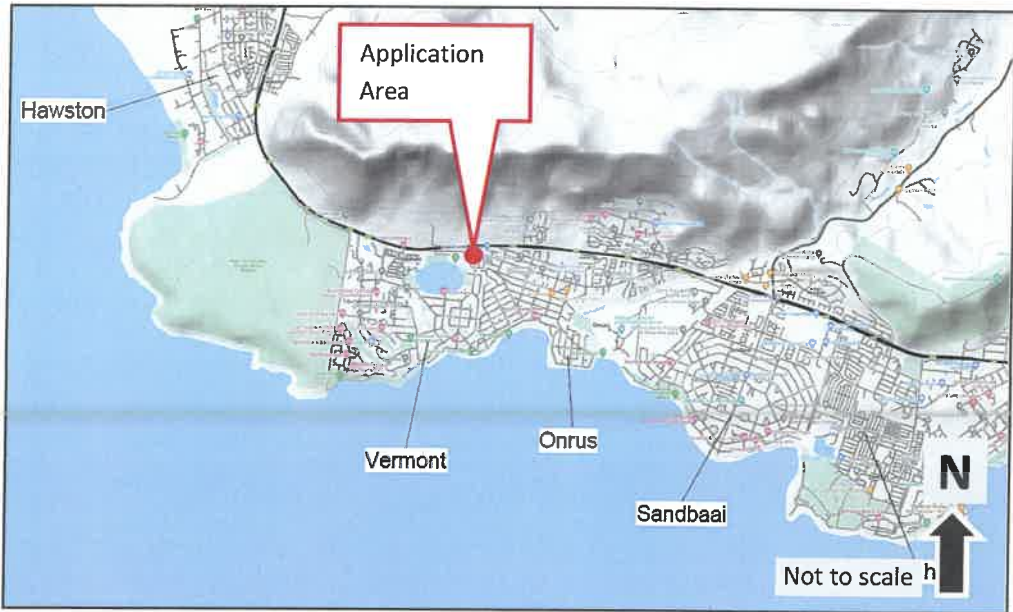


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area accommodates a dwelling house on a residential erf within Vermont that forms part of the larger Hermanus West area. The application area is located at number 15 Gull Close, a Cul de Sac parallel to Vermont Avenue.



Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Land Use Plan attached as **Annexure H.**

The application area accommodates a dwelling house on the property. The surrounding land-uses consists of single residential, general residential, open space and business land uses. No change in land use is proposed. The application proposal is **consistent** with the land use and character of the area.



Figure 5: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G.**

The application area, Erf 1175, Vermont is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1 as well as Transport Zone 2 and Business Zone 3. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.



Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Spatial Planning Policy

The following policy guidelines from the following relevant policy documents are applicable to the application area.

i. Overstrand Municipal Spatial Development Framework, 2020

In terms of the Overstrand Municipal Spatial Development Framework, the application area is within an Urban Development area as well as a Sensitive Development Area. The application area falls within a Category D EMOZ area. The property is already developed and will not have any additional impact on the environment.

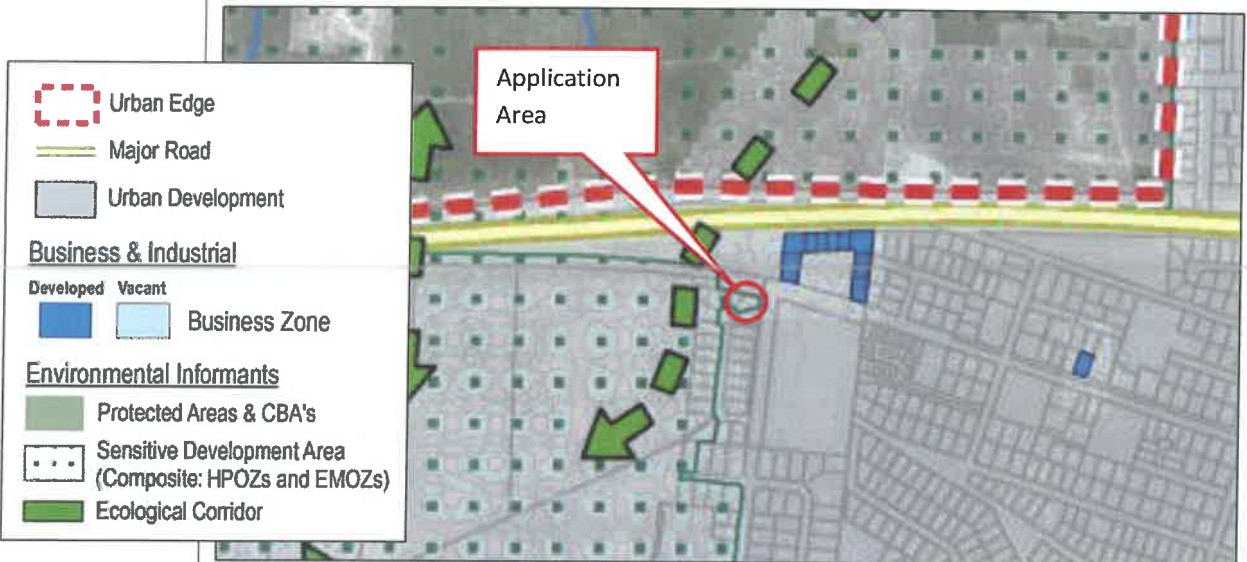


Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract

ii. Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS)

In terms of the Overstrand Growth Management Strategy, the application area falls within a “20 – 30 Dwelling Units Per Hectare Densification” Zone, however, no densification is proposed.

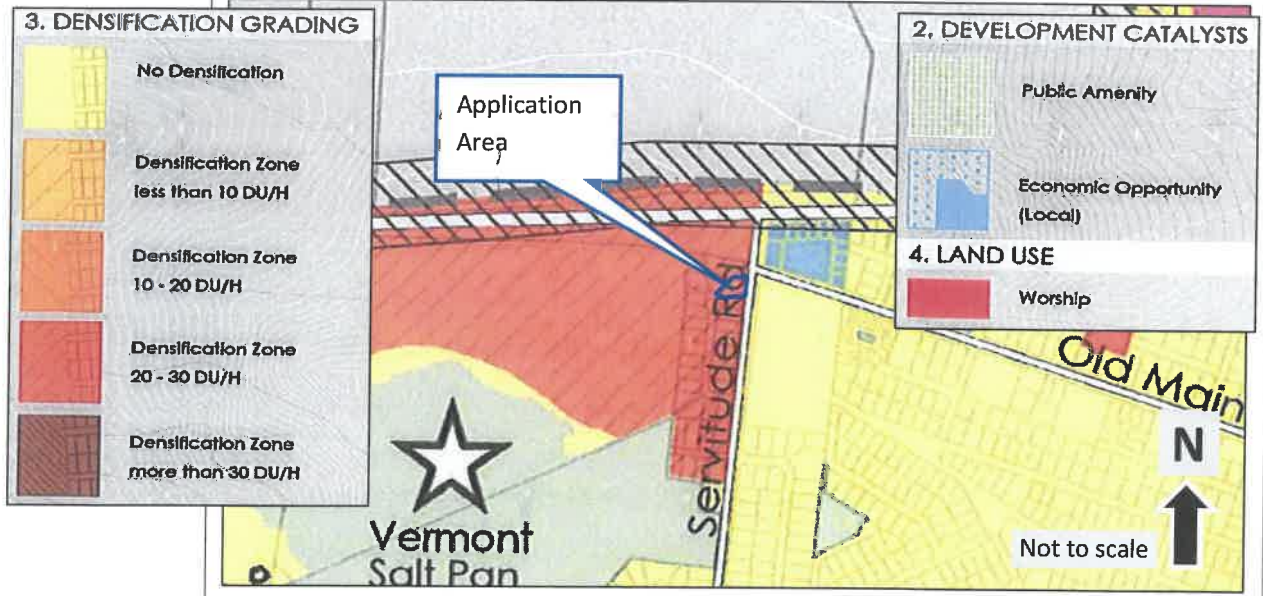


Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy

iii. **Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020 (OMEMOZR, 2020)**

The following extracts applicable to the property in terms of the OMEMOZR, 2020 is considered necessary to take note of.

"8.5.1. Designation of categories for undeveloped conservation worthy land and adjacent buffer areas:

8.5.1.1. Overstrand Municipality may develop an operational management plan for priority Urban Conservation EMOZ properties per residential area, according to the following categories:

8.5.1.1.4. Category D: Private Property

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.*
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats."*

The application area is within a Category D EMOZ area however the proposal consists of a relatively small addition to the existing dwelling is unlikely to impact on the sensitive environment.

Conclusion:

The application is therefore **consistent** with both the Overstrand Municipal Spatial Development Framework, 2020, the Overstrand Municipality Spatial Growth Management Strategy, 2010 and the Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020.

4. Motivation

Motivation for the application:

Refer to **Annexure K** for the As-built building plan

a. Introduction and Background

The property owner wishes to add a bedroom to the dwelling to increase the functionality of the property. The most practical and cost effective bedroom location in terms of the layout of the dwelling exceeds the northern street building line.

b. Proposal

The application objective is to allow for a proposed additional bedroom on the ground floor.

The additional bedroom is proposed 1.78m from the northern street boundary, thus exceeding the 3m northern street building line by 1.22m. The area proposed to exceed the building lines is only 1.95m². A stoep with glass balustrades are proposed on top of the proposed bedroom. The height of the proposed bedroom is 3.04m above average natural ground level and the balustrades are proposed to have a height of 1m.

The proposed bedroom extension location is considered from a design perspective the most cost effective and practical location for such additional proposed bedroom due to the utilisation of two existing walls.

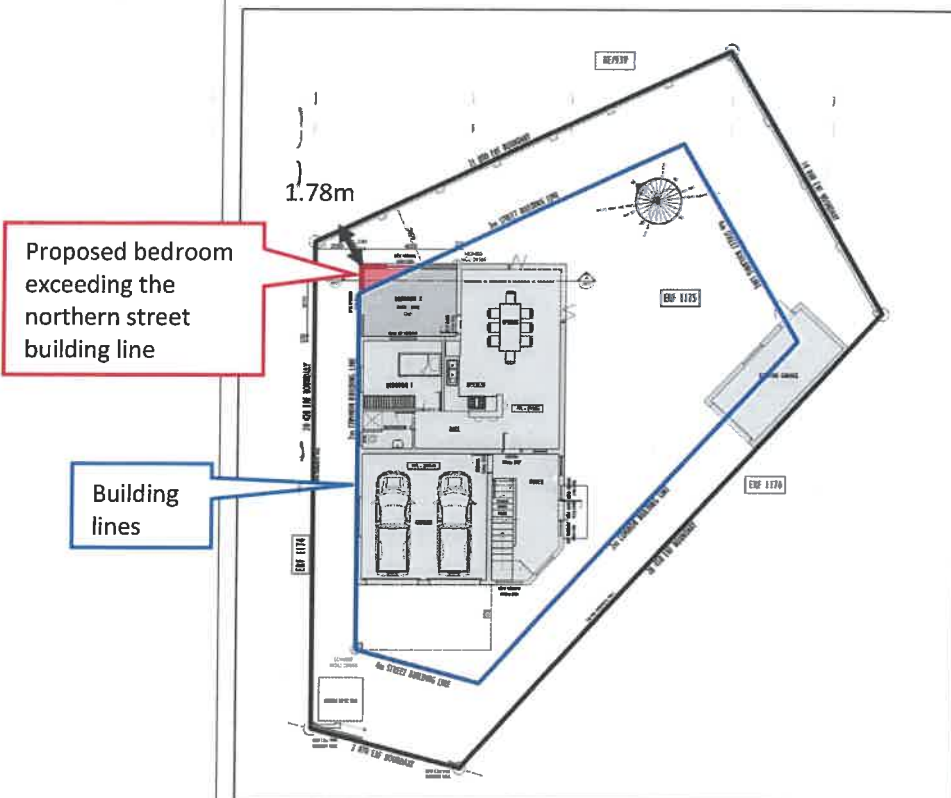
The proposed additions will not impact on views or light of neighbouring properties.

Sufficient space (1.78m) is available for access around the dwelling for the purpose of civil & emergency services.

The subject property borders an undeveloped road reserve to the north and will therefore not have any negative effect.

The entrance to the application area is on the southern side, thus functionally making the northern boundary the rear boundary of the application area. The area exceeding the building line is proposed 1.78m from the property boundary and is only consists of a corner for the purposes of a bedroom of 1.95m². The proposal will therefore not have any notable impact on the character of the area.

Ground Floor



First Floor

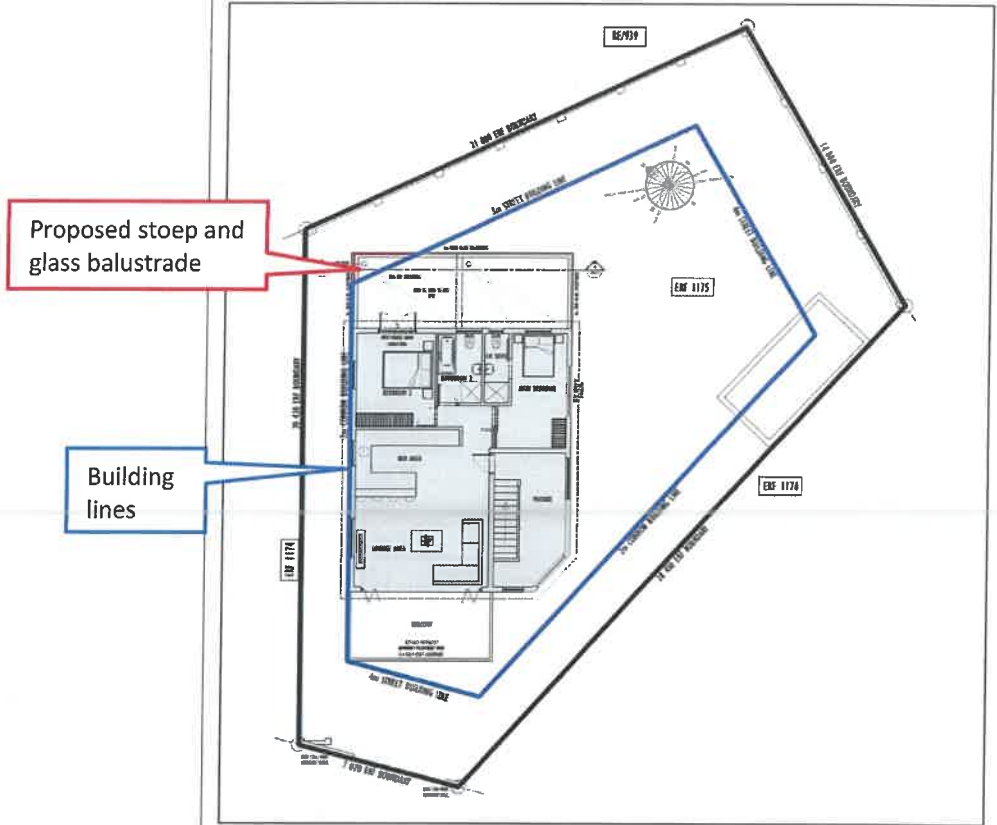
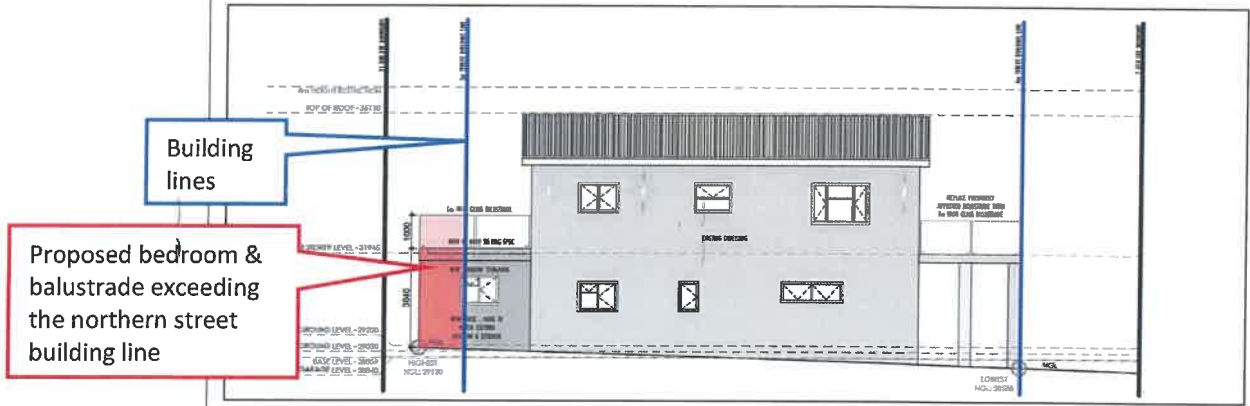
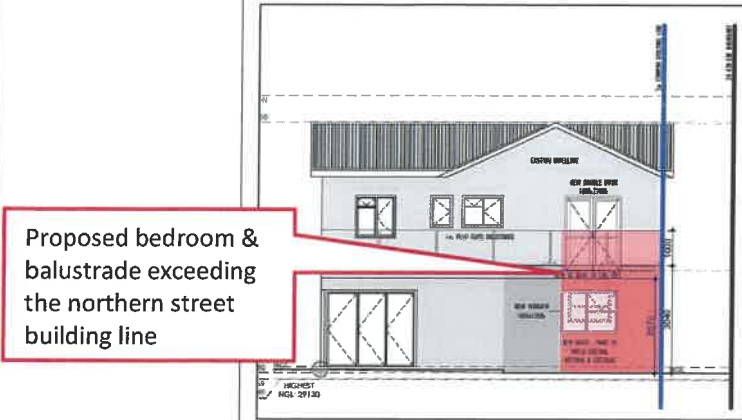


Figure 9: Application illustration – Floor Plans

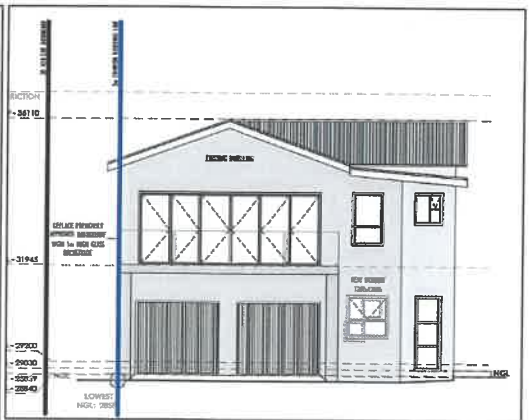
North West Elevation



North East Elevation



South West Elevation



South East Elevation



Figure 10: Application illustration – Elevations

Desirability

- The proposal is functional and improves the quality of life for the residents.
- The location of the proposed bedroom is cost effective and practical.
- The proposal is compatible and consistent with the character of the area.
- The proposal will not have a negative effect on views, light or noise on neighbouring properties
- Access to the entire property remains available.

c. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not contribute to perpetuation of past apartheid spatial development imbalances since application is only to accommodate a proposed bedroom addition to an existing dwelling.

The application proposal is **consistent with spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal will allow only for a bedroom and stoep on a single residential erf, therefore no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Spatial Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal for an additional bedroom will improve the functioning of the property but will not have an impact on spatial efficiency.

The application proposal is **consistent with the efficiency principle**.

4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The proposal will allow for an additional bedroom and will not have an impact on spatial resilience.

The application proposal is **consistent** with the principle of **spatial resilience**.

5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. The proposal improves the functionality of the property and no material impact on the neighbouring properties are foreseen.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

- A departure to relax the northern street building line from 3m to 1.78m to allow for a proposed bedroom in terms of Chapter IV, Section 16(2)(b).

GENERAL NOTES:
 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE VERMONT BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL AUTHORITIES.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE VERMONT BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE VERMONT BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
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NO.	DATE	DESCRIPTION
1	08/15/2023	ISSUED FOR MUNICIPAL SUBMISSION

ENGINEER CERTIFICATION:

ISSUED FOR MUNICIPAL SUBMISSION



PROJECT:
 HOUSE MARIUSZ CICHON -
 ADDITIONS & ALTERATIONS

LOCATION:
 VERMONT, HERMANUS

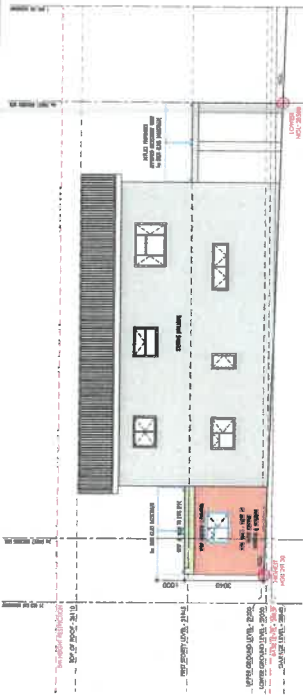
DRAWING:
 ELEVATIONS & SECTIONS

DATE:
 2023.09.20

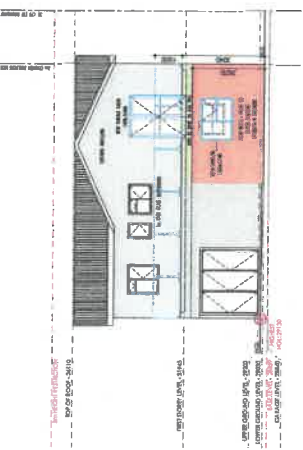
SCALE:
 AS INDICATED

OWNER'S SIGNATURE:
 [Signature]

ARCHITECT'S SIGNATURE:
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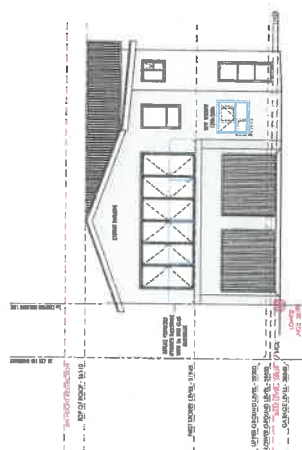
NORTH EAST ELEVATION
 SCALE 1:100



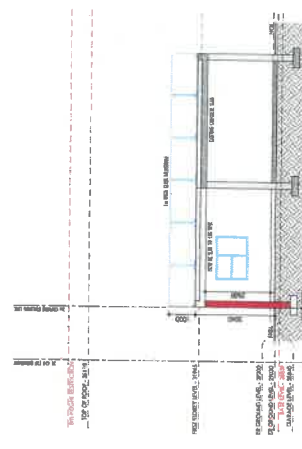
NORTH WEST ELEVATION
 SCALE 1:100



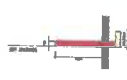
SOUTH EAST ELEVATION
 SCALE 1:100



SOUTH WEST ELEVATION
 SCALE 1:100



SECTION A-A
 SCALE 1:100



BOUNDARY WALL SECTION
 SCALE 1:100