

ERF 2062, 52 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF C ESPOST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for following:

- the determination of an administrative penalty in terms of Section 16(2)(q);
- departure in terms of Section 16(2)(b) for the following:
 - relaxation of the western lateral building line from 2m to 1.2m to allow for an existing storage room to be used as a bedroom;
 - relaxation of the western lateral building line from 2m to 1.2m to allow for a proposed enclosed entertainment room;
 - relaxation of the western lateral building line from 2m to 1.2m to allow for an existing garage to be used as a bedroom and the garage door to be replaced by a sliding door, and
 - relaxation of the eastern lateral building line from 2m to 1.4m to allow for a proposed spiral staircase.

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 must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **13 August 2021**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Mr. P Roux** 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 2062, SESDESTRAAT 52, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE INTERACTIVE TOWN & REGIONAL PLANNING NAMENS C ESPOST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir die volgende:

- die bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q);
- afwyking ingevolge Artikel 16(2)(b) vir die volgende:
 - verslapping van die westelike laterale boulyn van 2m na 1.2m om voorsiening te maak vir 'n bestaande stookkamer om as slaapkamer gebruik te word;
 - verslapping van die westelike laterale boulyn van 2m na 1.2m om voorsiening te maak vir 'n voorgestelde ingeslote kuier area;
 - verslapping van die westelike laterale boulyn van 2m na 1.2m om voorsiening te maak vir 'n bestaande motorhuis om as slaapkamer gebruik te word en die motorhuis se deur met 'n skuifdeur te vervang, en
 - verslapping van die oostelike laterale boulyn van 2m tot 1.4m om voorsiening te maak vir 'n voorgestelde spiraaltrap.

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 skriftelike kommentaar moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **13 Augustus 2021**, met u naam, adres en **kontakbesonderhede**, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr. P Roux** 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.

I-ERF 2062, 52 SIXTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA C ESPOST

Kukhutshwa isaziso ngokumayela neCandelo 47 no-48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020, ukuba kufunyenwe isicelo sezi zinto zilandelayo:

- ukugqitywa kwesohlwayo emasibhatalwe ngokweCandelo 16(2)(q);
- ukunyenyswa ngokumayela neCandelo 16(2)(b) malunga noku kulandelayo:
 - ukunyenyswa komda ongasentshona ukususela ku-2m ukuya ku-1.2m ukuze igumbi lokugcina izinto lijkwe libe ligumbi lokulala;
 - ukunyenyswa komda wesakhiwo ongasentshona ukususela ku-2m ukuya ku-1.4m ukuze kwakhiwe kwenziwe igumbi lokonwaba elivalekileyo;
 - ukunyenyswa komda wesakhiwo ongasentshona ukususela ku-2m ukuya ku -1.2m ukuze igarajii ekhoyo itshintshwe ibe ligumbi lokulala aze umnyango wayo ube yi-sliding door kunye
 - nokunyenyswa komda wesakhiwo ngasempuma ukususela ku-2m ukuya ku-1.4m ukuze kwakhiwe iziteps ezijikelezayo.

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 must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **13 uAgasti 2021**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Mr. P Roux** 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.

1. Introduction

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

Interactive Town and Regional Planning was appointed by the owner of the property Carin Espost to prepare and submit an application for building line departures and the determination of an administrative penalty on Erf 2062, Voëlklip in terms of the relevant legislation.

b. Development Objective & Application Proposal

The **development objective** is for the following:

- Legalise an existing new storeroom
- Use the storeroom as a bedroom
- Enclose the existing drying yard and use it as a drying yard and playroom
- Legalise a garage that has been converted into a guest bedroom with a new sliding door
- Legally construct a spiral staircase leading to a balcony with a braai on the first floor

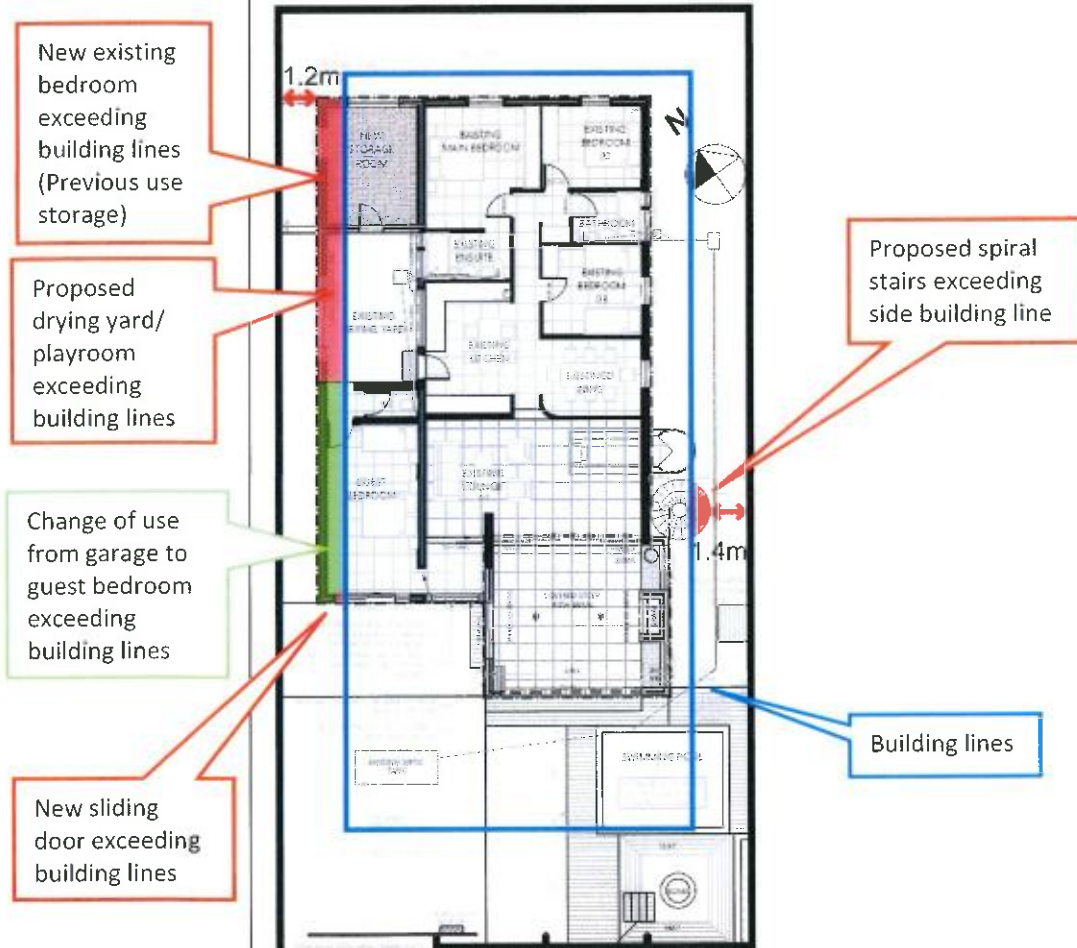


Figure 1: Development Proposal

Subsequently the **application proposal** is for:

- a departure to relax the **western side building line** from 2m to 1.2m to allow for an existing storage room to be used as a bedroom
- a departure to relax the **western side building line** from 2m to 1.2m to allow for a proposed enclosed drying yard/ playroom.
- a departure to relax the **western side building line** from 2m to 1.2m to allow for an existing garage to be used as a bedroom and the garage door to be replaced by a sliding door.
- a departure to relax the **eastern side building line** from 2m to 1.4m to allow for a proposed spiral staircase.
- a determination of an administrative penalty for the existing contraventions.

<p>c. Background</p>	<p>The application area consists of a 495m² single residential erf with a dwelling house situated at number 52, Sixth Street.</p> <p>The owner wishes to <u>legalise</u> the following:</p> <ul style="list-style-type: none"> • Existing new storeroom used as a bedroom, which exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary • Garage that has been converted into a guest bedroom with a new sliding door and which exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary • The owner wishes to comply with the municipality by applying for the determination of an administrative penalty for the above-mentioned existing contraventions <p>The owner wishes to add the following improvements:</p> <ul style="list-style-type: none"> • Enclose the existing drying yard and use it as a drying yard and playroom, which exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary • Construct a spiral staircase leading to a balcony with a braai on the first floor which will exceed the 2m eastern building line by 0.6m up to a distance of 1.4m from the eastern boundary. <p>The reason for the proposal of a spiral staircase is due to the location of the existing built-in braai on the eastern side of the dwelling, which limits the space for a normal staircase to be constructed in this location.</p> <p>Subsequently, the submission of the departures application for building-line relaxation and the determination of administrative penalty.</p> <p>The application proposal is consistent with all Land-Use Scheme 2020, parameters, except for the departures which are being applied for in this application.</p>
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2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that <u>no</u> restrictive title deed conditions exist against the proposal on Erf 2062 Hermanus.</p>				
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 2062 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	<p>Parameters</p>	<p>Existing Zoning:</p>	<p>Proposal:</p>	<p>Comments</p>	
	<p>Zoning</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Consistent</p>	
	<p>Primary Use</p>	<p>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</p>	<p>Dwelling house</p>	<p>Consistent</p>	
	<p>Consent Uses</p>	<p>Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture</p>	<p>None</p>	<p>Consistent</p>	
	<p>Coverage</p>	<p>50%</p>	<p>30%</p>	<p>Consistent</p>	
	<p>Height</p>	<p>8m</p>	<p>Chimney 5.7m Roof 3m</p>	<p>Consistent</p>	
	<p>Building lines</p>	<p>Street</p>	<p>4m</p>	<p>4m</p>	<p>Consistent</p>
		<p>Side</p>	<p>2m</p>	<p>1.4m east staircase 1.2m west store & bedrooms</p>	<p>Application is for a departure</p>
		<p>Rear</p>	<p>2m</p>	<p>2m</p>	<p>Consistent</p>
<p>Parking</p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 2 bays</p>	<p>Consistent</p>		
<p>c. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020</p> <ul style="list-style-type: none"> • a <u>departure</u> to relax the western side building line from 2m to 1.2m to allow for an existing storage room on ground floor to be legalised and used as a bedroom in terms of Chapter IV, Section 16(2)(b). • a <u>departure</u> to relax the western side building line from 2m to 1.2m to allow for a proposed enclosed drying yard/ playroom in terms of Chapter IV, Section 16(2)(b). • a <u>departure</u> to relax the western side building line from 2m to 1.2m to allow for an existing approved garage to be used as a bedroom and the garage door to be replaced by a sliding door in terms of Chapter IV, Section 16(2)(b). • a <u>departure</u> to relax the eastern side building line from 2m to 1.4m to allow for a proposed spiral staircase in terms of Chapter IV, Section 16(2)(b). • a <u>determination of an administrative penalty</u> in terms of Chapter IV, Section 16(2)(q). 				

c. Land Use:

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

The application area accommodates a dwelling house on the property. The surrounding land-uses consist mostly of single residential dwellings and a guest house. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.

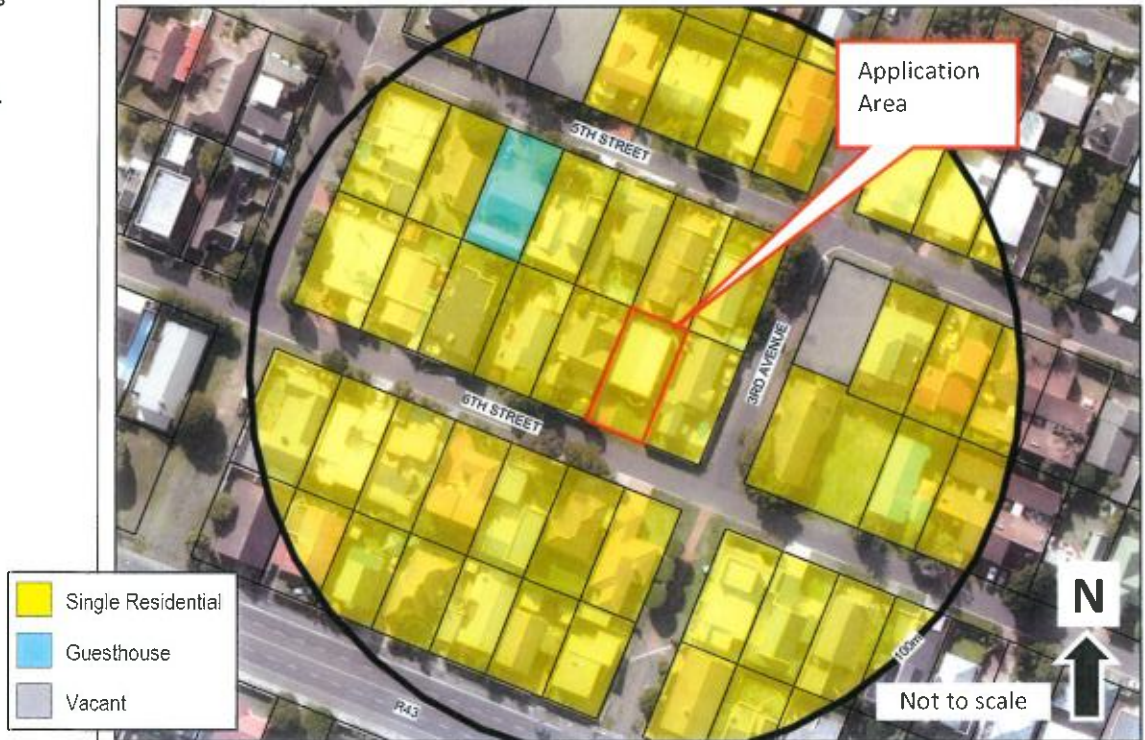


Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

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

The application area, Erf 2062, Voëlklip is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

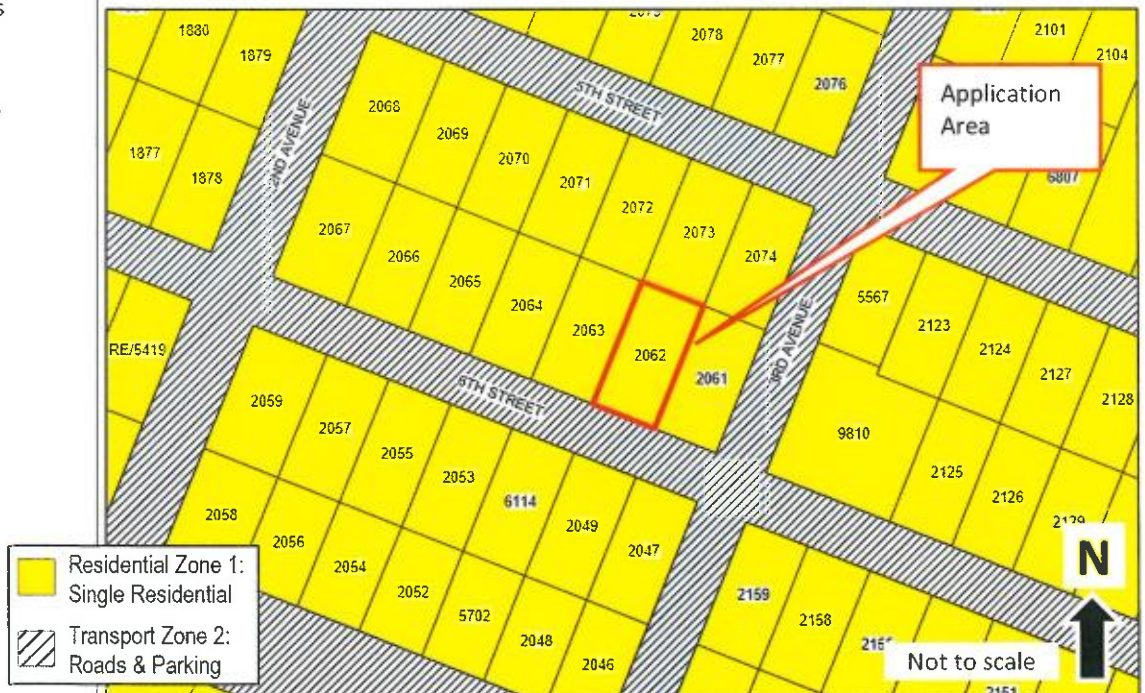


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area.

i. **Overstrand Municipal Spatial Development Framework, 2020**

The application area falls within an existing residential area within the Urban Edge.



Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

i. **Overstrand Municipal Spatial Wide Development Framework, 2006**

In section 5.5.5 (i) it is mentioned that the SDF is inter alia concerned with the optimum use of land. The clause further mentions the need to provide satisfactory residential environments and further that a full range of residential needs must be catered for.

The application is consistent with the Overstrand Municipal Spatial Wide Development Framework, 2006

ii. **Overstrand Municipality Growth Management Strategy, 2010**

The application area is within an area earmarked for 10 to 20 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application, as the proposal is to allow for a store, a bedroom and stairs.

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

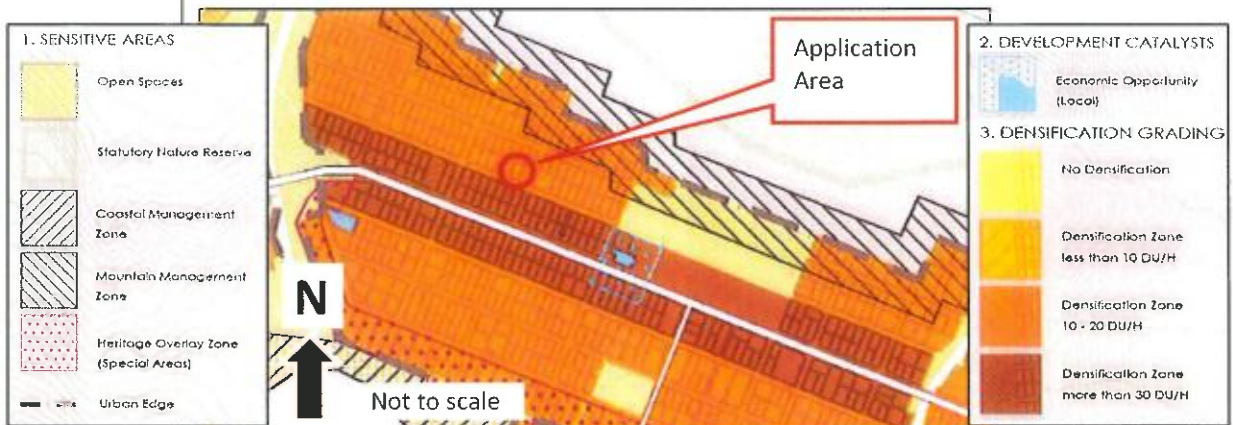


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

4. Motivation

Motivation for the application:

Refer to **Annexure 1** for the Building Plan

a. Introduction and Background

The 495m² application area consists of a single-storey dwelling with a balcony with braai facilities on the first-floor located in the mature suburb of Voëklip with views over the ocean to the south as well as towards the mountains to the north.

The existing dwelling structure adheres to all Town Planning Scheme requirements other than what is hereby being applied for.

The owner wishes to legalise and improve the dwelling without causing a negative impact on the surroundings and within the statutory framework, as explained in the proposal below.

b. Proposal

The **development objective** is to

- Legalise an existing new storeroom
- Use the storeroom as a bedroom
- Enclose the existing drying yard and use it as a drying yard and playroom
- Legalise a garage that has been converted into a guest bedroom with a new sliding door
- Legally construct a spiral staircase leading to a balcony with a braai on the first floor

New existing bedroom exceeding building lines (Previous use storage)

Proposed enclosed drying yard/playroom exceeding building lines

Change of use from garage to guest bedroom exceeding building lines

New sliding door exceeding building lines



Proposed spiral stairs exceeding side building line

Building lines

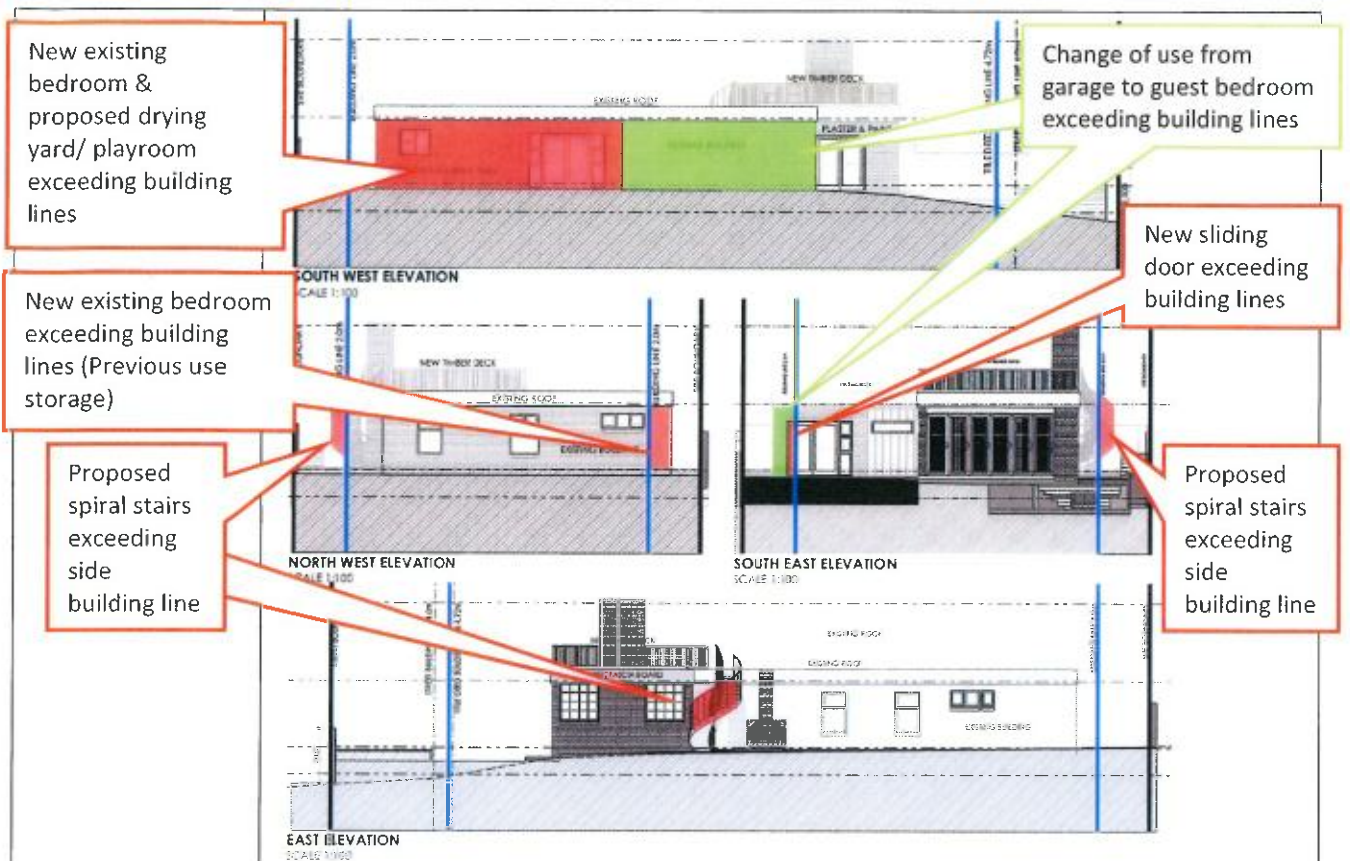


Figure 9: Building plan extract overlay

In order to achieve the development objective, the following application proposals are required:

Relaxation of western side building line to accommodate an existing new bedroom

The existing new bedroom exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary.



Figure 10: Front and side view of existing new bedroom

The storage room proposed to be used as a bedroom was built under an existing flat roof and only on the ground floor and therefore has no additional impact on the neighbouring properties.

The roof does not have an overhang and a sufficient distance of more than 1.2m exists between the bedroom on the application area and the residential building on the adjacent erf to the west and thus the western side building line relaxation is not foreseen to cause a visual impact or intrusion on the privacy of the western adjacent Erf 2063.

The western boundary wall further increases the privacy of the neighbouring erven and neither one of the outdoor recreational areas of the neighbouring erven are located on either side of the western boundary. Bedroom use is not associated with noise either.

In terms of shade and sun, and the encroachment will not make any material difference to the erf adjacent to the west due to the existence and height of the western boundary wall.

According to our knowledge, no complaints have been received from the neighbours to the west.

Access to the application area for emergency purposes is still available regardless of the departure.

Relaxation of western side building line to accommodate a proposed enclosed drying yard and playroom

The proposed enclosed drying yard and playroom exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary.

The enclosed drying yard and playroom is proposed to be built under an existing flat roof on the ground floor and will therefore have no additional impact on the neighbouring properties.

The roof does not have an overhang and a sufficient distance of more than 1.2m exists between the proposed drying yard/ playroom on the application area and the residential building on the adjacent erf to the west. Therefore, the western side building line relaxation is not foreseen to cause a visual impact or an intrusion on the privacy of the western adjacent Erf 2063.

The western boundary wall further increases the privacy of the neighbouring erven and neither one of the outdoor recreational areas of the neighbouring erven are located on either side of the western boundary.

In terms of shade and sun, the encroachment will not make any material difference to the erf adjacent to the west due to the existence and height of the western boundary wall.

The playroom will provide a place that children can play where safety and security and weather is not an issue.

Access to the application area for emergency purposes is still available regardless of the departure.

No negative impact on the environment are foreseen.

Relaxation of western side building line to accommodate an existing new guest room

The existing new guest room exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary. The original garage which was converted into a guest room already exceeded the 2m western building line up to 1.2m but the new sliding door which has replaced the garage door also slightly exceeds the 2m western building line.

Change of use from garage to guest bedroom exceeding building lines

Proposed to be enclosed
Proposed enclosed drying yard/ playroom exceeding building lines



New sliding door



Figure 11: Front and Back Views of Existing New Guest Bedroom

A sufficient distance of more than 1.2m exists between the guestroom on the application area and the residential building on the adjacent erf to the west. Therefore, the western side building line relaxation is not foreseen to cause a visual impact or an intrusion on the privacy of the western adjacent Erf 2063.

The western boundary wall further increases the privacy of the neighbouring erven and neither one of the outdoor recreational areas of the neighbouring erven are located on either side of the western boundary. The bedroom use is not associated with noise either.

In terms of shade and sun, the encroachment will not make any material difference to the erf adjacent to the west due to the existence and height of the western boundary wall.

According to our knowledge, no complaints have been received from the neighbours to the west.

Access to the application area for emergency purposes is still available regardless of the departure.

Although the garage use will be replaced by a different use, there is sufficient space for parking two vehicles at the front of the application area on the site.

No negative impact on the environment are foreseen.

Relaxation of eastern side building line to accommodate a proposed spiral staircase

The purpose of the proposed spiral staircase on the eastern side of the existing dwelling is to provide access from the ground floor to the proposed recreational timber deck area with a braai facility on the first floor.



Figure 12: Proposed Location of Spiral Stairs on Eastern Side

The reason for the proposal of a staircase which is spiral is due to the existing built-in fireplace on the eastern side of the dwelling, which limits the space for a straight staircase to be constructed in this location.

The balcony/deck area to which the proposed spiral staircase will lead has been specifically designed with safety in mind and will consist of 1m high balustrade walls consistent with SANS all along the balcony edges.



Figure 13: Street-View Mock-Up of Proposed Balcony

The proposed spiral staircase will exceed the eastern 2m side building line by 0.6m up to a distance of 1.4m from the eastern boundary.

A sufficient distance of more than 1.4m exists between the proposed spiral staircase on the application area and the residential building on the adjacent Erf 2061 Voelklip to the east. Therefore, the eastern side building line relaxation is not foreseen to cause a visual impact or intrusion on the privacy of the adjacent erf. The existing eastern boundary wall will also maintain the privacy of the neighbouring erven. The outdoor recreational area of the neighbouring erf to the east is located on the eastern side of the dwelling and not on the western side, which also increases privacy for both neighbouring erven.

In terms of shade and sun, the encroachment will not make any material difference to the erf adjacent to the east due to the height of the dwelling on the application area and the existence and height of the eastern boundary wall.

Access to the application area for emergency purposes is still available regardless of the proposed departures.

Determination of Administrative Penalty

Furthermore, due to the proposal representing an existing contravention of the By-Law, the application is for a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention;

The nature, duration, gravity and extent of the contravention has been described in detail in this motivation report and includes the following contraventions;

- Existing new storeroom used as a bedroom, which exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary
- Garage that has been converted into a guest bedroom with a new sliding door and which exceeds the 2m western building line by 0.8m up to a distance of 1.2m from the western boundary

(b) The conduct of the person (allegedly) involved in the contravention;

It is evident from this application that the applicant/owner is co-operative and willing to rectify the existing contraventions and to follow the correct statutory procedure to apply to legally accommodate the existing new storeroom to be used as a bedroom and the garage that has been converted into a guest bedroom with a new sliding door.

(c) Report by a quantity surveyor in matters of unauthorised building/construction;

Due to the nature and scale of the contravention, a report by a quantity surveyor is non-applicable.

(d) Whether the unlawful conduct was stopped

Due to the nature of the contravention being building line transgressions, the only way to stop the unlawful conduct is either by legalising the contraventions, for which the applicant/owner is in the process of applying through this application, limiting the land use or by demolishing portions of the existing building, which is an unnecessarily destructive and costly procedure, especially in view of the conclusion that the current contraventions are not causing a material impact on the environment.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

No, according to our knowledge, the applicant/owner has not previously contravened this By-Law or a previous planning law.

c. Desirability

The application proposal is considered desirable for the following reasons:

- The proposal is in accordance with the relevant spatial planning legislation for the area.
- The proposal is practical and functional and will improve the quality of life of the residents by providing an additional bedroom, an enclosed drying yard and playroom, a guest bedroom as well as by providing access to an additional recreational space which incorporates ocean views.
- Legalisation is a more cost-efficient solution to the existing building-line transgressions than demolishing solid, neat structures.
- The relaxation of the building lines will not cause any negative visual impact, unsafe conditions, obstruction of sunlight, views or intrusion on privacy for the application area or the adjacent properties.
- Even though the garage use will be replaced by a bedroom use, sufficient space is available for parking two vehicles on and at the front of the application area.
- Access to the application area for emergency purposes will still be accommodated.
- Therefore, the land will be used optimally to provide a satisfactory residential environment and to cater for a full range of residential needs, in accordance with the statutory requirements of the municipality and without any foreseen negative impact on the surroundings or on the application erf.

d. 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 in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate the existing and proposed additions to an existing house within a residential area and inside the urban edge.

Furthermore, the proposal will provide a more satisfactory residential environment catering for a full range of residential needs.

The proposal is thus in accordance with the Overstrand Municipal Spatial Wide Development Framework, 2006 as well as the Overstrand Municipal Spatial Development Framework, 2020.

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 for the existing new and proposed additions to an existing dwelling on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

Furthermore, the proposal will represent a legalisation of and an improvement to the existing approved dwelling as it will provide a more satisfactory residential environment catering for a full range of residential needs in accordance with the statutory requirements of the municipality and without any foreseen negative impact on the surroundings or on the application erf.

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

- 3) **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 is functional and represents optimal development of the property by providing additional space for a bedroom, an enclosed drying yard and playroom and a guest bedroom as well as by providing access to an additional first-floor outdoor recreational space which incorporates ocean views.

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 proposed development will not lead to any economical and/or environmental shocks as the application allows for additions to an existing dwelling within a residential suburb.

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

Consultive 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 Government 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.

Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs while no negative impact on the environment is evident or foreseen.

Furthermore, the proposal for legalization is a more cost-efficient solution than demolishing existing neat solid structures.

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

- a departure to relax the **western side building line** from 2m to 1.2m to allow for an existing storage room to be used as a bedroom in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.
- a departure to relax **the western side building line** from 2m to 1.2m to allow for a proposed enclosed drying yard/ playroom in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.
- a departure to relax the **western side building line** from 2m to 1.2m to allow for an existing garage to be used as a bedroom and the garage door to be replaced by a sliding door in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.
- a departure to relax the **eastern side building line** from 2m to 1.4m to allow for a proposed spiral staircase in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.
- a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.

