



Overstrand Municipality

LAND USE PLANNING REPORT –MUNICIPAL PLANNING TRIBUNAL

ERF 4732, 6 HOY STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF TITLE DEED RESTRICTION & DEPARTURE: MESSRS WRAP ON BEHALF OF JG WHITE

Reference number	4732 HNC (3301)	Application submission date	30 June 2016	Date report finalised	13 January 2017
PART A: AUTHOR DETAILS					
First name(s)	Helena Johanna				
Surname	Van der Stoep				
Job title	Senior Town and Regional Planner				
SACPLAN registration number	A/1708/2013				
Directorate/Department	Infrastructure and Planning				
Contact details	028-3138900 hvdstoep@overstrand.gov.za				
PART B: APPLICANT DETAILS					
First name(s)	Cornelius Ferdinand				
Surname	Pienaar				
Company name	Wright Approach Consultancy				
SACPLAN registration number	Pr.Plan A409/85	Is the applicant authorised to submit this application	Yes		
Registered owner(s)	John George White				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 4732, Hermanus				
Physical address	6 Hoy Street, Northcliff	Town/City	Hermanus		
Current zoning	Residential Zone 1	Extent (m ² /ha)	694m²	Are there existing buildings on the property?	Yes
Applicable zoning scheme	Overstrand Municipality Zoning Scheme Regulations, 2014				
Current land use	Residential	Title Deed number & date	T12819/2012		
Any restrictive title conditions applicable	Yes	If Yes, list condition number(s)	Clause C1, C3, C3 and C4		
Any third party conditions applicable?	No	If Yes, specify			
Any unauthorised land use/building work	No	If Yes, explain			

PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)			
Has pre-application consultation been undertaken?	No	If yes, provide a brief summary of the outcomes below.	
PART E: LIST OF APPLICATIONS (TICK APPLICABLE)			
Permanent departure	√	Removal, suspension or amendment of restrictive conditions	√
PART F: EXECUTIVE SUMMARY			
<p>An application has been received on 30 June 2016 from Messrs WRAP, trading as Wright Approach Investments 136 CC, on behalf of Mr. JG White in terms of Sections 16(2)(b) and 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 4732, Hermanus for departures and removal of restrictive conditions C1, C2, C3 and C4 to accommodate a proposed boathouse, proposed garage and an existing bathroom.</p> <p>The departures are as follows:</p> <ul style="list-style-type: none"> ❖ Lateral building line relaxation from 2m to 0m on the eastern building line to accommodate a garage and boathouse; ❖ Rear building line relaxation from 2m to 0m on the southern building line to accommodate the boathouse, and ❖ Lateral building line relaxation from 2m to 0,8m on the western building line to accommodate the bathroom. 			
PART G: BACKGROUND			
<p>The buildings on the property with the exception of the bathroom are legal structures. The bathroom was extended by the previous owner without building plans.</p>			
PART H: SUMMARY OF APPLICANTS MOTIVATION			
<p>An application has been received for the removal of restrictive title conditions C.1, 2, 3 and 4 in Title Deed T12819/2012 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 4732, Hermanus.</p> <p>The restrictive conditions reads as follows:</p> <p>(C1): <i>"The erf will be used for residential purposes only.</i></p> <p>(C2): <i>That only one dwelling unit with such outbuildings as are ordinarily required to be used therewith be erected on this erf.</i></p> <p>(C3): <i>That not more than half the area of this erf be built upon.</i></p> <p>(C4): <i>That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer to 15 feet from the street line which forms the boundary of this erf. No such building or structure shall be situated within 7,5 feet(2,28m) of the lateral boundary common to any adjoining erf."</i></p> <p>The removal of the restrictive conditions is in part necessary to accommodate a second dwelling and the proposed structures over the building lines. It is proposed that all the mentioned restrictive conditions be removed and that the erf be subject to all the provisions of the Overstrand Zoning Scheme Regulations, 2014 and other relevant policies. The original house was built according to the building lines only the later added bathroom encroaches the western lateral building line with 1,2m.</p> <p>The following departures are required in terms of the Overstrand Zoning Scheme Regulations, 2014:</p> <ul style="list-style-type: none"> ❖ the eastern lateral building line from 2m to 0m and 2m to 0m on the rear building line to accommodate the proposed boathouse; ❖ the eastern lateral building line from 2m to 0m to accommodate the proposed garage, and ❖ the western lateral building line from 2m to 0,8m to accommodate an existing bathroom. 			

PART I: SUMMARY OF PUBLIC PARTICIPATION				
Methods of advertising			Date published	Closing date for comments
Press	Yes		20 October 2016	25 November 2016
Gazette	Yes		21 October 2016	25 November 2016
Notices	Yes		20 October 2016	25 November 2016
Ward councillor	Yes		20 October 2016	25 November 2016
Site notice	Yes		20 October 2016	25 November 2016
Community organisation(s)	N/A			
Public meeting	N/A			
Third parties	N/A			
Other	Y	N	If yes, specify	NONE
Total valid comments	ONE (1)		Total comments and petitions refused	NONE
Valid petition(s)	No	If yes, number of signatures		NONE
Community organisation(s) response	No	Ward councillor response		Yes
Total letters of support	NONE			
Was public participation undertaken in accordance with section 45- 49 of the Proposed Draft By-law on Municipal Land Use Planning				Yes
PART J: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION				
One (1) objection was received from Ms U Gatzweiler, owner of Erf 4549:				
The objection can be summarized as follows:				
<ul style="list-style-type: none"> ❖ The objector indicated that she is not directly influenced. ❖ The owner should abide by Council's regulations and building restrictions. ❖ The character of Northcliff will be influenced. ❖ The illegal toilet should be demolished. ❖ The construction of the garage be a matter with the adjacent neighbour. 				
PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments		Recommendation
Fire Department	05/12/2016	No objections. Proposed structures as per site plan are in compliance with the National Fire Regulations SANS 10400T:2011.		Positive
Senior Manager : Hermanus Administration	02/12/2016	No objection.		Positive
Engineering Services	28/11/2016	See Annexure F.		Positive
Building Control	24/10/2016	Concerned about extent on boundary in excess of 60%. Town Planner to consult.		Positive
Local Committee Heritage	15/11/2016	See Annexure G		Positive

Ward Councillor (Brice)	19/10/2016	Should there be no objections from neighbours or Town Planning I support the proposal.	Positive
PART L: SUMMARY OF APPLICANT'S REPLY TO COMMENTS			
The applicant responded as follows:			
<ul style="list-style-type: none"> ❖ The objector is quite a distance from the application site. ❖ The building lines are there for a purpose, but are consistently under pressure depending on the circumstance and not everybody in the neighbourhood will require a need to relax the building lines. ❖ The fact is that building lines create open space and space for municipal services and the Fire Brigade to have access in case of a fire. ❖ In general, owners may from time to time have a need to improve their properties to better their living conditions and make their homes more comfortable and to increase the value of their properties. ❖ None of the adjacent neighbours have objected. 			
PART M: MUNICIPAL ASSESSMENT OF COMMENTS			
Planner's comment on objection:			
<p>The objector has viewed her concerns relating to the character of the neighbourhood which the proposed and existing structures that can have. The proposed boathouse and garage can with neighbours' consent be approved should there be no restrictive conditions. None of the neighbours objected to the application. Practically a boathouse must be in line with the entrance of the erf in order to manoeuvre the boat into the boathouse. In the application it is clear that this is the intention and will be used as such. The proposed outbuildings are subservient to the residential use and allowed.</p> <p>The illegally constructed bathroom is to provide an en-suite bathroom for the bedroom further away from the existing bathroom. The bathroom is located on the ground floor and has a minimum impact on the area as it is seen as part of the building envelope.</p>			
Internal Departments:			
No objection has been received by the internal departments.			
PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)			
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes
<u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)</u>			
Spatial Justice:			
Not Applicable.			
Spatial sustainability:			
The application is to make the subject property more compact still within the character of the area. The proposed uses are less consuming than other uses on a residential erf.			
Efficiency:			
The dwelling is used as such and thus makes optimal use of the development parameters as defined in the Overstrand Zoning Scheme. The erf is located in close proximity of the Central Business District and the owner can access the services and amenities without the need to travel long distances.			
Spatial Resilience:			
The application is in line with policies and caters for maximum use of the property. The proposed added uses enables the owner to ensure the protection of his assets should it be necessary due to economic and or financial reasons.			
Good administration:			
Procedure was followed and full public participation was applicable.			

<p>(In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)</p> <p>Same.</p>
<p>(In)consistency with the IDP/Various levels of SDF's/Applicable policies</p> <p>Same.</p>
<p>(In)consistency with guidelines prepared by the Provincial Minister</p> <p>Not Applicable.</p>
<p>Impact on Municipal engineering services</p> <p>None.</p>
<p>Outcomes of investigations/applications i.t.o other legislation</p> <p>N/A</p>
<p>Existing and proposed zoning comparisons and considerations</p> <p>The structure remains residential as per the zoning. The proposed uses can be accommodated under the Residential Zone 1 parameters.</p>
<p>PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (REFER TO ROR GUIDELINE)</p>
<p>The financial or other value of the rights</p> <p>At present the owner is restricted to developed his property as per the development parameters as per the Overstrand Zoning Scheme Regulations. The value of the rights is in line with all other owners in Northcliff should the restrictive conditions be removed and adds value to the owner and the neighbourhood.</p>
<p>The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal</p> <p>The personal benefit is related to improvements to the owner of the erf, which is allowable in terms of the Zoning Scheme through a process.</p>
<p>The social benefit of the restrictive condition remaining in place, and/or being removed/amended</p> <p>The restrictive conditions relates to the erf and the residential neighbourhood of Northcliff pertaining to development of the erf and not a social benefit for the community.</p>
<p>Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights</p> <p>The beneficiaries are Northcliff residents (Hermanus Extension 4) in terms of the more restrictive building lines. However, the Overstrand Zoning Scheme was extensively advertised and was accepted and not disputed. Thus the development will not remove all rights enjoyed by residents of Northcliff, since departures of this nature has been approved in the neighbourhood.</p>
<p>PART P: DESIRIBILITY</p>
<p>The application for the removal of the restrictive conditions will bring the erf in line with the development parameters of the Overstrand Zoning Scheme, 2014 for Residential Zone 1 erven. The proposed development for a boathouse is part of the fact that Hermanus is a tourist town and many of the swallows (residents who owns property and visits the town once or twice a year) do need facilities to store water related sports equipment. It is also evident with the rise in crime that these residents cannot store their vehicles in the open.</p>

Vandalism will take place. This type of equipment does not fit into a normal garage due to its length and height and thus provision must be made for a bigger structure.

The proposed garage on the property is allowable over the lateral building lines with consent of the neighbour, however in this case, the restrictive condition, require a departure application. The transgression of the third or 9m of outbuildings on an erf boundary is therefore transgressed and needs to be addressed. The proposed outbuildings must comply with the Zoning Scheme in terms of the requirements for outbuildings on an erf boundary when encroaching the building line. Due to the extent of the structures, none of the garages may be converted into habitable spaces to ensure that the neighbours are not affected by noise and/or light pollution.

The encroachment of the lateral building line on the western boundary of the existing bathroom, which was built illegally is viewed positively, since it is located on the ground floor and has a minimal impact on the adjacent erf. Due the erection of the proposed garage and boathouse on the eastern boundary, no additional structures are to be allowed on the western boundary. This will ensure that the applicant make use of the remainder coverage of 0,5% within the building lines. The required 1m for fire purposes on one erf boundary can still be adhered to, although reduced to 0,8m. However, the Fire Department did not have any objection against the application.

The existing second dwelling is part of the footprint of the existing house and one (1) parking bay is available on the property. It should be noted that the second dwelling was part of the original dwelling and used as a servant's quarter. In later years the use has changed to a second dwelling and is in line with the Overstrand Zoning Scheme.

PART Q: RECOMMENDATION

1. that the application for the removal of restrictive conditions C1, C2, C3 and C4 contained in Title Deed T12819/2012 applicable to Erf 4732, Hermanus, **be approved**, in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2016;
2. that the application for departure on Erf 4732, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the western lateral and rear building line from 2m to 0m to accommodate the boathouse, the eastern lateral building line from 2m to 0m to accommodate the garage, and the western lateral building line from 2m to 0,8m to accommodate the existing bathroom, **be approved**;
3. that the application for departure on Erf 4732, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to the exceeding of the 9m and/or one third of the boundary with outbuildings, **be approved**;
4. that the approvals in Points 1, 2 and 3 be 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 Plan 3;
 - (d) that all the conditions in the Services Report (attached as Annexure D), be complied with;
 - (e) that building plans reflecting the approval be submitted to the Building Control Department for approval and that all conditions of the Building – and the Fire Department and the Overstrand Scheme Regulations with regard to outbuildings be complied with at that stage;
 - (f) that no additional structures be allowed encroaching any building lines to accommodate the remaining 0,5% coverage available to the applicant;
 - (g) that no additional structures be built or erected on the eastern boundary encroaching the building line;
 - (h) that no second storey structures be erected on the proposed outbuildings encroaching the building lines, and
 - (i) that the boathouse may not be used and/or converted into a second dwelling, self-catering unit or home occupation.
5. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

PART R: REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ One (1) objection has been received.
- ❖ None of the internal departments have any objection.
- ❖ None of the municipal services will be needed.
- ❖ It is in line with policy documents.

PART S: ANNEXURES

Annexure A	Locality Plan
Annexure B	Proposed Site Development Plan
Annexure C	Motivation
Annexure D	Objection received
Annexure E	Applicant's reply to Objection received
Annexure F	Services Report

PART T: SIGNATURESAuthor name: **HANEEN VAN DER STOEP**Author signature: Date: 23/1/2017Registered planner name : **S VAN DER MERWE**Registered planner signature : SACPLAN registration number: **A/1850/2014**Date: 23/01/2017

Departure of building lines of erf 4732 Hermanus

- Boundary line
- 2m Zoning Scheme building lines
- 2.36m Title Deed building lines
- Dimensions

Plan 3

Plan prepared by : Reatlehlle Jankie

Scale 1 : 100

All distances approximate and subject to survey.

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35 Duiker Street
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Hermanus
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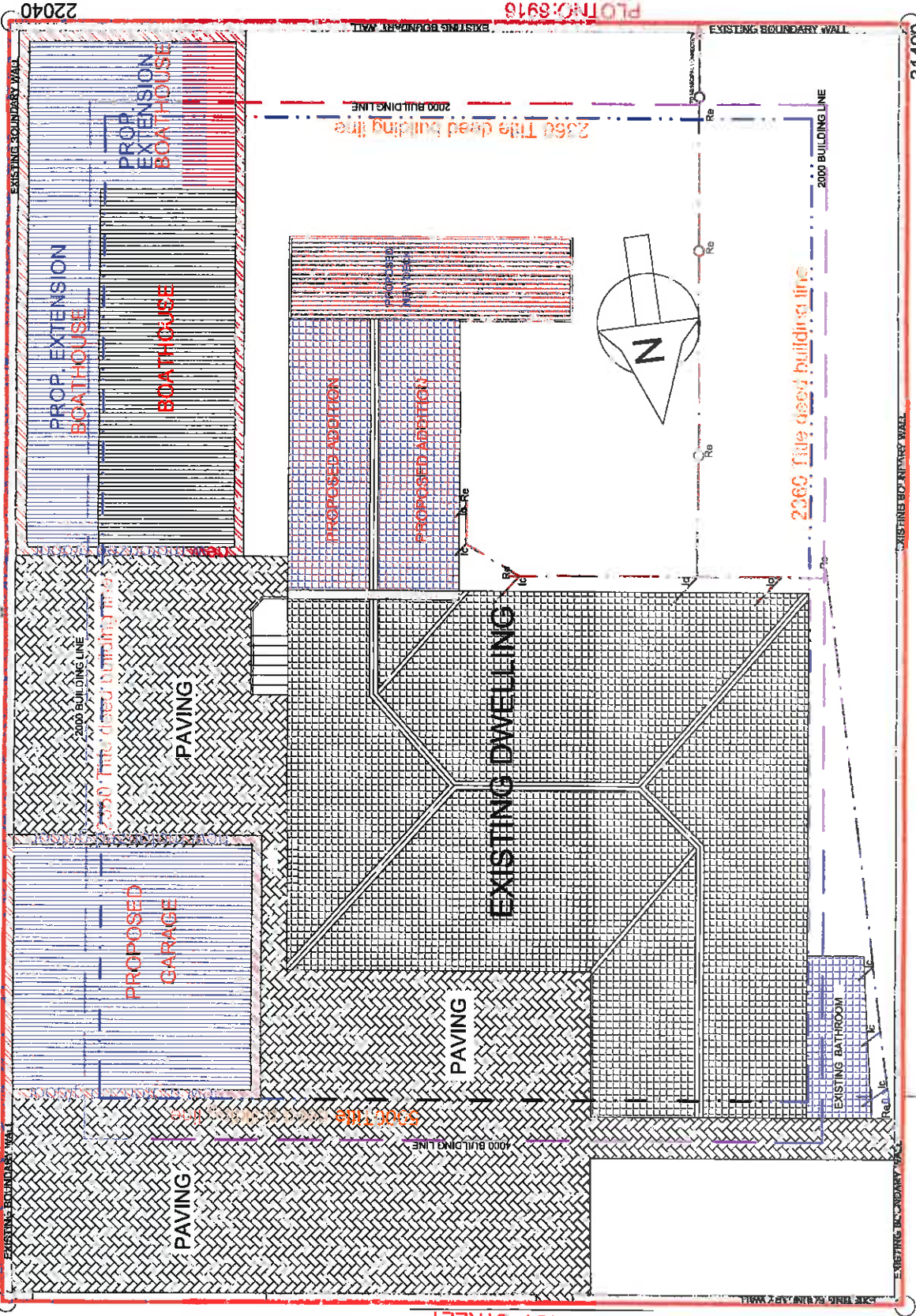
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Web:

www.wrapgroup.co.za



PLOTNO: 4729

31490



PLOTNO: 4733

31490

22040

PLOTNO: 6918

HOY STREET

4. CHARACTER OF ENVIRONMENT

Erf 4732 Hermanus is located in the neighbourhood of Northcliff in Hermanus and is zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Zoning Scheme, 2013. (See Plan 1)

The subject property is developed with a double storey house and the majority of the properties in Hoy Street are also double storey. It is situated high up against the mountain with good views of the mountain and the sea, and is bordered by Erf 4729 Hermanus to the east, Erf 4733 Hermanus to the west, Erf 4731 Hermanus to the south and Hoy Street to the north.

5. DESIRABILITY

The Northcliff area where the relevant erf is situated (Extension 4) is a large residential suburb of Hermanus and consists of mostly middle to high income houses, flats, and a few guest houses and is close to the central business area of Hermanus. It is also a well-known fact that Northcliff is a popular place to stay as it provides in the full range of residential properties. This goes together with the businesses and schools nearby.

For this reason residents are constantly improving their properties to make their stay more comfortable and to add value to their properties not only for their own benefit but for the town as a whole.

In this particular case, apart from the need to legalise an existing bathroom and to obtain approval for the departure from building lines for the two garages and boathouse, it is also desirable in the sense that the addition will add to the value and comfort of the house and will blend in with the existing neighbourhood and will therefore not have a negative impact on the surrounding area.

5.1 Services

All the necessary services like electricity, water, sewerage and storm water are already installed and no additions are necessary.

5.2 Surface water

All surface water will be accommodated on the property.

5.3 Traffic impacts, parking access and other transport related considerations

The proposed relaxation of the building lines will have no effect on the traffic, parking and transport related considerations.

6. TITLE DEED

Below are the details of the title deed of the subject property.

Property Description	Extent	Ownership	Title Deed Number
Erf 4732 Hermanus, in Overstrand Municipality, District Caledon, Western Cape Province	694m ²	John George White	T12819/2012

WRAP

MOTIVATION

A copy of the title deed of the subject property is attached as **Annexure B**.

A study of the deed revealed that there are restrictive conditions that need to be removed.

Requirements for the amendment, suspension or removal of restrictive conditions.

Section 35(4) of the By-Law on Municipal Land Use Planning, 2015, outlines what the Municipality must consider in the removal, suspension or amendment of a restrictive condition. The following benchmarks must be considered:

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the person as the owner of a dominant tenement.	The restrictive conditions prevent the owner from altering his house in the way that he wants to and to enable him to improve the property to its fullest extent.
The personal benefits which accrue to the holder of rights in terms of the restrictive condition.	There are no personal benefits to these restrictions and it is no longer necessary as it is now regulated by the Municipal Zoning Scheme and can therefore be removed from the title deeds.
The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed.	By the restrictive condition being removed the owner will be able to improve his house.
The social benefit of the restrictive condition remaining in place.	There is no social benefit if the restrictive condition remains in place.
The social benefit of the removal or the restrictive condition.	The removal of the restrictive condition will lead to an improvement of the existing house on the erf and contribute to the visual enhancement of homes in the street.
Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	The removal of the title deed restriction will completely remove the restriction that prohibits the erf from being used to its full potential.

The table above clearly outlines how the proposed removal of the restrictive condition will be to the benefit of the property owner and meet the requirements as set out in the By-Law.

7 ZONING OVERLAY

The zoning of the property is Single Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013. (See **Plan 2**)

The parameters associated with this zoning are therefore as follow:

Residential Zone 1 Single Residential	
Primary use	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.
Consent use	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.

WRAP

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MOTIVATION

Land Use Restrictions	
Coverage	50%
Street building line	4 metres to any street boundary provided that in the case of a corner site with an average depth of 20m or less has a 3m street building line.
Side and Rear building line	Side and Rear building lines for erven greater than 400m ² are 2m.
Height	8 m measured from the base level to the top of the roof.
Parking	Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013.

Application of the zoning parameters to the subject property:

	Zoning Scheme Parameters	Development Proposal	Comply/ Deviate
Primary uses	Dwelling house , day care centre, guest rooms, home occupation and second dwelling unit .	NA	Comply
Consent use	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	NA	Comply
Coverage	50% = 347m ²	49.5% = 344m ²	Comply
Height	8 m	7m	Comply
Street building line	4m	5m	Comply
Rear building line	2	0m on the southern boundary	Deviate
Side building line	2	0m on the eastern boundary 0.8m on the western boundary	Deviate

B. SPATIAL PLANNING INITIATIVES

Spatial planning initiatives that were considered for the purposes of this application include the Western Cape Provincial Spatial Development Framework and the Overstrand Municipal Spatial Development Framework and the Overstrand Municipal Growth Management Strategy.

None of these documents make reference to departure from building lines. The proposal to depart from the building line does not in any manner deviate from the urban structure that is envisaged in any of these documents.

9. PLANNING PRINCIPLES

The purpose of this section is to analyse the consistency of the application with the planning principles and also to provide a recommendation to the Municipality for the development. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and also Chapter VI of the Land Use Planning Act, 2014.

Below are the spatial principles and the consistency of the proposed development with these planning principles:

Planning principles	Consideration and impact
<p>Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."</p>	<p>The proposed additions to the house will not negatively contribute to apartheid spatial development imbalances.</p>
<p>Spatial Sustainability "A part of this means promoting less resource consuming developments typologies that promote compaction."</p>	<p>The purpose of the application is to make the subject property more compact within sound planning principles while not deviating from the character of other houses within the neighbourhood. The proposed garage, boathouse and bathroom are less resource consuming than other uses on a residential erf.</p>
<p>Efficiency "This also has to do with the manner in which the settlement itself is designed and functions which should reduce the need to travel long distances to access services, facilities and opportunities."</p>	<p>Northcliff is well located and is within a close distance to the CBD where the owner of the subject property can access services, facilities and opportunities without the need to travel a long distance.</p>
<p>Spatial Resilience "Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner."</p>	<p>The spatial plans and policies compiled by the provincial and local authorities all promote spatial resilience in land use management. The proposed departure and removal of restrictive conditions application are not in conflict with any of these policies and can be deemed sound from a spatial resilience perspective.</p>
<p>Good Administration Good administration 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 a joint planning approach is pursued.</p>	<p>The proposed development will promote consultative planning as the Municipality will advertise the proposal to the general public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the general public and take the comments into consideration in the planning of the project. All of the above measures ensure that a joint planning approach is pursued to the benefit of the property owner and the community.</p>



WRAP

MOTIVATION

The proposed development is therefore aligned with the core planning principles as outlined in SPLUMA, LUPA and the "Motivation Guideline Report" compiled by the Overstrand Municipality Town Planning Department. The proposed application can therefore be viewed as encompassing and promoting all planning principles and desirable.



WRAP

27.10.2016
 Margit Gatzweiler
 Mossie Ave no 11
 Northcliff
 Hermanus
 Tel 083 252 4590



TP - A. Theart
 (Hollivier)

To
 Municipality – Town planning
 Hermanus
 Re: ERF 4732 ^{Northcliff} Application for removal of title deed restrictions

FILE NO:	EL 4732-HNC
SCAN NO:	
COLLABORATOR NO:	966474

Dear Madam,/ Sir

I refer to the registered letter received on 26.10.201 from WRAP planning regarding erf 4732

Although my property plot 4549 will not be influenced by this application, nevertheless I

contend that the property owner should abide by the Council regulations and building restrictions.

The property is smaller than most in the area, if we all start building on our boundary lines the character of Northcliff will change and not for the better.

It is true that the owner will enhance his property but the residential area will not be enhanced by building to all boundary lines.

The illegally built toilet should be demolished.

The construction of a garage onto the common boundary of a neighbour would, in my opinion, be a matter of consent by the affecting adjoining party.

Yours faithfully

[Handwritten signature]

TP 1/Nov/2016



TP-A Theart
C. Holiva

ESTABLISHED
2002

Town and
Regional
Planning

Municipal
Legislation
and Procedures

Local Economic
Development
Technical
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Reg No
CK 2002/060745/23

Our Reference: 16/045
Your Reference: 4732 HNC (3301)

5 December 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Sir

FILE NO:	EL 4732-Her
SCAN NO:	12
COLLABORATOR NO:	976932

ERF 4732 HOY STREET NORTHCLIFF: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE FROM BUILDING LINES: RESPONSE TO COMMENT RECEIVED

Your letter dated 1 December 2016, refers.

An objection was received from Ms M U Gatzweiler, the owner of Erf 4549, Hermanus. We would like to respond to the objection as follows:

The objector's property is situated quite far away from the subject property and in her own submission she acknowledges that she could not be affected by the approval of the application. Her main objection is that she is of the opinion that building lines should at all times be adhered to and that the approval of any departures will change the character of the suburb negatively.

The general argument that building lines are there for a purpose, is to a certain extent true from a theoretical point of view, but in practise there are constantly pressure to depart from building lines, depending on the circumstances. A point will never be reached where everybody in a specific suburb will require a need to relax all their building lines that will create a situation that the character of the suburb is changed.

It is also a known fact that building lines are also there to create some open space between buildings but is also required by the municipality to install services, as and when required. The fire brigade also requires at least one of the side building lines to stay sufficiently clear to access the back of the property in case of a fire.

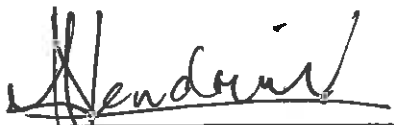
TP
6 DEC 16

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS &
DEPARTURE: ERF 4732, NORTHCLIFF (3301)**

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 4732, Northcliff, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

28/4/2016.
DATE



HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday 10th NOVEMBER 2016 (14:00 – 16:30)

Time: 14h00

Members present

Mr. C. Young (Chairman)

Mr. N Clark, (Acting Chairman),

Mr B. Jones

Mr Andrew Finlayson

Mr C Roux

Mrs N Lloyd

Mr Basil Brink

Mr Guy Whittle

Mr Andrew Greeff

Mr N. Saayman

Mr E. Grobler

In attendance: Mr. J. Simson (Manager Building Services)

Mrs. E. Lowings (Admin Assistant: Building Services)

6.1 **HERMANUS : ERF 4732 : 6 HOY STREET : J.G. WHITE : PROPOSED DOUBLE GARAGE & BOATHOUSE
EXTENTION (WRAP APPLICATION) TP)**

FOR DISCUSSION

Comment

Mono-pitch roofs to be concealed behind horizontal parapet walls.

Action:

Re-submit plan to this Committee when submitted for Building Plan approval

7.4 Next Meeting: 10TH NOV & 8th DEC 2016 & 19th JANUARY 2017