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ERF 237, 3 ARMAGH ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF PH SEVEN (PTY) LTD

237 HWC (5132/2025)

B Minnaar

3 September 2026

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Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 13 November 2025 from Messrs PlanActive Town- and Regional Planners on behalf of PH Seven (Pty) Ltd applicable to Erf 237, Hermanus (Westcliff) for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition A.(a), A.(b) and A.(d) as contained in Title Deed T45973/2025.
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law in order to operate a 4 (four) bedroom guest house and a manager's cottage on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - a) encroach the rear building line from 2m to 1.578m and 1.630m respectively to accommodate a portion of the existing bedroom and bathroom of managers cottage;
 - b) encroach the south-western lateral building line from 2m to 1.204m and 1.266m respectively to accommodate portions of the bedroom and living area of managers cottage;
 - c) encroach the north-eastern lateral building line from 2m to 1.247m and 1.198m respectively to accommodate the existing pergola;
 - d) encroach the rear building line from 2m to 0m to accommodate the proposed braai, and
 - e) encroach the street building line from 4m to 0m to accommodate the proposed pizza oven.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to for the existing building encroachments.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B and the Site Development Plan is attached as Annexure C. Title Deed T45973/2025 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 237, Hermanus, located at 3 Armagh Road, measures 694 m² in extent and is held under Title Deed No. T45973/2025. The property is zoned as Residential Zone 1: Single Residential Zone (SR1) and comprises of a double storey dwelling with a garage (converted into a granny flat without municipal approval).

The property was purchased by the new owners with transfer taking place in 2025. The current owners purchased the property with the intension of operating a guest house. After investigations conducted by the current property owners it came to light that the existing structures and uses have been altered and changed which triggers a land use planning application for the following:

- removal of restrictive title deed conditions;
- departures;
- consent use, and
- the determination of an administrative penalty.

4. SUMMARY OF APPLICANT'S MOTIVATION

The points below is a summary of the applicant's motivational report. The detailed motivational report is attached as Annexure B for detailed information.

- The property is located in the Westcliff neighbourhood and is zoned Residential Zone 1: Single Residential. The properties surrounding Erf 237 Hermanus are also zoned as Residential Zone 1: Single Residential, indicating a cohesive and uniform residential environment.
- The application seeks to remove the restrictive title deed conditions which relate to the use being for residential purposes only, that only one dwelling with associated outbuildings be developed on the property and the removal of the street title deed building line.
- The establishment of a guesthouse in this zoning area is aligned with past approvals for similar consent uses, demonstrating that such developments are compatible with the existing residential character.
- The guest house will contain a living room, dining room, kitchen, manager's office, bathroom and gym treatment room on the ground floor.
- The first floor will contain all four guest rooms with bathrooms and balconies that face north-east and south-west.
- Additionally, the garage that was converted into a granny flat will accommodate the manager's quarters with an outdoor braai on the rear boundary line.
- A pool will also be located on the north-eastern side of the property and additional guest facilities (outdoor braai, seating area and pizza oven) over the street building line.
- The parking is located at the rear of the property opposite the manager's quarters.
- The proposed consent use to operate a guesthouse is compatible with the surrounding residential character and aligns with the Overstrand Municipality's Spatial Development Framework (2020) and Growth Management Strategy, which promote context-sensitive tourism development within established residential precincts.
- The proposed removal of restrictive title deed conditions is necessary and appropriate, as these outdated provisions limit the lawful use of the property and do not grant any financial or servitudinal benefit to external parties. Their removal

will enable development to be governed solely by the Overstrand Municipal Land Use Planning By-law (2020) and Zoning Scheme Regulations (2020).

- The requested building line departures for the outbuilding (owner/manager's cottage), pergola, braai, and pizza oven are minimal in extent, have negligible visual or spatial impact, and are consistent with surrounding built forms. These departures will regularise existing and proposed structures while maintaining the property's residential scale and aesthetic integrity.
- The determination of an administrative penalty should be waived, as the current owner inherited the non-compliances, acted promptly and transparently to regularise the property, and demonstrated full cooperation with the Municipality.
- The proposed development will contribute positively to local tourism, employment generation, and economic activity in Hermanus, while maintaining environmental and infrastructural sustainability.
- All municipal services are available and adequate to support the proposed use, with no additional burden anticipated on existing infrastructure.
- The proposal promotes spatial efficiency, responsible land use, and sustainable urban development, making optimal use of existing buildings and services without detracting from neighbourhood character or amenity.
- The subject property is not situated within the HPOZ or EMOZ overlay zones.
- The site will gain access from Armagh Road.
- Parking provisions comply with the requirements.
- All services on the subject property already exist.
- The planning principles will be discussed in point 10.2 of this report.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	13 March 2026	17 April 2026
Gazette	Yes	13 March 2026	17 April 2026
Notices (<i>possibly affected property owners</i>)	Yes	10 March 2026	17 April 2026
Notices (<i>persons mentioned in title deed</i>)	Yes	10 March 2026	17 April 2026
Internal Departments	Yes	12 March 2026	17 April 2026
External Departments	Yes	12 March 2026	12 May 2026
Ward councillor	Yes	12 March 2026	17 April 2026
Total comments	FOUR (4) OBJECTIONS		
Total letters of support	ONE (1) COMMENT		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law			Yes

on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?	
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6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
District Health	12/03/2026	Applicant to apply for a Health Certificate to operate as an Accommodation Establishment under ODM MHS By-Law. Applicant to apply for a R638 Certificate of Acceptability should any food preparation / serving to guest take place.
Building Department	12/03/2026	No objection: All buildings to comply with all other applicable law.
Waste Management	13/03/2026	No objection from Waste Management
Fire Department	16/03/2026	The fire department has no objection subject to compliance with the National Building Regulations, Act 103 of 1977, SANS 10400: T & W and the By-Law relating fire safety. A Fire Protection Plan is required during building plan approval phase in accordance with SANS 10400:A A2
Local Heritage	18/03/2026	No objection.
Services Report	03/07/2026	Attached as Annexure G.
Telkom	12/03/2026	Attached as Annexure H.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Registered letters sent to interested and affected parties; advertisements published in the Village News (local newspaper) and Provincial Gazette as well as a site notice invited the public to comment on the application during public participation. Four (4) objections and one (1) comment was received during the public participation process.

The objections are attached as Annexure E, and the response to objections by the applicant is attached as Annexure F.

See below a summary of the objections and applicant's response thereon, and also the municipal town planners' comments thereon.

OBJECTION BY HESTER DU PLESSIS (ERF 229)**OBJECTION 1: CHANGE TO THE QUIET RESIDENTIAL CHARACTER OF ARMAGH ROAD**

The objector raises concern that the conversion of the property to a guesthouse will alter the quiet and peaceful character of Armagh Road, particularly at night.

RESPONSE FROM APPLICANT

The applicant acknowledges and shares a commitment to preserving the residential character of Armagh Road. However, the following contextual considerations are relevant:

1. Erf 237 is zoned Residential Zone 1: Single Residential under the Overstrand Zoning Scheme Regulations (2020), which expressly permits guesthouses as a consent use. The proposed use is therefore contemplated and regulated within the existing planning framework.
2. As confirmed in the Motivation Report, several properties in the immediate vicinity of Erf 237 have already been approved and are operating as guesthouses, including Cliff Cottage
3. Hermanus, Auberge Provence Guesthouse, Hermanus Central Cottages, and others visible on the locality map. A guesthouse on Erf 237 is therefore entirely consistent with the established and evolving character of the Westcliff area.
4. The proposed guesthouse is a small-scale, low-intensity establishment with only four (4) guestrooms. This is a significantly lower level of activity than many comparable tourism establishments and is unlikely to generate material noise or disturbance beyond what a typical residential household or family gathering would produce
5. Operational conditions typically imposed by the Municipality on guesthouse consent approvals include noise management and hours-of-use requirements. The applicant is amenable to the imposition of reasonable conditions to this effect

RESPONSE FROM TOWN PLANNER

1. The applicant is correct when stating that the scheme regulations makes provisions for a consent use for a guest house under the current zoning of the property.
2. Similar applications have been approved in the area which accommodates guest houses in the Westcliff area.
3. Accommodating another guest house in the area is not out of character of the Westcliff residential area. Hermanus is a coastal town which often attracts transient guests especially during the holiday periods. The proposal to accommodate a guest house is also in line with the SDF since accommodation will be located in close proximity to amenities.
4. The noise impact of a guest house would be similar to that of the current development rights applicable to the property as a single dwelling residential property. The noise concerns can be mitigated through code of conduct rules for the guest house.
5. The scheme provides additional relating to guest house concerns such as noise management. Therefore, it is recommended that the guest house draft and submit conduct rules for guests of the establishment to minimise the concerns that may be possible.

OBJECTION 2: NOISE AND TRAFFIC FROM VEHICLES

The objector is concerned about noise and traffic from six vehicles (including two for the caretaker), delivery vehicles, staff, cleaning vehicles, and taxis, with likely parking on the pavement. Reference is also made to guests returning late at night.

RESPONSE FROM APPLICANT

1. The Motivation Report confirms that six (6) on-site parking bays have been provided in full compliance with the Overstrand Zoning Scheme requirements for guesthouses (one bay per guestroom plus two bays for the owner/manager). All parking bays are located securely behind the main building, accessible via the existing driveway from Armagh Road.
2. The parking area is screened from the street by the main building and landscaped boundary walls. No reliance on street parking is intended or required.
3. The objector's reference to seven vehicles being parked on the street relates to a prior occupancy of the property that was not authorised by the current owner. This historic situation has no bearing on the properly planned and approved guesthouse operation proposed.
4. The guesthouse is a low-intensity use generating traffic volumes comparable to a residential dwelling with frequent visitors. No traffic impact study is required for an establishment of this scale, and the Municipality's traffic engineers have not indicated concerns.
5. Deliveries and staff movements are inherent to all residential and hospitality uses in residential areas. These are not materially different in scale or impact from those associated with a private household.

RESPONSE FROM TOWN PLANNER

1. The proposal makes provision for a total of 6 parking bays of which 2 will be utilised by the manager and 4 will be allocated to each guest room. Sufficient parking provision have been proposed on-site.
2. No street parking is permitted for the guest house, and all parking is located at the rear of the property. The Engineering Services Department supports the parking arrangement.
3. The point relating to previous on-street parking issues relates to the previous property owner. The current property owner seeks to ensure that the land use rights are in place prior to operating the guest house.
4. The Engineering Services Department does not require a traffic impact assessment for a small-scale guest house development.
5. It is agreed with the applicant that delivery vehicles should not be treated differently from a normal residential dwelling.

OBJECTION 3: OUTDOOR ENTERTAINMENT, BRAAI AND NOISE AFTER HOURS

The objector expresses concern that outdoor entertainment areas (including the braai) will be in close proximity to bedroom windows, generating noise, laughter and music at night.

RESPONSE FROM APPLICANT

1. The built masonry braai associated with the owner/manager's cottage is a private amenity for the manager's residence positioned along the rear boundary of the property, adjacent to the cottage situated in the southern side of the site. It is not an entertainment facility for guesthouse guests.
2. The guest entertainment area, including the terrace and pergola, is located on the north-eastern facade of the main dwelling. It is important to

distinguish between two separate outdoor cooking features on the property: (a) a braai/entertainment area including a pizza oven associated with the guest terrace on the north-eastern side and northern corner, which forms part of the outdoor guest amenity area; and (b) a separate built masonry braai along the rear boundary, which is a private amenity for the manager's cottage only. The objector's property is located across Armagh Road, to the northwest on the opposite side of the street from the main building's frontage. The main dwelling itself therefore acts as a substantial buffer between any rear-boundary features and the objector's property.

3. As noted above, the applicant is amenable to conditions of consent specifying hours of use for outdoor entertainment areas, noise management protocols, and guest conduct guidelines, consistent with conditions typically applied to guesthouses in the Overstrand.

RESPONSE FROM TOWN PLANNER

1. The outdoor braai located at the rear of the property is for the use by the manager of the establishment which is considered a normal residential addition and is recommended for approval.
2. The outdoor entertainment area located along the street and north-eastern lateral building line is for the guests of the establishment. These structures are below 1m from the natural ground level and is therefore recommended for approval. However, the pizza oven exceeds the 1m height restriction of structures over the applicable building lines therefore it is not recommended for approval. It must be noted that the code of conduct rules for the establishment include noise mitigating measures to reduce the possible impact on the surrounding property owners.
3. The response on the noise management protocols is noted.

OBJECTION 4: GUESTHOUSES IN WESTCLIFF SHOULD BE ON MAIN ROADS

The objector suggests that Westcliff guesthouses are on main roads (Church Street and Westcliff Road) and that Armagh Road should retain its heritage character.

RESPONSE FROM APPLICANT

1. There is no planning policy or zoning provision that restricts guesthouse consent uses to main roads. The Overstrand Zoning Scheme permits guesthouses as a consent use throughout Residential Zone 1, subject to the criteria assessed in this application.
2. The locality map clearly shows that guesthouses operate in the immediate vicinity of the subject property on streets other than the main arterials. Cliff Cottage Hermanus and Auberge Provence Guesthouse, both visible near the subject property, are examples of guesthouses operating in quieter residential streets.
3. Erf 237 is not within a declared heritage overlay zone and is not a heritage-listed property. The suggestion that the area's character requires protection from guesthouse uses is not supported by the applicable planning framework.

RESPONSE FROM TOWN PLANNER

1. The zoning of the property makes provision that the guest house may be established on the property subject to an application being submitted. There are no provisions that limits guest house establishments to be located on the main roads.
2. The comment relating to guest house locations is noted.

3. The local heritage and aesthetics committee provided their support on the application.

OBJECTION 5: CONCERNS ABOUT OWNER COMPLIANCE WITH TITLE DEED

The objector questions the owner's compliance, noting that the title deed states single residential use and that the property was used as a boarding house.

RESPONSE FROM APPLICANT

1. The current owner (PH Seven (Pty) Ltd) acquired the property in August 2025 specifically intending to lawfully establish a guesthouse through the proper municipal consent use process. The current application is precisely the mechanism by which compliance with the Zoning Scheme and Title Deed conditions is being achieved.
2. The application includes a request for the removal of the restrictive Title Deed conditions, which is a standard and lawful procedure under the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020). The Municipality is the competent authority to assess and grant this removal.
3. The prior use of the property as a boarding house was an unauthorised use by a previous owner and is not the responsibility of the current applicant. As detailed in the Motivation Report, the current owner discovered these historic non-compliances during the professional planning process and has proactively applied to regularise them all.

RESPONSE FROM TOWN PLANNER

1. There is no record of the current property owner's non-compliance. The submission of the application reveals that the property owners intend to develop the property in line with the applicable land use rights through the submission of the application.
2. The comment relating to the removal of restrictive title deed conditions is noted. This type of application has previously been supported in the area since the spatial character of the area has changed with the provisions contained in the land use scheme.
3. The response by the applicant is noted.

OBJECTION BY GRANT AND PAMELA FRASER (ERF 225)

OBJECTION 1: TRAFFIC, PARKING PRESSURE AND VEHICLES ON THE STREET

RESPONSE FROM APPLICANT

The applicant acknowledges and shares a commitment to preserving the residential character of Armagh Road. However, the following contextual considerations are relevant:

1. As set out above and in the Motivation Report, six (6) on-site parking bays have been provided in full compliance with the Overstrand Zoning Scheme requirements. All parking bays are positioned behind the main guesthouse, screened from Armagh Road.
2. The driveway entrance off Armagh Road is single-point and clearly defined. The applicant commits to ensuring that no guests, staff, or service vehicles are required to park on the street as part of the guesthouse operational procedures.

3. The Frasers note that up to five cars were previously parked on the street during visits associated with the property. The current design specifically addresses this concern by providing adequate on-site parking for four guest vehicles and two owner/manager vehicles.

RESPONSE FROM TOWN PLANNER

1. Sufficient parking bays have been provided as discussed in a previous response to this parking.
2. The access to the site and use of the parking response is noted.
3. It is again stipulated that sufficient parking is provided on-site in terms of the relevant parking requirements relating to guest houses.

OBJECTION 2: GUEST ARRIVALS, DEPARTURES, AND NOISE MANAGEMENT

RESPONSE FROM APPLICANT

1. The applicant confirms that guest check-in and check-out procedures will be managed to minimise disturbance, including the use of a noise and conduct policy for guests, limiting outdoor entertainment to reasonable hours, and ensuring that arrivals and departures during early mornings, evenings, and weekends are handled quietly and considerately.
2. The Municipality typically imposes standard conditions of consent on guesthouse approvals relating to noise management, hours of operation, and guest conduct. The applicant welcomes and will comply with any such conditions.
3. A four-room guesthouse with a maximum of eight guests at any one time is a very modest operation. This is broadly comparable in activity level to a family home with adult children, regular visitors, and domestic staff.

RESPONSE FROM TOWN PLANNER

1. It is noted that code of conduct rules / guidelines will be put in place regarding noise and possible disturbances.
2. The response regarding compliance with conditions of approval to include mitigating measures is noted.
3. Guest houses are limited to 5 guest bedrooms. The current application only proposes 4 guest bedrooms and complies with the parking requirements for the number of rooms available.

NOTE FROM OBJECTORS:

The applicant notes that the Frasers have expressed willingness to support the application should these matters be satisfactorily addressed. It is submitted that the planned on-site parking, the small scale of the guesthouse, and the standard conditions of consent achievable through the municipal approval process will adequately address their concerns.

RESPONSE FROM TOWN PLANNER

The note from the objectors is noted.

OBJECTION BY CHRISTOPHER AND CLAIRE PARKER (ERF 236)
OBJECTION 1: CHANGE OF USE AND NEIGHBOURHOOD IMPACT
RESPONSE FROM APPLICANT 1. As addressed above, the proposed guesthouse is a consent use expressly permitted within Residential Zone 1 under the Overstrand Zoning Scheme. The area already accommodates multiple operational guesthouses. 2. The proposed use is low-intensity (4 guestrooms) and the design of the building, parking, and outdoor areas has been carefully considered to minimise impacts on neighbouring properties.
RESPONSE FROM TOWN PLANNER 1. Guest houses have previously been approved in the Westcliff area which is a consent use permitted under the current zoning of the property. 2. The application only proposes 4 guest rooms rather than 5 guest rooms since only parking can be provided for 4 guest rooms on the property.
OBJECTION 2: PRIVACY: OVERLOOKING FROM DRIVEWAY AND GROUND FLOOR
The Parkers raise concern about the proximity of the driveway to their own driveway and bedrooms, and the regular movement of guests overlooking their private living spaces.
RESPONSE FROM APPLICANT 1. The subject property's driveway is located along its eastern boundary, accessing the parking area at the rear of the guesthouse. Guest movement along the driveway is necessarily brief and directional (to and from the parking area), and does not constitute a fixed viewing position into the Parker property. 2. Regarding the boundary wall, the Parkers request that it be raised to match the height of the existing metal railings. The applicant notes that boundary wall heights are subject to separate municipal approval requirements and that this matter can be explored in consultation with the Municipality and the Parkers as part of the building plan approval process.
RESPONSE FROM TOWN PLANNER 1. Both property's driveways abut one another and therefore is considered acceptable from a planning perspective regarding the possible impact of noise / disturbances. 2. The request for a higher wall can be accommodated at building plan submission phase up to a height of 2.1m.
OBJECTION 3: NOISE: OUTDOOR ENTERTAINMENT AREAS
RESPONSE FROM APPLICANT 1. Standard guesthouse consent conditions will apply, governing hours of outdoor entertainment and noise levels. The applicant will adopt and enforce a guest code of conduct, and the on-site manager will be responsible for ensuring compliance. 2. The guest entertainment area (terrace and pergola) is on the north-eastern facade of the main building. The shared boundary with the Parker property (Erf 236) is on the south-western side. The primary outdoor guest areas are

therefore not directly adjacent to the Parkers' most sensitive areas, and the building itself acts as a buffer.

RESPONSE FROM TOWN PLANNER

1. the noise concerns have been adequately responded to by means of the implementation of rules or guidelines for the guest house to be included as a condition of approval.
2. there is no impact regarding noise disturbance of entertainment areas on the objector since they are located on the other side of the property where no guest entertainment area is proposed.

OBJECTION 4: PARKING AND TRAFFIC

RESPONSE FROM APPLICANT

This concern is addressed under Section 3.1 above. Six on-site parking bays are provided. No street parking will be required or permitted for guests or staff.

RESPONSE FROM TOWN PLANNER

Sufficient on-site parking bays are proposed.

OBJECTION 5: BRAAI AREA AND PIZZA OVEN (SMOKE AND ODOUR)

The Parkers raise concern about smoke drift and odours from the proposed braai and pizza oven, particularly affecting their adjacent guest accommodation next to the manager's cottage.

RESPONSE FROM APPLICANT

1. The built masonry braai adjacent to the manager's cottage is positioned along the rear boundary of the property and is a private amenity for the manager's use. The pizza oven is located along the street boundary of the property and is not adjacent to the shared boundary with the Parkers.
2. Both structures are modest in scale and will be equipped with appropriate chimneys and flues directing smoke upward and away from neighbouring properties, as depicted in the building plans. The chimney of the braai extends to approximately 3.483m and the pizza oven chimney to approximately 2.875m total height.
3. The owner acknowledges this concern and is willing to ensure that appropriate mitigation measures (chimney height, directional flue design, screening) are incorporated into the final building plan approval to prevent unreasonable smoke or odour impact on the Parker property.

RESPONSE FROM TOWN PLANNER

1. Braai's are considered a normal residential feature which can be accommodated outside of building lines. The so-called odours will remain even if the structures are placed outside of the building lines.
2. The addition of the chimney will improve the smoke and odours that may be present. However, the departure relating to the pizza oven on the street erf boundary is not recommended for approval due to keeping the streetscape intact along Armagh Road.
3. The mitigating measures are noted; however the height of the structure must remain compliant with the proposed height as indicated on the plan submitted with the application.

OBJECTION 6: BUILDING LINE DEPARTURES AND ENCROACHMENTS

The Parkers express concern about the extent of building line departures, including encroachments to 0m from boundaries.

RESPONSE FROM APPLICANT

1. The encroachments to 0m apply to the proposed braai (rear boundary) and pizza oven (street boundary) only. These are small, low-scale masonry structures and are not habitable buildings. Such structures (braais and similar outdoor cooking features) are routinely approved at or near boundary lines throughout Overstrand, particularly for properties with existing setback constraints.
2. The outbuilding and pergola encroachments are minor in extent (as detailed in the Motivation Report) and have existed for several years without complaint. The building line departure applications seek to regularise pre-existing structures, not to introduce new major encroachments.
3. None of the encroachments are on the boundary shared with the Parker property (Erf 236, south-western lateral boundary). The proposed braai is on the rear boundary, and the pizza oven is on the street boundary. The lateral encroachments of the outbuilding and pergola are on the south-western and north-eastern boundaries respectively.

RESPONSE FROM TOWN PLANNER

1. Each application is evaluated on its own merit. The proposal to accommodate the pizza oven over the street building line is not recommended for approval as a result of the change in the character of the streetscape. The braai proposed at the rear of the property for the use by the guest house manager is recommended for approval since it is considered a normal feature associated with a residential property. It must also be noted that the neighbour immediately affected by the braai (Erf 238) did not object to the proposal.
2. It is agreed that the encroachments are minor in extent. The application seeks to regularise the encroachments.
3. The only impact the proposed departures will have on the objector is the encroachment of the 2m lateral boundary which has been in existence since the structure was originally constructed. No complaints of this nature was received until the public participation of the application revealed the position of the outbuilding.

OBJECTION 7: OVERLOOKING FROM FIRST-FLOOR BALCONIES

The Parkers are concerned that the first-floor layout and balconies may result in guests looking directly into their bedrooms.

RESPONSE FROM APPLICANT

1. The first-floor balconies are constructed entirely within the owner's existing development rights under the Overstrand Zoning Scheme. No building line encroachment exists and no separate approval is required for these balconies. The owner is entitled as of right to construct and use them. The guesthouse consent use does not grant or create this right — it exists independently of it, and the balconies cannot be removed or restricted as a condition of the consent use determination.

2. The building plans indicate that the first-floor balconies are oriented toward the north-east facade, not toward the south-western shared boundary with the Parker property (Erf 236).
3. Any overlooking from these balconies is therefore directed away from the Parkers' most sensitive areas.
4. The function and use of the balconies would be identical whether the property remained a private residential dwelling or operates as a guesthouse. In a residential scenario, the balconies would routinely be used by the owner, family, and weekend guests — producing exactly the same impact on neighbours. The Overstrand Zoning Scheme requires that a resident manager or owner occupy the property during guesthouse operation, which is the case here. The manager will reside on the property permanently, and the balconies will serve occupants of the building in precisely the same way as they would for a residential household. No additional or qualitatively different impact on the Parkers arises from the consent use.
5. The building plans specify that new balustrades shall be 1m high with no opening larger than 100mm diameter, providing inherent visual screening from the balconies.

RESPONSE FROM TOWN PLANNER

The balconies do not encroach any building line and the property owner has the right to develop their dwelling within the land use parameters applicable to them.

NOTE FROM OBJECTOR

The applicant notes the Parkers' expressed openness to a constructive and neighbourly outcome and welcomes direct engagement to find mutually acceptable solutions to the specific privacy and amenity concerns they have raised. The applicant reiterates that the application is meritorious, legally compliant, and consistent with the character of the surrounding area.

RESPONSE FROM TOWN PLANNER

The additional notes from the objector is noted.

OBJECTION BY ALDO RECH / FELTRE HOLDINGS (ERF 240)

The objector's sole concern is that the proposed balcony on the north-eastern facade, in conjunction with the property being used as a guesthouse, will result in an intrusion of privacy by overlooking their swimming pool and entertainment area, due to the anticipated influx of holiday guests. The objector states that were the balcony to be abandoned or scaled down to permit access only, there would be no objection to the consent use for guesthouse rights.

OBJECTION 1: PRIVACY AND OVERLOOKING**RESPONSE FROM APPLICANT**

The objector's concern is noted. However, it is respectfully submitted that the objection cannot be sustained on planning grounds, for the following reasons:

1. The objector expressly concedes that the balcony does not encroach on any building line and does not impact on the proposed land use rights. The balcony is therefore a lawful structure constructed entirely within the owner's existing development rights under the Overstrand Zoning Scheme. The applicant is entitled as of right to construct and use this balcony, and

no planning approval, consent use, or building line departure is required for it. The guesthouse application is not the legal mechanism through which this right is granted or withheld, and the balcony cannot be made subject to conditions or removal as part of this consent use determination.

2. Critically, the function and use of the balcony would be identical regardless of whether the property is operated as a guesthouse or retained as a private residential dwelling. In a purely residential scenario, the balcony would be used daily by the owner, family members, and visiting guests — including on weekends and evenings, which are precisely the times the objector is concerned about. The proposed consent use does not alter the physical nature, height, or position of the balcony, nor does it change the fundamental activity that takes place on it.
3. The Overstrand Zoning Scheme requires that a resident owner or manager be present on the property at all times when it is operated as a guesthouse. This requirement is met in the present case, as the owner's/manager's cottage forms part of the proposed development. The manager will therefore occupy the property as a permanent resident — precisely as would be the case in normal residential use. The balcony will serve the manager and owner in their residential capacity, with guesthouse guests having access to it in the same manner that residents' family members or visiting guests would in a private household. This does not constitute a qualitatively different or more intensive use of the balcony than would otherwise occur.
4. The north-eastern balcony overlooks the north-eastern boundary of Erf 237. The objector (Feltre Holdings, Erf 340) has raised this concern in connection with Erf 240, which appears from the DeedsWEB property report attached to their objection to be the adjacent property on that boundary. The extent of any potential overlooking is moderated by the prescribed 2m building line setback and the distance between the balcony and the affected area. The building plans further specify that the balustrade shall be 1m high with no openings larger than 100mm diameter, which significantly limits direct downward sightlines from the balcony.
5. It would be unreasonable and legally untenable to refuse a consent use application, or to impose conditions requiring the removal or diminution of a lawful structure, on the basis that a balcony built entirely within the owner's existing rights might be used by occupants of the property — whether those occupants are the owner, family, residential guests, or paying guesthouse guests. The privacy impact complained of is an inherent consequence of the lawful construction of the balcony itself, not a consequence of the consent use. The objector's remedy, if any, lies in considering screening measures on their own property boundary.

RESPONSE FROM TOWN PLANNER

1. The position of the balconies does not encroach the applicable building lines, therefore the property owner is acting within their existing land use rights.
2. The use of the balconies by normal residential perspective and a guest house perspective would be similar since in both cases the balconies can be used on a regular basis by property owners or guests. Therefore, the applicant's statement is correct.
3. The use of the balconies is noted.

4. The statement by the applicant is agreed with since the balconies are developed in according the applicable rights permitted in terms of the land use scheme as well as the National Building Regulations.
5. The notion of unreasonable refusal is noted and agreed with.

NOTES FROM APPLICANT

The applicant respectfully submits that the objection does not provide valid planning grounds to oppose the consent use application. The balcony is a lawful structure built within the owner's existing rights, its use is identical in nature whether the property is residential or a guesthouse, and the guesthouse application cannot lawfully be made the vehicle for restricting or removing a right that exists independently of it. The objection should accordingly be dismissed.

RESPONSE FROM TOWN PLANNER

The additional note by the applicant is noted.

COMMENT FROM DESIREE WALKER

No objection to any aspect of the application. Single query regarding whether adequate guest parking is indicated on the site plan.

RESPONSE FROM APPLICANT

Ms Walker raises no objection to the proposed consent use, removal of restrictive title deed conditions, building line departures, or administrative penalty determination. Her comment is noted and welcomed.

Regarding the parking query: The Motivation Report confirms that six (6) on-site parking bays are provided, comprising four bays for guests and two for the owner/manager, in full compliance with Overstrand Zoning Scheme requirements. The parking bays are located behind the main guesthouse on the eastern side of the property, accessed via the existing driveway from Armagh Road. The parking layout is indicated on the site and floor plans forming part of the submitted application documentation. The applicant trusts that this addresses Ms Walker's query satisfactorily.

RESPONSE FROM TOWN PLANNER

The comment is noted and the response to the comment by the applicant is agreed with.

APPLICANT'S CONCLUSION ON OBJECTIONS AND COMMENTS

The applicant has carefully considered each of the objections and the comment received during the public participation process. The following conclusions are drawn.

The objections do not raise any grounds that would justify refusal of the application. The concerns relate primarily to operational matters (noise, parking, privacy) that are addressed through the design of the development and can be effectively managed through conditions of consent.

Six (6) on-site parking bays are provided in full compliance with municipal requirements. No street parking will be required or permitted. The parking concerns raised by multiple objectors are comprehensively addressed.

The proposed guesthouse is a small-scale, low-intensity, four-guestroom establishment entirely consistent with similar approved consent uses in the surrounding Westcliff residential area.

Balconies and first-floor features are constructed entirely within the owner's existing development rights and do not encroach on any building line. Their use is identical in nature whether the property is a residential dwelling or a guesthouse — in both cases the building is occupied by residents (owner/manager) and their guests. The consent use cannot and should not be made the vehicle for restricting rights that exist independently of it. Objections premised solely on the balconies therefore do not constitute valid planning grounds for refusal.

The braai and pizza oven are small-scale outdoor features with proper chimneys and flues. Smoke and odour impact on neighbouring properties will be negligible.

The owner is committed to maintaining good neighbourly relations.

The current owner has acted in good faith, transparency, and full cooperation with the Municipality throughout the regularisation process. All non-compliances identified were inherited from a previous owner and have been proactively disclosed and addressed.

In light of the above, the applicant respectfully requests that the Overstrand Municipal Planning Tribunal grant approval for:

1. Consent use in terms of Section 16(2)(o) to establish a four-guestroom guesthouse on Erf 237, Hermanus;
2. Removal of restrictive Title Deed conditions in terms of Section 16(2)(f);
3. Building line departures in terms of Section 16(2)(b); and
4. Determination of an administrative penalty in terms of Section 16(2)(q), and that such penalty be waived consistent with the precedent set in the Jackson Appeal Decision (Erf 1890, Vermont).

Subject to reasonable conditions of consent addressing the neighbours' legitimate operational concerns, the proposed development represents a policy-aligned, contextually appropriate, and economically beneficial use of Erf 237 that will contribute positively to the local tourism sector while maintaining the residential character and amenity of Armagh Road.

RESPONSE FROM TOWN PLANNER

The applicant's conclusion is noted.

In light of the above, the objections / comments and response thereto have been adequately discussed and resolved.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to point 7 of this report.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to point 7 of this report.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 Background**

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application can be motivated in terms of the principles in the following manner:

Spatial Justice

The principle of spatial injustice is not applicable to the subject property.

Spatial sustainability

The property is located within the urban edge and does not impact any environmentally sensitive or protected area. Therefore, the application is considered in line with the principle of spatial sustainability.

Efficiency

The proposal to accommodate a guest house on the subject property is of such a nature that it seeks to diversify the use of the property and still maintain the residential nature of the property. The application is therefore in line with this principle.

Spatial Resilience

The proposal to accommodate a guest house on the residential property optimises the property by enabling additional income by renting guest rooms to transient guests and is therefore in line with the principle of spatial resilience.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with municipal By-Laws and a public participation process had been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application is consistent with the SDF.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

The proposed development is situated on an already serviced site and no additional services are required. The proposal is supported by the Engineering Services Department subject conditions contained in the Services Report.

10.7 Outcomes of investigations/applications i.t.o. other legislation

The application does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The proposal to accommodate a guest house on the property is in line with the consent use rights of the Single Residential zoning subject to the submission of an application. Guest house applications have previously been approved in the Westcliff area.

The departures relating to the following is recommended for approval:

- a) encroach the rear building line from 2m to 1.578m and 1.630m respectively to accommodate a portion of the existing bedroom and bathroom of managers cottage;
- b) encroach the south-western lateral building line from 2m to 1.204m and 1.266m respectively to accommodate portions of the bedroom and living area of managers cottage;
- c) encroach the north-eastern lateral building line from 2m to 1.247m and 1.198m respectively to accommodate the existing pergola;
- d) encroach the rear building line from 2m to 0m to accommodate the proposed braai.

The departures are considered minor in nature and consistent with normal residential uses and departures that have previously been recommended for approval.

The departure relating to the following is not recommended for approval:

- a) encroach the street building line from 4m to 0m to accommodate the proposed pizza oven.

The reason for the recommendation is that the structure would alter the streetscape that would allow living / entertainment towards the street boundary which is not seen as acceptable criteria for development over the street building line.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The restrictive conditions as contained in Title Deed T.45973/2025 to be removed, read as follows:

Clause A.(a) - *"That this erf shall be used for residential purpose only."*

Clause A.(b) - *"That only one dwelling together with such outbuildings as are ordinarily required to be used herewith, be erected on this erf."*

The removal of the conditions A.(a) and A.(b) is supported since the use of the property will remain in line with the applicable development rights in terms of the Scheme. A guest house is a consent use in terms of the Scheme and the development of a second dwelling (manager's/owner's quarters) is also in line with the Scheme.

Clause A.(d) - *"That no building shall be erected within 4,72 metres of any street line which forms the boundary of this erf. No building shall be situated within 2.37 metres of the lateral boundary common to any adjoining erf."*

The removal of the condition A.(d) is considered favourable since the Scheme permits a 4m setback from the street boundary line and a 2m setback from the lateral and rear boundary. The removal of this condition will allow the existing structures to be rectified and the proposed new structures to be accommodated and regulated by the parameters contained in the Overstrand Land Use Scheme.

In terms of Chapter 4, Section 35(4) of the Overstrand Municipality's By-Law on Municipal Land Use Planning, 2020 and Section 39(5) of the Land Use Planning Act, 2014, when the municipality considers the removal, suspension or amendment of a restrictive condition; the municipality must consider the following:

The financial or other value of the rights

No financial or other value of the rights in terms of the restrictive conditions enjoyed by another person, property owner or entity is evident.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition

No material personal benefits which accrue to the holder of the rights in terms of the restrictive conditions are evident.

The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended

The property owner will benefit from the removal of the abovementioned title deed restrictions which will allow the utilisation of the property as a guest house and to legalise the existing encroachments over municipal property. The land use rights will therefore be in line with the development rights applicable in terms of the Scheme.

The social benefit of the restrictive condition remaining in place in its existing form and the social benefit of the removal, suspension or amendment of the restrictive condition

No material social benefits to the restrictive conditions remaining in place in its proposed form is evident.

The removal of the restrictive conditions will allow the property owners to accommodate the guest house on the property in line with the applicable development rights in terms of the Scheme.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

The removal of the restrictive title deed conditions mentioned above will enable the property owner to utilise the property in line with the applicable development rights as per the scheme regulations.

Furthermore, the proposal for a guest house will benefit the Overstrand area by means of additional rates and the increase the notion of tourism accommodation which is in line with the SDF.

Conclusion

The proposed application for the removal of the aforementioned restrictive title deed conditions is therefore considered favourable from a town planning perspective.

12. THE DESIRABILITY OF THE PROPOSAL

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The removal of the restrictive title deed conditions A.(a), A.(b) and A.(d) contained in the title deed T.45973/2025 are recommended for approval to bring the development rights applicable to the subject property in line with the land use rights and development parameters contained in the Overstrand Land Use Scheme.

CONSENT USE

The consent use application to operate a four-bedroom guest house with a manager's quarters is recommended for approval since the scheme permits a second dwelling as a primary land use right in terms of the applicable zoning and guest house application have previously been approved in the Westcliff area. The consent for only 4 guest bedrooms is considered favourable since the parking provisions can only accommodate a four-bedroom guest house on the subject property.

DEPARTURES

The departures relating to the braai at the rear of the property, the conversion of the outbuilding into a manager's quarters (correction of the building footprint) and the pergola is recommended for approval since these additions and alterations are considered minor.

The departure relating to the pizza oven located on the street boundary is cause for concern since developments should be planned to live to the rear of the property rather than at the front of the property. This departure does not conform to the normal departures and considerations which the Overstrand Land Use Scheme considers. Furthermore, the development of a pizza oven on the street boundary will alter the streetscape since none of the properties within Armagh Road have developed onto the street erf boundary.

PARKING, ACCESS AND EGRESS

Two parking bays have been provided for the manager's quarters and 4 parking bays have been provided for the transient guests (one parking bay per guest room).

Therefore, sufficient parking has been provided for the proposed development in line with the applicable parking parameters. Access and egress will be from the existing access on Armagh Road. It must be noted that the parking bay number 6 must be equipped with blind spot monitoring as stipulated in the Services Report.

SERVICES

The site is services and the existing services will be utilised for the proposed development which has been supported by the Engineering Services Department.

FORWARD PLANNING

The proposed guest house is considered to be in line with the SDF since the development will promote tourism as well as be located near other local economic activities.

It is noted that there are concerns relating to noise and possible disturbance from the guest house. It is therefore recommended that the guest house draft and enforce guidelines onto both the manager and transient guests to minimise the possible impacts on the surrounding neighbours.

The unauthorised use of the property and the existing encroachments trigger the need for the determination of an administrative penalty which will be discussed below.

DETERMINATION OF AN ADMINISTRATIVE PENALTY

In terms of the By-Law the applicant must provide the following in terms of Section 90(3) of the By-Law, namely:

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

- Rear building line: encroachment area of approximately 2.556m² (indicated as A on the plan);
- South-western lateral building line: encroachment area of approximately 4.938m² (indicated as B on the plan); and
- North-eastern lateral building line (pergola): encroachment area of approximately 4.915m² (indicated as C on the plan).

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

- The current owner acquired the property in August 2025 and has not undertaken any structural alterations or made any changes to the existing use since taking ownership.
- The property was purchased in good faith with the sole intention of establishing a guesthouse, and upon appointing Engelbrecht & Scorgie Architectural Office to prepare as-built drawings, the historic non-compliances—namely, the conversion of the outbuilding and the pergola encroachment—were identified.

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

In compliance with the Overstrand Municipality's request, a cost estimate was prepared by JN Builders & Renovators (Van Vliet Bouers Pty Ltd), a registered contractor (Reg. No. 2016/168258/07, NHBRC Reg. No. 30615), to establish the construction value of the unauthorised works on Erf 237, Hermanus. The estimate reflects the base cost of the outbuilding encroachments and the pergola and was provided solely to inform the Municipality's assessment of the extent and value of these works.

	Description	Unit	R/Unit	Total
Area A	South-East Section of building	2,556m ²	R9 500,00/m ²	R24 282,00
Area B	South-West Section of building	4,938m ²	R9 500,00/m ²	R46 911,00
Area C	Pergola	4,915m ²	R750,00/m ²	R3 686,25
	Total Cost of Project			R74 879,25

Taking note that the current owners took transfer of the property in 2025 and that they sought immediate rectification of the property, the standard 5% penalty be reduced to 3% since the property owners in good faith sought the rectification of the unauthorised structures. It must however be noted that a penalty will remain applicable since it is the responsibility of the property owners to ensure that their property or potential purchase is in line with the relevant legislation applicable thereto.

The administrative penalty is calculated as follows:

Total cost of project: R74 879.25

Penalty %: 3%

Administrative penalty: = R74 879.25 x 3%
= R2 246.38

(d) whether the unlawful conduct was stopped

The construction of the structures were completed prior to the current owners taking transfer of the property.

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

The property owner only took ownership of the property in 2025. The current owners sought immediate rectification of the structures once they were informed of the unauthorised structures during the drafting of the building plans.

Conclusion

With the above-mentioned stated, it is evident that the application is considered desirable from a town planning perspective subject to conditions of approval and that the property owner **not be exempt** from an administrative penalty.

13. RECOMMENDATION

1. that the objections and comment received be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **removal of restrictive title conditions** A.(a), A.(b) and A.(d) as contained in Title Deed T.45973/2025 applicable to Erf 237, Hermanus (Westcliff), in order to accommodate a four (4) bedroom guest house with a manager's/owner's quarters on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **consent use** applicable to Erf 237, Hermanus (Westcliff), in order to operate a four (4) bedroom guest house with a manager's/owner's quarters on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 237, Hermanus (Westcliff) for **departure**, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the departures relating to the following:
 - (i) to relax the rear building line from 2m to 1.578m and 1.630m respectively to accommodate a portion of the existing bedroom and bathroom of managers cottage;
 - (ii) to relax the south-western lateral building line from 2m to 1.204m and 1.266m respectively to accommodate portions of the bedroom and living area of managers cottage;
 - (iii) to relax the north-eastern lateral building line from 2m to 1.247m and 1.198m respectively to accommodate the existing pergola, and
 - (iv) to relax the rear building line from 2m to 0m to accommodate the proposed braai;

be approved in terms of the provisions of Section 61 of the By-Law;
 - (b) that the departure to relax the street building line from 4m to 0m to accommodate the proposed pizza oven, **not be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorised building work over building lines on the subject property, **be imposed**, and that an administrative penalty fee of **R2 246.38** be payable within thirty (30) days of this decision; and
6. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:

- (a) that the approval of the guest house is limited to four (4) guest rooms only,
 - (b) that the manager/owner must reside on the premises permanently in relation to this planning approval;
 - (c) 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;
 - (d) that all the conditions of the Engineering Services Department and Telkom (attached as Annexures E and F), be complied with;
 - (e) that operating guidelines applicable to the guest house and manager which are enforced by the manager of the guest house be drafted and submitted to the Town & Spatial Planning office prior to the guest being operational, and
 - (f) that the rates of the property be amended accordingly in terms of the latest rates policy;
7. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection to the application.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the property remains for residential purposes and is in line with the residential character of the Westcliff area.
- ❖ The subject property must remain consistent with the residential character and maintain the current streetscape.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ That the administrative penalty is imposed due to the onus remaining on the property owner to ensure their property has the necessary development rights.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Title Deed T.45973/2025
Annexure E: Objections received
Annexure F: Response from applicant on objections
Annexure G: Services Report
Annexure H: Comment Telkom

SIGNATURES**AUTHOR:**

Name: **B MINNAAR**

SACPLAN Reg No: **C/8630/2021**

Signature: _____

Date: _____

REGISTERED PLANNER:

Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



NTS

Scale:

Drawing Nr: 237 Hermanus.dwg
Date: 13 Nov 2025

Plan Description:

LOCALITY
MAP

Property Description:

ERF 237
HERMANUS

All distances approximate
and subject to survey.

COPY RIGHT RESERVED

**PROPOSED CONSENT USE AND THE REMOVAL
OF RESTRICTIVE TITLE DEED CONDITIONS TO
ESTABLISH A GUESTHOUSE ON ERF 237
HERMANUS, BUILDING LINE DEPARTURES
AND THE DETERMINATION OF AN
ADMINISTRATIVE PENALTY
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

This report provides the background and relevant details pertaining to the proposed establishment of a guesthouse on Erf 237, Hermanus, owned by PH Seven (Pty) Ltd. To facilitate this process, Plan Active Town and Regional Planners have been appointed to prepare and submit the necessary applications for consent use, the removal of restrictive Title Deed conditions, building line departures, and the determination of an administrative penalty.

Erf 237, Hermanus, located at 3 Armagh Road, measures 694 m² in extent and is held under Title Deed No. T45973/2025. A mortgage bond is currently registered over the property. The erf was acquired by PH Seven (Pty) Ltd in August 2025 with the intent to develop and operate a guesthouse establishment.

To support this initiative, the owners appointed Engelbrecht & Scorgie Architectural Office to prepare the as-built drawings and design a four-guestroom guesthouse. During this process, it was discovered that an outbuilding, originally approved as a single garage, domestic quarters, and store, had been converted into a granny flat without formal municipal approval. The structure further encroaches on both the south-eastern rear and south-western lateral building lines, necessitating applications for building line departures and the determination of an administrative penalty.

In addition, it was noted that a pergola had been constructed along the north-eastern façade of the main dwelling, also encroaching over the applicable lateral building line. The pergola functions as a lightweight, open-sided structure providing shade and outdoor seating adjacent to the guest entertainment area and forms an integral architectural feature of the proposed guesthouse design. Its location and form have been carefully considered to complement the existing building, although formal approval and a minor building line relaxation are now required to regularise its position.

Furthermore, the Title Deed contains restrictive conditions limiting the use of the property to a single dwelling for residential purposes only, necessitating an application for the removal of such conditions to permit the intended guesthouse use.

2. APPLICATION DETAILS

The application is hereby submitted in terms of the following provisions of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020:

- Chapter 4, Section 16(2)(o): Application for consent use to permit the establishment of a 4 guestroom guesthouse on Erf 237, Hermanus.
- Chapter 4, Section 16(2)(b): Application for building line departures applicable to Erf 237, Hermanus.
- Chapter 4, Section 16(2)(f): Application for the removal of restrictive Title Deed conditions to enable the establishment of a 4 guestroom guesthouse on Erf 237, Hermanus.
- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty in respect of Erf 237, Hermanus.

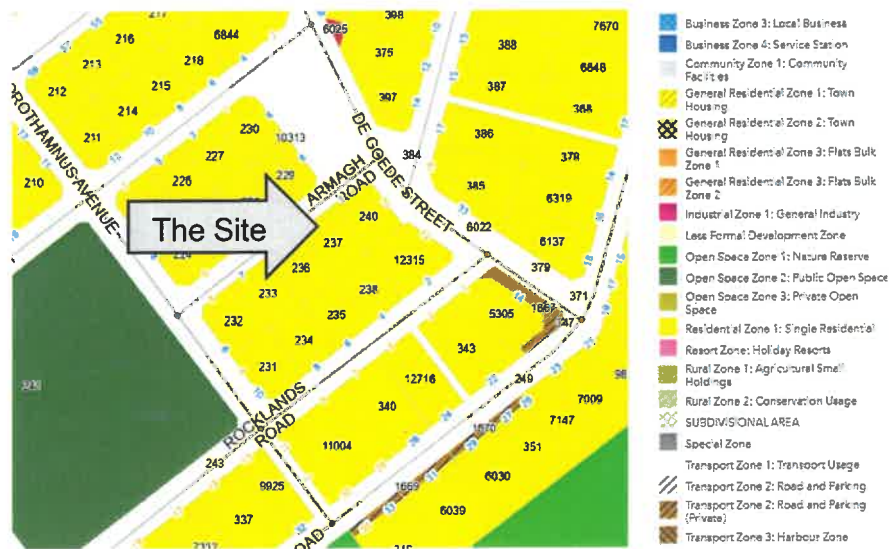
3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 237 Hermanus is located at 3 Armagh Road, Westcliff, Hermanus. Please refer to the attached locality plan for further details. The property encompasses an area of 694m² and is situated in a primarily residential environment. Notably, consent uses for guesthouse purposes have been approved in this area in the past.

3.2 ZONING

Erf 237 Hermanus is zoned as Residential Zone 1: Single Residential. This zoning classification allows for residential development with certain restrictions and standards aimed at maintaining the character and integrity of the area. Please refer to the zoning map abstract below:



The properties surrounding Erf 237 Hermanus are also zoned as Residential Zone 1: Single Residential, indicating a cohesive and uniform residential environment. This zoning consistency ensures that the neighbourhood maintains its residential nature, providing a stable and attractive setting for potential developments such as a guesthouse.

The establishment of a guesthouse in this zoning area is aligned with past approvals for similar consent uses, demonstrating that such developments are compatible with the existing residential character. This background supports the feasibility and appropriateness of the proposed guesthouse on Erf 237 Hermanus, contributing positively to the local community while adhering to zoning regulations.

3.3 LAND USE

Erf 237, Hermanus is currently developed with an existing double-storey dwelling and two associated outbuildings. The outbuilding located in the southern corner of the property was originally approved as a single garage, domestic quarters, and store, but was subsequently converted into a granny flat by the former owners without formal approval for this change in use. In addition, a pergola has been constructed along the north-eastern façade of the main dwelling, serving as a lightweight, open-sided structure that provides a shaded outdoor entertainment and seating area for guests. The pergola enhances the property's functionality and aesthetic appeal, but encroaches slightly over the lateral building line, requiring formal regularisation as part of this application.

The surrounding land uses comprise predominantly single residential properties, several of which have already been converted to or operate as guesthouses, reflecting a gradual and compatible shift toward mixed residential and tourism-related uses in the area. The property is also bordered by public open spaces and public roads, which contribute to the accessibility, visual quality, and character of the neighbourhood.

This diverse yet cohesive land use environment, supported by existing public infrastructure and amenities, reinforces the appropriateness and desirability of establishing a guesthouse on Erf 237, Hermanus.

3.4 PROPOSED DEVELOPMENT

The application seeks approval for the following provisions of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020:

- Chapter 4, Section 16(2)(o): Application for consent use to permit the establishment of a 4 guestroom guesthouse on Erf 237, Hermanus.
- Chapter 4, Section 16(2)(b): Application for building line departures applicable to Erf 237, Hermanus.
- Chapter 4, Section 16(2)(f): Application for the removal of restrictive Title Deed conditions to enable the establishment of a 4 guestroom guesthouse on Erf 237, Hermanus.

- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty in respect of Erf 237, Hermanus.

3.4.1 Proposed Consent Use

The proposed guesthouse will feature 4 guestrooms and facilities designed for both guests and the owner/manager, aiming to provide comfortable and functional accommodation. The uses of the guesthouse can be listed as follow:

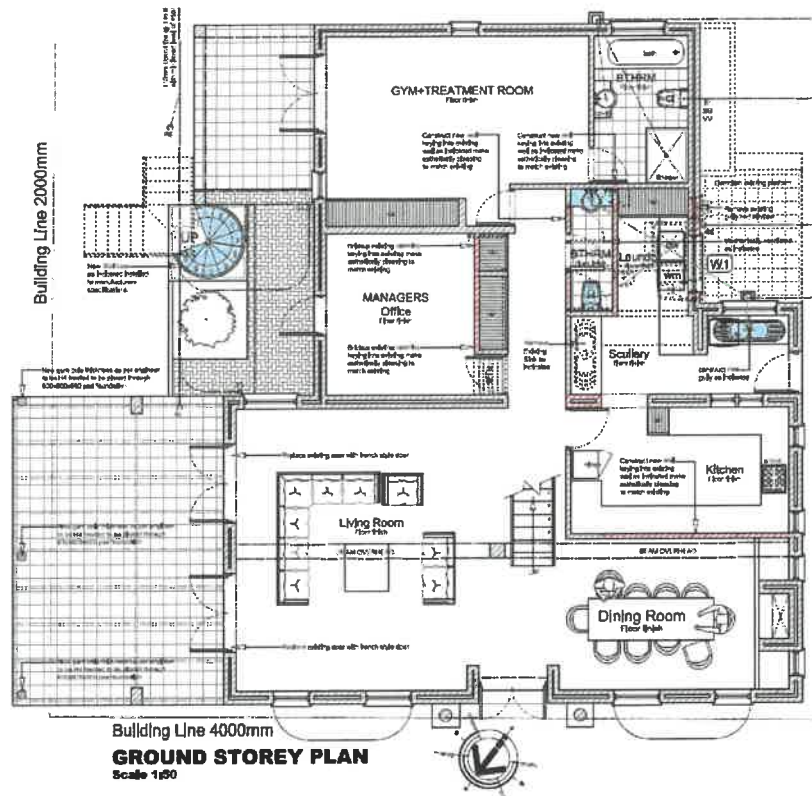
Ground Floor:

With north oriented toward the lower left corner of the plan, the proposed ground floor of the guesthouse on Erf 237, Hermanus, is arranged to provide a balanced integration of guest, management, and service functions.

The layout centres around a spacious living room that opens onto a terrace with pergola over along the north eastern façade, creating a comfortable and sociable area for guests to relax and enjoy the outdoors. To the northwest, an open-plan dining room and adjoining kitchen form the main communal area, supported by a scullery and laundry positioned discreetly behind for efficient servicing.

The manager's office is centrally located, providing convenient access to both guest areas and service spaces, while ensuring privacy for administrative tasks. On the southeastern side of the building, a gym and treatment room are proposed, accompanied by two bathrooms to serve both staff and guests. Vertical movement between floors is facilitated by a central staircase within the living area, complemented by a secondary spiral staircase near the internal courtyard, enhancing circulation and operational flexibility. The overall ground-floor layout is designed to promote guest comfort, privacy, and functionality, while supporting the efficient management of the establishment.

Please refer to the attached set of building plans for detailed layout and design and the building plan abstract below:



In addition to the internal layout, several complementary external features are proposed to enhance the functionality and guest experience of the establishment. A braai area is planned for the north-eastern corner of the property, providing an inviting outdoor entertainment space that integrates seamlessly with the terrace and pergola area. Adjacent to this, on the north-eastern side of the guesthouse, a new swimming pool is proposed between the main building and the boundary wall, creating an attractive leisure facility while maintaining sufficient privacy and spatial separation from neighbouring properties.

Furthermore, adequate on-site parking will be provided behind the guesthouse on the eastern side of the property, ensuring convenient and safe access for guests without compromising the landscaped or recreational areas of the site. These additions collectively contribute to a well-rounded and thoughtfully designed guesthouse environment that balances comfort, functionality, and aesthetic appeal.

First Floor:

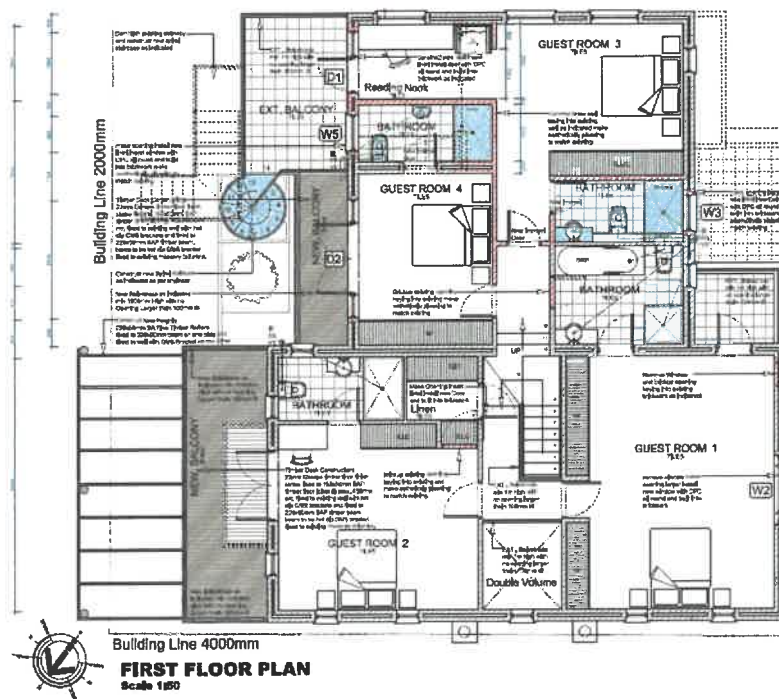
The first floor of the proposed guesthouse has been carefully designed to accommodate four guest rooms, each with its own private en-suite bathroom, ensuring a high standard of comfort, privacy, and convenience for guests. Guest Rooms 1 and

2 are positioned along the north-western edge of the building, with Guest Room 2 benefitting from direct access to a private balcony that overlooks the terrace below, providing guests with a pleasant outdoor space and scenic views. The central staircase connects directly to the ground-floor living area, leading into a double-volume foyer that enhances the openness and spatial quality of the interior.

To the south-east of the staircase, Guest Rooms 3 and 4 are situated, both featuring built-in wardrobes and en-suite bathrooms. Guest Room 3, located along the south-western façade, includes two windows that optimise natural light and ventilation, and is conveniently positioned adjacent to a reading nook near the spiral staircase and external balcony. Guest Rooms 2 and 4 also enjoy access to newly constructed balconies as indicated on the building plan, providing additional private outdoor areas and reinforcing the connection between interior and exterior spaces.

Complementary facilities on this level include a linen store and the reading nook, which serves as a tranquil communal retreat for guests. The first-floor layout thus achieves a refined balance between privacy and sociability, offering well-appointed guest accommodation while maintaining efficient circulation and architectural coherence throughout the building.

Please refer to the attached set of building plans for detailed layout and design and the building plan abstract below:



convenience for guests, catering to their diverse preferences and needs. This feature is particularly appealing for guests seeking a high level of comfort and autonomy during their stay.

Providing dedicated bedrooms and facilities for the owner/manager ensures their comfort and convenience, allowing them to oversee operations effectively while maintaining a distinct living space. This separation helps in managing the guesthouse efficiently without compromising on personal living standards.

The proposed guesthouse development on Erf 237 Hermanus aims to offer a well-designed and functional accommodation option for visitors. With 4 guestrooms featuring en-suite bathrooms and well-planned communal areas for dining and relaxation, the guesthouse is designed to provide a comfortable and enjoyable experience for guests. Additionally, the accommodation needs of the owner/manager are addressed, ensuring they can efficiently manage the guesthouse operations while enjoying a comfortable living environment.

By integrating modern amenities and thoughtful design elements, the guesthouse seeks to attract a diverse range of visitors, from tourists seeking a pleasant vacation stay to business travellers needing convenient and comfortable lodging. This development not only enhances the property's value but also contributes to the local tourism and hospitality sector, promoting economic growth and community development in Hermanus.

3.4.2. PROPOSED BUILDING LINE DEPARTURES

Copies of the previously approved building plans for Erf 237, Hermanus were obtained from the Overstrand Municipality, dated 10 November 1989 and 17 July 2006, along with an undated plan reflecting proposed alterations to the outbuilding situated in the southern corner of the property.

A review of these plans revealed several discrepancies in the positioning of the outbuilding between the approved drawings. The 1989 plan indicates the outbuilding as being 1.6 m from both the rear and lateral boundaries, whereas the 2006 approved plan shows the same structure constructed on the boundaries. For the purpose of this

application, and to ensure consistency with municipal records, the 1989 positioning—reflecting 1.6 m setbacks from both the rear and lateral boundaries—has been adopted as the basis for addressing the building line encroachments.

The outbuilding, which was converted into a granny flat by the previous owner and is now proposed to be utilised as a manager's/owner's cottage, is currently located 1.578 m from the rear boundary and 1.204 m from the lateral boundary. As the use of this structure has changed from a garage, domestic quarters, and store to a self-contained residential unit, the applicable building line requirement of 2.0 m must now be met or formally departed from in accordance with the Overstrand Zoning Scheme Regulations.

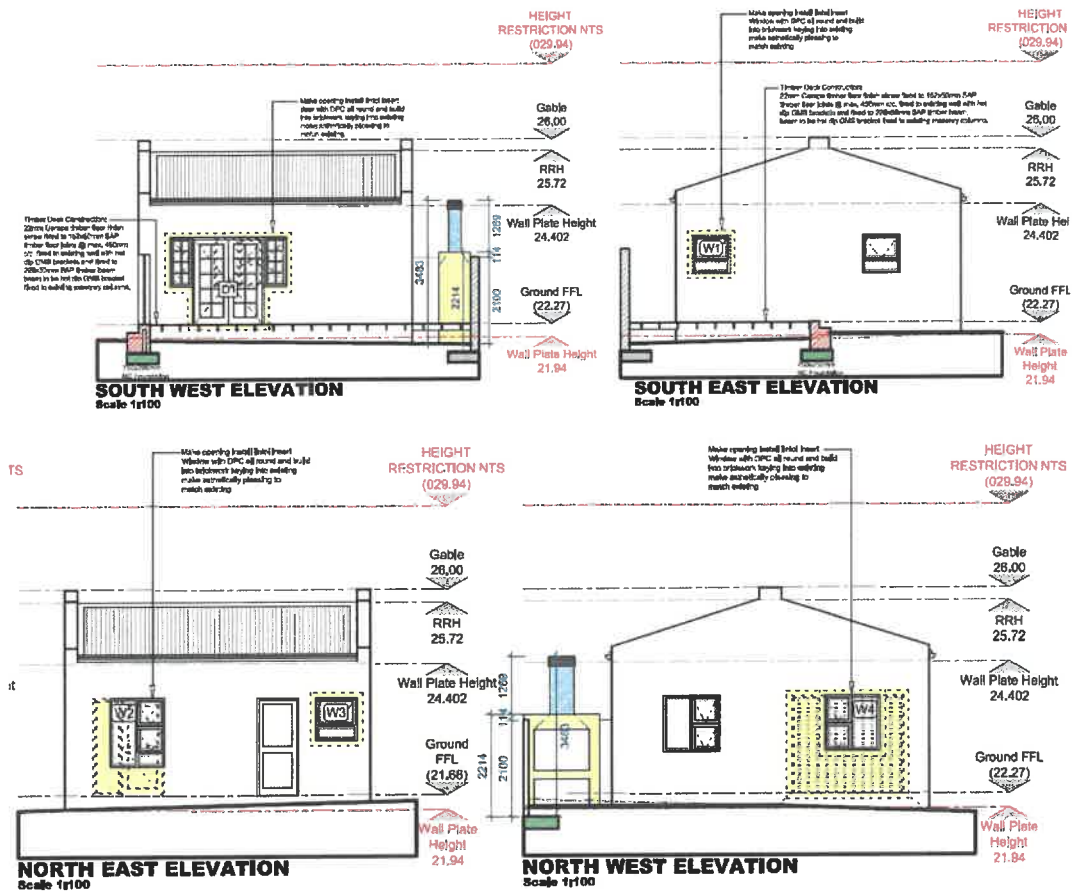
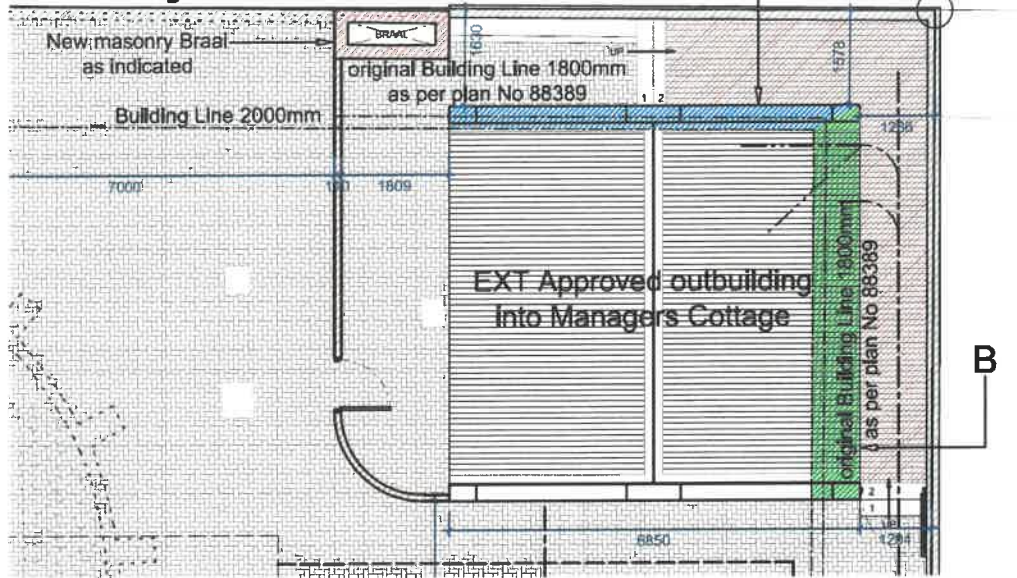
Accordingly, the following building line departures are proposed to regularise the existing structures:

- A rear building line departure from 2.0 m to 1.578m and 1.630m, accommodating a portion of the bedroom and bathroom;
- A lateral building line departure from 2.0 m to 1.204m and 1.266m, accommodating portions of the bathroom and living room.

In addition, a pergola constructed along the north-eastern façade of the main dwelling has been identified as encroaching over the applicable lateral building line. The pergola is a lightweight, open-sided structure that provides shade and outdoor seating adjacent to the terrace and forms part of the property's outdoor entertainment area. The structure was built 1.247m and 1.198m from the lateral boundary, whereas the prescribed building line in this zone is 2.0m. To regularise this encroachment, a lateral building line departure from 2.0m to 1.247m and 1.198m is therefore also proposed.

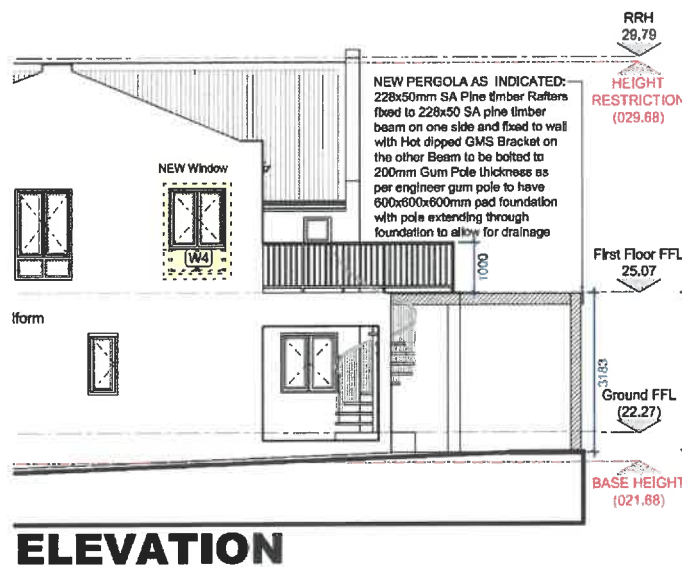
These departures are limited in extent, relate to existing structures, and have no material visual, spatial, or amenity impacts on neighbouring properties. Both the outbuilding and the pergola are of modest scale, visually integrated with the existing development, and consistent with the residential character of the area. Please refer to the building plan extract below for details of the affected structures and their positioning in relation to the property boundaries.

Boundary line 22.040 m



The proposed owner/manager's cottage measures approximately 4.06 metres in height, taken from the base level, and is only slightly elevated above the natural ground level, ensuring that its overall scale and visual impact remain minimal and contextually appropriate within the surrounding built environment.

The pergola, situated along the north-eastern façade of the main dwelling, comprises three vertical support poles with 226x50 mm rafters fixed to a 226x50 mm beam on one side and anchored to the dwelling wall by means of GMS brackets. The pergola reaches a height of approximately 3.138 metres from natural ground level and spans a width of 6.49 metres. Its lightweight, open-sided design ensures minimal visual intrusion while enhancing the outdoor amenity value of the property for guests.



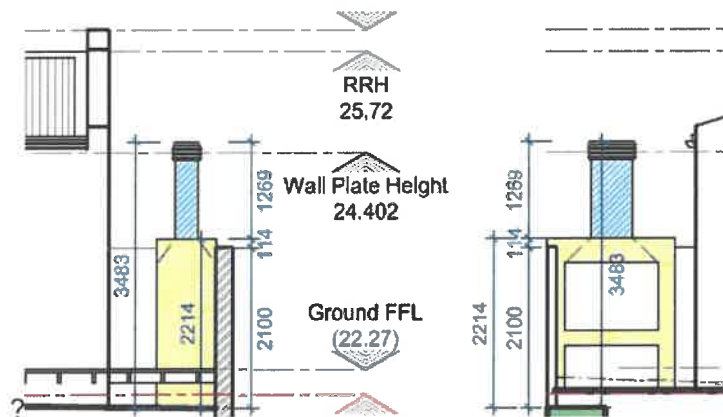
In addition to the existing structures discussed above, building line departures are also being sought for two proposed external features designed to enhance the functionality and overall guest experience of the establishment:

A built braai, positioned along the rear boundary of the property adjacent to the owner/manager's cottage, will serve as a private outdoor amenity for the manager's residence. A rear building line departure is therefore applied for — from 2.0m to 0.0m — to accommodate the proposed braai structure. The braai will comprise a masonry-built unit with a chimney extending to a total height of approximately 3.483m, as depicted in the accompanying plan extract. Despite its proximity to the boundary, the feature has been designed to remain visually unobtrusive, architecturally consistent, and sympathetic to the overall character of the property.

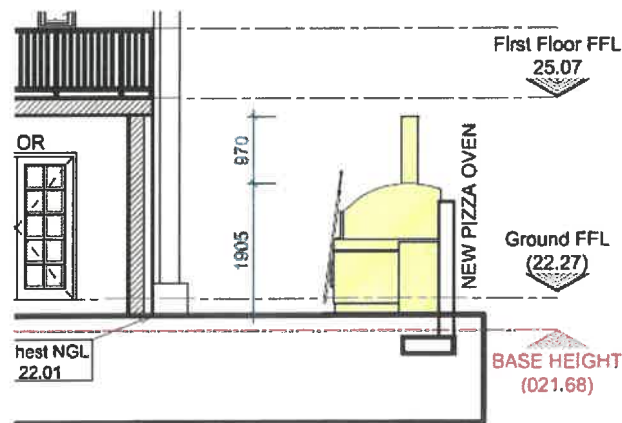
A new pizza oven is proposed along the street boundary, designed as a complementary outdoor cooking and entertainment facility for guest use. A street building line departure is therefore applied for — from 4.0m to 0.0m — to accommodate this proposed structure. The pizza oven will be of modest scale and finished in materials matching the main dwelling to ensure architectural harmony. The oven itself will be constructed to a height of approximately 1.905m, with a chimney rising an additional 0.970m, bringing the total height to 2.875m.

Both the braai and pizza oven are small-scale, functional outdoor features intended to enhance the leisure offering of the proposed guesthouse. Their design, materials, and placement have been carefully considered to ensure compatibility with adjoining properties, preservation of visual coherence, and a positive contribution to the property's overall aesthetic and guest experience — all while maintaining the residential scale and character of the surrounding area.

Proposed Braai:



Proposed Pizza Oven:



3.4.3. THE DETERMINATION OF AN ADMINISTRATIVE PENALTY

The owner acquired Erf 237, Hermanus in August 2025 with the intention of establishing a guesthouse within the existing dwelling. To facilitate this objective, Engelbrecht & Scorgie Architectural Office was appointed to prepare the necessary architectural drawings and documentation for the conversion of the property into a four-guestroom guesthouse.

During the course of the design review, previously approved building plans were obtained from the Overstrand Municipality, which revealed that one of the outbuildings had been converted into a granny flat by a former owner without the requisite municipal approval. It was also discovered that a pergola had been constructed encroaching over the north-eastern lateral building line. Further investigation established that the outbuilding had originally been approved at a setback of 1.6 m from both the lateral and rear boundaries, while the current prescribed building line requirement in terms of the applicable zoning provisions is 2.0 m.

Consequently, the change of use of the outbuilding—together with the encroachments into the prescribed building lines—must be formally addressed through the determination of an administrative penalty.

As detailed in the preceding section on Proposed Building Line Departures, the actual measured setbacks of the structures are as follows:

- The outbuilding is located 1.578m and 1.630m from the rear boundary and 1.204m and 1.266m from the lateral boundary; and
- The pergola was constructed 1.198m and 1.247m from the north-eastern lateral boundary.

The administrative penalty therefore applies to the encroaching portions of these structures, namely:

- 0.422m and 0.370m into the rear building line;
- 0.796m and 0.734m into the south-western lateral building line; and

- 0.802m and 0.753m into the north-eastern lateral building line (pergola).

In accordance with Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020), this application includes a request for the determination of an administrative penalty in respect of both the unauthorised land use and the building line encroachments identified above.

Furthermore, Chapter 9, Section 90(1) of the same By-law stipulates that:

"A person who is in contravention of this By-law, and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned."

In addition, Chapter 9, Section 90(3) requires that the applicant provide, to the satisfaction of the Municipality, all relevant information and motivation regarding the extent, duration, and impact of the contravention, as well as evidence of good faith in pursuing regularisation.

This report accordingly addresses these requirements under the following subsections, evaluating the nature, duration, and gravity of the contravention, the conduct of the owner, whether the unlawful conduct has ceased or continues under good faith, and whether the applicant has any prior history of contraventions, in order to guide the Municipality's fair and proportional determination of the administrative penalty.

3.4.3.1 CRITERIA FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY

a) The Nature, duration, gravity, and extent of the contravention

The contravention arises from two related instances of non-compliance identified on Erf 237, Hermanus. Firstly, an approved outbuilding, originally designed as a single garage, domestic quarters, and store, was converted by the former owner into a granny flat without obtaining the necessary building plan approval from the Overstrand

Municipality. Secondly, a pergola was constructed along the north-eastern façade of the main dwelling, encroaching over the lateral building line, also without formal municipal consent.

The current owner acquired the property in August 2025 and has not undertaken any structural alterations or made any changes to the existing use since taking ownership. The property was purchased in good faith with the sole intention of establishing a guesthouse, and upon appointing Engelbrecht & Scorgie Architectural Office to prepare as-built drawings, the historic non-compliances—namely, the conversion of the outbuilding and the pergola encroachment—were identified.

The gravity of the contravention therefore stems entirely from the actions of the previous owner, who altered the use of the outbuilding within the prescribed 2.0 m building lines and added a pergola that similarly encroaches into the north-eastern lateral building line. These circumstances constitute a technical conflict with Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020), thereby necessitating consideration of an administrative penalty under Chapter 9, Section 90(1) of the same By-law.

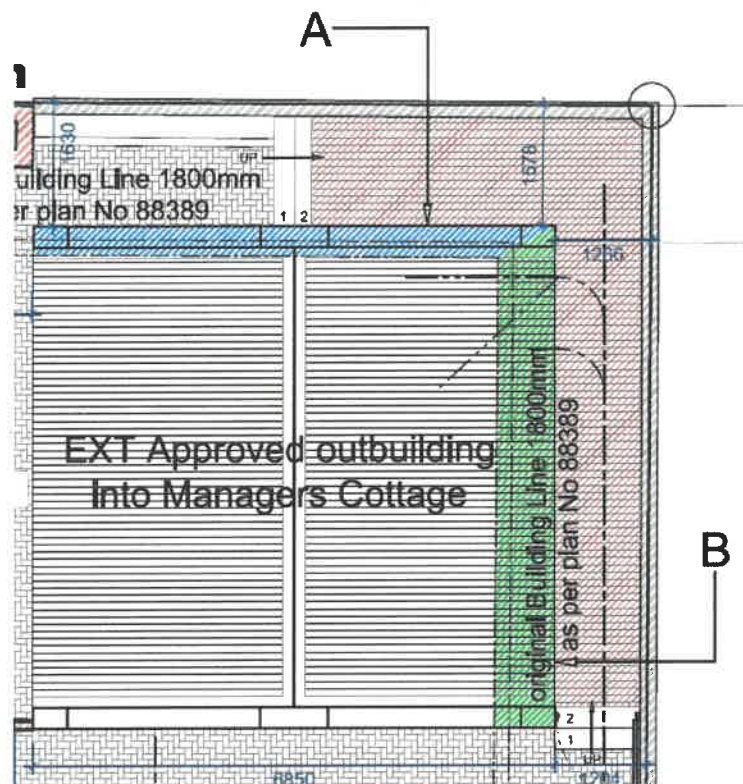
However, the current owner's position aligns closely with the precedent established in the successful Jackson appeal (Erf 1890, Vermont), where the Overstrand Municipal Planning Tribunal resolved to waive the administrative penalty on the grounds that the transgression predated ownership and that the new owner, upon becoming aware of the irregularities, acted promptly and in good faith to rectify them. In the present case, the same principles apply: the non-compliances were inherited, not created, and the owner has acted with full transparency and cooperation to ensure compliance through the proper municipal procedures.

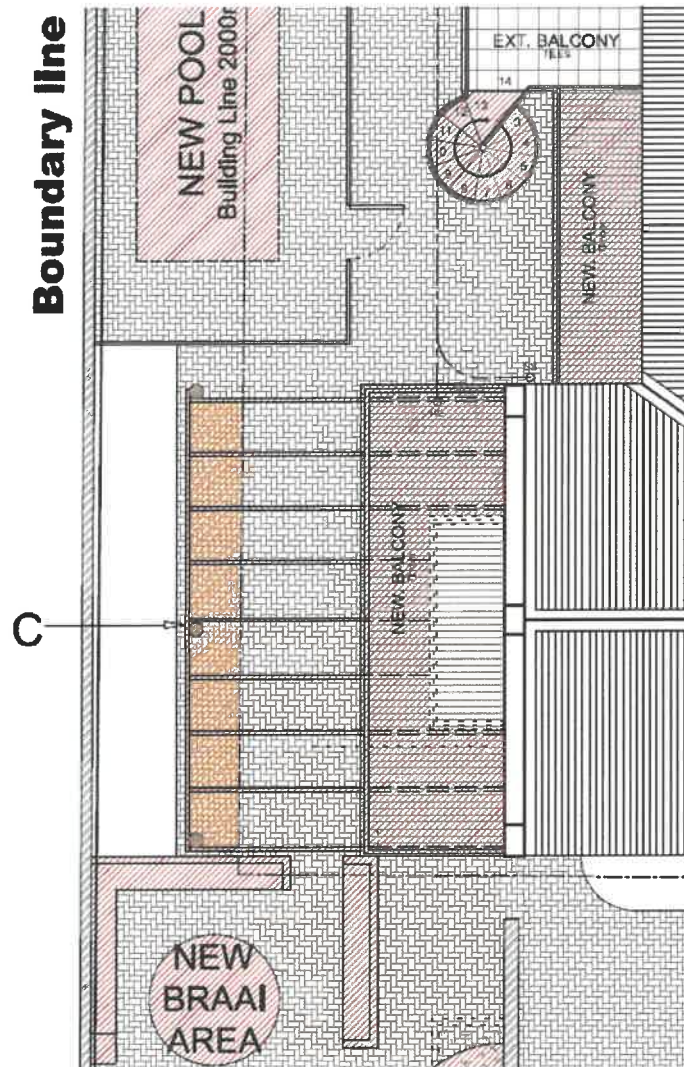
The extent of the encroachments is limited and poses no adverse impact on adjacent properties or the surrounding area. Specifically:

- Rear building line: encroachment area of approximately 2.556m² (indicated as A on the plan);

- South-western lateral building line: encroachment area of approximately 4.938m² (indicated as B on the plan); and
- North-eastern lateral building line (pergola): encroachment area of approximately 4.915m² (indicated as C on the plan).

These minor encroachments are technical in nature, have existed for several years without complaint, and do not detract from the character or visual quality of the surrounding neighbourhood. For ease of reference, the relevant building plan extracts depicting the affected portions are included below.





Given these facts, and consistent with the precedent set in the Jackson appeal decision, it is respectfully submitted that the imposition of an administrative penalty should be reconsidered or waived, as the current owner neither caused nor perpetuated the contravention and has taken all reasonable steps to ensure compliance.

b) The conduct of the person involved in the contravention

The conduct of the current owner of Erf 237, Hermanus has been characterised by transparency, good faith, and a proactive commitment to compliance. Upon acquiring the property in August 2025, the owner's primary intention was to establish a guesthouse within the existing dwelling and to utilise the secondary building as a manager's or owner's cottage. At no stage did the current owner participate in or benefit from the original unauthorised conversion of the outbuilding or the construction

of the pergola along the north-eastern façade, both of which were undertaken by the former owner without the necessary municipal approvals.

Following the property transfer, the owner appointed Engelbrecht & Scorgie Architectural Office to prepare the necessary building plans for submission to the Overstrand Municipality. During this professional process, it was discovered that the outbuilding—approved in 1989 as a single garage, domestic quarters, and store—had been converted into a granny flat and partially constructed within the prescribed 2.0 m building lines, while a pergola had been added encroaching $\pm 0.753\text{m}$ and $\pm 0.802\text{m}$ into the north-eastern lateral boundary. Once these irregularities were identified, the owner immediately took corrective action by instructing the professional team to revise the building plans and to initiate the required applications for consent use, removal of restrictive title deed conditions, building line departures, and determination of an administrative penalty.

This sequence of events demonstrates the owner's responsible and cooperative approach to rectifying inherited non-compliances. The owner did not attempt to conceal or perpetuate the irregular use of the outbuilding or the pergola encroachment, and instead worked diligently to regularise both issues in full compliance with the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020).

This conduct aligns directly with the precedent established in the Jackson Appeal Decision (Erf 1890, Vermont), where the Municipal Planning Tribunal found that a purchaser who acted "in good faith and with due diligence upon becoming aware of an inherited contravention" should not be penalised for transgressions committed by a previous owner. In that case, the administrative penalty was waived, as the applicant had demonstrated a clear willingness to rectify the contravention and had not been involved in its creation.

Similarly, in the present case, the current owner of Erf 237, Hermanus has demonstrated:

- Good faith, by promptly engaging qualified professionals upon discovering the irregularities;
- Transparency, by disclosing all relevant information to the Municipality and cooperating fully in the rectification process;
- Proactive compliance, by seeking to regularise both the unauthorised use of the outbuilding and the encroachment of the pergola within the applicable building lines; and
- No intent to contravene municipal planning laws or derive benefit from the prior unauthorised works.

Accordingly, the owner's conduct should be regarded as commendable rather than culpable, and it is therefore submitted that the imposition of an administrative penalty be waived, consistent with both the intent of the Overstrand Municipal Land Use Planning By-law and the principles upheld in the Jackson Appeal Decision.

c) Whether the unlawful conduct was stopped

The use of the outbuilding on Erf 237, Hermanus, which had been converted by a previous owner into a granny flat without formal municipal approval, is currently being continued by the new owner. Similarly, the pergola constructed along the north-eastern façade of the main dwelling—also established by a former owner without the necessary approval—remains in place. However, both instances of unauthorised development are being maintained transparently and in good faith, pending the outcome of the current municipal land use and building plan applications aimed at regularising the structures and their respective uses in accordance with the requirements of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020).

Upon purchasing the property in August 2025, the current owner was unaware that the conversion of the outbuilding and the construction of the pergola were not lawfully approved. Once these non-compliances were identified by Engelbrecht & Scorgie Architectural Office during the preparation of the new guesthouse plans, the owner immediately initiated corrective action by commissioning professional building plans and lodging the necessary applications for consent use, removal of restrictive title deed conditions, building line departures, and the determination of an administrative penalty.

While both the use of the outbuilding and the existence of the pergola technically continue, they do so solely under the ownership and control of the current owner and form an integral part of the proposed guesthouse operation envisioned for the site. The use is limited in scale, poses no adverse impact on neighbouring properties, and remains consistent with the established residential character of the surrounding area. The owner's decision to retain these features pending formal approval does not constitute wilful disregard of the By-law but rather reflects a practical and transparent approach to maintaining the property in a functional and lawful manner while the regularisation process is underway.

This conduct aligns with the precedent established in the Jackson Appeal Decision (Erf 1890, Vermont), where the Overstrand Municipal Planning Tribunal determined that a purchaser who inherited an unauthorised use and acted promptly and in good faith to rectify the situation should not be unduly penalised. In that case, the administrative penalty was waived, as the applicant's continued occupation and maintenance of the existing use were deemed reasonable and responsible under the circumstances.

Accordingly, while the use of the outbuilding and the presence of the pergola continue at present, both are being managed openly, responsibly, and subject to municipal review. The owner's actions clearly demonstrate good faith, cooperation, and commitment to compliance, and therefore, this continued use should not weigh negatively in the determination of the administrative penalty.

d) A report by a quantity surveyor in matters of unauthorised building/construction

In compliance with the Overstrand Municipality's request, a cost estimate was prepared by JN Builders & Renovators (Van Vliet Bouers Pty Ltd), a registered contractor (Reg. No. 2016/168258/07, NHBRC Reg. No. 30615), to establish the construction value of the unauthorised works on Erf 237, Hermanus. The estimate reflects the base cost of the outbuilding encroachments and the pergola and was provided solely to inform the Municipality's assessment of the extent and value of these works.

It is emphasised that this estimate has been submitted for record purposes only, as required by the Municipality, and not for the purpose of determining an administrative penalty. The current owner inherited the unauthorised works, has acted in good faith to regularise the property through the proper legal process, and therefore requests that no administrative penalty be imposed in this instance.

The report, dated 11 September 2025, provides a detailed breakdown of the affected components as follows:

	Description	Unit	R/Unit	Total
Area A	South-East Section of building	2,556m ²	R9 500,00/m ²	R24 282,00
Area B	South-West Section of building	4,938m ²	R9 500,00/m ²	R46 911,00
Area C	Pergola	4,915m ²	R750,00/m ²	R3 686,25
	Total Cost of Project			R74 879,25

This cost estimate confirms that the total construction value of the unauthorised works—comprising the outbuilding encroachments and the pergola—amounts to approximately R74 879.25 (VAT inclusive). The pergola, being a lightweight external structure, represents a minor portion of this total value (approximately 4.9 m² at R750/m²), while the outbuilding sections account for the substantial majority of the total cost base.

Applying the Overstrand Municipality's general guideline of a 5% administrative penalty relative to the construction cost of the unauthorised works, the potential penalty would equate to R3 743.96. Given the limited extent of the contravention, its inherited nature, and the absence of any adverse impact on neighbouring properties, it is respectfully submitted that the imposition of this penalty should either be waived—as in the precedent set by the Jackson Appeal Decision (Erf 1890, Vermont).

Accordingly, this cost assessment demonstrates that the contraventions are minor in both physical and financial terms, and that any administrative penalty should be proportionate, reasonable, and reflective of the owner's commitment to full compliance rather than punitive in nature.

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

There is no record or indication that the current owner of Erf 237, Hermanus has ever previously contravened the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020), or any preceding planning legislation administered by the Municipality or other competent authority. The current owner is a first-time applicant for a land use approval within the Overstrand jurisdiction and has, since acquiring the property in August 2025, demonstrated a consistent record of compliance, cooperation, and transparency throughout the regularisation process.

All actions taken to date—including the appointment of Engelbrecht & Scorgie Architectural Office, the compilation of new building plans, and the initiation of applications for consent use, removal of restrictive title deed conditions, building line departures, and the determination of an administrative penalty—reflect the owner's commitment to rectifying inherited non-compliances and aligning the property with applicable municipal planning and building regulations.

It is further confirmed that the former owner was responsible for the unauthorised conversion of the outbuilding into a granny flat and the construction of the pergola encroaching over the north-eastern lateral building line, and that these actions occurred prior to the current owner's purchase of the property. The current owner played no role in creating or perpetuating these irregularities, and upon discovery, took immediate corrective steps to ensure full compliance.

Accordingly, based on the available evidence and the owner's demonstrated good faith and responsible conduct, it is submitted that there is no prior history of non-compliance or any pattern of contraventions that would warrant an aggravated administrative penalty. This aligns with the approach taken in the Jackson Appeal Decision (Erf 1890, Vermont), where the Overstrand Municipal Planning Tribunal acknowledged that a property owner acting in good faith to regularise an inherited contravention should not be penalised beyond what is fair and proportionate.

3.4.3 PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Van Zyl Kruger Attorneys were requested to confirm, by means of a conveyancer's certificate, whether the Title Deed for Erf 237, Hermanus contains any restrictive conditions that must be addressed to enable the proposed development. The enclosed Title Deed (T45973/2025) contains the following restrictive conditions, as identified in the conveyancer's certificate:

- Page 2, paragraph (A)(a): "That this erf shall be used for residential purposes only."
- Page 2, paragraph (A)(b): "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."
- Page 3, paragraph (A)(d): "That no building shall be erected within 4.72 metres of any street line which forms the boundary of this erf. No building shall be situated within 2.37 metres of the lateral boundary common to any adjoining erf."

The removal of the above restrictive conditions is necessary to enable the lawful implementation of the proposed development, for the following reasons:

To allow the establishment of a guesthouse: The restriction limiting the use of the property to "residential purposes only" prevents the operation of a guesthouse, which is classified as a consent use within the Single Residential Zone 1 (SR1) under the Overstrand Zoning Scheme Regulations (2020). Removing this restriction will permit the dual use of the property for residential and guest accommodation purposes, consistent with other small-scale tourism uses in the Westcliff area.

To permit more than one functional building unit on the property: The restriction allowing only one dwelling and associated outbuildings is inconsistent with the proposed layout, which includes both the main guesthouse building and the manager's/owner's cottage (converted from a previously approved outbuilding). Removing this restriction will allow the property to accommodate both structures lawfully while remaining compatible in scale and intensity with the surrounding residential character.

To align building placement with current planning standards: The street and lateral setback restrictions contained in the Title Deed are more restrictive than those prescribed in the current Overstrand Zoning Scheme Regulations (2020). Removing these outdated provisions will allow building lines to be regulated solely in accordance with the Municipality's modern zoning standards, ensuring consistency and flexibility across the area.

To regularise existing and proposed structures: The outbuilding (proposed as the manager's/owner's cottage) and the pergola along the north-eastern façade both encroach over the restrictive building lines contained in the Title Deed. Additionally, a built braai is proposed on the rear boundary, and a pizza oven is proposed on the street boundary—both of which will be formally addressed as building line departures under this application, similar to the existing encroachments. The removal of these restrictions will therefore enable these minor structures and outdoor features to be regularised lawfully through the applicable municipal approval processes.

The removal of the restrictive conditions will ensure that the Title Deed provisions are fully aligned with the Overstrand Municipal Land Use Planning By-law (2020) and the Overstrand Zoning Scheme, enabling the Municipality to regulate development through a single, coherent legal framework. This will facilitate a lawful, policy-aligned, and spatially compatible guesthouse development that enhances the functionality and amenity of the property while maintaining the low-intensity, residential character of the surrounding environment.

Consideration in Terms of Section 35(4) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020 and Section 39(5) of the Land Use Planning Act, 2014

In terms of Chapter 4, Section 35(4) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, and Section 39(5) of the Land Use Planning Act, 2014 (Act 3 of 2014), the Municipality must consider the following factors when assessing an application for the removal, suspension, or amendment of restrictive Title Deed conditions:

3.4.3.1 The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement

The restrictive conditions contained in Title Deed T45973/2025 applicable to Erf 237, Hermanus do not confer any financial or servitudinal rights upon another person, property owner, or entity. These are general development restrictions imposed during the original township establishment and are not linked to any dominant tenement or third-party benefit. Their removal will therefore not result in any loss of property value or development rights for neighbouring landowners.

3.4.3.2 The personal benefit which accrues to the holder of rights in terms of the restrictive conditions

There are no identifiable persons or entities who currently hold rights or derive any benefit from the restrictive conditions. The conditions merely limit the development potential of the subject property and do not grant reciprocal or enforceable rights to others. The removal will therefore have no negative impact or loss of benefit to any other party.

3.4.3.3 The personal benefit which will accrue to the person seeking the removal of the restrictive conditions, if removed

The removal of the restrictive conditions will enable the lawful establishment of a guesthouse on Erf 237, Hermanus, along with the manager's/owner's cottage, pergola, built braai, and pizza oven. This will allow the owner to utilise the property efficiently and legally, consistent with the Overstrand Zoning Scheme Regulations (2020). The benefit is therefore the regularisation and lawful use of the property, aligning its development with municipal planning policy and current land-use rights.

3.4.3.4 The social benefit of the restrictive conditions remaining in place

Retaining the restrictive conditions would offer no social benefit, as they are outdated and inconsistent with modern land-use planning principles. Their continued enforcement would unnecessarily limit small-scale economic development, restrict tourism investment, and constrain property utilisation in an area already characterised by similar guesthouse operations.

3.4.3.5 The social benefit of the removal, suspension or amendment of the restrictive conditions

The removal of the restrictive conditions will result in a positive social and economic benefit to the local community by supporting the expansion of tourism accommodation, creating employment opportunities, and enhancing the local economy. The proposed guesthouse represents a low-impact, contextually compatible development that

contributes to the vitality and sustainability of the Westcliff area while maintaining its residential character.

3.4.3.6 Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of the rights

The removal of the restrictive conditions will not remove any rights enjoyed by other parties, as no beneficiaries exist. The conditions are burdensome solely to the subject property and do not create reciprocal or dominant tenement rights. Their removal will simply eliminate outdated restrictions that are already superseded by the Overstrand Municipal Land Use Planning By-law (2020) and Zoning Scheme Regulations (2020).

In conclusion, the removal of the restrictive Title Deed conditions for Erf 237, Hermanus will result in no loss or prejudice to any person or entity, while generating clear private and public benefit through the lawful utilisation of the property as a guesthouse. The application is therefore fully compliant with the intent and procedural requirements of both Section 35(4) of the Overstrand By-law and Section 39(5) of LUPA (2014).

3.5 CHARACTER OF THE ENVIRONMENT

Erf 237, Hermanus is located within the established Westcliff residential area, characterised by a mixed but harmonious blend of single residential dwellings and small-scale guesthouses. The neighbourhood exhibits a predominantly low-density coastal character, with buildings generally limited to one or two storeys and designed in a style that reflects contemporary coastal architecture, incorporating natural materials, pitched roofs, and landscaped gardens that contribute to the area's aesthetic appeal.

The streetscape along Armagh Road is defined by well-maintained residential properties, mature vegetation, and intermittent views toward the coastline, creating a tranquil and visually cohesive suburban environment. While the area remains largely residential in function, several properties have successfully been converted to guesthouses and short-term accommodation establishments, consistent with the

area's growing tourism role and proximity to Hermanus's central business district and coastal attractions.

The proposed guesthouse on Erf 237 aligns with this evolving land-use pattern and will integrate seamlessly into the existing built form. The addition of the pergola along the north-eastern façade enhances the outdoor amenity of the property without altering the visual rhythm or spatial character of the surrounding environment. The pergola, being lightweight and open in design, maintains the property's residential scale and complements the architectural language of the main dwelling.

Overall, the character of the immediate environment can be described as stable, visually coherent, and transitioning toward a mixed residential and tourism-supportive precinct. The proposed guesthouse and associated improvements will reinforce this character by promoting appropriate densification, enhancing local tourism capacity, and preserving the visual integrity of the surrounding neighbourhood.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Erf 237, Hermanus holds significant potential for small-scale tourism accommodation due to its location, accessibility, and surrounding land-use context. Situated within the well-established Westcliff residential area, the property benefits from close proximity to the Hermanus central business district, the coastal promenade, and key tourism and recreational amenities such as the Old Harbour, cliff paths, and popular restaurants. These locational advantages make the property ideally suited for conversion into a guesthouse that can support the town's expanding tourism economy while maintaining compatibility with surrounding residential uses.

The proposed development of a four-guestroom guesthouse, complemented by a manager's/owner's cottage and associated outdoor amenities, including a pergola, proposed new swimming pool, and secure on-site parking area located behind the guesthouse, will significantly enhance the property's functionality, guest comfort, and

overall appeal. The pergola provides a shaded outdoor relaxation and dining area adjacent to the terrace, while the new proposed relocated swimming pool, positioned between the guesthouse and the north-eastern boundary wall, will add value as a recreational feature for guests. The secure parking area, located discreetly at the rear of the property, ensures safe and convenient vehicle access without detracting from the visual quality of the streetscape or the landscaped areas.

The proposal represents a contextually appropriate adaptive reuse of existing structures, optimising land and infrastructure without requiring major new construction. By formalising the existing use through the proper municipal processes, the development will rectify inherited irregularities and align the property with current planning and zoning requirements.

From a planning perspective, the proposed utilization is highly desirable as it:

- Encourages responsible intensification of land use within an established urban area;
- Contributes to the local tourism and hospitality sector in a sustainable and compatible manner;
- Maintains the residential character, scale, and aesthetic integrity of the area;
- Provides high-quality guest amenities, including outdoor leisure spaces and secure parking; and
- Utilises existing buildings and infrastructure, thereby minimising environmental impact and construction disturbance.

The proposed guesthouse is therefore compatible with the character and function of the area, economically viable, and socially beneficial, aligning with both the Overstrand Municipal Spatial Development Framework (MSDF) and the Hermanus CBD & Surrounds Local Spatial Development Framework (LSDF), which promote context-sensitive tourism development within established residential precincts.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. Any additional services required to the subject property will be done according to the specifications of the Overstrand Municipality.

3.7.2 PARKING, ACCESS AND TRAFFIC IMPACT

Erf 237, Hermanus benefits from a single vehicular access point directly off Armagh Road, providing convenient and safe entry and exit for both guests and the on-site manager. The access layout has been designed to ensure smooth internal circulation while maintaining the residential character of the streetscape.

In accordance with the Overstrand Zoning Scheme Regulations (2020), a guesthouse is required to provide one parking bay per guest room and an additional two parking bays for the owner/manager. Based on this requirement, a total of six (6) on-site parking bays have been provided, allocated as follows:

- Four (4) parking bays for guest use; and
- Two (2) parking bays for the owner/manager.

All parking bays are securely located behind the guesthouse, ensuring that the visual integrity of the property and the surrounding residential environment is preserved. The parking area is screened from the street by the main building and landscaped boundaries, accessible via the existing driveway entrance from Armagh Road.

The proposed layout also accommodates safe pedestrian movement between the parking area, guesthouse, and outdoor leisure facilities such as the pergola and proposed new swimming pool, enhancing the overall functionality of the site. The driveway configuration and parking arrangement comply with the Municipality's dimensional standards and allow for easy manoeuvrability for standard passenger vehicles.

The guesthouse is classified as a low-intensity land use, generating limited traffic volumes consistent with other small-scale accommodation establishments within the area. The anticipated traffic impact on Armagh Road and surrounding streets will therefore be minimal, and no road upgrades or access modifications are required.

In conclusion, the provision of adequate on-site parking, combined with controlled vehicle access and low traffic generation, ensures that the proposed guesthouse will integrate harmoniously with the surrounding residential environment, maintain streetscape quality, and uphold the functional integrity of local traffic flow.

3.8 TITLE DEED

Title Deed No. T22632/2025 applicable to Erf 237, Hermanus contains certain restrictive conditions that would otherwise hinder the approval of the proposed consent use and related applications. These restrictive provisions—limiting the property to single residential use and imposing outdated building line and development restrictions—have been comprehensively addressed under Section 3.4.3 of this report, which motivates their formal removal in accordance with the Overstrand Municipality's By-law on Municipal Land Use Planning (2020) and the Land Use Planning Act, 2014 (Act 3 of 2014).

A mortgage bond is currently registered against the property. In compliance with statutory requirements, the bondholder's written consent to the proposed land-use application has been obtained. Enclosed herewith is a copy of the Bondholder's Letter of Consent issued by First National Bank, confirming no objection to the proposed development or associated applications.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 237 Hermanus is not situated within a Heritage Overlay Zone as defined by the Overstrand Municipal Growth Management Strategy (2010). Furthermore, the property is not designated for heritage conservation purposes and has no association with important persons, groups, events, activities, or historical ties to slavery or living heritage.

Given these factors, it is evident that the proposed consent use to establish a guesthouse on Erf 237 Hermanus will not adversely impact the heritage value of the Hermanus area. The development aligns with local regulations and does not trigger any listed activities under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

This assessment ensures that the proposed development respects and preserves the existing heritage context of Hermanus while contributing positively to the local economy and community.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent use to establish a guesthouse on Erf 237 Hermanus does not trigger any listed activities under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998).

This determination signifies that the development complies with environmental regulations and guidelines set forth by NEMA. It indicates that the proposed guesthouse will not have significant environmental impacts that would necessitate further assessment or mitigation measures under NEMA.

By adhering to these standards, the development aims to operate in harmony with its natural surroundings while promoting sustainable practices within the community of Hermanus.

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

Overstrand Growth Management Strategy

Erf 237 Hermanus falls within Planning Unit 16 of the Overstrand Growth Management Strategy, predominantly comprising the established Westcliff residential area. The strategy allows for incremental development, including subdivision for second and third dwelling units on approximately 20% of the area within this planning unit.

The proposed application for consent use to operate a guesthouse aligns with the objectives outlined in the Overstrand Growth Management Strategy. By utilizing an existing dwelling for this purpose, the proposal supports sustainable development practices while contributing to the area's residential character.

Overstrand Municipality Spatial Development Framework (May 2020)

According to the Overstrand Municipality Spatial Development Framework (May 2020), the subject property and surrounding erven are designated as an Urban Development Area. This designation supports the proposed consent use for a 4-guestroom guesthouse, aligning with key policies aimed at guiding future management and development initiatives.

The proposed consent use application for Erf 237 Hermanus to establish a guesthouse is in accordance with both the Overstrand Growth Management Strategy and the Overstrand Municipality Spatial Development Framework (May 2020). This alignment underscores the compatibility of the proposal with current land use trends and strategic development goals for the area.

By adhering to these frameworks, the development seeks to enhance local tourism offerings while maintaining the area's residential charm and supporting sustainable growth practices as outlined by municipal planning guidelines.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial sustainability: Spatial sustainability refers to the responsible management and development of physical spaces to ensure long-term environmental, social, and economic benefits. In the context of the proposed guesthouse on Erf 237 Hermanus, spatial sustainability principles are integral to achieving harmony between development goals and environmental stewardship.

The design and operation of the guesthouse will respect and complement the existing residential character of the Westcliff area. By utilizing an already developed property, the proposal minimizes environmental impact and preserves open spaces.

Utilizing an existing dwelling for the guesthouse minimizes the need for a totally new construction and reduces urban sprawl. This approach supports efficient land use patterns and enhances the area's overall sustainability by optimizing existing infrastructure.

The guesthouse's location, accessible from both Westcliff Road and Cliff Road, promotes accessibility without significantly increasing traffic congestion. Adequate on-site parking provision ensures minimal impact on local traffic flow and enhances guest convenience. The guesthouse will contribute positively to the local economy by creating employment opportunities and supporting local businesses.

The proposal aligns with the Overstrand Municipality's Growth Management Strategy and Spatial Development Framework, demonstrating compliance with local planning policies aimed at sustainable development practices.

By embracing spatial sustainability principles, the proposed guesthouse on Erf 237 Hermanus aims to enhance the quality of life for residents, promote responsible tourism, and contribute to the long-term resilience and attractiveness of the Hermanus area. This approach ensures that development not only meets immediate needs but also safeguards resources for future generations.

Efficiency: Efficiency in the context of developing a guesthouse on Erf 237 Hermanus encompasses several key aspects aimed at optimizing resources and operations to achieve sustainable and effective outcomes.

The proposed guesthouse maximizes the use of existing infrastructure by converting an already developed property into a hospitality establishment. This approach minimizes the need for new construction and reduces environmental impact while utilizing space effectively.

Designing the guesthouse with functional and ergonomic layouts enhances operational efficiency. The division of spaces, such as guestrooms, communal areas, and owner/manager quarters, ensures smooth workflow and guest satisfaction.

Efficient guest services, including streamlined check-in/check-out processes, responsive customer service, and well-maintained facilities, enhance overall guest satisfaction and loyalty. Positive guest experiences contribute to the guesthouse's reputation and occupancy rates.

By prioritizing efficiency in its design, operations, and management practices, the proposed guesthouse on Erf 237 Hermanus aims to achieve optimal use of resources while delivering high-quality hospitality services. This approach not only enhances operational performance but also reinforces the guesthouse's commitment to sustainability and responsible tourism practices.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2016.

4. RECOMMENDATION

Based on the comprehensive assessment of Erf 237, Hermanus and the proposed establishment of a four-guestroom guesthouse with an owner/manager's cottage, pergola, built braai, and pizza oven, the following recommendations are made in support of the application:

- The proposed consent use to operate a guesthouse is compatible with the surrounding residential character and aligns with the Overstrand Municipality's Spatial Development Framework (2020) and Growth Management Strategy, which promote context-sensitive tourism development within established residential precincts.
- The proposed removal of restrictive Title Deed conditions is necessary and appropriate, as these outdated provisions limit the lawful use of the property and do not grant any financial or servitudinal benefit to external parties. Their removal will enable development to be governed solely by the Overstrand Municipal Land Use Planning By-law (2020) and Zoning Scheme Regulations (2020).
- The requested building line departures for the outbuilding (owner/manager's cottage), pergola, braai, and pizza oven are minimal in extent, have negligible visual or spatial impact, and are consistent with surrounding built forms. These departures will regularise existing and proposed structures while maintaining the property's residential scale and aesthetic integrity.

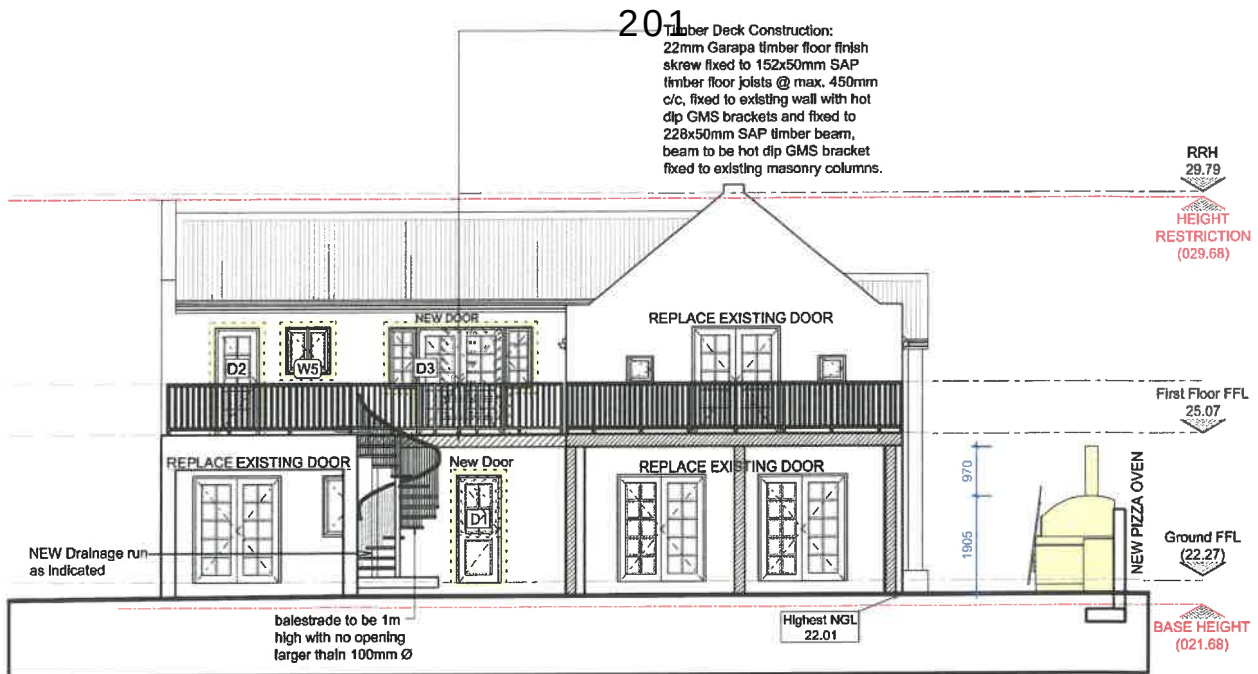
- The determination of an administrative penalty should be waived, as the current owner inherited the non-compliances, acted promptly and transparently to regularise the property, and demonstrated full cooperation with the Municipality.
- The proposed development will contribute positively to local tourism, employment generation, and economic activity in Hermanus, while maintaining environmental and infrastructural sustainability.
- All municipal services are available and adequate to support the proposed use, with no additional burden anticipated on existing infrastructure.
- The proposal promotes spatial efficiency, responsible land use, and sustainable urban development, making optimal use of existing buildings and services without detracting from neighbourhood character or amenity.

In conclusion, it is respectfully recommended that the Overstrand Municipality approve the following applications in terms of Chapter 4 of the Overstrand Municipal Land Use Planning By-law (2020):

- Consent use in terms of Section 16(2)(o) to establish a four-guestroom guesthouse on Erf 237, Hermanus;
- Removal of restrictive Title Deed conditions in terms of Section 16(2)(f);
- Building line departures in terms of Section 16(2)(b) to regularise and accommodate existing and proposed structures; and
- Determination of an administrative penalty in terms of Section 16(2)(q).

The proposed development represents a policy-aligned, contextually appropriate, and economically beneficial use of the property that will enhance both the local built environment and tourism potential of the Westcliff area.

201



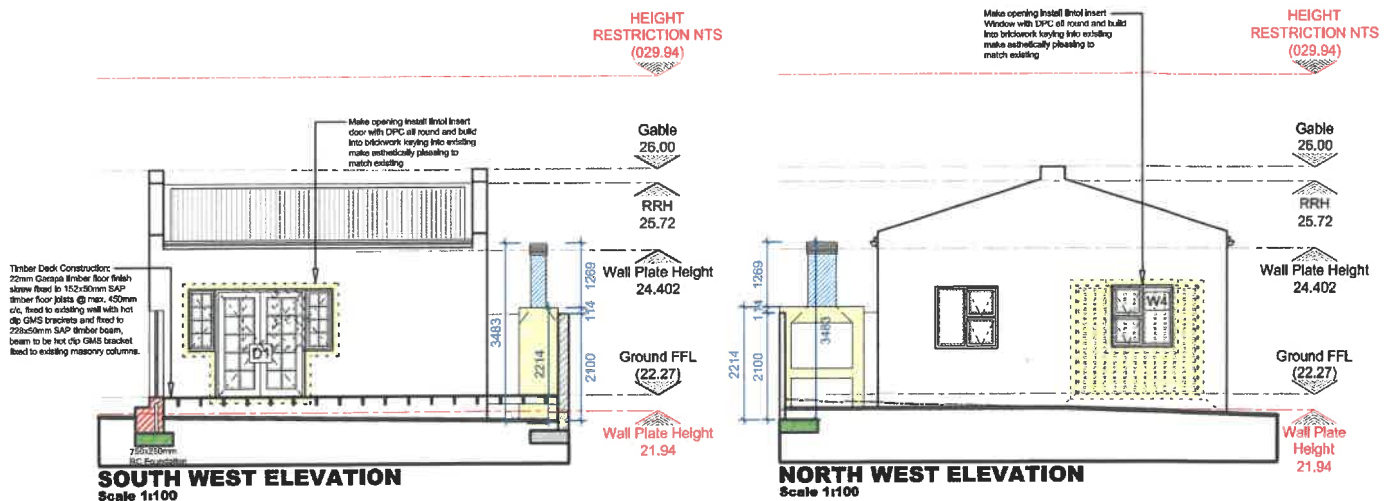
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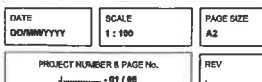


STREET ELEVATION

Scale 1:100





[illegible]

NOTES:

AREA CALCULATIONS:	
Ground Slab area -	19,327m ²
Covered Patio -	9,814m ²
Pergola -	10,099m ²
Sub-total -	171,848m ²
House -	147,116m ²
New Porch -	12,577m ²
New Balcony -	5,141m ²
Ext Balcony -	9,758m ²
Ext Balcony -	4,211m ²
Sub Total	178,433m²
Total area:	551,272m ²
ERF -	693,350m ²
Coverage -	45.77%

AREA OVER BUILDING LINE:	
A - South East	2,550m ²
B - South West	4,930m ²
Total -	7,480m ²
C - Pergola	4,915m ²



ENGELBRECHT & SCORIE
ARCHITECTURAL OFFICE

48 New Road, Over Hill, PO Box 101, Over Hill
Tel: 03 938 2251 • Fax: 03 938 2250 • info@engelscorie.com.au
Members of Engineers & Architects
Councils/Associations

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DRAWN BY: Megan Foster
CHECKED BY: Brandon Scorgie ST 1939

PROJECT DESCRIPTION: Project Name

PAGE CONTENT: Sketch Plans

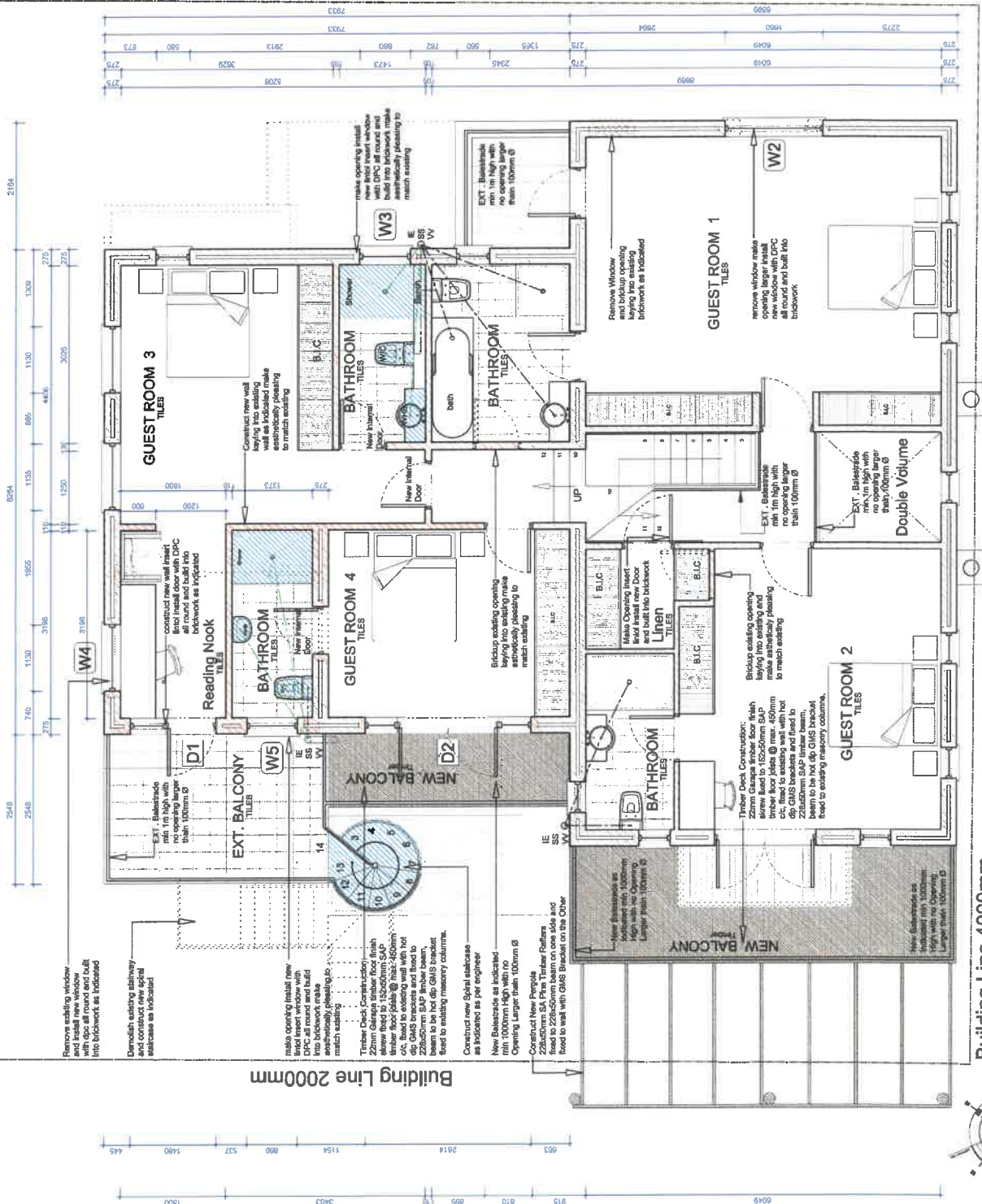
CLIENT: Hendrick Part
ADDRESS: 3 ARBAGH ROAD

DRAWING NO: ERF 237
Project Number: A191; Current Revision

DATE: 30 / July / 2025
SCALE: 1 : 100
PAGE SIZE: A3

PROJECT NUMBER & PAGE NO: J..... - 04 / 06
REV:

Building Line 2000mm



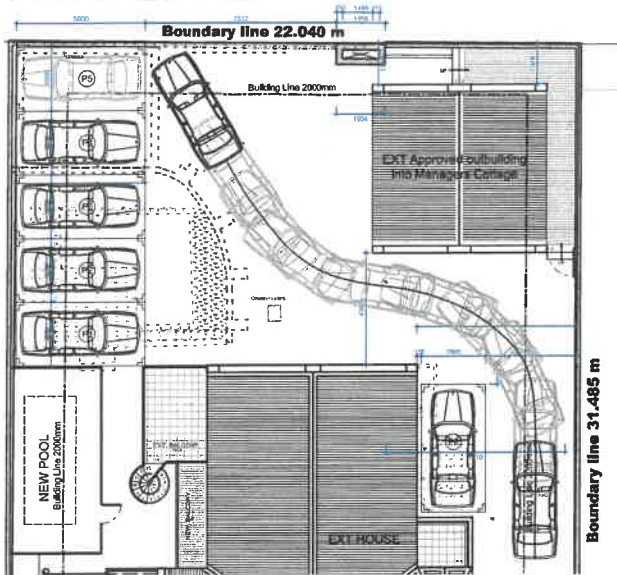
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FIRST FLOOR PLAN
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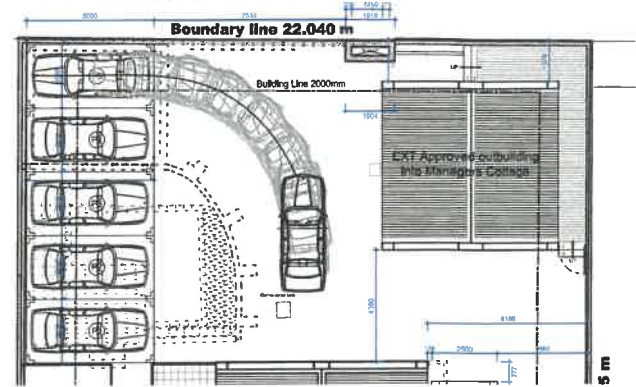


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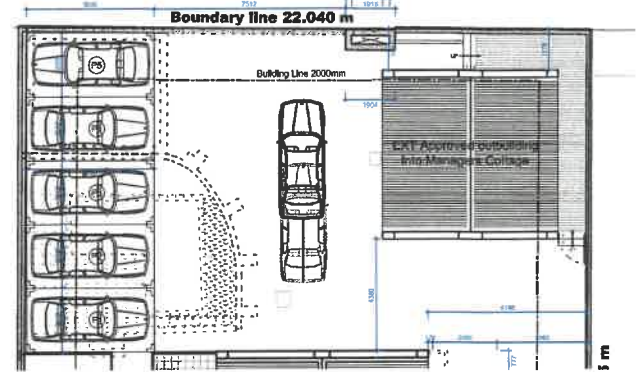


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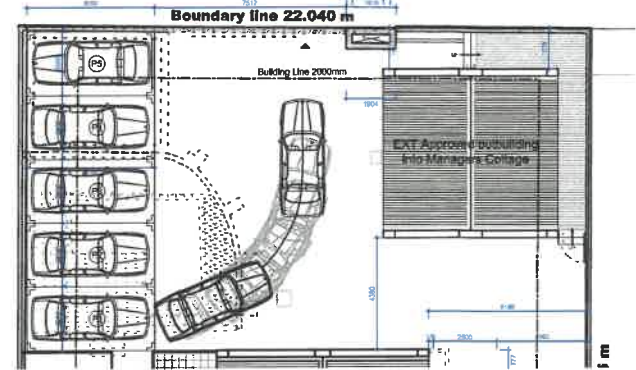
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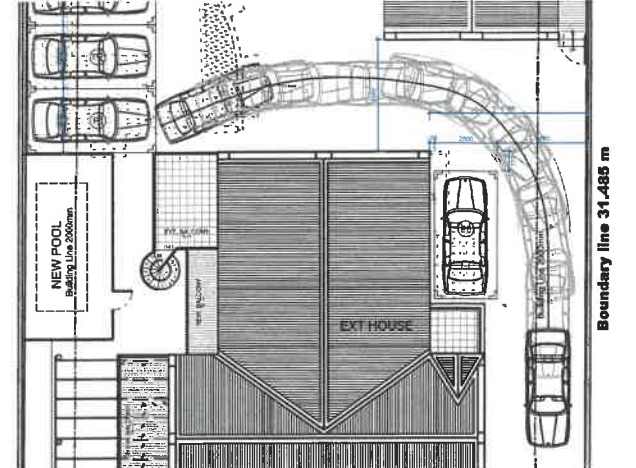
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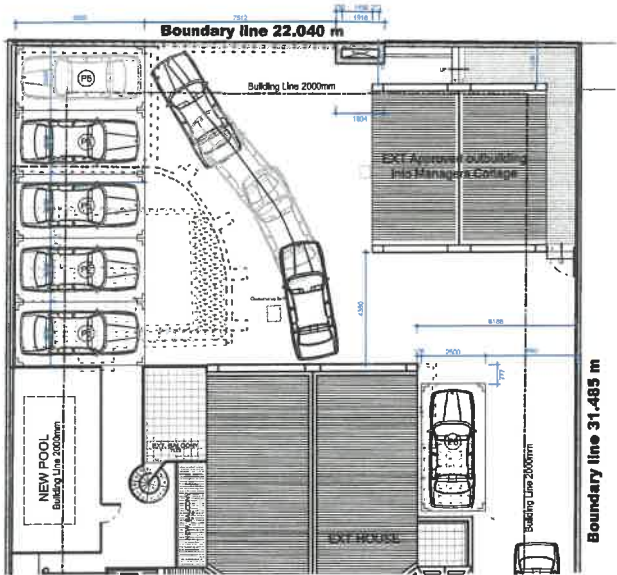
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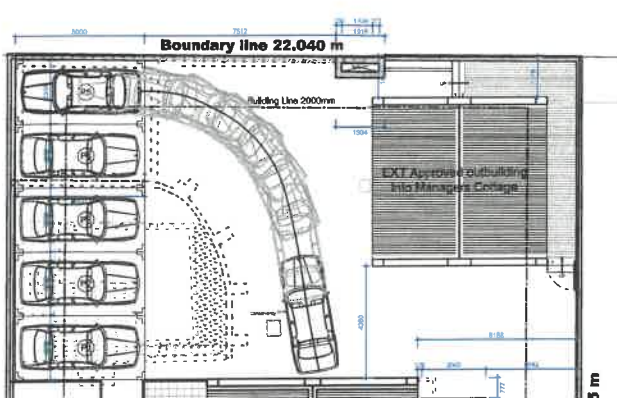
PHASE 3



PHASE 4



PHASE 2



PHASE 3

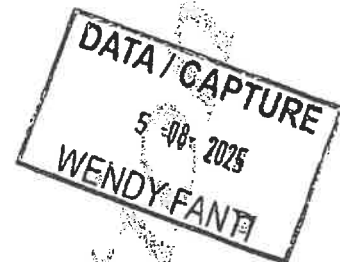
53

Fairbridges Wertheim Becker
CAPE TOWN

Prepared by me

Bonke
CONVEYANCER
BATHANDWA BONKE
NOMTSHONGWANA (107657)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 4 275 000,00	2 767,00
Reason for exemption	Category Exemption	Exemption i l o. Sec/Reg Act/Proc



VERBIND	MORTGAGED
R 3 475 000,00	
B 000022632 / 2025	<i>Bonke</i>
2025-08-01	

T000045973 / 2025

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA LPCM 82076

appeared before me, REGISTRAR OF DEEDS: WESTERN CAPE at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney signed at Hermanus on 6 May 2025 granted to him/her by

- DOUGLAS ALEXANDER ROSS**
Born on 1 January 1971
Unmarried
(represented by PIERRE ERNEST DUPLESIS duly authorized by virtue of a Special Power of Attorney signed at London, United Kingdom on the 13th December 2024)
- JOANNA CLAIRE SMITH**
Born on 4 March 1970
Unmarried



And the appearer declared that his/her said principal had, on 22 March 2025, truly and legally sold by Divorce Settlement:

WHEREAS ERF 237 Hermanus is registered in the names of DOUGLAS ALEXANDER ROSS and JOANNA CLAIRE SMITH (hereinafter more fully described) whose marriage to each other was governed by the laws of the United Kingdom;

AND WHEREAS the said marriage was dissolved by virtue of a Final Order of Divorce in the High Court of South Africa, Western Cape Division, Cape Town, under case number 13227/2020 dated 11 April 2025 and in terms of clause 2.1.2 of the Consent Paper signed on 13 December 2024, the property hereunder is to be sold on the open market

NOW THEREFORE he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

PH SEVEN PTY LTD
Registration Number 2024/334789/07

or its Successors in Title or assigns, in full and free property

ERF 237 HERMANUS
SITUATED IN THE OVERSTRAND MUNICIPALITY
DIVISION CALEDON
PROVINCE OF WESTERN CAPE

IN EXTENT 694 (SIX HUNDRED AND NINETY FOUR) Square metres

FIRST TRANSFERRED BY Deed Of Transfer No T5135/1940 with Diagram relating thereto and HELD BY Deed of Transfer No T98407/2005

- A. SUBJECT FURTHER to the following conditions set out in Deed of Transfer No T5135/1940 imposed by the Administration of the Cape Province when approving Hermanus Extension No. 2

Being in favour of the registered owner of any erf in the township and subject to modification and alteration by the Administrator in terms of the regulations of Section 18 of Ordinance No 33 of 1934.

- "(a) That this erf shall be used for residential purposes only.
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
- (c) That not more than one half the area of this erf shall be built on.
- (d) That no building shall be erected within 4,72 metres of any street line which forms the boundary of this erf. No building shall be situated within 2,37 metres of the lateral boundary common to any adjoining erf.

Being in favour of the Administrator:

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.
- (f) That the owner of this erf shall be obliged to allow drainage and sewerage of any erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonably required by the Municipality."

Page 4

WHEREFORE the said Appearer, renouncing all rights and title which the said

1. DOUGLAS ALEXANDER ROSS, Unmarried
2. JOANNA CLAIRE SMITH, Unmarried

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

PH SEVEN PTY LTD
Registration Number 2024/334789/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 275 000,00 (FOUR MILLION TWO HUNDRED AND SEVENTY FIVE THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS:
WESTERN CAPE at CAPE TOWN on 1 August 2025

q.q.

In my presence


REGISTRAR OF DEEDS



DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING

LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za
16 Peterson Street / PO Box 20 HERMANUS, 7200 / Tel 028 313 0900

APPLICATION DETAILS

Application ref number:

237

APP ID:

How did you receive notice of the application?

e-mail.

STATE YOUR INTEREST IN THE APPLICATION:

Stand 229
across street neighbour (NE)

TICK RELEVANT BOX



OBJECTION

COMMENT

SUPPORT

REASONS FOR OBJECTION / COMMENT / SUPPORT:

① Changing of the very quiet and peaceful character of Armaghstreet - especially at night.

with (A) Noise and traffic from 6 vehicles (2 for caretaker) & delivery, staff, cleaning vehicles and taxi? with likely parking on the pavement. Guests will typically go out at night for dinner and arrive back late at night in holiday mood. Currently there is hardly any traffic at night.

(B) The flow of the parking is concerning - over last year while the property was already (illegally) used as a boarding home up to seven cars were parked in street and only some moved inside after dark - so clearly not 'parking friendly'.

(C) The outdoor entertainment areas will be in very close proximity of my bedroom window - Can we expect now nightly talk and laughter and music? at the braai area. Who will police the noise after 22h00?

(2) Westcliff guest houses are in main roads - church and westcliff. Armagh has a lot of.

PERSONAL INFORMATION (To be completed in full - Compulsory)

Name & surname (PRINT)

HESTER DU PLESSIS

Company/Trust details:

Postal address:

15 Faurestraat Secord 2302
8 de Goodiestreet Westcliff Hermanus

Contact details:

Cell:

0828462239

E-mail address:

estiduplessis@yahoo.co.uk

Signature:

Hester

Date:

17/04/2026

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

③ Concerned about the compliance of the owner; - Surely the with transfer of property the title act stated single residence also. the property has been used as a business on boarding house already.

	DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING LAND USE PLANNING APPLICATION RESPONSE FORM E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za ; alida@overstrand.gov.za 16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900
APPLICATION DETAILS	

Application erf number:

237

APP ID:

How did you receive notice of the application?

Via email from the Municipality

STATE YOUR INTEREST IN THE APPLICATION:

We are residents of the street residing at 4 Armagh Rd. Erf 225

TICK RELEVANT BOX ☒	OBJECTION	COMMENT	SUPPORT
REASONS FOR OBJECTION / COMMENT / SUPPORT:			

We write to submit our comments regarding the application to convert the property at 3 Armagh Road into a 4-bedroom guest house.

We appreciate the opportunity to comment and wish to express our concerns while remaining open to supporting the application, provided that the potential impact on the street is carefully managed.

Although we are not the immediate adjoining neighbours, we reside at No. 4 Armagh Road, and as residents of this very short and particularly quiet residential street, we are concerned that the proposed guest house may introduce a level of activity inconsistent with the peaceful character of the area.

Our principal concern relates to the likely increase in traffic, parking pressure, and noise associated with transient guest accommodation. Armagh Road is a short street with limited capacity, and even modest increases in vehicle movement are noticeable.

There have already been occasions when visiting vehicles associated with the property have resulted in as many as five cars being present in the street at one time. This has had a clear impact on the quiet nature of the street and raises concern that, if the property operates as a guest house, such occurrences could become more frequent.

We are particularly concerned that:

- Adequate on-site parking must be provided for all guests and staff, with no reliance on street parking.
- Guest arrivals and departures should be managed in a manner that minimises disturbance, particularly during early mornings, evenings, and weekends.
- Appropriate operational controls should be implemented to ensure that noise levels remain consistent with the surrounding residential environment.

Our concern is not with reasonable development itself, but with preserving the peaceful residential character and amenity of Armagh Road for all residents.

Should these matters be satisfactorily addressed and effectively managed, and the concerns of other neighbours be honoured, we would be comfortable supporting the application.

We trust that these comments will receive careful consideration.

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (PRINT)

Grant and Pamela Fraser

Your erf number: 225

Company/Trust details:

Postal address:

4 Armagh Road, Westcliff

Contact details:

Cell: 082 901 9447

E-mail address: fourfurlongsconstantia@gmail.com

Signature:

Date: 10 April 2026

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.





DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING

LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za
16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900

APPLICATION DETAILS

Application erf number: Erf 237
How did you receive notice of the application? Municipality notification

APP ID:

STATE YOUR INTEREST IN THE APPLICATION:

We are direct neighbours with the property in question and share a large boundary wall.

TICK RELEVANT BOX



OBJECTION

COMMENT



SUPPORT

REASONS FOR OBJECTION / COMMENT / SUPPORT:

- Please see separate document with full comments attached in e-mail.

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (PRINT) Christopher and Claire Parker

Your erf number: 236

Company/Trust details:

Postal address: 5 Armagh street, Westcliff, Hermanus, 7200

Contact details: Cell: 0724280309, 0836289044

E-mail address: claire.eady@gmail.com; crispy.parker@gmail.com

Signature:

Claire

Date: 30 March 2026

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

SUBJECT: COMMENT ON APPLICATION – ERF 237, 3 ARMAGH ROAD, WESTCLIFF

Dear Sir / Madam,

We write to submit our comments regarding the application for Erf 237, 3 Armagh Road, Westcliff.

We appreciate the opportunity to review the proposal and would like to express our concerns, while remaining open to a constructive and neighbourly outcome.

1. Change in Use and Neighbourhood Impact

The proposed conversion from a residential dwelling to a 4-bedroom guesthouse introduces a significantly more intensive use of the property. We are concerned about the impact this may have on the residential character of the area, particularly in terms of increased activity, privacy, traffic, and transient occupancy.

2. Privacy Concerns

The proposed use, combined with the proximity of the driveway to our own driveway and bedrooms, raises serious privacy concerns. The regular movement of guests will directly overlook our private living spaces.

To mitigate this, we request that:

- The existing boundary wall be raised to match the height of the current metal railings, or
- An alternative effective privacy screen be installed.

3. Noise Impact

As a family with school-going children and working adults, we are concerned about potential noise disturbances from:

- Guest arrivals and departures
- Outdoor entertainment areas

We request that:

- Clear operational guidelines be put in place to manage noise levels, particularly during early mornings and evenings.

4. Parking and Traffic

We are concerned that insufficient on-site parking provision may result in overflow parking on the street, which is already constrained.

We request confirmation that:

- Adequate on-site parking will be provided for all guests and staff, in line with municipal requirements, and
- No reliance will be placed on street parking.

5. Braai Area and Pizza Oven (Smoke and Nuisance)

The proposed braai area and pizza oven, located very close to the boundary both at the front and back of the property, raise concerns regarding:

- Smoke drift
- Odours affecting our property, particularly our guest accommodation next to the managers cottage.

We request that:

- Appropriate mitigation measures be implemented to prevent smoke and nuisance.

6. Building Line Departures and Encroachments

We note with concern the extent of the proposed departures, including encroachments up to 0m from boundaries. These deviations may exacerbate the impacts on neighbouring properties in terms of privacy, noise, and general amenity.

7. Overlooking from First Floor and Balconies

The proposed first-floor layout and openings may result in guests looking directly into our bedrooms.

We request that:

- Measures be implemented to prevent overlooking, such as screening, obscure glazing, or design adjustments.

Conclusion

We trust that the above concerns will be carefully considered. We remain supportive of reasonable development, provided that it does not negatively impact the privacy, safety, and quality of life of neighbouring residents.

We would welcome the opportunity for constructive engagement to find solutions that work for all parties.

Kind regards,
Chris and Claire Parker

5 Armagh street,
Westcliff
Hermanus
7200

Claire: 0724280309

claire.eady@gmail.com

Chris: 0836289044

crispy.parker@gmail.com



DATE: 2026-04-02

YOUR REF:

OUR REF: A E Rech/cs/AER221

DIRECTORATE: PLANNING & DEVELOPMENT
TOWN AND SPATIAL PLANNING
OVERSTRAND

BY E-MAIL: loretta@overstrand.co.za alida@overstrand.co.za

Dear Madam

OBJECTION: ERF 237, HERMANUS

Attached hereto please find an objection for your attention.

Kindly acknowledge receipt.

Yours faithfully

A E RECH
JOUBERT & MAY INC

DIRECTORS ALDO E RECH BA LLB (WITS) JOHAN H JACOBSZ B Jur LLB LLM (Labour Law) (PU CHO) DESIRÉ-LEE ERNST LLB LLM (Labour Law) (NWU)
PROFESSIONAL ASSISTANTS CLAUDIO M RECH BA LLB (NWU) NEO SEABELA LLB (Unisa)
CONSULTANT ANDRÉ VISSER LLB (UP) LLM (UP) Hdip. Tax (UJ) Hdip. International Tax (UJ)

BEE Level 4 | 50 Boundary Street, Tzaneen, Limpopo, South Africa | T: +27 15 307 3660 | F: +27 15 307 1787 | Docex 1, Tzaneen, 0850 | PO Box 35 |
www.joubertmay.co.za

In association with Joubert & May Attorneys

	DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING LAND USE PLANNING APPLICATION RESPONSE FORM 16 Potlerton Street / PO Box 70 HERMANUS, 7200 / Tel. 028 313 8900
	APPLICATION DETAILS

Application ref number:

SRT 237 NESTLETT HUIS

APP ID:

How did you receive notice of the application?

EMAIL

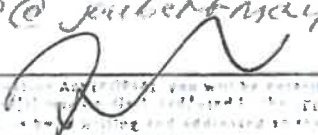
STATE YOUR INTEREST IN THE APPLICATION:

ADJACENT OWNER

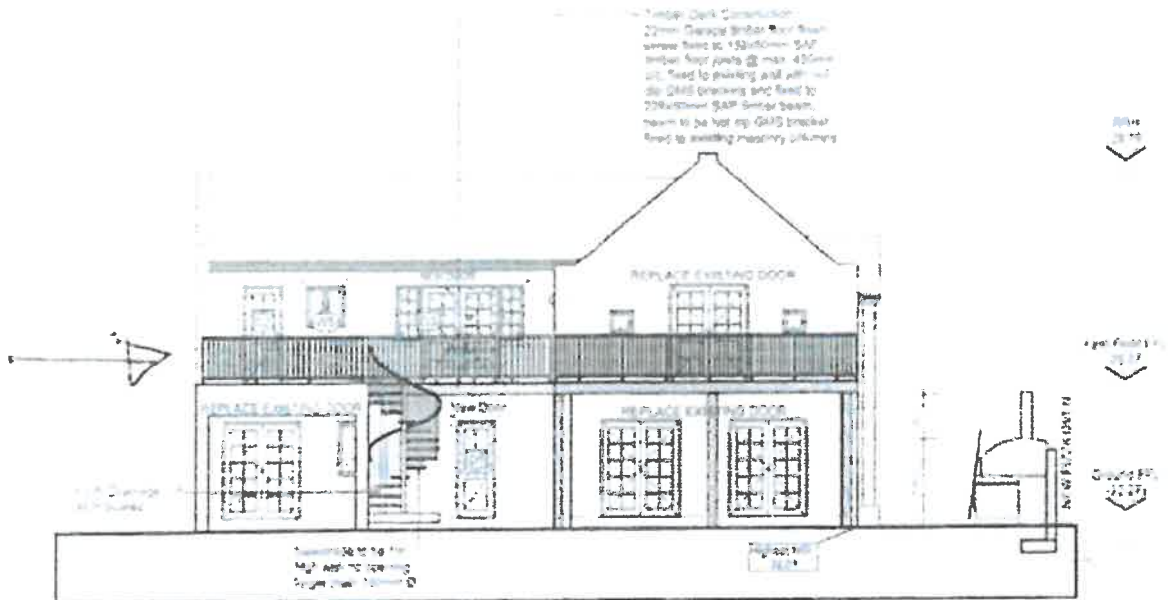
TICK RELEVANT BOX ☒	OBJECTION ☒	COMMENT ☐	SUPPORT ☐
REASONS FOR OBJECTION / COMMENT / SUPPORT:			

THE BUILDING WANTS DEPT A PROPOSED
BALCONY ALONG THE NORTH EASTERN
FACADE OF THE STRUCTURE WHICH,
IN CONJUNCTION WITH THE USE OF THE
PROPERTY FOR A GUESTHOUSE WOULD
IMPACT OUR PRIVACY
(SEE ATTACHED)

Taxi fee to complete on separate page...

PERSONAL INFORMATION (To be completed in full - Compulsory)	
Name & surname (print):	ALDO CLAUD RECH
Company/Trust details:	FELTRE HOLDINGS (PTY) LTD
Postal address:	P.O. BOX 35 TRANSEN CRST.
Contact details:	Cell: 083 317 7415
	E-mail address: aldo@jubentmay.co.za
Signature:	
	Date: 11/4/26



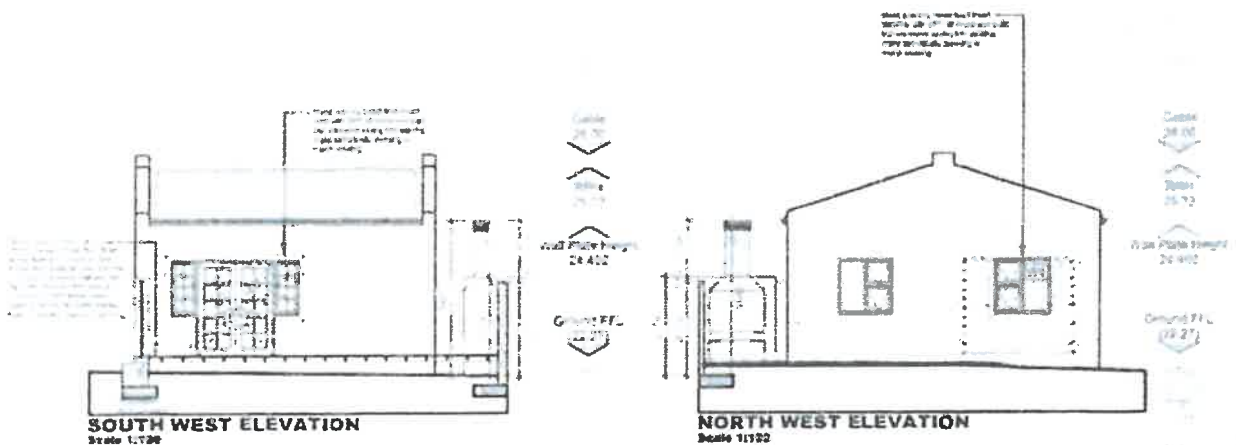


NORTH EAST ELEVATION
Scale 1:100



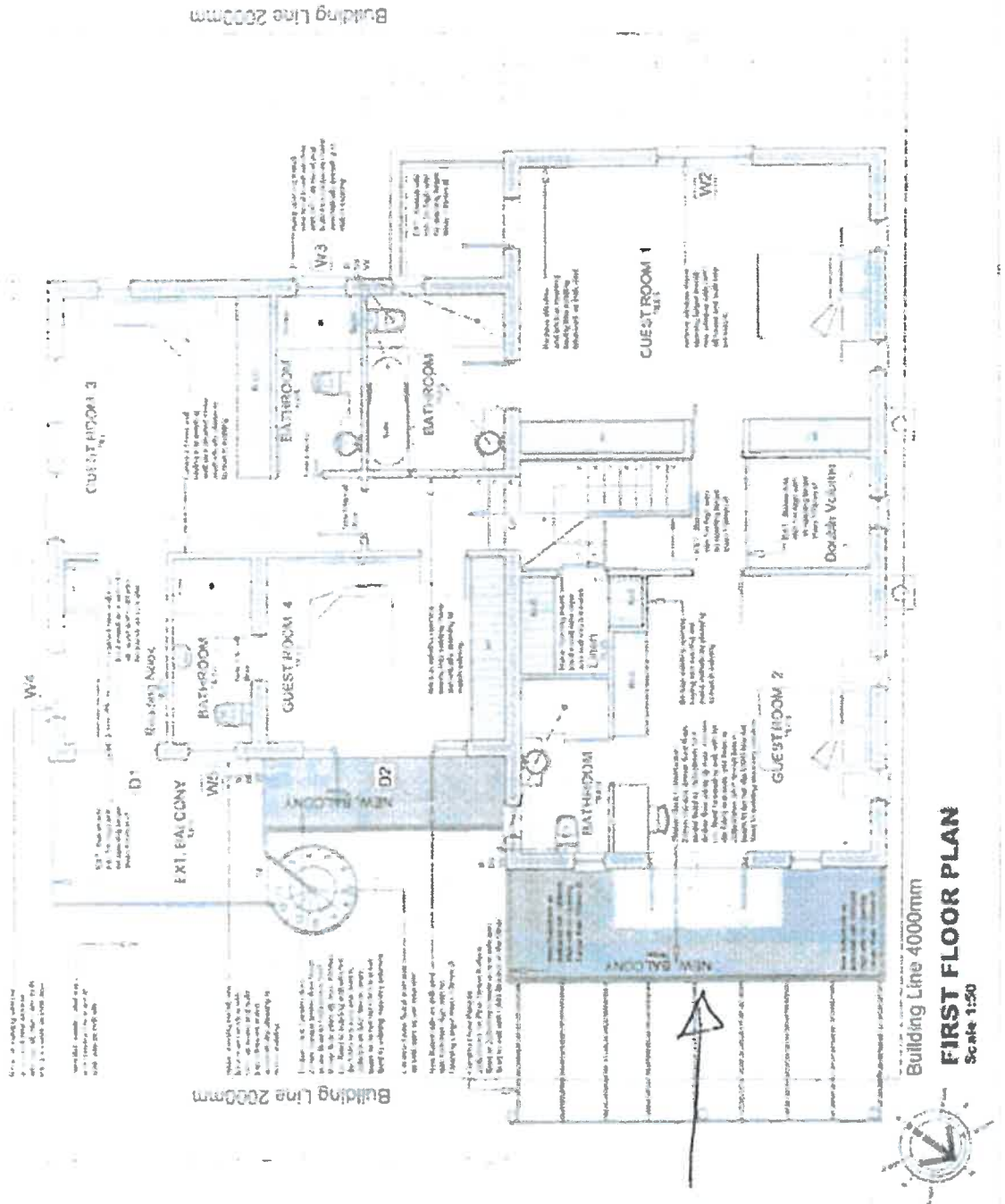
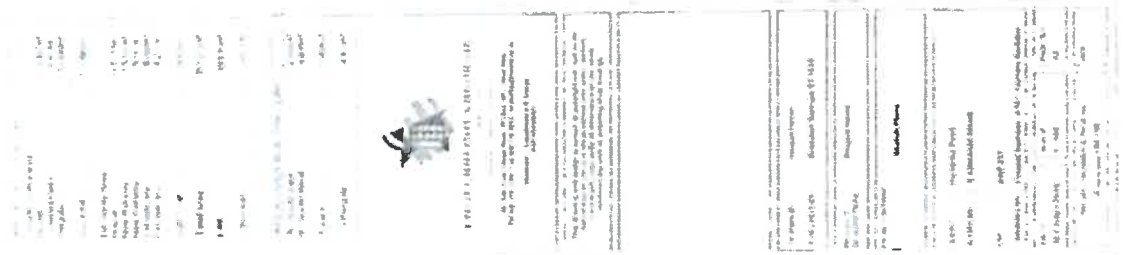
STREET ELEVATION

Scale 1:100



SOUTH WEST ELEVATION
Scale 1:720

NORTH WEST ELEVATION
Scale 1:1322



Building Line 4000mm
FIRST FLOOR PLAN
Scale 1:50

REASONS FOR OBJECTION

The building plans which accompanied the notification of adjacent owners depict a balcony and spiral staircase on the north-eastern façade of the existing dwelling.

It is acknowledged that the balcony does not encroach on existing building lines and neither does it impact on the proposed land use rights.

However, as a consequence of the proposed consent to operate a guesthouse on the property the balcony, which overlooks my swimming pool and entertainment area, will result in an intrusion of privacy, much more so due to the anticipated influx of resident holidaymakers/guests, far more than would be the case if the premises remained a residential unit.

The combination of consent use and the proposed balcony extension will inevitably result in the invasion of privacy to an unacceptable level. Were the balcony to be abandoned, or scaled down to permit access only, there would be no objection to the issue of the consent use for guesthouse rights.





land reform &
rural development
Department:
Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

DeedsWEB

Property Report

Property Details

Deeds registry	Western Cape Deeds Registry
Property type	ERF
Township	HERMANUS
Erf number	240
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	CALEDON RD
Local authority	HERMANUS MUN
Previous description	-
Diagram deed number	T15125/1942
Extent	7510000 SQM
LPI Code	C013001300000024000000

Title Deeds Details

Document	Registration date	Purchase date	Amount	Image Scanned reference	Document copy?
T25204/1937	19870615	19870413	R195000.00	20150714 12:48:00	Yes

Owners Details

Document	Full name	Identity Number	Share	Person Enquiry?
T25204/1937	FELTRE HOLDINGS PTY LTD	197300145907	-	Yes

Endorsements/Encumbrances

No data found for this search criteria

History

Document	Holder	Amount	Image Scanned reference	Document copy?
B17371/2010	-	-	20150714 12:47:17	Yes

T33135/1932	S ALBERTYN 1/2	-	20191101 16:38:05	Yes
T33135/1932	S ALBERTYN1/2	-	20191101 16:38:05	Yes
T23276/1933	GROBBELAAR VALERIE HESTER	-	20190928 15:05:22	Yes

On 14/11/2019, The Office of the Chief Registrar of Deeds hereby confirms that, on the basis of information at the Deeds Office's disposal, the contents of this report accurately reflect property information held in our records. Photocopies of this report are not valid. Valid for 7 days. Fee schedule: <http://deeds.gov.za/fees.php>



Alida Conradie

From: desiree.walker@arc2.co.uk
Sent: Saturday, 14 March 2026 12:13
To: 'Natasha'; Alida Conradie
Subject: RE: ERF 237, 3 ARMAGH ROAD, WESTCLIFF, HERMANUS - PUBLIC PARTICIPATION.

Dear Sirs

Erf 237, 3 Armagh Road, Westcliff

The LUP Response Form included with your notification below cannot be electronically filled in; I am therefore sending my response in an email and not on the form provided.

I have no objection to the proposed consent use of the property, removal of restrictive title deed conditions, building line departures or determination of administrative penalty. The change in use and the regularisations/condonations required are familiar through several similar applications having already been approved in Westcliff.

My only comment relates to the fact that the site plan does not indicate where on the property guests are to park their vehicles. Is sufficient parking to match accommodation for guests available on the property? Other than this, I have no concerns.

Kind regards

Desiree Walker

From: Natasha <natasha@planactive.co.za>
Sent: Tuesday, 10 March 2026 09:11
To: Natasha <natasha@planactive.co.za>
Subject: ERF 237, 3 ARMAGH ROAD, WESTCLIFF, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner.

To whom it may concern

You are regarded as a potentially affected property owner.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections, or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such **notice be given via e-mail** in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. With reference to the attached application documentation and formal notice, kindly provide your comment, objection or representations, if any, as per the instructions of the attached notice.

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal webpage at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Yours faithfully

John Mc Lachlan
Tch.PIn B/8250/2014
MSAPI Nr.10908



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email:
planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA25036

23 April 2026

**The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200**

For attention: Brady Minnaar

Sir

RESPONSE TO OBJECTIONS AND COMMENTS

ERF 237, HERMANUS – 3 ARMAGH ROAD, WESTCLIFF

*Proposed Guesthouse Consent Use, Building Line Departures,
Removal of Restrictive Title Deed Conditions & Administrative Penalty*

1. BACKGROUND

This document constitutes the formal response by the applicant, PH Seven (Pty) Ltd, represented by Plan Active Town and Regional Planners, to the objections and comment received during the public participation process conducted in respect of the land use planning application for Erf 237, Hermanus.

The following responses were received:

#	Respondent	Erf / Interest	Nature
1	Hester du Plessis	Erf 229 (directly opposite, across Armagh Road)	Objection
2	Grant & Pamela Fraser	Erf 225 – 4 Armagh Rd	Objection (conditional)
3	Christopher & Claire Parker	Erf 236 – 5 Armagh Rd	Objection / Comment

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.PlN B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.PlN A/158/2009

4	Aldo Rech (Feltre Holdings)	Erf 340 – Feltre Holdings (Pty) Ltd	Objection
5	Desiree Walker	Adjacent area	Comment (no objection)

Each objection and comment is addressed in turn below. The applicant respectfully submits that none of the concerns raised provide sufficient grounds to refuse the application, and that the proposed development remains appropriate, policy-aligned, and contextually compatible with the surrounding residential and tourism environment of Westcliff, Hermanus.

2. RESPONSE TO OBJECTION 1: HESTER DU PLESSIS (ERF 229)

Respondent	Hester du Plessis
Erf Number	229 (Armagh Road, directly opposite)
Nature	Objection
Date	17 April 2026
Key Concerns	Noise and character change; traffic and parking overflow; proximity of outdoor entertainment; owner compliance concerns

2.1 Change to the Quiet Residential Character of Armagh Road

The objector raises concern that the conversion of the property to a guesthouse will alter the quiet and peaceful character of Armagh Road, particularly at night.

Response: The applicant acknowledges and shares a commitment to preserving the residential character of Armagh Road. However, the following contextual considerations are relevant:

- Erf 237 is zoned Residential Zone 1: Single Residential under the Overstrand Zoning Scheme Regulations (2020), which expressly permits guesthouses as a consent use. The proposed use is therefore contemplated and regulated within the existing planning framework.
- As confirmed in the Motivation Report, several properties in the immediate vicinity of Erf 237 have already been approved and are operating as guesthouses, including Cliff Cottage

- Hermanus, Auberge Provence Guesthouse, Hermanus Central Cottages, and others visible on the locality map. A guesthouse on Erf 237 is therefore entirely consistent with the established and evolving character of the Westcliff area.
- The proposed guesthouse is a small-scale, low-intensity establishment with only four (4) guestrooms. This is a significantly lower level of activity than many comparable tourism establishments and is unlikely to generate material noise or disturbance beyond what a typical residential household or family gathering would produce.
- Operational conditions typically imposed by the Municipality on guesthouse consent approvals include noise management and hours-of-use requirements. The applicant is amenable to the imposition of reasonable conditions to this effect.

2.2 Noise and Traffic from Vehicles

The objector is concerned about noise and traffic from six vehicles (including two for the caretaker), delivery vehicles, staff, cleaning vehicles, and taxis, with likely parking on the pavement. Reference is also made to guests returning late at night.

Response:

- The Motivation Report confirms that six (6) on-site parking bays have been provided in full compliance with the Overstrand Zoning Scheme requirements for guesthouses (one bay per guestroom plus two bays for the owner/manager). All parking bays are located securely behind the main building, accessible via the existing driveway from Armagh Road.
- The parking area is screened from the street by the main building and landscaped boundary walls. No reliance on street parking is intended or required.
- The objector's reference to seven vehicles being parked on the street relates to a prior occupancy of the property that was not authorised by the current owner. This historic situation has no bearing on the properly planned and approved guesthouse operation proposed.
- The guesthouse is a low-intensity use generating traffic volumes comparable to a residential dwelling with frequent visitors. No traffic impact study is required for an establishment of this scale, and the Municipality's traffic engineers have not indicated concerns.

- Deliveries and staff movements are inherent to all residential and hospitality uses in residential areas. These are not materially different in scale or impact from those associated with a private household.

2.3 Outdoor Entertainment, Braai and Noise After Hours

The objector expresses concern that outdoor entertainment areas (including the braai) will be in close proximity to bedroom windows, generating noise, laughter and music at night.

Response:

- The built masonry braai associated with the owner/manager's cottage is a private amenity for the manager's residence positioned along the rear boundary of the property, adjacent to the cottage situated in the southern side of the site. It is not an entertainment facility for guesthouse guests.
- The guest entertainment area, including the terrace and pergola, is located on the north-eastern facade of the main dwelling. It is important to distinguish between two separate outdoor cooking features on the property: (a) a braai/entertainment area including a pizza oven associated with the guest terrace on the north-eastern side and northern corner, which forms part of the outdoor guest amenity area; and (b) a separate built masonry braai along the rear boundary, which is a private amenity for the manager's cottage only. The objector's property is located across Armagh Road, to the northwest on the opposite side of the street from the main building's frontage. The main dwelling itself therefore acts as a substantial buffer between any rear-boundary features and the objector's property.
- As noted above, the applicant is amenable to conditions of consent specifying hours of use for outdoor entertainment areas, noise management protocols, and guest conduct guidelines, consistent with conditions typically applied to guesthouses in the Overstrand.

2.4 Guesthouses in Westcliff Should Be on Main Roads

The objector suggests that Westcliff guesthouses are on main roads (Church Street and Westcliff Road) and that Armagh Road should retain its heritage character.

Response:

- There is no planning policy or zoning provision that restricts guesthouse consent uses to main roads. The Overstrand Zoning Scheme permits guesthouses as a consent use throughout Residential Zone 1, subject to the criteria assessed in this application.
- The locality map clearly shows that guesthouses operate in the immediate vicinity of the subject property on streets other than the main arterials. Cliff Cottage Hermanus and Auberge Provence Guesthouse, both visible near the subject property, are examples of guesthouses operating in quieter residential streets.
- Erf 237 is not within a declared heritage overlay zone and is not a heritage-listed property. The suggestion that the area's character requires protection from guesthouse uses is not supported by the applicable planning framework.

2.5 Concerns About Owner Compliance with Title Deed

The objector questions the owner's compliance, noting that the title deed states single residential use and that the property was used as a boarding house.

Response:

- The current owner (PH Seven (Pty) Ltd) acquired the property in August 2025 specifically intending to lawfully establish a guesthouse through the proper municipal consent use process. The current application is precisely the mechanism by which compliance with the Zoning Scheme and Title Deed conditions is being achieved.
 - The application includes a request for the removal of the restrictive Title Deed conditions, which is a standard and lawful procedure under the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020). The Municipality is the competent authority to assess and grant this removal.
 - The prior use of the property as a boarding house was an unauthorised use by a previous owner and is not the responsibility of the current applicant. As detailed in the Motivation Report, the current owner discovered these historic non-compliances during the professional planning process and has proactively applied to regularise them all.
-

3. RESPONSE TO OBJECTION 2: GRANT AND PAMELA FRASER (ERF 225)

Respondent	Grant and Pamela Fraser
Erf Number	225 – 4 Armagh Road, Westcliff
Nature	Objection / conditional comment
Date	10 April 2026
Key Concerns	Increased traffic, parking pressure and noise; quiet character of the street; request for on-site parking, managed arrivals/departures, and noise controls

The Frasers express openness to supporting the application provided the potential impact on Armagh Road is carefully managed. Their concerns are specifically about traffic, parking pressure, noise, and the quiet character of this short residential street.

3.1 Traffic, Parking Pressure and Vehicles on the Street

Response:

- As set out above and in the Motivation Report, six (6) on-site parking bays have been provided in full compliance with the Overstrand Zoning Scheme requirements. All parking bays are positioned behind the main guesthouse, screened from Armagh Road.
- The driveway entrance off Armagh Road is single-point and clearly defined. The applicant commits to ensuring that no guests, staff, or service vehicles are required to park on the street as part of the guesthouse operational procedures.
- The Frasers note that up to five cars were previously parked on the street during visits associated with the property. The current design specifically addresses this concern by providing adequate on-site parking for four guest vehicles and two owner/manager vehicles.

3.2 Guest Arrivals, Departures, and Noise Management

Response:

- The applicant confirms that guest check-in and check-out procedures will be managed to minimise disturbance, including the use of a noise and conduct policy for guests, limiting outdoor entertainment to reasonable hours, and ensuring that arrivals and departures during early mornings, evenings, and weekends are handled quietly and considerately.
- The Municipality typically imposes standard conditions of consent on guesthouse approvals relating to noise management, hours of operation, and guest conduct. The applicant welcomes and will comply with any such conditions.
- A four-room guesthouse with a maximum of eight guests at any one time is a very modest operation. This is broadly comparable in activity level to a family home with adult children, regular visitors, and domestic staff.

The applicant notes that the Frasers have expressed willingness to support the application should these matters be satisfactorily addressed. It is submitted that the planned on-site parking, the small scale of the guesthouse, and the standard conditions of consent achievable through the municipal approval process will adequately address their concerns.

4. RESPONSE TO OBJECTION 3: CHRISTOPHER AND CLAIRE PARKER (ERF 236)

Respondent	Christopher and Claire Parker
Erf Number	236 – 5 Armagh Street, Westcliff (direct neighbour, shared boundary)
Nature	Objection / detailed comment
Date	30 March 2026
Key Concerns	Change of use and neighbourhood impact; privacy (overlooking from driveway and first floor); noise; parking; braai and pizza oven smoke; building line departures; overlooking from balconies

4.1 Change of Use and Neighbourhood Impact

Response:

- As addressed above, the proposed guesthouse is a consent use expressly permitted within Residential Zone 1 under the Overstrand Zoning Scheme. The area already accommodates multiple operational guesthouses.
- The proposed use is low-intensity (4 guestrooms) and the design of the building, parking, and outdoor areas has been carefully considered to minimise impacts on neighbouring properties.

4.2 Privacy: Overlooking from Driveway and Ground Floor

The Parkers raise concern about the proximity of the driveway to their own driveway and bedrooms, and the regular movement of guests overlooking their private living spaces.

Response:

- The subject property's driveway is located along its eastern boundary, accessing the parking area at the rear of the guesthouse. Guest movement along the driveway is necessarily brief and directional (to and from the parking area), and does not constitute a fixed viewing position into the Parker property.
- Regarding the boundary wall, the Parkers request that it be raised to match the height of the existing metal railings. The applicant notes that boundary wall heights are subject to separate municipal approval requirements and that this matter can be explored in consultation with the Municipality and the Parkers as part of the building plan approval process.

4.3 Noise: Outdoor Entertainment Areas

Response:

- Standard guesthouse consent conditions will apply, governing hours of outdoor entertainment and noise levels. The applicant will adopt and enforce a guest code of conduct, and the on-site manager will be responsible for ensuring compliance.

- The guest entertainment area (terrace and pergola) is on the north-eastern facade of the main building. The shared boundary with the Parker property (Erf 236) is on the south-western side. The primary outdoor guest areas are therefore not directly adjacent to the Parkers' most sensitive areas, and the building itself acts as a buffer.

4.4 Parking and Traffic

Response: This concern is addressed under Section 3.1 above. Six on-site parking bays are provided. No street parking will be required or permitted for guests or staff.

4.5 Braai Area and Pizza Oven (Smoke and Odour)

The Parkers raise concern about smoke drift and odours from the proposed braai and pizza oven, particularly affecting their adjacent guest accommodation next to the manager's cottage.

Response:

- The built masonry braai adjacent to the manager's cottage is positioned along the rear boundary of the property and is a private amenity for the manager's use. The pizza oven is located along the street boundary of the property and is not adjacent to the shared boundary with the Parkers.
- Both structures are modest in scale and will be equipped with appropriate chimneys and flues directing smoke upward and away from neighbouring properties, as depicted in the building plans. The chimney of the braai extends to approximately 3.483m and the pizza oven chimney to approximately 2.875m total height.
- The owner acknowledges this concern and is willing to ensure that appropriate mitigation measures (chimney height, directional flue design, screening) are incorporated into the final building plan approval to prevent unreasonable smoke or odour impact on the Parker property.

4.6 Building Line Departures and Encroachments

The Parkers express concern about the extent of building line departures, including encroachments to 0m from boundaries.

Response:

- The encroachments to 0m apply to the proposed braai (rear boundary) and pizza oven (street boundary) only. These are small, low-scale masonry structures and are not habitable buildings. Such structures (braais and similar outdoor cooking features) are routinely approved at or near boundary lines throughout Overstrand, particularly for properties with existing setback constraints.
- The outbuilding and pergola encroachments are minor in extent (as detailed in the Motivation Report) and have existed for several years without complaint. The building line departure applications seek to regularise pre-existing structures, not to introduce new major encroachments.
- None of the encroachments are on the boundary shared with the Parker property (Erf 236, south-western lateral boundary). The proposed braai is on the rear boundary, and the pizza oven is on the street boundary. The lateral encroachments of the outbuilding and pergola are on the south-western and north-eastern boundaries respectively.

4.7 Overlooking from First-Floor Balconies

The Parkers are concerned that the first-floor layout and balconies may result in guests looking directly into their bedrooms.

Response:

- The first-floor balconies are constructed entirely within the owner's existing development rights under the Overstrand Zoning Scheme. No building line encroachment exists and no separate approval is required for these balconies. The owner is entitled as of right to construct and use them. The guesthouse consent use does not grant or create this right — it exists independently of it, and the balconies cannot be removed or restricted as a condition of the consent use determination.
- The building plans indicate that the first-floor balconies are oriented toward the north-east facade, not toward the south-western shared boundary with the Parker property (Erf 236).

- Any overlooking from these balconies is therefore directed away from the Parkers' most sensitive areas.
- The function and use of the balconies would be identical whether the property remained a private residential dwelling or operates as a guesthouse. In a residential scenario, the balconies would routinely be used by the owner, family, and weekend guests — producing exactly the same impact on neighbours. The Overstrand Zoning Scheme requires that a resident manager or owner occupy the property during guesthouse operation, which is the case here. The manager will reside on the property permanently, and the balconies will serve occupants of the building in precisely the same way as they would for a residential household. No additional or qualitatively different impact on the Parkers arises from the consent use.
- The building plans specify that new balustrades shall be 1m high with no opening larger than 100mm diameter, providing inherent visual screening from the balconies.

The applicant notes the Parkers' expressed openness to a constructive and neighbourly outcome and welcomes direct engagement to find mutually acceptable solutions to the specific privacy and amenity concerns they have raised. The applicant reiterates that the application is meritorious, legally compliant, and consistent with the character of the surrounding area.

5. RESPONSE TO OBJECTION 4: ALDO RECH / FELTRE HOLDINGS (ERF 340)

Respondent	Aldo Rech (Joubert & May Inc.) on behalf of Feltre Holdings (Pty) Ltd
Erf Number	340 (Erf 340 – Feltre Holdings (Pty) Ltd, adjacent north-east via Erf 240)
Nature	Objection
Date	1 / 14 April 2026
Key Concerns	Balcony on north-eastern facade overlooking swimming pool and entertainment area of Erf 340; invasion of privacy

The objector's sole concern is that the proposed balcony on the north-eastern facade, in conjunction with the property being used as a guesthouse, will result in an intrusion of privacy by overlooking their swimming pool and entertainment area, due to the anticipated influx of holiday guests. The

objector states that were the balcony to be abandoned or scaled down to permit access only, there would be no objection to the consent use for guesthouse rights.

5.1 Privacy and Overlooking

Response:

- The objector's concern is noted. However, it is respectfully submitted that the objection cannot be sustained on planning grounds, for the following reasons:
- The objector expressly concedes that the balcony does not encroach on any building line and does not impact on the proposed land use rights. The balcony is therefore a lawful structure constructed entirely within the owner's existing development rights under the Overstrand Zoning Scheme. The applicant is entitled as of right to construct and use this balcony, and no planning approval, consent use, or building line departure is required for it. The guesthouse application is not the legal mechanism through which this right is granted or withheld, and the balcony cannot be made subject to conditions or removal as part of this consent use determination.
- Critically, the function and use of the balcony would be identical regardless of whether the property is operated as a guesthouse or retained as a private residential dwelling. In a purely residential scenario, the balcony would be used daily by the owner, family members, and visiting guests — including on weekends and evenings, which are precisely the times the objector is concerned about. The proposed consent use does not alter the physical nature, height, or position of the balcony, nor does it change the fundamental activity that takes place on it.
- The Overstrand Zoning Scheme requires that a resident owner or manager be present on the property at all times when it is operated as a guesthouse. This requirement is met in the present case, as the owner's/manager's cottage forms part of the proposed development. The manager will therefore occupy the property as a permanent resident — precisely as would be the case in normal residential use. The balcony will serve the manager and owner in their residential capacity, with guesthouse guests having access to it in the same manner that residents' family members or visiting guests would in a private household. This does not constitute a qualitatively different or more intensive use of the balcony than would otherwise occur.

- The north-eastern balcony overlooks the north-eastern boundary of Erf 237. The objector (Feltre Holdings, Erf 340) has raised this concern in connection with Erf 240, which appears from the DeedsWEB property report attached to their objection to be the adjacent property on that boundary. The extent of any potential overlooking is moderated by the prescribed 2m building line setback and the distance between the balcony and the affected area. The building plans further specify that the balustrade shall be 1m high with no openings larger than 100mm diameter, which significantly limits direct downward sightlines from the balcony.
- It would be unreasonable and legally untenable to refuse a consent use application, or to impose conditions requiring the removal or diminution of a lawful structure, on the basis that a balcony built entirely within the owner's existing rights might be used by occupants of the property — whether those occupants are the owner, family, residential guests, or paying guesthouse guests. The privacy impact complained of is an inherent consequence of the lawful construction of the balcony itself, not a consequence of the consent use. The objector's remedy, if any, lies in considering screening measures on their own property boundary.

The applicant respectfully submits that the objection does not provide valid planning grounds to oppose the consent use application. The balcony is a lawful structure built within the owner's existing rights, its use is identical in nature whether the property is residential or a guesthouse, and the guesthouse application cannot lawfully be made the vehicle for restricting or removing a right that exists independently of it. The objection should accordingly be dismissed.

6. RESPONSE TO COMMENT: DESIREE WALKER

Respondent	Desiree Walker
Nature	Comment (no objection)
Date	14 March 2026
Comment	No objection to any aspect of the application. Single query regarding whether adequate guest parking is indicated on the site plan.

Ms Walker raises no objection to the proposed consent use, removal of restrictive title deed conditions, building line departures, or administrative penalty determination. Her comment is noted and welcomed.

Regarding the parking query: The Motivation Report confirms that six (6) on-site parking bays are provided, comprising four bays for guests and two for the owner/manager, in full compliance with Overstrand Zoning Scheme requirements. The parking bays are located behind the main guesthouse on the eastern side of the property, accessed via the existing driveway from Armagh Road. The parking layout is indicated on the site and floor plans forming part of the submitted application documentation. The applicant trusts that this addresses Ms Walker's query satisfactorily.

7. GENERAL PLANNING CONSIDERATIONS

7.1 Compatibility with Surrounding Land Use

The locality map confirms that the Westcliff area accommodates a range of existing guesthouses in close proximity to Erf 237, including Cliff Cottage Hermanus, Auberge Provence Guesthouse, Beluga House, Hermanus Central Cottages, and others. The proposed guesthouse on Erf 237 is therefore entirely consistent with the established and evolving land-use character of the area.

7.2 Policy Alignment

The application is fully aligned with the Overstrand Municipality's Spatial Development Framework (2020), Growth Management Strategy, and the Overstrand Zoning Scheme Regulations (2020).

The Overstrand Municipal Spatial Development Framework designates the subject property within an Urban Development Area, supporting consent uses of this nature. No policies of which the applicant is aware restrict guesthouse consent uses in this location.

7.3 Precedent in the Area

The Motivation Report notes that consent uses for guesthouse purposes have previously been approved in the Westcliff area. The grant of consent use for Erf 237 is consistent with this established precedent and would not represent a departure from the Municipality's approach to similar applications.

8. CONCLUSION AND RECOMMENDATION

The applicant has carefully considered each of the objections and the comment received during the public participation process. The following conclusions are drawn:

- The objections do not raise any grounds that would justify refusal of the application. The concerns relate primarily to operational matters (noise, parking, privacy) that are addressed through the design of the development and can be effectively managed through conditions of consent.
- Six (6) on-site parking bays are provided in full compliance with municipal requirements. No street parking will be required or permitted. The parking concerns raised by multiple objectors are comprehensively addressed.
- The proposed guesthouse is a small-scale, low-intensity, four-guestroom establishment entirely consistent with similar approved consent uses in the surrounding Westcliff residential area.
- Balconies and first-floor features are constructed entirely within the owner's existing development rights and do not encroach on any building line. Their use is identical in nature whether the property is a residential dwelling or a guesthouse — in both cases the building is occupied by residents (owner/manager) and their guests. The consent use

cannot and should not be made the vehicle for restricting rights that exist independently of it. Objections premised solely on the balconies therefore do not constitute valid planning grounds for refusal.

- The braai and pizza oven are small-scale outdoor features with proper chimneys and flues. Smoke and odour impact on neighbouring properties will be negligible.
- The owner is committed to maintaining good neighbourly relations.
- The current owner has acted in good faith, transparency, and full cooperation with the Municipality throughout the regularisation process. All non-compliances identified were inherited from a previous owner and have been proactively disclosed and addressed.

In light of the above, the applicant respectfully requests that the Overstrand Municipal Planning Tribunal grant approval for:

- Consent use in terms of Section 16(2)(o) to establish a four-guestroom guesthouse on Erf 237, Hermanus;
- Removal of restrictive Title Deed conditions in terms of Section 16(2)(f);
- Building line departures in terms of Section 16(2)(b); and
- Determination of an administrative penalty in terms of Section 16(2)(q), and that such penalty be waived consistent with the precedent set in the Jackson Appeal Decision (Erf 1890, Vermont).

Subject to reasonable conditions of consent addressing the neighbours' legitimate operational concerns, the proposed development represents a policy-aligned, contextually appropriate, and economically beneficial use of Erf 237 that will contribute positively to the local tourism sector while maintaining the residential character and amenity of Armagh Road.

Your faithfully



John Mc Lachlan

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 237, WESTCLIFF (5132/2025)**

Stormwater (SW)	:	In order
Electricity	:	In order
Water	:	In order
Sewer	:	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 the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Engineering Services Division;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that a blind spot mirror be installed opposite parking bay No. 6 (P6) to improve vehicular circulation and safety;
8. that a clear, unobstructed parking isle width of 7,5m be maintained between the proposed Manager's Cottage and parking bays 1 to 5 (P1 to P5);
9. that no reservation of on-street parking be allowed;

10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
11. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL



DATE



1 Platinum Crescent
Phoenix
Milnerton
7441

Sanet Botha
Tel: 081 4093918
Email: WayleavesSR@Telkom.co.za

Our Ref.: WHMN 0845 26

12 March 2026

OVERSTRAND MUNICIPALITY

Attention: Alida Conradie

Dear Sir/Madam

OPTIC FIBRE/COPPER PLANT AFFECTED

WAYLEAVE APPLICATION: ERF 537, 15 MARINE DRIVE, WESTCLIFF.

With reference to your application dated 12 March 2026.

As important **OPTIC FIBRE** cables are affected, please contact our representative **Melt van As** telephone meltva@openserve.co.za number **081 3637873** at least 48 hours prior of commencement on construction work.

As per sketch attached, Openserve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for **6 months only**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

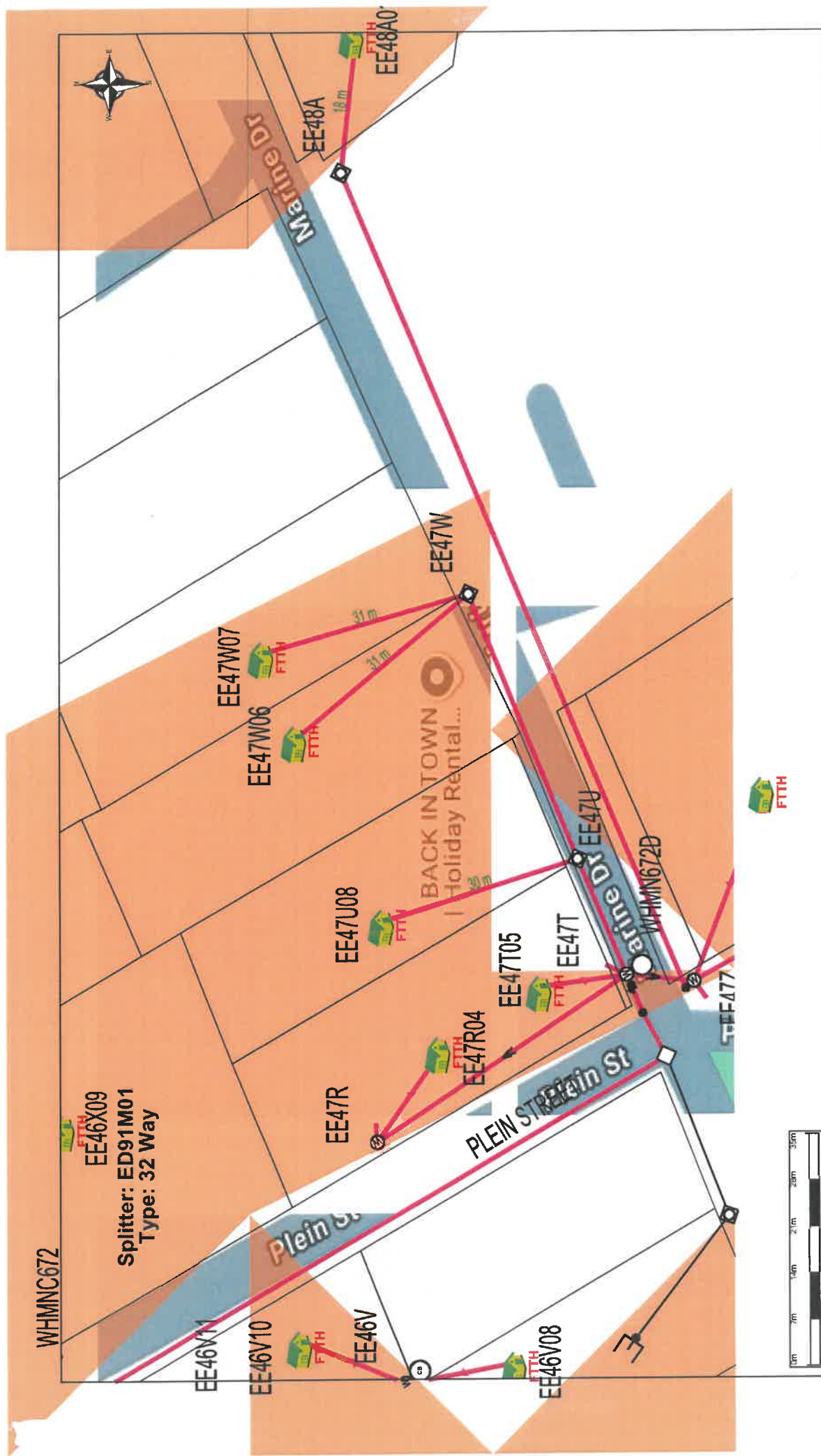
Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully



Sanet Botha
Wayleave Management: Western Region & Southern Region



Existing Manhole		Existing PJB		Existing DLC		Existing Indoor DP		Existing Pole		Planned Overhead Route		Conduit Terminus (Virtual Element)	
	Existing Manhole		Planned PJB		Existing DLC		Existing Indoor DP		Existing Pole		Planned Overhead Route		Conduit Terminus (Virtual Element)
	To Be Recovered Manhole		To Be Recovered PJB		To Be Recovered DLC		To Be Recovered SDC		To Be Recovered Pole		To Be Recovered Overhead Route		To Be Recovered Underground Route
	Existing Jointing Pit		Existing SDC		Existing Pillar Joint		Existing DP		Shut		Planned Underground Route		Scale: 1:759
	Planned Jointing Pit		Planned SDC		Planned Pillar Joint		Planned DP		Slay		Date: 12/03/2026		Created By: bothas
	To Be Recovered Jointing Pit		To Be Recovered SDC		To Be Recovered Pillar Joint		To Be Recovered DP		Access Point (Virtual Element)		Existing Overhead Route		