

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p>ERF 4688, 3 STRAND STREET, KLEINMOND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURES: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE JOSIAS LE ROUX TRUST</p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 4688, Kleinmond (the property), namely:</p> <p>Removal of a Restrictive Title Deed Conditions</p> <p>Application in terms of Section 16(2)(f) of the By-Law for the removal of a restrictive title deed conditions B.11. and B.12. as contained in Title Deed T39468/2021 of the property to regularize the existing development and to accommodate the proposed alterations to the existing dwelling house on the property.</p> <p>Departure</p> <p>Application in terms of Section 16(2)(b) of the By-Law to relax the following building lines:</p> <p>lower ground floor level</p> <ul style="list-style-type: none"> - northern lateral building line from 2m to 1,620m and 1,670m respectively to accommodate the replacement of existing windows. - eastern street building line from 4m to 2,080m to accommodate the enclosure of the existing stoep with glass doors. - eastern street building line from 4m to 1,180m to accommodate a proposed pergola. - eastern street building line from 4m to 2,820m to accommodate a proposed new stairwell. <p>ground floor level</p> <ul style="list-style-type: none"> - northern lateral building line from 2m to 0m to accommodate a proposed new double garage. - northern lateral building line from 2m to 1,685m to accommodate a portion of the new proposed stairs. - northern lateral building line from 2m to 1,685m and 1,670m respectively to accommodate the change of use of the existing bedroom and en-suite bathroom into a new scullery/laundry, pantry, kitchen, and a portion of the proposed dining room, and to accommodate the replacement of existing windows. - northern lateral building line from 2m to 1,620m and 1,685m respectively to accommodate the replacement of the roof structure. - eastern street building line from 4m to 2,030m to accommodate the enclosure of the existing balcony with retractable shutters. - western lateral building line from 2m to 0m to accommodate a proposed new double garage. <p>Departure</p> <p>Application in terms of Section 16(2)(b) of the By-Law to exceed the existing coverage from 53,99% to 57,20%.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus, at the Kleinmond Library, Fifth Avenue, Kleinmond and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 26 June 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal Town Planner, Mrs. H. van der Stoep at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments.</p> <p><i>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.</i></p>	<p>ERF 4688, STRANDSTRAAT 3, KLEINMOND : AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN AFWYKINGS: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS DIE TRUSTEES INTERTYD VAN DIE JOSIAS LE ROUX TRUST</p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 4688, Kleinmond (die eiendom), naamlik:</p> <p>Opheffing van 'n Beperkende Titelaktevoorwaardes</p> <p>Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaardes B.11. en B.12. soos vervat in Titelakte T39468/2021 van die eiendom om die bestaande ontwikkeling te reguleer en die voorgestelde veranderinge aan die bestaande woonhuis op die eiendom te akkommodeer.</p> <p>Afwyking</p> <p>Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die volgende boulyne te verslap:</p> <p>Onderste grondvloervlak</p> <ul style="list-style-type: none"> - noordelike syboullyn vanaf 2m na onderskeidelik 1,620m en 1,670m om die vervanging van bestaande vensters te akkommodeer. - oostelike straatboullyn vanaf 4m na 2,080m om die bestaande stoep toe te maak met glasdeure. - oostelike straatboullyn vanaf 4m na 1,180m om 'n voorgestelde pergola te akkommodeer. - oostelike straatboullyn vanaf 4m na 2,820m om 'n voorgestelde nuwe trap te akkommodeer. <p>Grondvloervlak</p> <ul style="list-style-type: none"> - noordelike syboullyn vanaf 2m na 0m om 'n voorgestelde nuwe dubbelmotorhuis te akkommodeer. - noordelike syboullyn vanaf 2m na 1,685m om 'n gedeelte van die nuwe voorgestelde trappe te akkommodeer. - noordelike syboullyn vanaf 2m na onderskeidelik 1,685m en 1,670m om die gebruikverandering van die bestaande slaapkamer en ensuite-badkamer in 'n nuwe opwaskamer/wassery, spens, kombuis en 'n gedeelte van die voorgestelde eetkamer te akkommodeer, en om die vervanging van bestaande vensters te akkommodeer. - noordelike syboullyn vanaf 2m na onderskeidelik 1,620m en 1,685m om die vervanging van die dakstruktuur te akkommodeer. - oostelike straatboullyn vanaf 4m na 2,030m om die bestaande balkon met trekbare-luie te kan toe maak. - westelike syboullyn vanaf 2m na 0m om 'n voorgestelde nuwe dubbelmotorhuis te akkommodeer. <p>Afwyking</p> <p>Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die bestaande dekking te oorskry vanaf 53,99% na 57,20%.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende wekedae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 26 Junie 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoof Stadsbeplanner, Me. H. Van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> <p><i>U aandag word gevestig op die Bepalings van die "POPI" Wet, en aangiesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i></p>	<p>ISIZA ESINGU-ERF 4688, 3 STRAND STREET, KLEINMOND: ISICelo SOKUSHENXISWA KWEEEMKO EZIYIMIQOBO NEZAHLOU-NGABAKWA PLAN ACTIVE TOWN & NABACWANGCISI BENGINGQI EGAMENI LE TRUSTEES ZEKESHANA ZE THE JOSIAS LE ROUX TRUST</p> <p>Kukhutshwe isaziso esimayela nemiba yeSolotyama lama-47 nelama-48 loMthethwana kaMasipala waeOverstrand OngezicwangcisoZokusetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana), esazi sozimayela nezi zicelo zilandelayo nezisebenziseka kwiSiza u-Erf 4688, Kleinmond (umhlaba), owaziwa:</p> <p>Ukushenxiswa kweemkoeziyimiqobo kwiTitayitile Zobunini</p> <p>Isicelo ngokwemiba yeSolotyama le16(2)(f)loMthethwana ongokushenxiswa iimeko eziziyimiqobo kwiTitayitile zobuni B.11.no B.12.njeongoko ziqulethwe kwiTitayitile Yobunini T39468/2021 yomhlaba ukulawula uphuhliso osele lukhona nokulungiselela izilungiso eziphakanyisiweyo nesele zikhona kwindlu ekwesi zizay.</p> <p>Ikwahlula</p> <p>Isicelo esimayela nemiba yeSolotyama le16(2)(b) loMthethwana wokunyenisa le migca yesakhiwo ilandelayo:</p> <p>Umgangatho ophantsi kosezantsi</p> <ul style="list-style-type: none"> - umgca omelene nesakhiwo kwicala elisentshona ukusuka kwiimitha ezi-2m ukuya kwi-1,620m ne1,670m ngokulandelelana ukulungiselela ukufakelwa kweefestile esele zikhona. - Umgca wesakhiwo omelene nesitatho ukusuka kwiimitha ezi-4m ukuya kwi-2,080m ukulungiselela ukulawula isitatho ngeengcango zeglasi. - Umgca omelene nesitatho kwicala elisempuma ukusuka kwiimitha ezi-4m ukuya kwi-1,180m ukulungiselela indawo yokoya inyama evalekileyo. - umgca wesakhiwo kwicala elisempuma ukusuka kwiimitha ezi-4m ukuya kwi-2,820m ukulungiselela izitepsi ezintsha eziphakamisiwayo. <p>Umgangatho sezantsi</p> <ul style="list-style-type: none"> - umgca omelene nesakhiwo kwicala elisemantla ukusuka kwiimitha ezi-2m ukuya kwi-0m ukulungiselela isiphakamiso segaraji elungiselewe ukungena izithuthi ezibini. - Umgca omelene nesakhiwo kwicala elisentshona ukusuka kwiimitha ezi-2m ukuya kwi-1,685m ukulungiselela ixalenye yezipetsi ezintsha. - Umgca omelene nesakhiwo kwicala elisemantla ukusuka kwiimitha ezi-2m ukuya kwi-1,685m ne- 1,670m ngokulandelelana ukulungiselela utshintsho lendlela yokusebenza kwegumbi lokulala esele likhona eline-ensuti libe yindawo entsha yokuhlambela izitya/impahla/, indawo yokugciona ukutya, ikhishi, nenxalenye yegumbi lokutya eliphakamisiwayo, nokulungiselela ukufakela ifestile esele zikhona. - Umgca omelene nesakhiwo kwicala elisemantla ukusuka kwiimitha ezi-2m ukuya kwezi-1,620m nezi-1,685m ngokulandelelana ukulungiselela ukufakelwa nokufakelwa kopahla ebelikhona. - Umgca omelene nesakhiwo kwicala elisempuma ukusuka kwiimitha ezi-4m ukuya kwiimitha ezi-2,030m ukulungiselela ukulawula iveranda/bhalkhoni esele ikhona eneengcango zokhuselo ezivulekayo nezivulekay (ezisongwayo). - umgca omelene nesakhiwo kwicala elisentshona ukusuka kwiimitha ezi-2m ukuya kwi-0m ukulungiselela igaraji entsha elungele ukungena izithuthi ezibini ephakanyisiweyo. <p>Ulwahlulo</p> <p>Isicelo esimayela nemiba yeSolotyama leSection 16(2)(b) loMthethwana wokugqithela kwindawo yokulawula esele ikhona ukusuka kwi-53,99% ukuya kwi-57,20%.</p> <p>Iinkcukacha ezipheleleyo mayela nesi siphakamiso singentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye8:00 neye16:30 kwiCandelo: Izicwangciso zeDolophu noBume BeNdawo, 16 Paterson Street, Hermanus, eKleinmond Library, Fifth Avenue, Kleinmond nakwiwebbhpeji kamasipala kweli qhakamshela ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</p> <p>Naziphi na izimvo mazibhalwa phantsi zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama 26 Juni 2026, uchaze igama lakho, idilesi yakho, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa kuMcangcisi weDolophu OyiNqununu, Nkskz. H. van der Stoep kwa 028-3138900. UMasipala angakwi ukwamkela izimvo ezifunyenwe emva komhla wokulawula.. Nabani na ongakwazi ukufunda nokubhala angaya kwiCandelo: Izicwangciso zeDolophu noBume BeNdawo apho igosa likamasipala liza kuncceda ukubeka izimvo zakhe ahlole ngokusemthethweni.</p> <p><i>Nceda uqapheleluka ngokwemiba yoMthetho Wokhuseleka LwengxeloYoMntu (POPIA), uza kube ungena kwinkqubo yoluntu ngoko ke uvuma kwaye uvumelah ukudizwa kwegama lakho, ifani, iinkcukacha zakho noluvo/nezimvo zakhocokusetyenziswa kwinkqubo yesicelo (sicelo).</i></p>

Dr DGI O'Neill
Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala
 PO Box / Posbus / Ibhokisi yePost 20 HERMANUS 7200

Notice no. / Kennisgewing nr. / Inathisi yeNomb: **98/2026**

**PROPOSED BUILDING LINE AND
COVERAGE DEPARTURES AND THE
REMOVAL OF TITLE DEED
RESTRICTIONS**

ERF 4688 KLEINMOND
DIVISION: CALEDON
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. **BACKGROUND**

The Josias Le Roux Trust, registered owner of Erf 4688 Kleinmond, has appointed Plan Active Town and Regional Planners to prepare and submit the following applications:

- Building line departures;
- Coverage departure; and
- Removal of restrictive Title Deed conditions.

These applications are necessitated by the proposed modernisation and additions to the existing dwelling, portions of which have been constructed over the prescribed building lines in terms of the Overstrand Municipal Zoning Scheme Regulations, 2020, as well as the applicable Title Deed restriction.

It should be noted that the existing dwelling was constructed more than 60 years ago and has historically been utilised as a single residential dwelling. Although the property is zoned General Residential Zone 3, the Overstrand Municipality has confirmed that, due to the single residential use of the property, the building line provisions applicable to Residential Zone 1 are applicable in this instance.

In addition, the proposed alterations will result in a marginal increase in coverage, exceeding the permitted 50% by approximately 7.2%. This increase is primarily attributed to the demolition of the existing garage and its replacement with a new double garage.

A meeting was held at the municipal offices with Ms Hanneen van der Stoep, during which aerial imagery was compared with approved building plans and compared with the Hangklip Kleinmond Zoning Scheme Regulations. It was confirmed that the determination of an administrative penalty is not required in respect of the building line encroachments, as these arose also from an oversight relating to the Title Deed restrictions.

Externally, the property includes a garage with associated storage, covered stoep areas, open balconies, and outdoor braai and entertainment spaces. These features are complemented by a driveway, drying yard, and service yard, all integrated into a stepped building form that responds appropriately to the natural slope of the site.

Erf 4688 Kleinmond measures 495m² in extent and is held under Title Deed No. T39468/2021.

2. APPLICATION DETAILS

Application is hereby made in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, as follows:

- Section 16(2)(b), Chapter 4: Application for building line and coverage departures to regularise the existing and proposed building line encroachments on the property.
- Section 16(2)(f), Chapter 4: Application for the removal of a restrictive conditions contained in the Title Deed, specifically insofar as it relates to the prescribed street building lines applicable to Erf 4688 Kleinmond.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

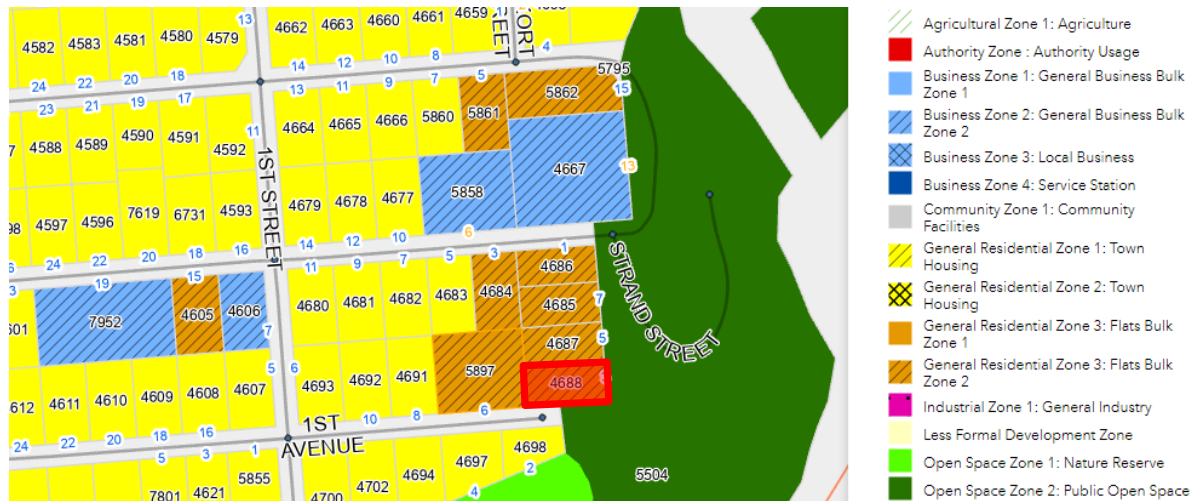
Erf 4688 Kleinmond is located on the corner of 1st Avenue and Strand Street, Kleinmond, with the property measuring 495m² in extent. Please refer to the enclosed locality plan and the aerial photograph below.



3.2 ZONING

According to the zoning map extract obtained from the Overstrand Municipality Geographic Information System (GIS), Erf 4688 Kleinmond is zoned General Residential Zone 3: Flats.

The zoning map extract is attached below for reference.



3.3 LAND USE

Erf 4688 Kleinmond is currently utilised for single residential purposes and is developed with a double-storey dwelling house and ancillary outbuildings, including a single garage, storage, a drying yard and driveway.

The existing dwelling comprises a well-developed internal layout accommodating six bedrooms, multiple living areas, and associated support facilities. The ground floor serves as the primary living level and includes four bedrooms, a kitchen, lounge, bathroom, laundry, and braai area. The lower ground floor accommodates two additional bedrooms (one with an en-suite bathroom), a kitchenette, lounge, and ancillary storage and service areas.

The existing land use is consistent with the primary use rights applicable to properties zoned Residential Zone 1: Single Residential even though the actual zoning is General Residential Zone 3 in terms of the Overstrand Municipality Land Use Scheme.

The surrounding area is predominantly characterised by single residential properties developed, more consistent with single residential zoning and established development pattern of Kleinmond.

3.4 PROPOSAL

Application is hereby made in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, as follows:

- Section 16(2)(b), Chapter 4: Application for building line and coverage departures to regularise the existing and proposed building line encroachments on the property.
- Section 16(2)(f), Chapter 4: Application for the removal of restrictive conditions contained in the Title Deed, specifically insofar as it relates to the prescribed street building lines applicable to Erf 4688 Kleinmond.

3.4.1. PROPOSED BUILDING LINE DEPARTURES (Land Use Scheme)

Due to the property being developed and utilised as a single residential dwelling, it has been determined that the building line provisions applicable to Residential Zone 1 should be applied, as opposed to those prescribed for General Residential Zone 3 (Flats), in terms of the Overstrand Municipality Land Use Scheme Regulations.

It is further noted that, in terms of the former Hangklip-Kleinmond Zoning Scheme, a combined lateral building line of 3.5 metres was applicable, with a minimum setback of 1.5 metres on one boundary and a corresponding minimum of 2.0 metres on the

opposite boundary. This historical context supports the application of a 2.0 metre lateral building line encroachment in the current instance.

Accordingly, the prescribed building lines applicable to Erf 4688 Kleinmond are as follows:

- A lateral building line of 2.0 metres along both the northern and western property boundaries; and
- A street building line of 4.0 metres along the eastern and southern boundaries abutting the street.

In the section that follows, the existing dwelling, as well as the proposed alterations thereto, including the proposed double garage encroaching the lateral and rear building lines, will be addressed.

Northern Lateral Boundary:

The existing dwelling is constructed at a setback varying between 1.620m and 1.670m from the northern lateral boundary, thereby encroaching the prescribed 2.0 m building line.

Proposed alterations to the lower ground storey and ground storey along the northern elevation include internal reconfigurations, replacement of windows, and the construction of a new stairwell. These alterations primarily constitute improvements to functionality and circulation, as well as a change in land use within portions of the dwelling.

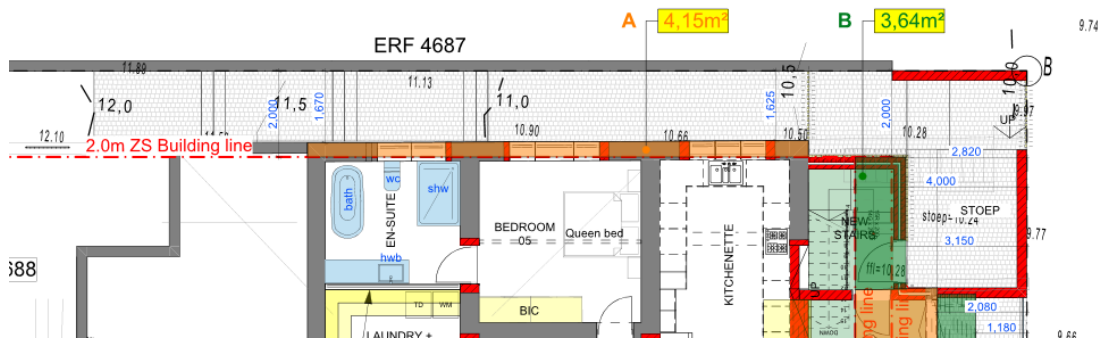
Lower Ground Storey: With specific reference to the lower ground storey, the existing layout comprising an en-suite bathroom, bedroom, and kitchenette will remain unchanged in terms of use. The existing staircase and lobby area will be replaced with a new stairwell linking the lower ground storey to the ground storey. Importantly, the proposed stairwell does not encroach the prescribed 2.0 m lateral building line.

Motivation report

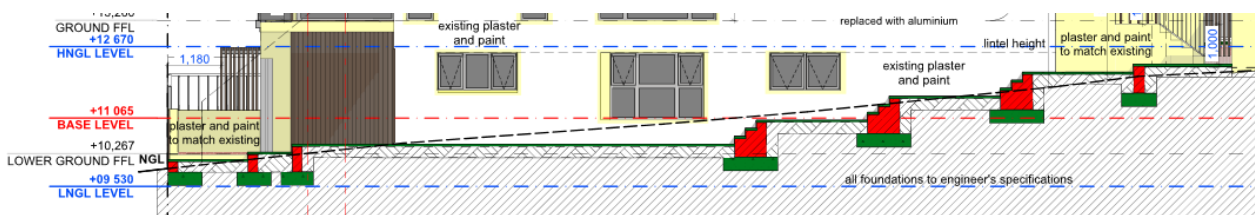
Accordingly, the only aspect requiring consideration in terms of the building line departure relates to the replacement of existing windows along the northern elevation. All existing doors and windows will be replaced with aluminium-framed units. The affected openings include the kitchenette window, bedroom window, and en-suite bathroom window. While the general positioning of these openings remains consistent, minor changes in configuration are proposed, with the bedroom window being marginally larger than the existing.

Due to the external wall not being perpendicular to the northern boundary, the setback varies between 1.620 m and 1.670 m. In order to accommodate the replacement and slight reconfiguration of the windows, a building line departure is required to regularise this encroachment from the prescribed 2.0 m to the existing setback.

It is submitted that the proposed changes will not result in any additional impact on the adjoining property, as the alterations are limited in extent and remain within the existing building footprint. Please refer to the building plan abstracts below for easy reference:



Lower Ground Storey Layout



Lower Ground Storey North Elevation

Ground Storey: With reference to the ground storey layout, and starting from the western side of the property, a new double garage is proposed to replace the existing single garage and associated storage structures. The existing structures are located closer to 1st Avenue and currently limit the available space for on-site parking.

The proposed double garage will be repositioned closer to the northern lateral boundary and the western rear boundary, thereby creating sufficient space for an improved driveway layout that can accommodate visitor parking. This represents an overall improvement to the current on-site parking arrangement.

The proposed garage will measure approximately 6.54 m along the northern boundary, with an additional 1.1 m firewall. In order to accommodate this structure, application is made for a building line departure from the prescribed 2.0 m to 0.0 m along the affected boundaries.

Due to the natural slope of the site, a short flight of stairs, consisting of seven treads and risers, is proposed to provide access from the proposed freestanding double garage to the dwelling via the ground storey kitchen. The encroachment associated with the stairs is minimal, as only the treads and handrail encroach the building line by approximately 0.315 m. Below is a rendered drawing of the proposed stairs from the garage to access the dwelling:



Along the northern elevation of the existing dwelling, the proposed internal reconfiguration on the ground storey includes the following changes in land use:

- The existing bedroom and en-suite bathroom will be converted into a new scullery/laundry, pantry, kitchen, and a portion of the proposed dining room.

The existing lounge and dining room largely remain in the same position, with the exception that the dining room will be expanded to incorporate a portion of the former bedroom.

In order to accommodate these internal alterations, as well as the proposed staircase within the current building line area, application is made for a building line departure from the prescribed 2.0 m to between 1.620 m and 1.685 m, consistent with the existing building footprint. The extent of the encroachment (approximately 0.315 m to 0.380 m) is minor and will not result in any adverse impact on the adjoining property.

The existing northern wall currently contains five window openings serving the bedroom, en-suite bathroom, lounge, and dining room. These windows will be replaced and reconfigured as follows:

- The en-suite bathroom window will be replaced with a larger window to serve the proposed scullery/laundry, pantry, and kitchen;
- The bedroom window will be replaced with a smaller kitchen window;
- The dining room window will be enlarged; and
- The existing lounge window will be replaced with two smaller vertical windows, the combined area of which is comparable to the existing opening.

In order to accommodate the proposed replacement and reconfiguration of these windows within the existing encroached building line area, application is made for a building line departure from 2.0 m to between 1.620 m and 1.685 m.

It is submitted that these alterations will not result in any negative impact on the adjoining property, as the changes are confined to the existing building envelope and are limited in extent.

Considering that the existing parking area is located approximately 17 metres from the eastern street boundary, it is evident that the existing stoep and balcony, as well as the proposed alterations, will not negatively impact on traffic flow or the on-street parking capacity along Strand Street.

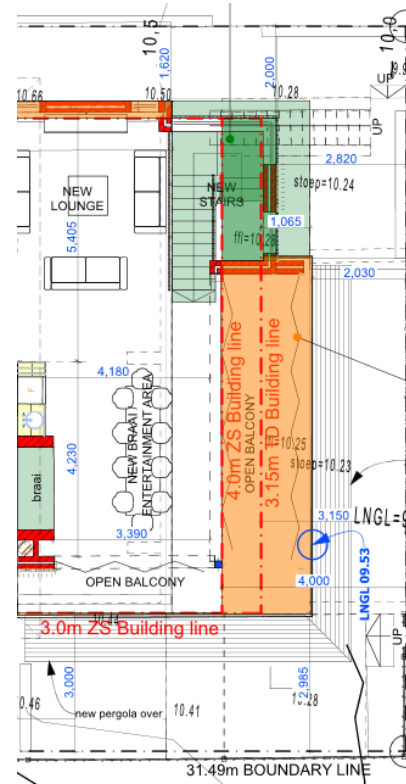
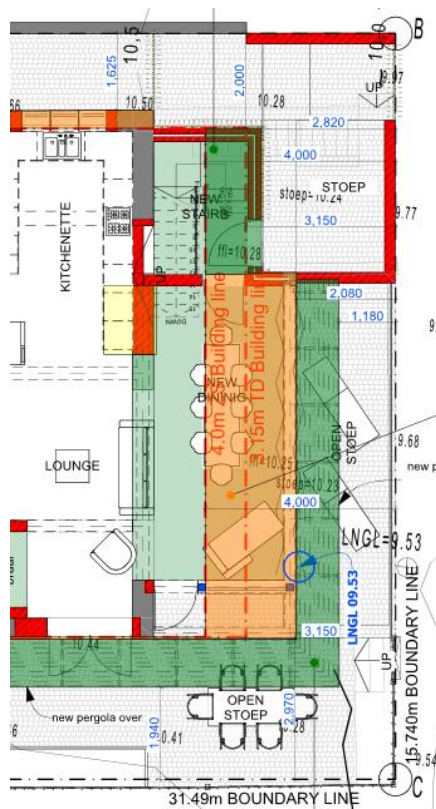
Lower Ground Floor: The existing stoep is located approximately 2.080 m from the eastern street boundary and is covered by the balcony above, the edge of which is positioned approximately 2.030 m from the street boundary. It is proposed that the lower ground floor stoep be enclosed on the street-facing side with glass stack doors.

In addition, a wraparound pergola is proposed around the lower ground floor lounge area, extending approximately 1.0 m beyond the existing building footprint along both the eastern and western sides. As a result, the pergola will be positioned approximately 1.180 m from the eastern street boundary. Application is therefore made for a building line departure from the prescribed 4.0 m to 1.180 m to accommodate the proposed pergola along the eastern street frontage.

It is further proposed that the existing staircase, currently located in close proximity to the eastern street boundary, be demolished and replaced with a more compact stairwell. The new stairwell will be set back approximately 2.820 m from the eastern street boundary and 2.0 m from the northern lateral boundary. This revised positioning represents an improvement, as the new stairwell will be located further from the street boundary than the existing structure, thereby reducing its visual and spatial impact.

Application is accordingly made for a building line departure along the eastern street boundary from 4.0 m to 2.820 m to accommodate the proposed stairwell.

For easy reference refer to the abstract below from the building plans and 3d renders of the proposals below:



Lower Ground and Ground Floor Layout

Ground Storey: The existing ground storey balcony will be retained, while the habitable entertainment area and braai will be enclosed with glass stack doors. These

stack doors will be positioned at a setback of 4.0 m from the eastern street boundary and therefore comply with the prescribed street building line.

It is further proposed that the existing balcony be fitted with retractable stack shutters to provide wind protection during adverse weather conditions. These shutters will be installed along the outer edge of the existing balcony, which is located approximately 2.030 m from the eastern street boundary. The shutters are designed to be retractable and will not be permanently deployed, but rather utilised only when required. As such, they can be considered a lightweight, adaptable feature rather than a permanent structural element.

Notwithstanding the above, and in the interest of full compliance, the shutters are included in this application. Accordingly, application is made for a building line departure from 4.0 m to 2.030 m to accommodate the proposed retractable shutter installation. Please refer to the 3d render below depicting the east elevation:



It is further noted that the proposed stairwell encroachment has already been addressed in the preceding section dealing with the Lower Ground Storey and is therefore not repeated herein.

Western Boundary:

A 2.0 m lateral building line applies along the western boundary of Erf 4688 Kleinmond. As previously discussed under the northern boundary section, a new double garage is proposed to be located in the corner of the northern and western boundaries.

The proposed garage extends along the western boundary for a length exceeding one-third of the total boundary length and therefore requires specific consideration. The total length of the western boundary is 15.74 m, while the proposed garage will extend approximately 7.040 m along this boundary, excluding the required firewall, which adds a further 1.805 m. Notwithstanding the extent of the structure, the remaining configuration and design of the garage comply with the applicable provisions of Section 16.1.1(c) of the Overstrand Municipality Land Use Scheme Regulations.

Accordingly, application is made for a building line departure along the western boundary from the prescribed 2.0 m to 0.0 m to accommodate the proposed double garage.

The proposed double garage will have an approximate footprint of 7.040m by 6.540m and will be fitted with a single double-width garage door. No windows are proposed in the walls along the northern and western boundaries, thereby minimising any potential impact on adjoining properties.

The overall height of the garage will range between approximately 3.170m and 3.490m, as reflected on the accompanying building plans. The structure will incorporate a mono-pitched roof concealed behind parapet walls, creating the visual appearance of a flat roof.

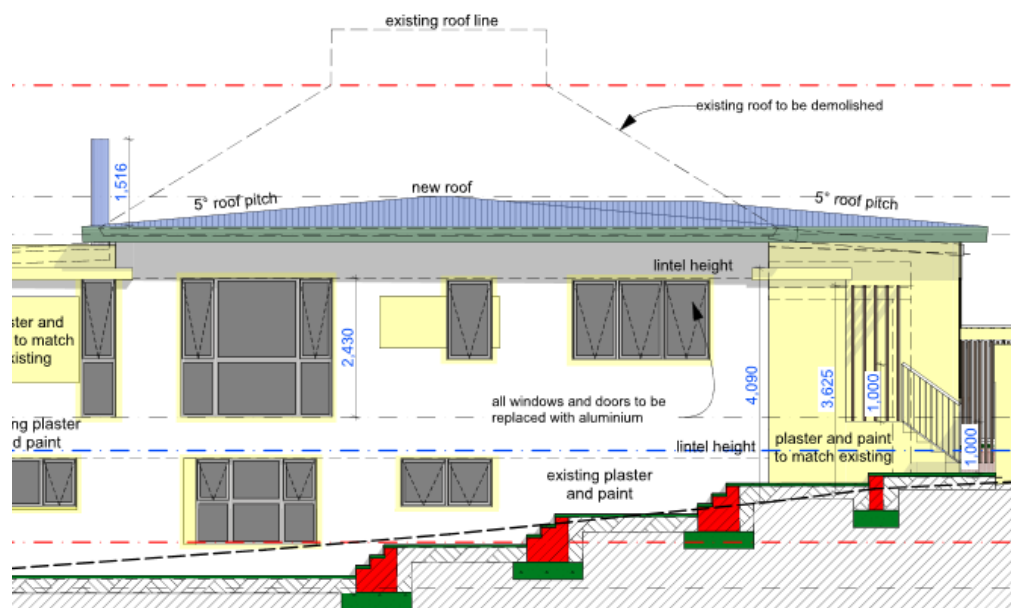
Refer to the 3d render drawing below for easy reference:



Proposed Roof Replacement:

The existing roof over the dwelling will be replaced with a newly designed, differently angled roof and will therefore not constitute a like-for-like replacement. As part of this application, the roof replacement is specifically addressed, particularly along the northern elevation where the dwelling encroaches the 2.0 m lateral building line.

The proposed roof will have a shallow pitch of approximately 5 degrees, resulting in a reduction in the overall height of the structure by 2.92m. This significant decrease in height will reduce the visual bulk and scale of the dwelling and will have a lesser impact on adjoining properties. Please refer to the building plans abstract below:



In order to replace the roof structure, we are applying for a building line departure alongside the northern boundary from 2m to 1.685m and 1.620m that excludes the 500mm overhang of the proposed roof.

Conclusion: Building Line Departures

Based on the above assessment, it is evident that the proposed building line departures are largely informed by the existing built form, historical development context, and the functional upgrading of the dwelling, rather than the introduction of new or intrusive structures beyond the established envelope.

Along the northern boundary, the existing encroachment is longstanding and is merely being regularised, with proposed alterations limited to internal reconfiguration and minor window adjustments. These changes do not intensify the encroachment nor introduce any additional adverse impacts on the adjoining property.

With regard to the western boundary, the proposed double garage represents a rational improvement to the current site layout by enhancing on-site parking provision and reducing congestion along the street interface. Although the garage exceeds one-third of the boundary length, it complies with the applicable design provisions, incorporates no openings facing adjoining properties, and is appropriately scaled in terms of height and massing.

In respect of the eastern street boundary, the departures relate primarily to architectural elements such as the pergola, stairwell, and retractable shutters, as well as the enclosure of existing spaces. Given the substantial setback of approximately 17 metres between the street boundary and the primary parking/interface area, these elements will not negatively impact on traffic movement, parking, or the streetscape. The revised stairwell position further improves the situation by increasing the setback relative to the existing structure.

It is further noted that the existing pitched roof will be replaced with a low-pitched roof of approximately 5 degrees, resulting in a reduction of the overall building height by approximately 2.920m. This reduction in height significantly mitigates the visual impact and perceived bulk of the dwelling, further supporting the acceptability of the proposed departures.

The accompanying 3D renderings illustrate that the proposed additions and alterations are well-integrated with the existing dwelling, presenting a coherent architectural response that is both contemporary and contextually appropriate. The visual impact of the encroachments is minimal, with the scale, massing, and articulation of the building remaining consistent with the surrounding residential character.

Importantly, the majority of the departures either regularise existing conditions or introduce minor, functional improvements that do not result in additional bulk, overlooking, or loss of privacy. The proposal is therefore considered to be reasonable and in line with sound town planning principles, including compatibility with the surrounding area, efficient use of the property, and the absence of negative externalities.

It is accordingly submitted that the proposed building line departures are justified and should be supported.

3.4.2 PROPOSED DEPARTURE FROM COVERAGE RESTRICTION

The existing dwelling and associated outbuildings already exceed the permitted coverage of 50% by approximately 4%. In order to clearly illustrate the differences between the existing development and the proposed alterations and additions, the changes are best presented in a comparative tabular format, as set out below:

THE BUILDINGS		
DESCRIPTION	EXISTING SIZE (m²)	PROPOSED SIZE (m²)
Lower Ground storey	167.92	167.86
Dwelling and Stairs	146.25	133.50
Open Patio	21.67	27.68
New Stairwell		7.688
Ground Storey	267.29	283.13
Garage and Storage	43.27	46.04
Dwelling	189.90	186.56
Open Balconies	2.56	26.21
Existing and New balconies		18.90
Open Steps and Landings	31.56	3.79
New RC Roof Slab		1.63
THE SITE		
ERF SIZE	495m ²	495m ²
COVERAGE PERMITTED	50%	50%
COVERAGE	53.99%	57.20%

In terms of the Overstrand Municipality Land Use Scheme Regulations, a maximum coverage of 50% is permitted for properties of this nature. Erf 4688 Kleinmond measures 495 m² in extent, which equates to a permissible coverage of 247.50 m².

According to the building areas table, the existing development already exceeds the permissible coverage, reflecting a coverage of approximately 53.99% (± 267.25 m²). The proposed development will result in a total coverage of approximately 57.20% (± 283.14 m²). This represents an increase of approximately 15.89 m² in covered

footprint, equating to a marginal increase of 3.21 percentage points above the existing condition.

Importantly, the increase in coverage is not the result of a substantial expansion of the primary dwelling but rather arises from the rationalisation and improvement of ancillary structures and site functionality. The main contributing factor is the replacement of the existing single garage and associated storage areas with a new double garage, which improves on-site parking provision and overall site usability. Additional minor contributions to the increased coverage include new steps, landings, and limited structural elements associated with the reconfiguration of the building.

It is noted that the primary dwelling footprint remains largely unchanged, with only minor internal reconfigurations and negligible changes to the lower ground floor area. The increase in coverage is therefore primarily associated with functional improvements rather than an intensification of habitable floor area.

From a planning perspective, the proposed increase in coverage is considered acceptable for the following reasons:

- The increase is marginal in extent (3.21%) and limited in physical footprint ($\pm 15.89 \text{ m}^2$);
- The property has historically exceeded the permissible coverage, and the proposal represents a continuation of an established development pattern rather than a new departure;
- The additional coverage is largely attributable to improved parking and access arrangements, which enhance the functionality of the site and reduce on-street parking pressure;
- The proposed development does not result in increased bulk or scale, particularly in light of the reduction in building height associated with the new roof design; and

- There will be no adverse impact on adjoining properties in terms of privacy, overshadowing, or visual intrusion.

It is therefore submitted that the proposed coverage departure is reasonable, justified, and consistent with sound town planning principles, and should be supported.

3.4.3. PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Title Deed No. T39468/2021, applicable to Erf 4688 Kleinmond, contains restrictive building lines which must be removed to enable the approval of the proposed building plans and to regularise both the existing development and the proposed alterations on the property.

The removal of this restrictions is required as the prescribed street building lines, as imposed in terms of the Title Deed, is currently encroached upon by the existing dwelling and will continue to be affected by the proposed alterations.

The relevant restrictive conditions, recorded on page 3, paragraph B(11) and (12) of the Title Deed, reads as follow:

- “B11. All buildings to be erected on the land herein sold shall stand back at least 3.15 metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front.”
- “B12. That all buildings to be erected on the land herein sold shall stand back at least 9.45 metres from any street or 6.30 metres from any Avenue on which the Lot or Lots herein mentioned may front.”

The existing dwelling, including the staircase (which is to be demolished), encroaches this building line. Following the demolition of the staircase and considering the proposed alterations to the existing structure, portions of the dwelling will remain approximately 2.030 m from the eastern street boundary.

In addition, the proposed pergola will be constructed at a setback of approximately 1.180 m from the same boundary. The nature and extent of these encroachments along the eastern street boundary have been addressed in detail in the preceding sections of this report.

Legislative Consideration: Section 39(5) of LUPA

In terms of Section 39(5) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) ("LUPA"), a municipality is required to have due regard to specific considerations when evaluating an application for the removal, suspension, or amendment of restrictive conditions. These considerations provide the statutory framework to ensure that such removal is reasonable, justified, and aligned with sound planning principles.

The relevant factors include:

- The financial or other value of the restrictive conditions to any person;
- The purpose of the restrictive conditions;
- The duration for which the conditions has been applicable;
- Whether the conditions remains enforceable;
- Whether the removal, suspension, or amendment will materially affect the rights or legitimate expectations of any person;
- Whether the removal, suspension, or amendment would be in the public interest; and
- Whether the proposed removal, suspension, or amendment would conflict with any applicable:
 - Spatial Development Framework or adopted policy;
 - Approved municipal planning by-law;
 - Land Use Scheme; or
 - Other applicable municipal or provincial legislation.

Each of the above considerations is addressed in detail below in support of the motivation for the removal of restrictive Title Deed conditions applicable to Erf 4688 Kleinmond.

• **The financial or other value of the restrictive conditions to any person**

The restrictive conditions do not hold any direct financial or proprietary value for adjoining property owners or third parties. Its function is regulatory in nature rather than conferring a tangible benefit. Given the established development pattern in the area and the existing encroachments, the conditions do not provide any measurable economic advantage to surrounding properties.

• **The purpose of the restrictive conditions**

The purpose of the restrictive conditions is to ensure a uniform building setback from the street boundary, thereby promoting an orderly streetscape, maintaining visual amenity, and protecting access to light, air, and openness. It serves as a historical control mechanism to guide development form and spatial consistency along the street frontage.

• **The period during which the conditions have been applicable**

The conditions have been in place for several decades, originating from earlier township establishment controls under previous planning regimes. Over time, the area has evolved, and the conditions have become less reflective of current planning policies and development trends applicable within the municipality.

• **Whether the conditions is still enforceable**

While the conditions remain legally enforceable, its practical application has diminished due to changes in planning frameworks, including the adoption of the Overstrand Municipality Land Use Scheme. In many instances, such historic Title Deed restrictions are superseded in practice by contemporary planning controls and are often removed to align with current regulatory standards.

• **Whether the removal will materially affect the rights or legitimate expectations of any person**

The removal of the restrictive conditions will not materially affect the rights or legitimate expectations of any person. The proposed encroachments are minor in nature, largely relate to existing conditions, and do not result in additional overlooking, loss of privacy, or overshadowing of neighbouring properties. The surrounding built environment already reflects a degree of flexibility in building lines.

• **Whether the removal will be in the public interest**

The removal of the conditions are considered to be in the public interest, as it facilitates the regularisation of existing development and enables appropriate upgrading of the property. It supports efficient land use, improves site functionality (particularly in terms of parking and access), and aligns the property with contemporary planning practices.

• **Whether the removal will conflict with any applicable spatial development framework, land use scheme, or legislation**

The proposed removal of the restrictive Title Deed conditions do not conflict with any applicable Spatial Development Framework or overarching planning policy. However, it is acknowledged that the proposal does not fully comply with the prescribed street building line in terms of the Overstrand Municipality Land Use Scheme Regulations. This non-compliance is addressed through a concurrent application for building line departures along the eastern street boundary. The removal of the Title Deed restrictions are therefore necessary to align the Title Deed provisions with the proposed development, while the departure application serves to assess the acceptability of the encroachment in terms of current planning legislation. The applications are complementary in nature and together provide a comprehensive mechanism to regularise and evaluate the development within the applicable statutory framework.

Conclusion:

The removal of the restrictive Title Deed conditions are therefore considered justified, as it enables the regularisation of existing encroachments and facilitates reasonable improvements to the property. The proposed development is modest in extent, contextually appropriate, and will not result in any adverse impact on neighbouring properties or the surrounding area. When read together with the accompanying building line departure application, it is submitted that the proposal represents a balanced and appropriate response that aligns with sound planning principles and should accordingly be supported.

3.5 ACCESS AND PARKING

Vehicular access to Erf 4688 Kleinmond is obtained directly from 1st Avenue, which forms the southern boundary of the property. The site layout indicates a clearly defined

vehicular entrance leading from 1st Avenue onto the property, providing access to the internal driveway system.

The existing configuration, which includes a single garage and limited on-site parking space, is constrained in its ability to accommodate multiple vehicles and results in restricted manoeuvring space within the site. As part of the proposed development, this arrangement is significantly improved through the introduction of a reconfigured driveway and the construction of a double garage positioned along the northern and western boundaries of the property.

The proposed double garage, measuring approximately 7.040 m by 6.540 m, is directly accessible from the internal driveway and provides sufficient space for two vehicles. In addition, the repositioning of the garage away from the current entrance area creates a larger and more functional driveway space that can accommodate additional visitor parking on-site. This improves the overall parking arrangement on the property and reduces pressure on on-street parking.

Vehicles will access the site from 1st Avenue and will reverse out when exiting the property. Notwithstanding this, the proposed layout represents an improvement over the existing arrangement, as it provides increased on-site parking capacity, better use of the available driveway area, and improved functionality for residents and visitors.

Given the above, the proposed access and parking arrangements are considered acceptable, as they provide sufficient on-site parking and a more practical layout than the existing situation.

3.6 SERVICES.

The property is already fully serviced with all necessary municipal engineering services, including water supply, sewerage, electricity, and stormwater infrastructure. The proposed development consists solely of alterations and additions to the existing dwelling and does not constitute a new or intensified land use that would place additional demand on municipal services.

Accordingly, no upgrades to existing services or provision of additional infrastructure will be required, and the current service capacity is considered adequate to accommodate the proposed development.

3.7 TITLE DEED

Erf 4688 Kleinmond is owned by the Josias Le Roux Trust and is held under Title Deed No. T39468/2021. The Title Deed contains certain restrictive conditions that regulate development on the property, including provisions relating to building lines.

Of particular relevance to this application is the restrictive condition imposing street building lined of 3.15 metres, 9.45 metres and 6.30m from the boundary of any street or avenue on which the property fronts. Portions of the existing dwelling have been constructed in conflict with this restriction, and the proposed alterations will continue to encroach the prescribed Title Deed building line along the eastern boundary.

In order to regularise the existing development and enable the proposed alterations, application is made for the removal of the restrictive Title Deed conditions relating to the street building lines.

The motivation for the removal of this restrictions have been addressed in detail in the preceding section of this report titled "Proposed Removal of Restrictive Title Deed Conditions", where the application is considered in terms of Section 39(5) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

3.8 FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework (2020)

In terms of the Overstrand Municipal Wide Spatial Development Framework (2020), Erf 4688 Kleinmond is located within the designated urban development area of the municipality. The property falls within an established residential area where continued residential use is supported and no change in land use is envisaged in the applicable spatial vision.

The proposed application, which includes the regularisation of existing building line encroachments, a departure from the prescribed coverage, minor alterations and additions to the dwelling, and the removal of restrictive Title Deed conditions, does not alter the existing land use or significantly increase the development intensity of the property. The erf will continue to be utilised for single residential purposes.

The proposal is therefore consistent with the spatial objectives of the Municipal Wide SDF, as it promotes the efficient use of land within the existing urban footprint, supports incremental upgrading of existing residential properties, and does not give rise to any conflict with the broader spatial planning framework of Kleinmond.

Overstrand Growth Management Strategy (2010)

According to the Overstrand Growth Management Strategy (2010), the subject property falls within Planning Unit 18, which is centrally located in Kleinmond and accommodates the existing retail and administrative centre of the town.

The strategy identifies this Planning Unit as an area suitable for higher-density residential development, including typologies such as group housing and flats, with an anticipated increase in residential density and more efficient land utilisation.

In this context, the proposed development—comprising the regularisation of building line encroachments, a coverage departure, and alterations and additions to an existing single residential dwelling—remains of a significantly lower intensity than the development envisaged by the strategy. The proposal does not introduce higher-density housing or intensification beyond the existing single residential use.

Accordingly, the application is consistent with the broader intent of the Growth Management Strategy, as it represents a modest and appropriate use of land within a Planning Unit earmarked for greater levels of development intensity, without undermining the spatial vision or development objectives for the area.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

In terms of the Overstrand Municipality's GIS, Erf 4688 Kleinmond falls within Heritage Area 3C, Special Area, and Landscape Character Zone (LCZ) A1, and is further located within the Coastal Strip Heritage Protection Overlay Zone (HPOZ). These designations indicate that the property forms part of a broader heritage-sensitive coastal environment where emphasis is placed on protecting the character, scale, grain, and visual quality of the built form rather than individual structures.

A review of the Overstrand Heritage Survey Report confirms that Erf 4688 Kleinmond is not identified as a graded or individually listed heritage resource. The property therefore does not have formal heritage status (e.g. Grade 3A, 3B or 3C), but remains subject to area-based heritage controls applicable to the Coastal Strip HPOZ.

It is noted that the existing dwelling is older than 60 years, and therefore falls within the ambit of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999), which requires that alterations to structures older than 60 years may require approval from Heritage Western Cape. However, the dwelling has undergone multiple alterations and additions over time and does not exhibit sufficient architectural, historical, or contextual significance to warrant formal heritage recognition. Its heritage value is therefore considered limited.

In terms of the Overstrand Heritage Protection Overlay Zone Regulations (2020), the Coastal Strip HPOZ seeks to ensure that development respects the existing coastal character, including maintaining a fine-grained built form, limiting building massing and scale, and ensuring that new interventions are contextually appropriate and do not detract from the scenic and environmental qualities of the area.

The proposed development consists of alterations and additions to the existing dwelling, including the regularisation of building line encroachments, a coverage

departure, internal reconfiguration, and the construction of a double garage. The proposal does not introduce any new land use or increase the intensity beyond single residential use.

The scale and form of the proposed development remain consistent with the surrounding residential context, which is characterised by relatively small erven and single dwellings. The design responds appropriately to the natural slope of the site through a stepped building form. In addition, the replacement of the existing roof with a lower 5-degree pitched roof will reduce the overall building height by approximately 2.920m, thereby improving the visual integration of the structure and reducing potential visual impact.

The proposed alterations are modest in nature and largely confined to the existing building footprint. The development does not result in a monolithic building form and remains consistent with the fragmented and residential character promoted within the Coastal Strip HPOZ. No adverse impact on the streetscape, scenic qualities, or heritage context of the area is anticipated.

Accordingly, the application is considered to be consistent with the intent of the Coastal Strip HPOZ and the broader Overstrand heritage framework, as it maintains the existing character of the area while facilitating the reasonable upgrading and continued use of the property.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

In terms of the Overstrand Municipality's Environmental Management Overlay Zone (EMOZ), Erf 4688 Kleinmond falls within both the Protection Area Buffer and the Coastal Protection Zone. These designations are intended to ensure that development within environmentally sensitive areas is appropriately managed so as to minimise ecological disturbance, protect coastal processes, and maintain the natural character of the area.

The subject property is, however, located within an already established and fully developed urban environment, characterised by formal residential erven and existing infrastructure. The site has been transformed from its natural state and currently accommodates a long-established dwelling and associated improvements. As such, the ecological sensitivity of the property itself is considered to be low in comparison to undeveloped or pristine coastal areas.

The proposed development is limited to alterations and additions to the existing dwelling, including the regularisation of building line encroachments, a coverage departure, internal reconfiguration, and the construction of a double garage. Importantly, the development remains largely confined to the existing building footprint and previously disturbed areas of the site. No expansion into undeveloped or environmentally sensitive portions of land is proposed.

Furthermore, the proposal does not introduce any new land use or significant increase in development intensity that would place additional pressure on the surrounding environment. No activities are proposed that would negatively affect coastal processes, biodiversity, or natural drainage patterns. The existing municipal services infrastructure will continue to be utilised, and no additional bulk service upgrades are required.

The design of the development responds appropriately to the natural slope of the site, thereby minimising the need for excessive earthworks or landform alteration. In addition, the replacement of the existing roof with a lower 5-degree pitched roof will reduce the overall building height, thereby improving visual integration with the surrounding coastal environment.

It is further noted that the proposed application does not trigger any listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the associated Environmental Impact Assessment Regulations. The application relates primarily to the regularisation of existing structures, minor additions,

and internal reconfiguration within the established building footprint of a single residential property. As such, no Environmental Authorisation is required.

Given the above, it is submitted that the proposed development will have no significant adverse impact on the biophysical environment, nor will it undermine the objectives of the EMOZ. The proposal represents a continuation and improvement of an existing residential use within a transformed urban context and is therefore considered environmentally acceptable.

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency, and spatial resilience, as set out in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (“LUPA”), are addressed as follows:

Spatial Justice: The application does not give rise to any spatial inequity, nor does it perpetuate past imbalances. The proposal relates to the upgrading and regularisation of an existing single residential property within an established urban area. The development does not restrict access to land or resources, nor does it negatively impact on surrounding property owners or the broader community. Instead, it ensures fair and lawful use of land by rectifying historical building line encroachments and aligning the property with current planning requirements.

Spatial Sustainability: The proposal promotes spatial sustainability by utilising and improving an already developed property within the existing urban footprint, thereby avoiding urban sprawl or encroachment into environmentally sensitive or undeveloped areas. The development remains within the current residential use and does not increase land use intensity beyond what is considered appropriate for the area. The reduction in building height through the proposed roof alteration further enhances compatibility with the surrounding built environment and coastal context.

Efficiency: The application supports efficient land use by optimising the functionality of the existing dwelling through internal reconfiguration and improved parking provision via the proposed double garage. The development makes use of existing municipal infrastructure and services, with no requirement for additional bulk service upgrades. The regularisation of building line encroachments and minor coverage increase ensures that the property can function optimally without placing additional strain on public resources.

Spatial Resilience: The proposal contributes to spatial resilience by reinforcing the continued use and adaptability of the property within its established context. The improvements to the dwelling, including better circulation, updated building components, and reduced roof height, enhance the long-term usability and environmental integration of the structure. The development remains responsive to the site's natural slope and coastal setting, ensuring that it can accommodate future needs without compromising environmental or spatial integrity.

Good administration: Our Company 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, 2020.

4. **RECOMMENDATION**

It is recommended that the application for Erf 4688 Kleinmond be approved, subject to standard conditions of approval, for the following reasons:

- The application seeks the regularisation of existing building line encroachments, together with minor and functional additions, rather than the introduction of new or incompatible development.

- The proposed building line departures are largely informed by the existing built form and historical development context, with minimal additional encroachment and no adverse impact on adjoining properties in terms of privacy, overlooking, or scale.
- The proposed coverage departure, increasing coverage from approximately 53.99% to 57.20% (an increase of $\pm 3.21\%$ or $\pm 15.89 \text{ m}^2$), is marginal in extent and primarily attributable to improved on-site parking and site functionality through the provision of a double garage.
- The removal of the restrictive Title Deed conditions are justified, as it no longer aligns with current planning frameworks and is necessary to regularise existing lawful use and enable reasonable improvements to the property.
- The proposal remains consistent with the Overstrand Municipal Wide Spatial Development Framework (2020) and the Growth Management Strategy (2010), as it maintains single residential use within an established urban area without increasing development intensity.
- The development is compatible with the surrounding area, which is predominantly characterised by single residential dwellings on relatively small erven, and does not alter the established character of the neighbourhood.
- The proposal complies with the intent of the Heritage Protection Overlay Zone (Coastal Strip), as it maintains appropriate scale, reduces building height, and does not impact negatively on the cultural landscape or streetscape.
- The application will have no significant adverse impact on the biophysical environment, as it is confined to an already developed site within a transformed urban area and does not trigger any listed activities in terms of NEMA.
- The proposed development makes efficient use of existing municipal services, with no requirement for additional infrastructure or upgrades.
- The application aligns with the planning principles of LUPA, including spatial sustainability, efficiency, and resilience, by promoting the upgrading and optimal use of an existing property within the urban footprint.

Motivation report

- The proposed access and parking arrangements represent an improvement on the current situation, increasing on-site parking capacity and reducing reliance on on-street parking.
- The overall proposal is considered reasonable, contextually appropriate, and in line with sound town planning principles, with no negative externalities anticipated.

Accordingly, it is recommended that the application be approved in terms of Section 16(2)(b) and Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

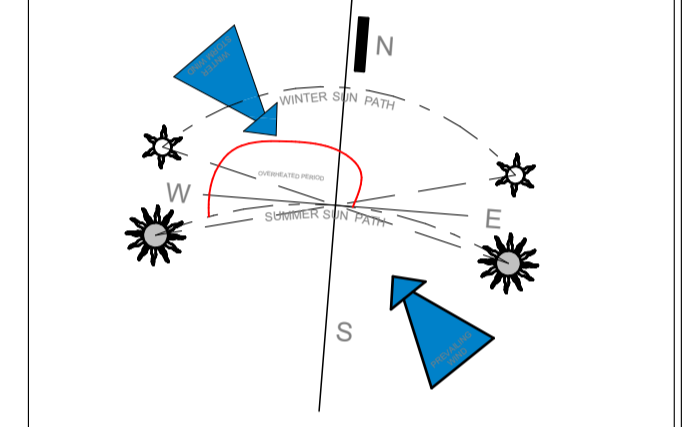
VARIATIONS:		
REV NO	DATE	DESCRIPTION
xx	07.07.2022	As-built
00	01.10.2025	Proposal 01
01	21.10.2025	Proposal 02
02	29.10.2025	Proposal 03
03	26.11.2025	LUMS Appl prep

THE BUILDINGS

DESCRIPTION	TOTAL
LOWER GROUND STOREY	(167.92m²)
ex. DWELLING & STAIRS	43.27m ²
ex. OPEN PATIO	146.25m ²
GROUND STOREY	(267.29m²)
ex. GARAGE & STORAGE	43.27m ²
ex. DWELLING	189.90m ²
ex. OPEN BALCONIES	2.56m ²
ex. OPEN STEPS AND LANDING	31.56m ²
TOTAL COVERED FOOTPRINT	270.14m²
open balcony, steps and landing incl.	
TOTAL COVERED FLOOR AREA	374.79m²

THE SITE

ERF SIZE	495m ²
COVERAGE PERMITTED	50.00%
EXISTING COVERAGE	53.99%



DRAWING STAGE:

COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:

STREET BUILDING LINE	4m
LATERAL BUILDING LINE	2m
REAR BUILDING LINE	2m
HEIGHT RESTRICTION	8m
TITLE DEED BUILDING LINES (see drawings)	YES

ZONE APPLICABLE:

SINGLE RESIDENTIAL (SR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
GENERAL RES. - ZONE 3 (BULK ZONE 1)	<input checked="" type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

SMART SOLUTION ARCHITECTURE
and Architectural Consultants
Members of SACAP / CIA / and SAIAI
PRINCIPAL: Ian Smit U/a Smart Solution Architecture

Office 028 125 0019 admin@ssarc.co.za
I Smit 082 879 6749 ian@ssarc.co.za
D Swart 079 694 1728 dian@ssarc.co.za
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
EXISTING DWELLING FOR JOSIAS FAMILY TRUST ON ERF 4688

3 STRAND STREET, KLEINMOND

AS-BUILT

DWG TITLE:
LOWER GROUND STOREY LAYOUT, FIRST STOREY LAYOUT AND SITE PLAN WITH ROOF LAYOUT

DATE:
11/26/2025

DRAWN BY:
D SWART

CHECKED BY:
D SWART

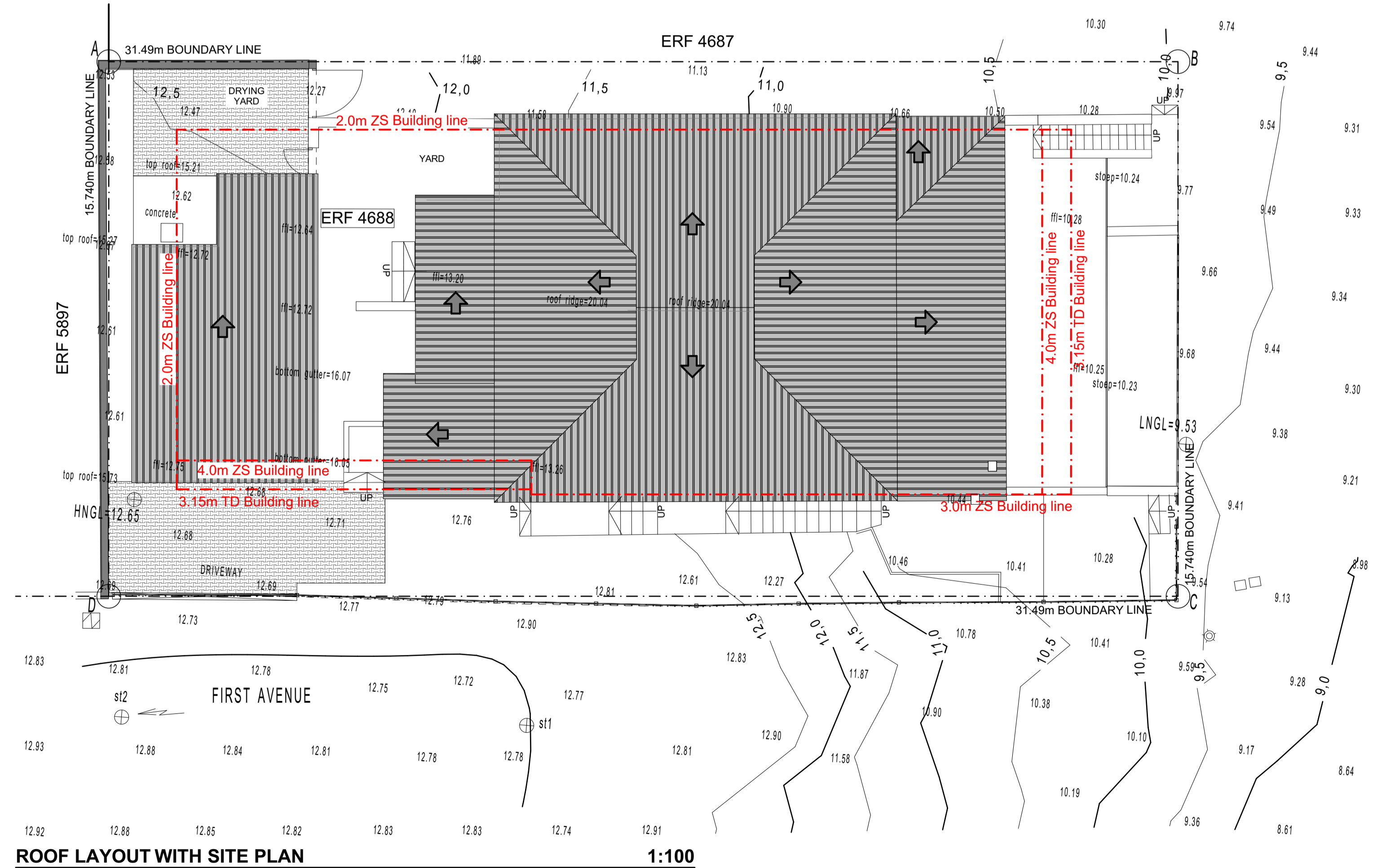
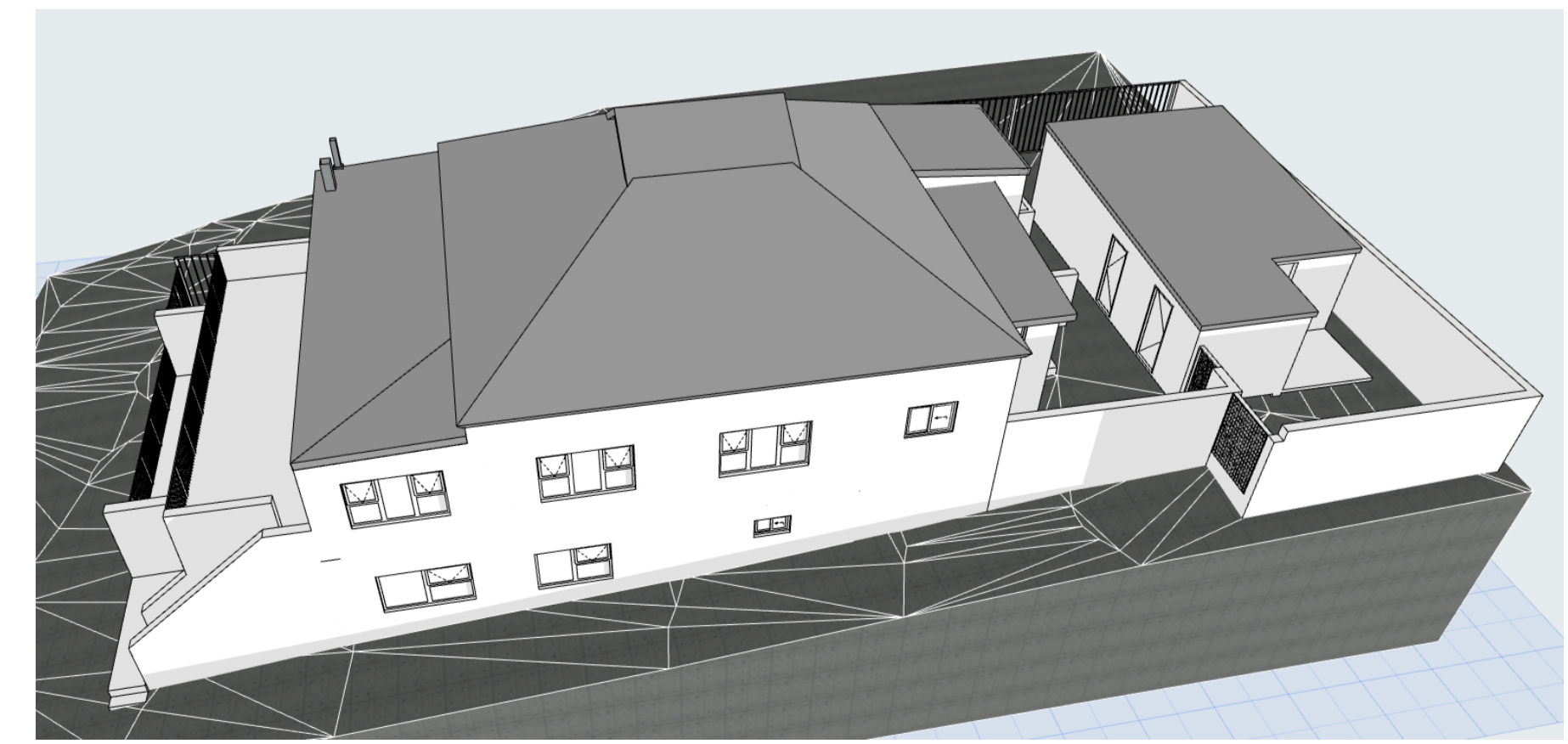
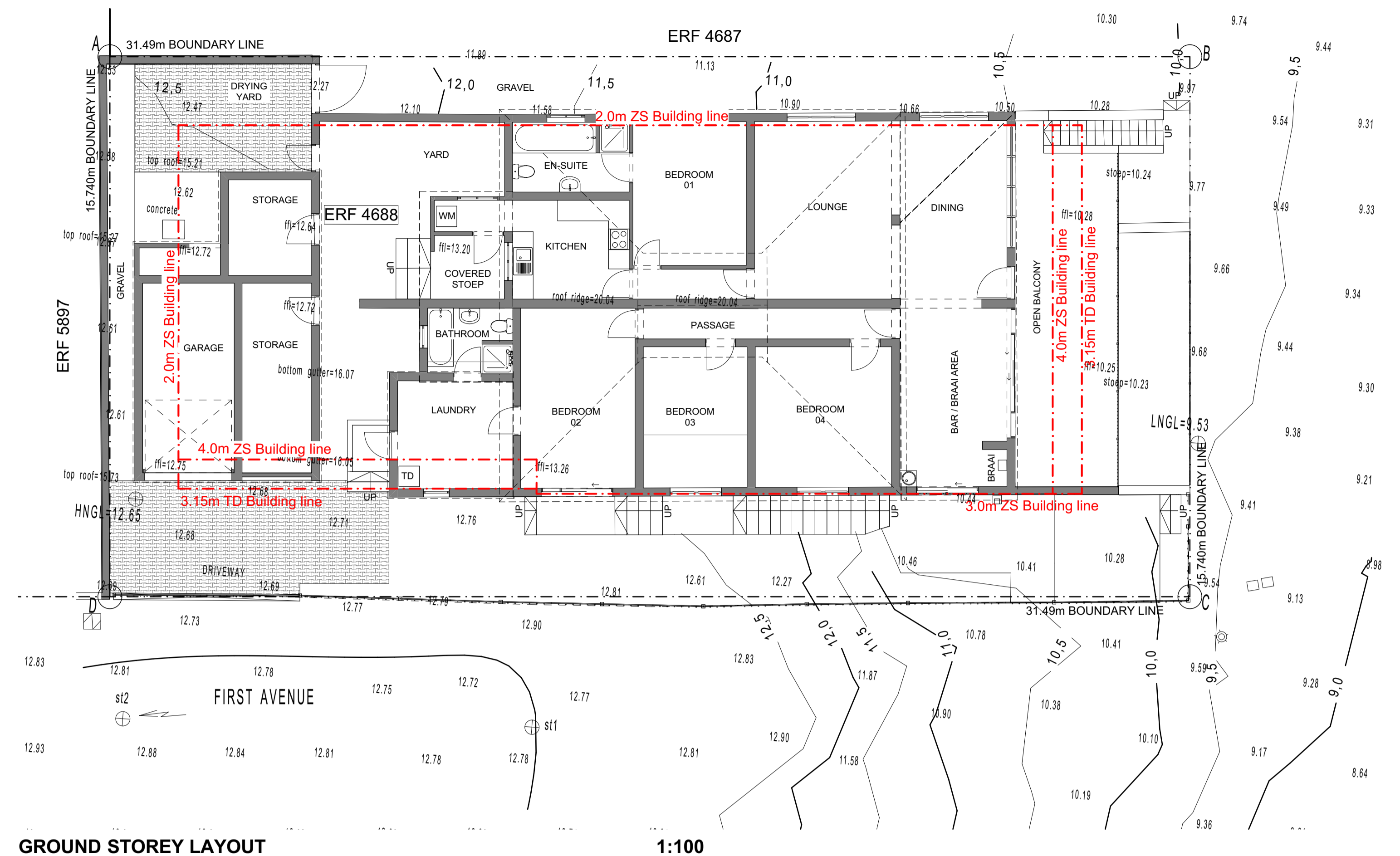
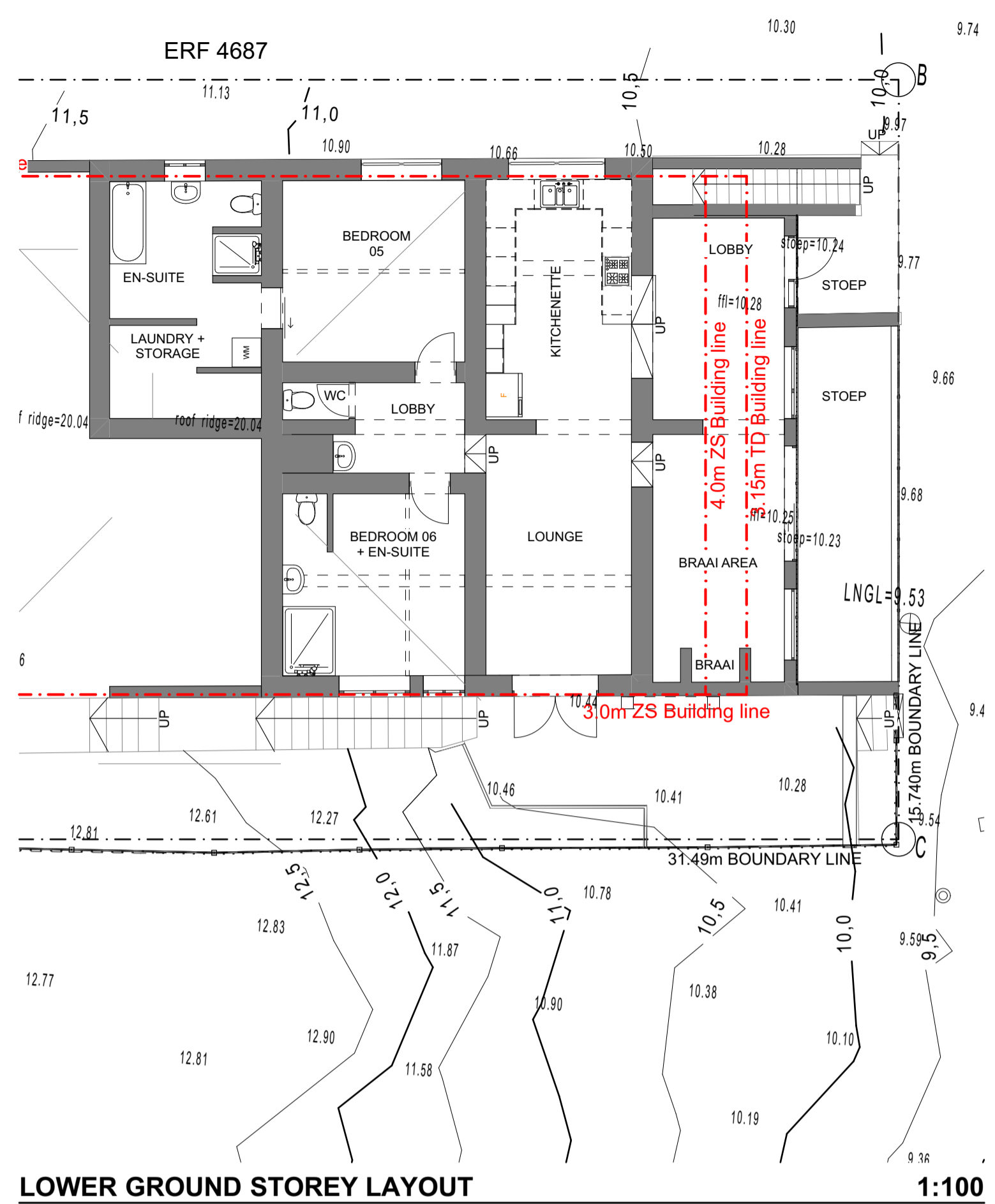
SACAP REG.
PSAT 24749037

DRAWING SCALE
AS SHOWN

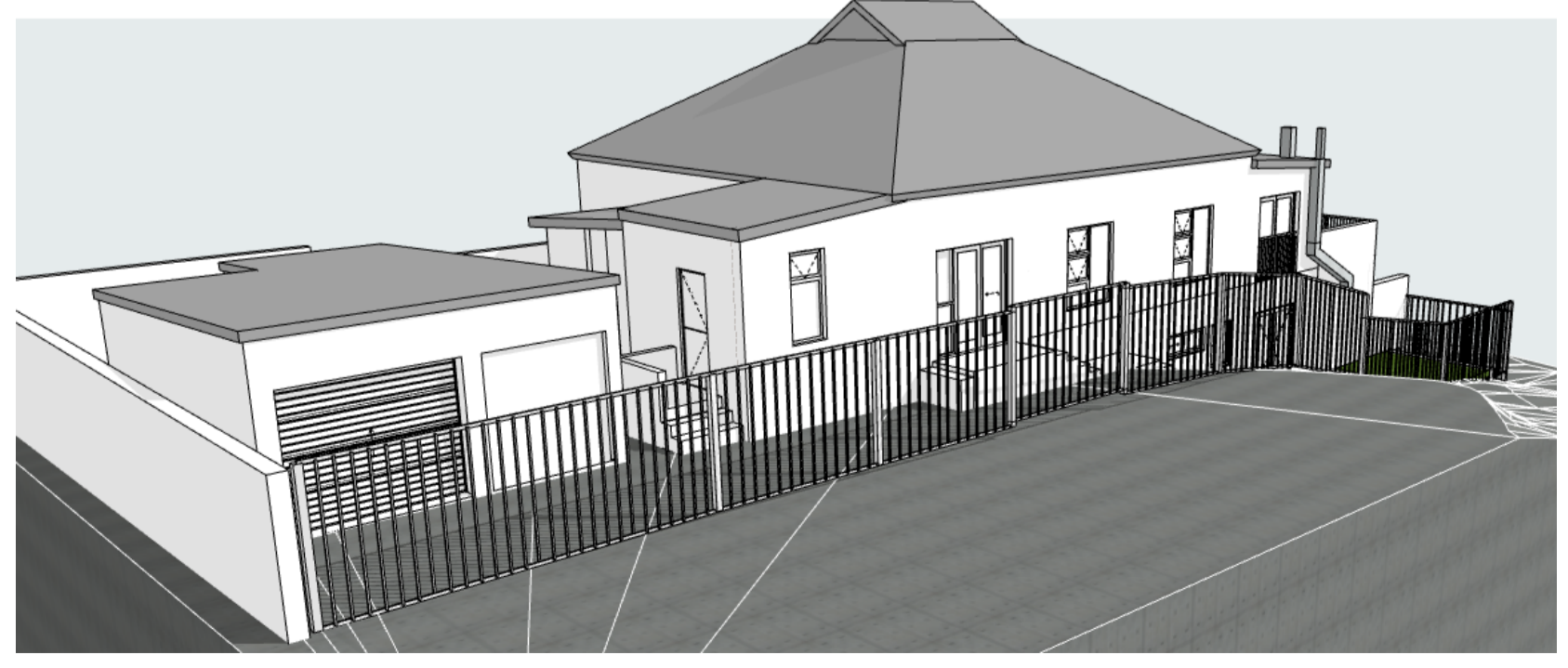
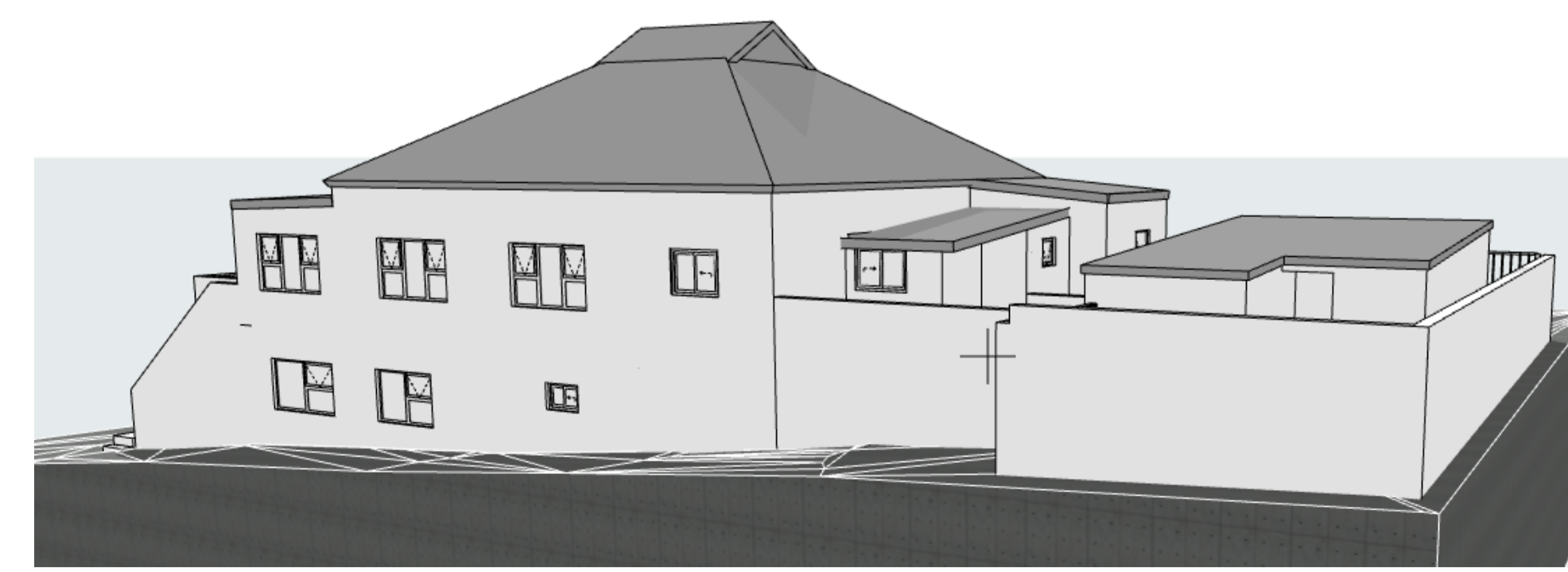
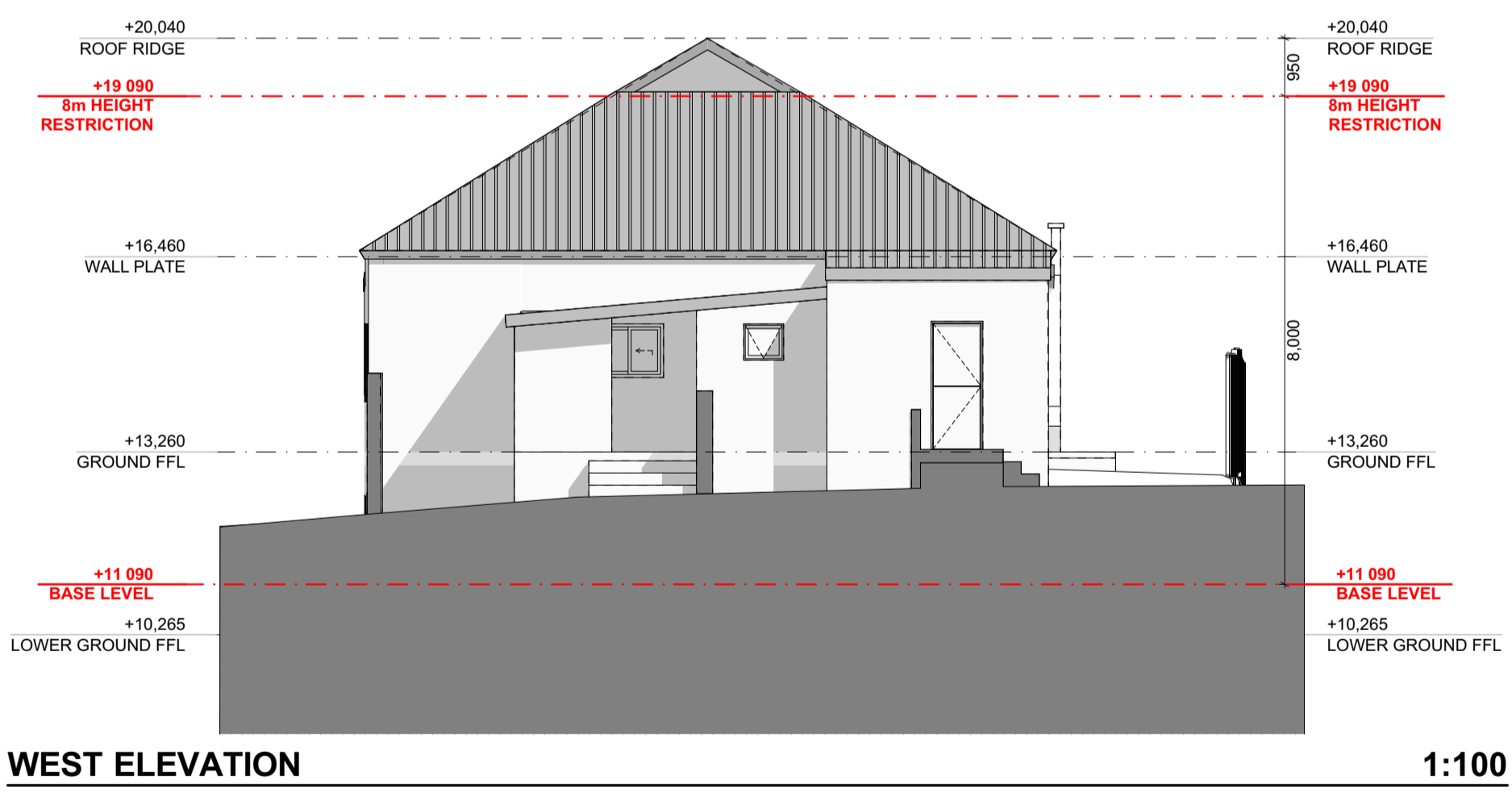
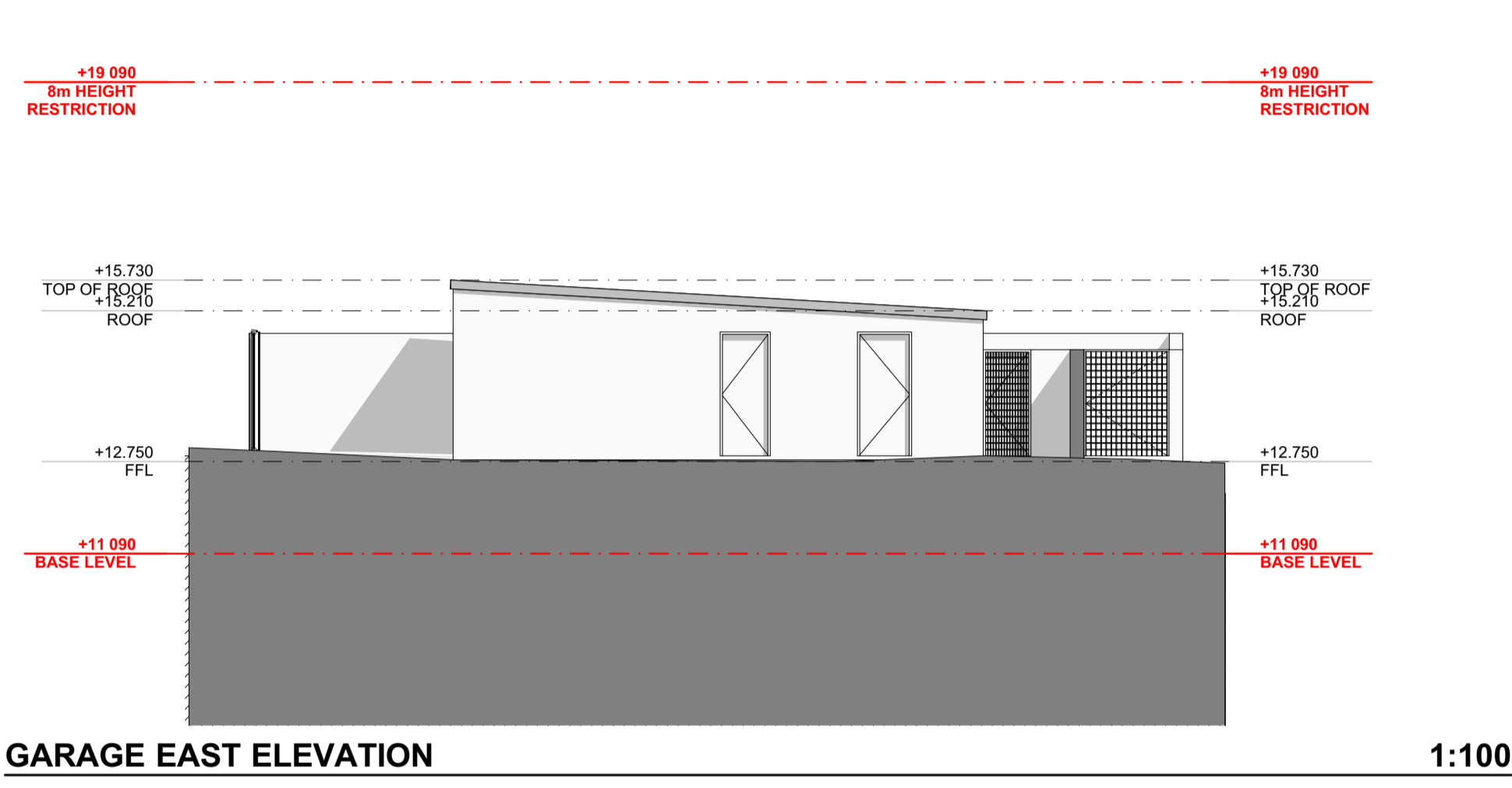
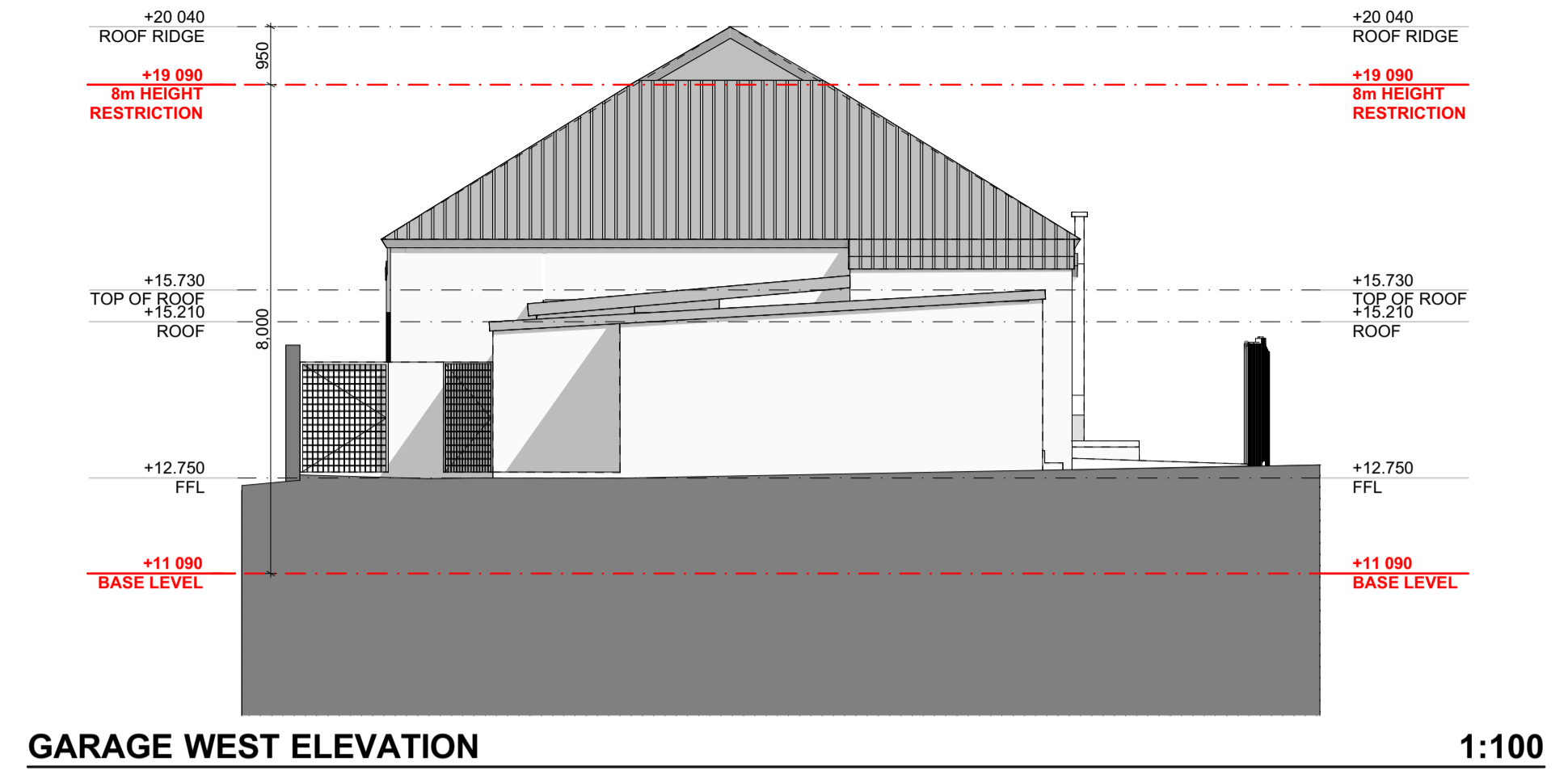
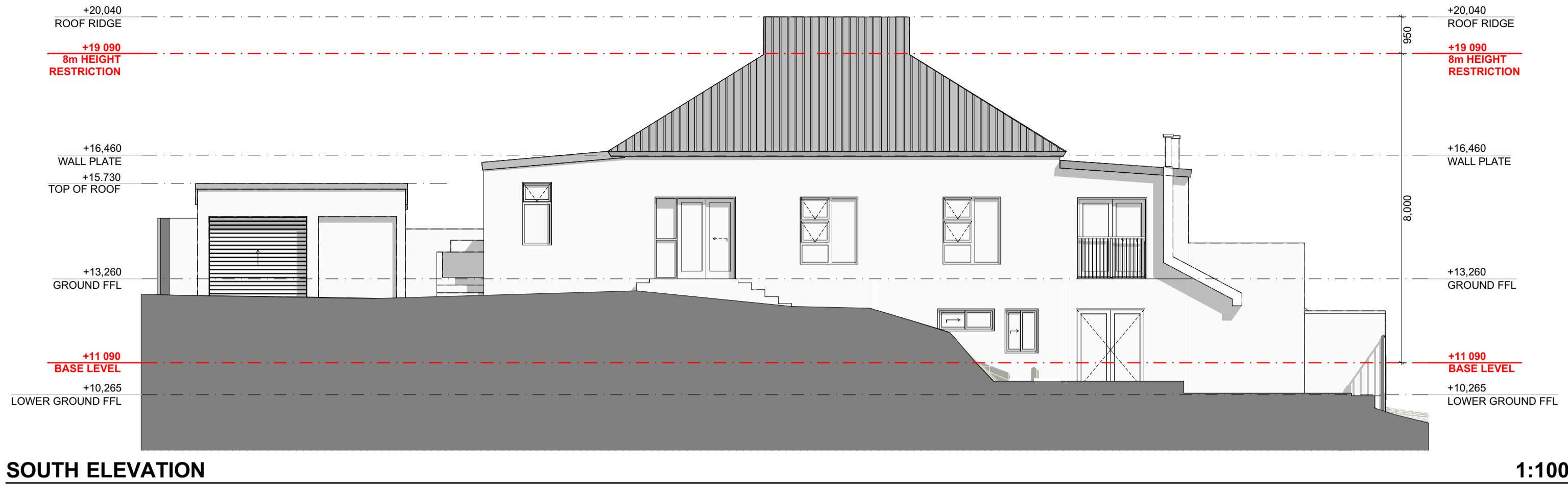
PRINT A1
LANDSCAPE

DRAWING NO.
10444 / A1 / 01

REV NO.
03



OLDER THAN 60 YEARS - UNGRADED HPOZ - Coastal

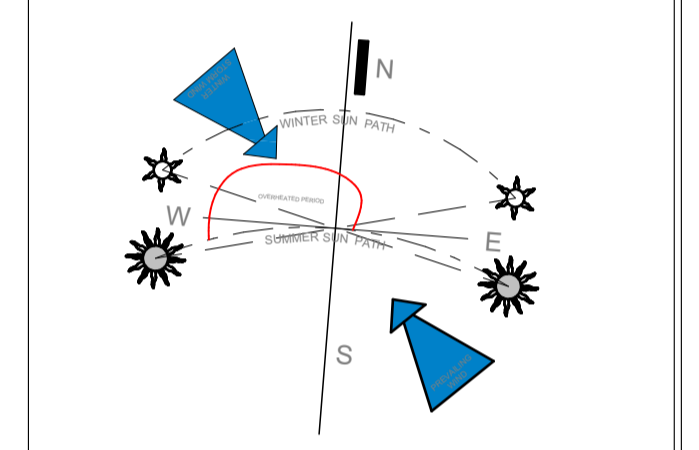


MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

VARIATIONS:

REV NO	DATE	DESCRIPTION
xx	07.07.2022	As-built
00	01.10.2025	Proposal 01
01	21.10.2025	Proposal 02
02	29.10.2025	Proposal 03
03	26.11.2025	LUMS Appli prep

THE BUILDINGS	
DESCRIPTION	TOTAL
LOWER GROUND STOREY	(167.92m ²)
ex. DWELLING & STAIRS	146.25m ²
ex. OPEN PATIO	21.67m ²
GROUND STOREY	(267.29m ²)
ex. GARAGE & STORAGE	43.27m ²
ex. DWELLING	189.90m ²
ex. OPEN BALCONIES	2.56m ²
ex. OPEN STEPS AND LANDING	31.56m ²
TOTAL COVERED FOOTPRINT	270.14m ²
open balcony, steps and landing incl.	
TOTAL COVERED FLOOR AREA	374.79m ²
THE SITE	
ERF SIZE	495m ²
COVERAGE PERMITTED	50.00%
EXISTING COVERAGE	53.99%



DRAWING STAGE:

COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:

STREET BUILDING LINE	4m
LATERAL BUILDING LINE	2m
REAR BUILDING LINE	2m
HEIGHT RESTRICTION	8m
TITLE DEED BUILDING LINES (see drawings)	YES
ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
GENERAL RES. - ZONE 3 (BULK ZONE 1)	<input checked="" type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

SMART SOLUTION ARCHITECTURE
and Architectural Consultants
Members of SACAP / CIA / and SAIT
PRINCIPAL: Ian Smit U/a Smart Solution Architecture
Office 028 125 0019 admin@ssarc.co.za
I Smit 082 879 6749 ian@ssarc.co.za
D Swart 079 694 1728 dian@ssarc.co.za
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
EXISTING DWELLING FOR JOSIAS FAMILY TRUST ON ERF 4688

3 STRAND STREET, KLEINMOND

AS-BUILT

DWG TITLE:
ELEVATIONS AND PERSPECTIVES

DATE:
11/26/2025

DRAWN BY:
D SWART

CHECKED BY:
D SWART

DRAWING SCALE
AS SHOWN

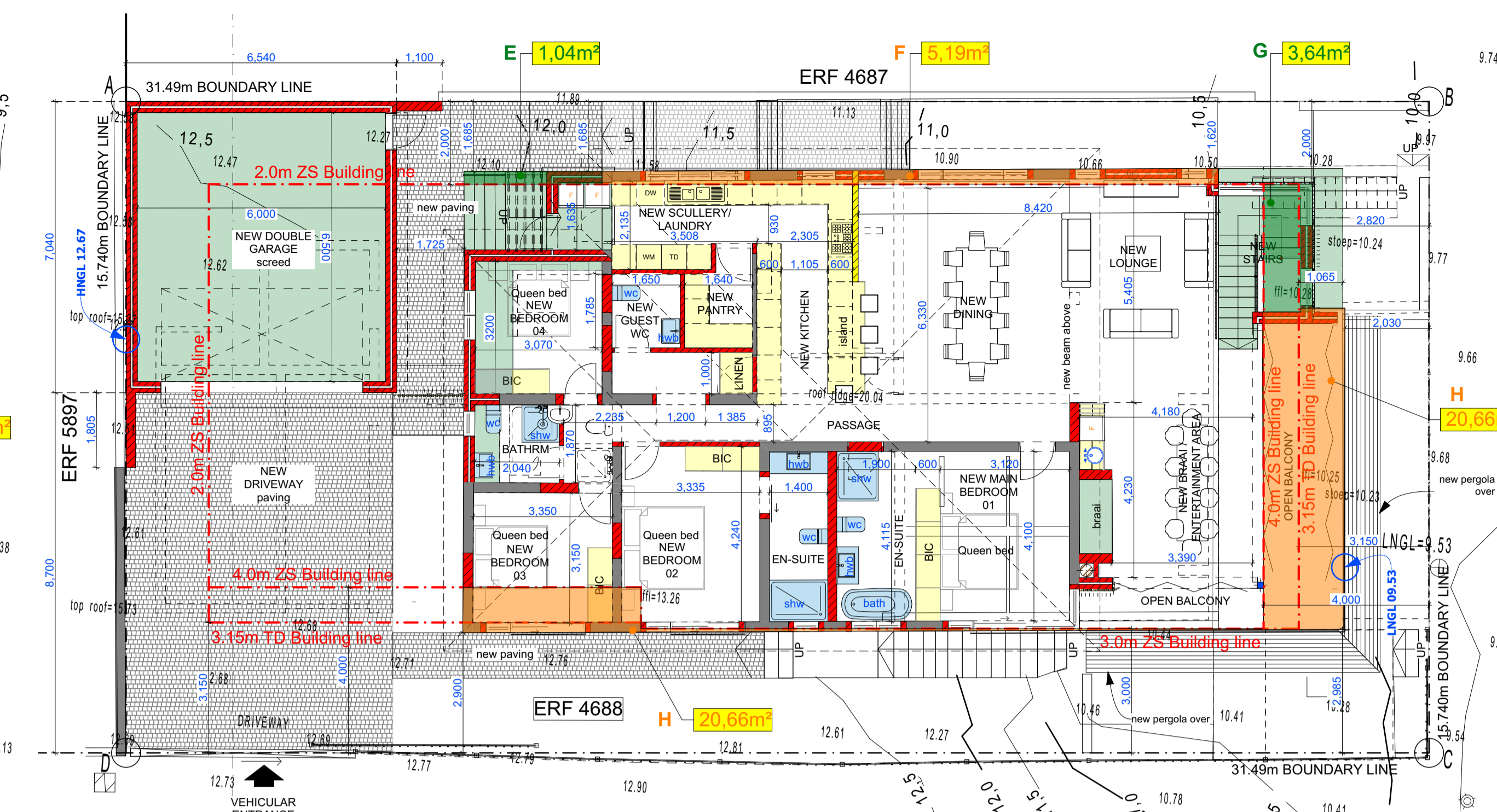
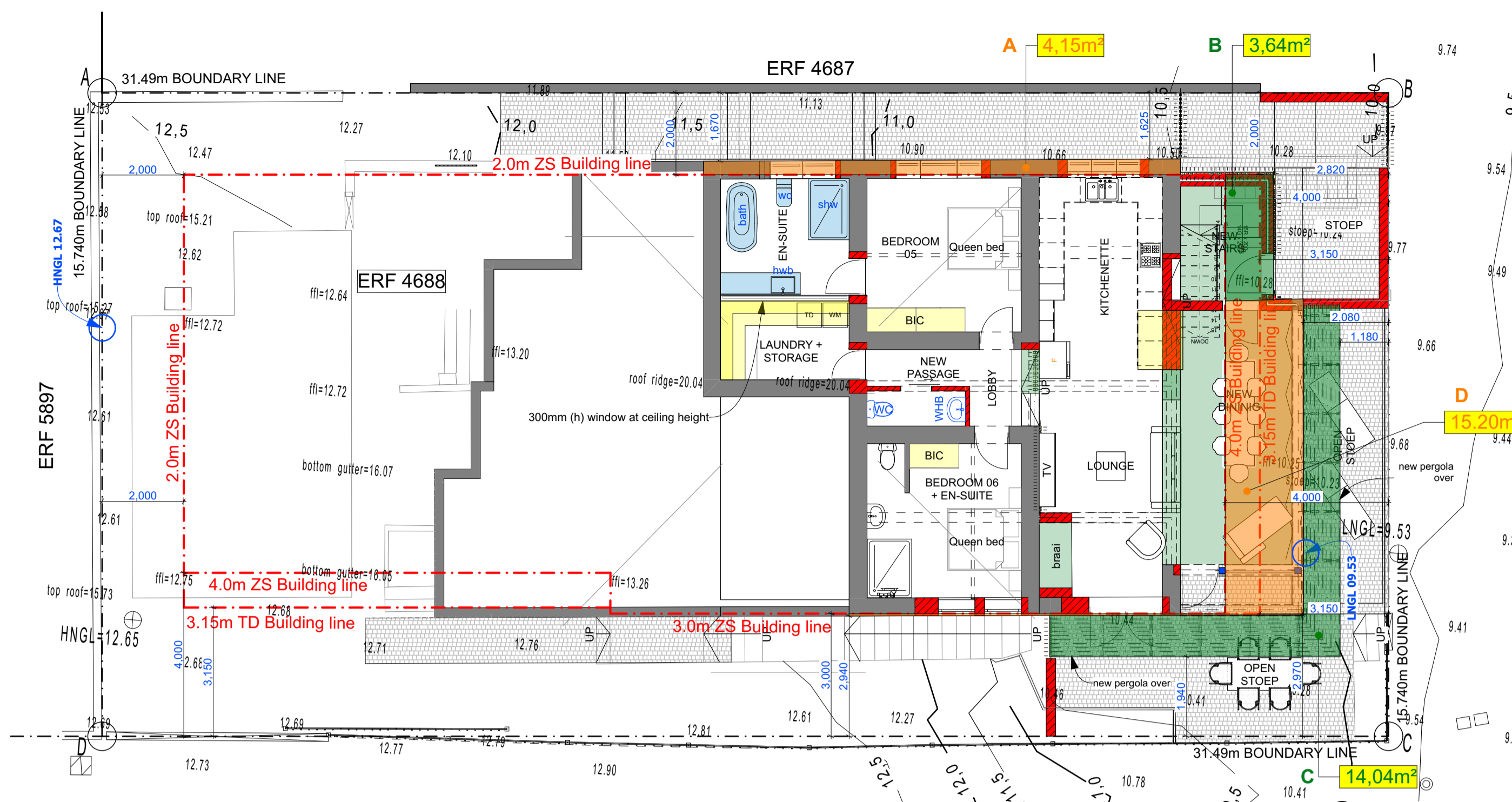
DATE:
11/26/2025

DRAWING NO.
10444 / A1 / 02

PRINT A1
LANDSCAPE

REV NO.
03

OLDER THAN 60 YEARS - UNGRADED HPOZ - Coastal

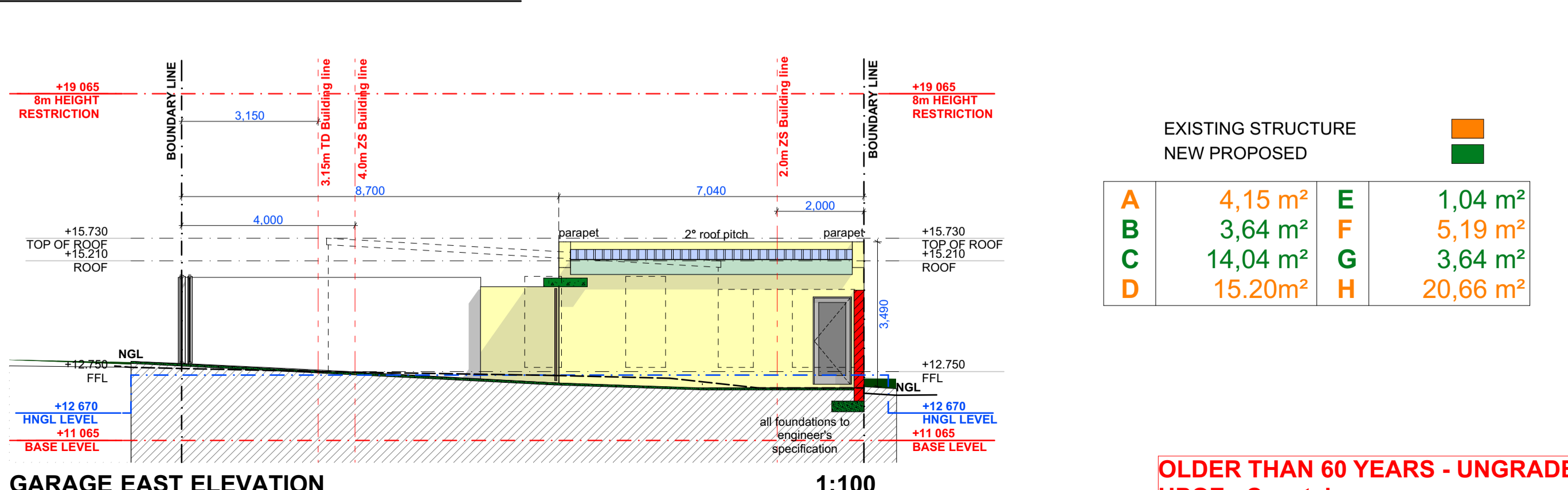
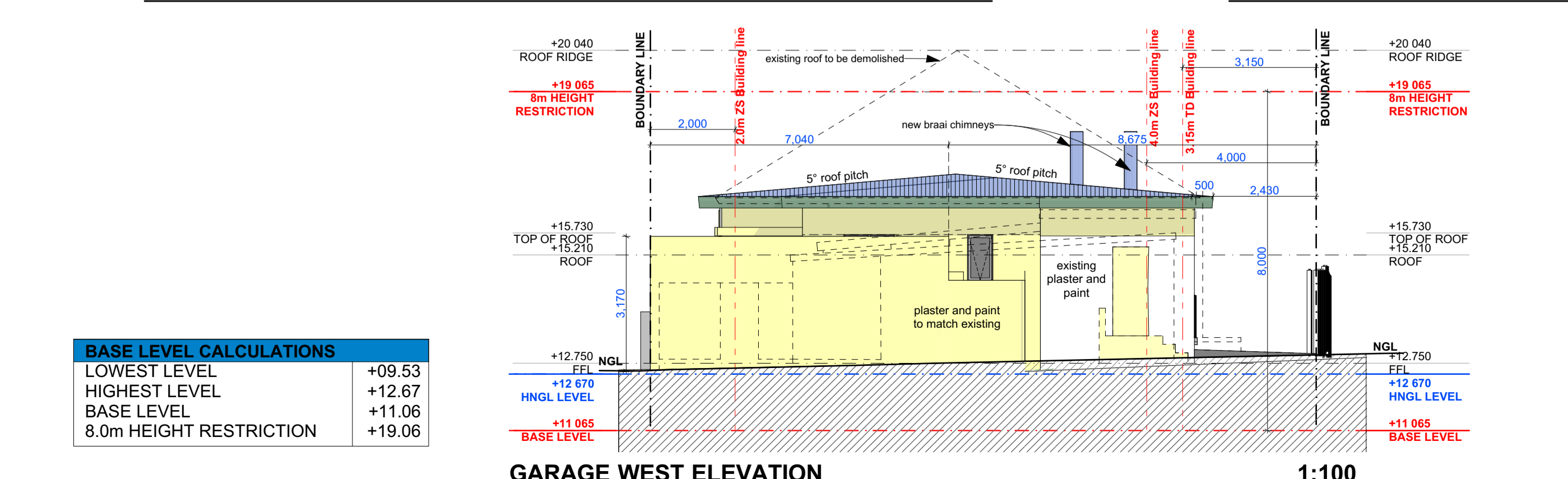
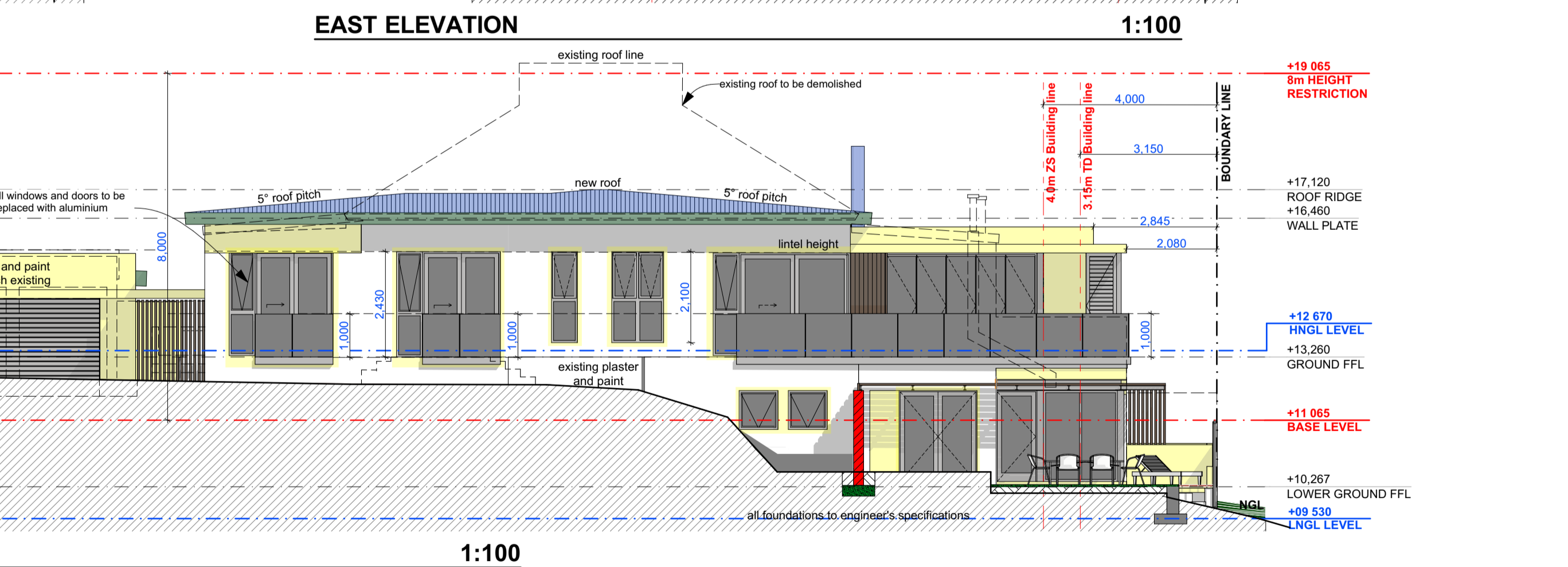
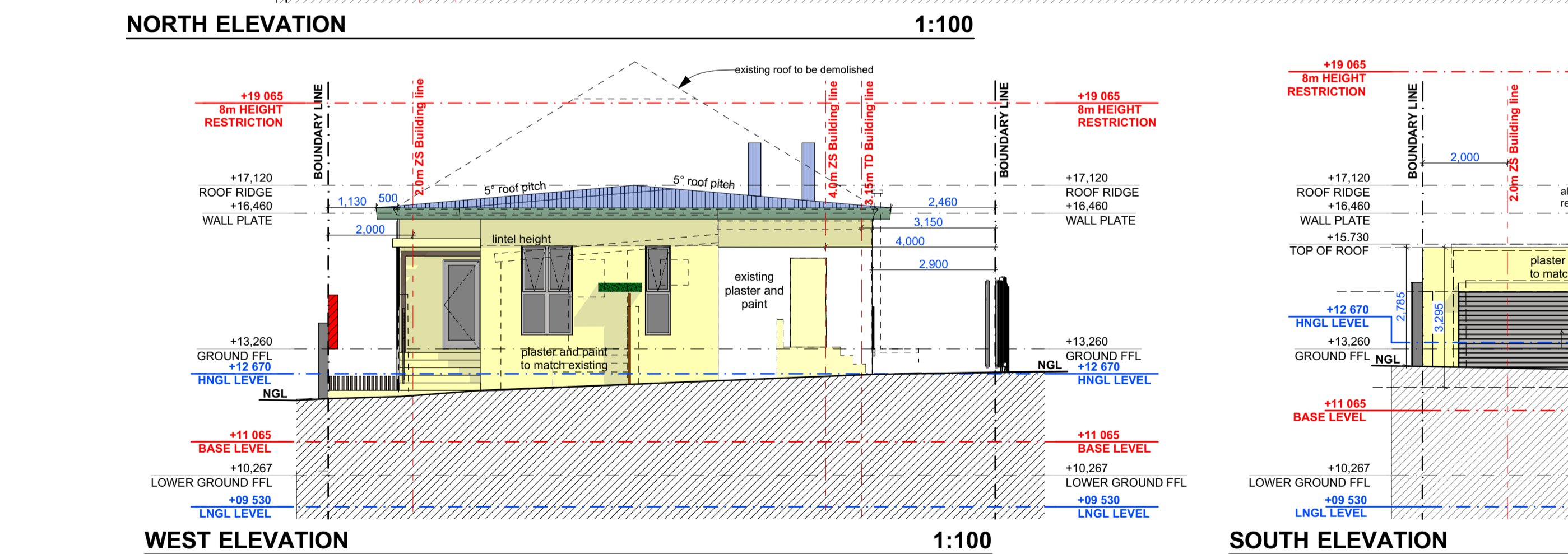
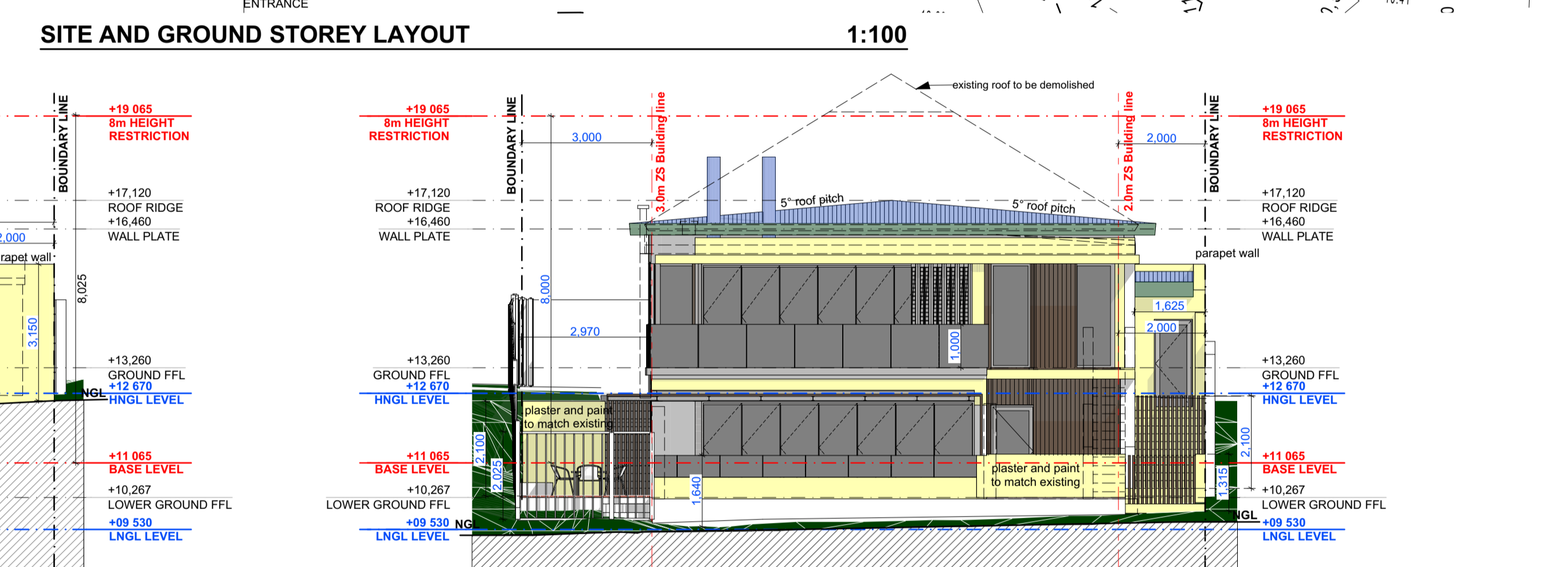
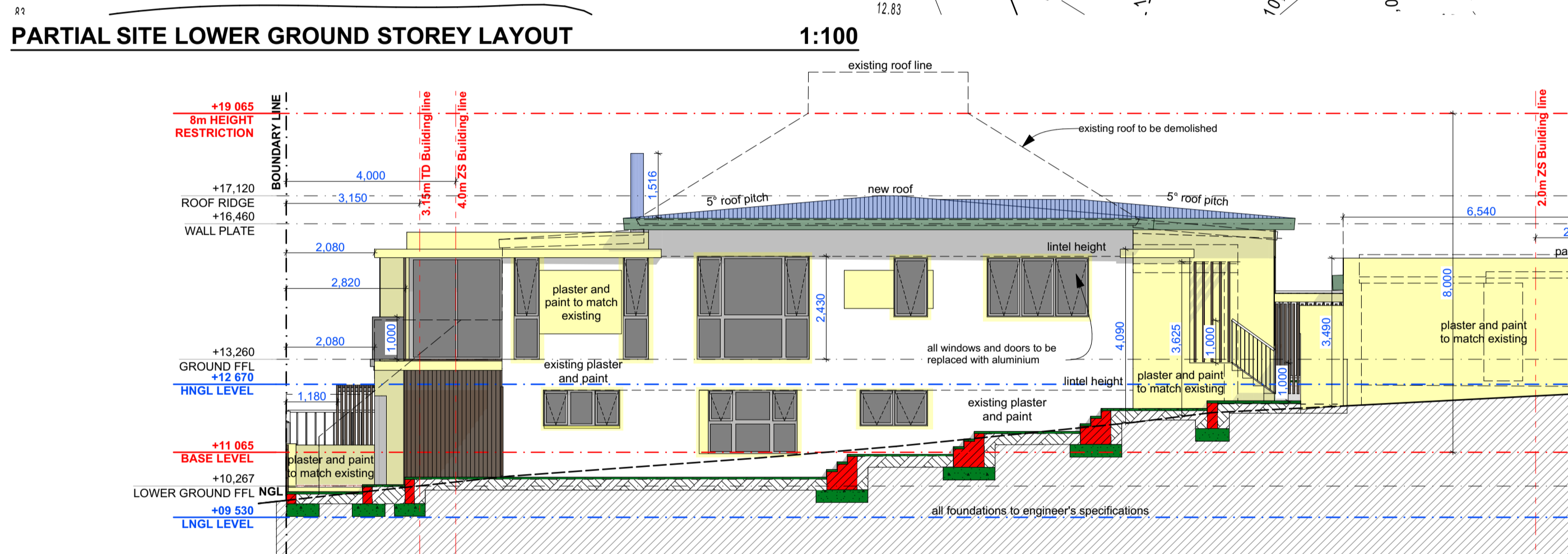


HIGHEST PERMITTED BUILDING HEIGHTS AND DISTANCES FROM BOUNDARIES TO BE MAINTAINED. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

REV NO	DATE	DESCRIPTION
00	07.07.2022	As-built
01	01.10.2025	Proposal 01
02	29.10.2025	Proposal 02
03	26.11.2025	Proposal 03

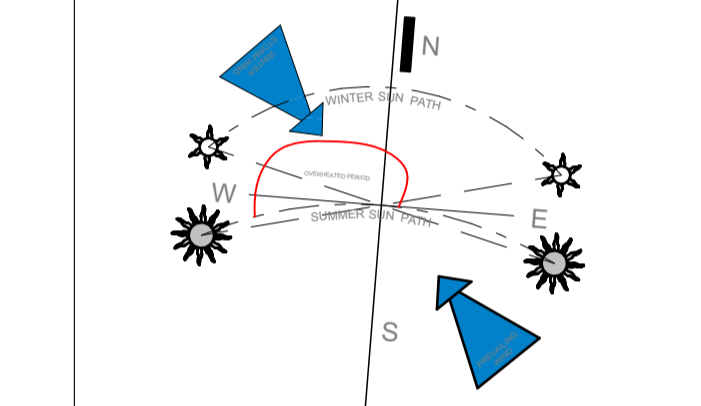
THE BUILDINGS	
DESCRIPTION	TOTAL
LOWER GROUND STOREY	(167.86m²)
ex DWELLING & STAIRS	133.50m²
ex & new OPEN PATIO	27.68m²
new STAIRCASE	7.68m²
GROUND STOREY	(283.13m²)
new GARAGE	46.04m²
ex DWELLING	186.56m²
new DWELLING ADDITIONS	26.21m²
ex & new BALCONY	18.90m²
new OPEN STEPS AND LANDING	3.79m²
new RC ROOF SLAB	1.63m²
TOTAL COVERED FOOTPRINT	283.13m²
open balcony, steps and landing incl.	
TOTAL COVERED FLOOR AREA	393.94m²

THE SITE	
ERF SIZE	COVERAGE PERMITTE
495m²	50.00%
PROPOSED COVERAGE	57.20%



EXISTING STRUCTURE		NEW PROPOSED	
A	4,15 m²	F	1,04 m²
B	3,64 m²	E	5,19 m²
C	14,04 m²	G	3,64 m²
D	15,20 m²	H	20,66 m²

BASE LEVEL CALCULATIONS	
LOWEST LEVEL	+09.53
HIGHEST LEVEL	+12.67
BASE LEVEL	+11.06
8.0m HEIGHT RESTRICTION	+19.06



DRAWING STAGE:	
COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:	
STREET BUILDING LINE	4m
LATERAL BUILDING LINE	2m
REAR BUILDING LINE	2m
HEIGHT RESTRICTION	8m
TITLE DEED BUILDING LINES (see drawings)	YES

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
GENERAL RES. - ZONE 3 (BULK ZONE 1)	<input checked="" type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

SMART SOLUTION ARCHITECTURE
and Architectural Consultants
Members of SACAP / CIA / and SAIAI
PRINCIPAL: Ian Smit 1/5 Smart Solution Architecture
Office 028 125 0019 admin@ssarc.co.za
1 Smit 082 879 6749 iam@ssarc.co.za
D Swart 079 694 1728 dswart@ssarc.co.za
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING FOR JOSIAS FAMILY TRUST ON ERF 4688

3 STRAND STREET, KLEINMOND

DWG TITLE:
LOWER GROUND STOREY LAYOUT, GROUND STOREY LAYOUT AND ELEVATIONS

DATE:
11/26/2025

DRAWN BY:
D SWART

CHECKED BY:
D SWART

DRAWING SCALE
AS SHOWN

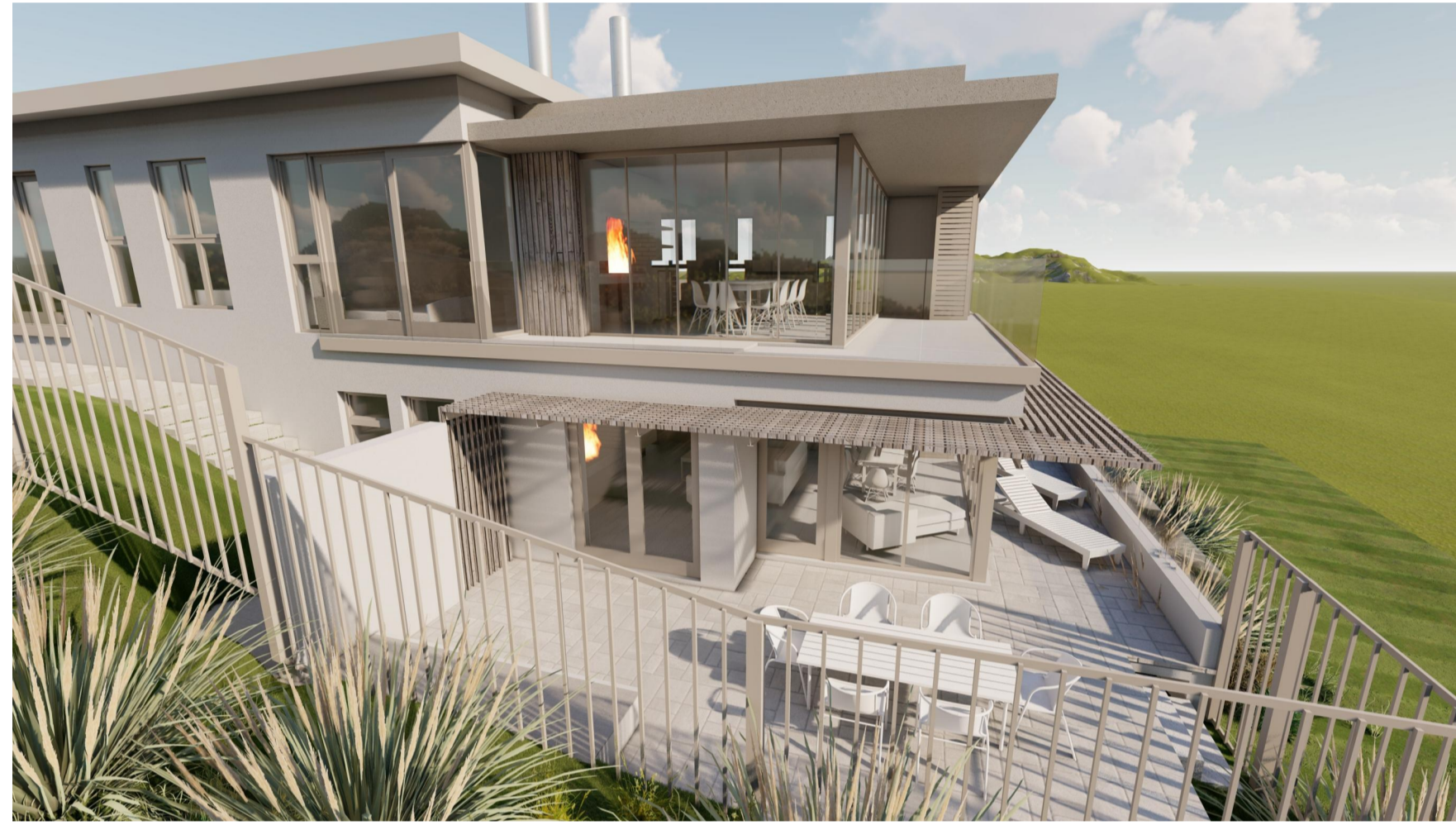
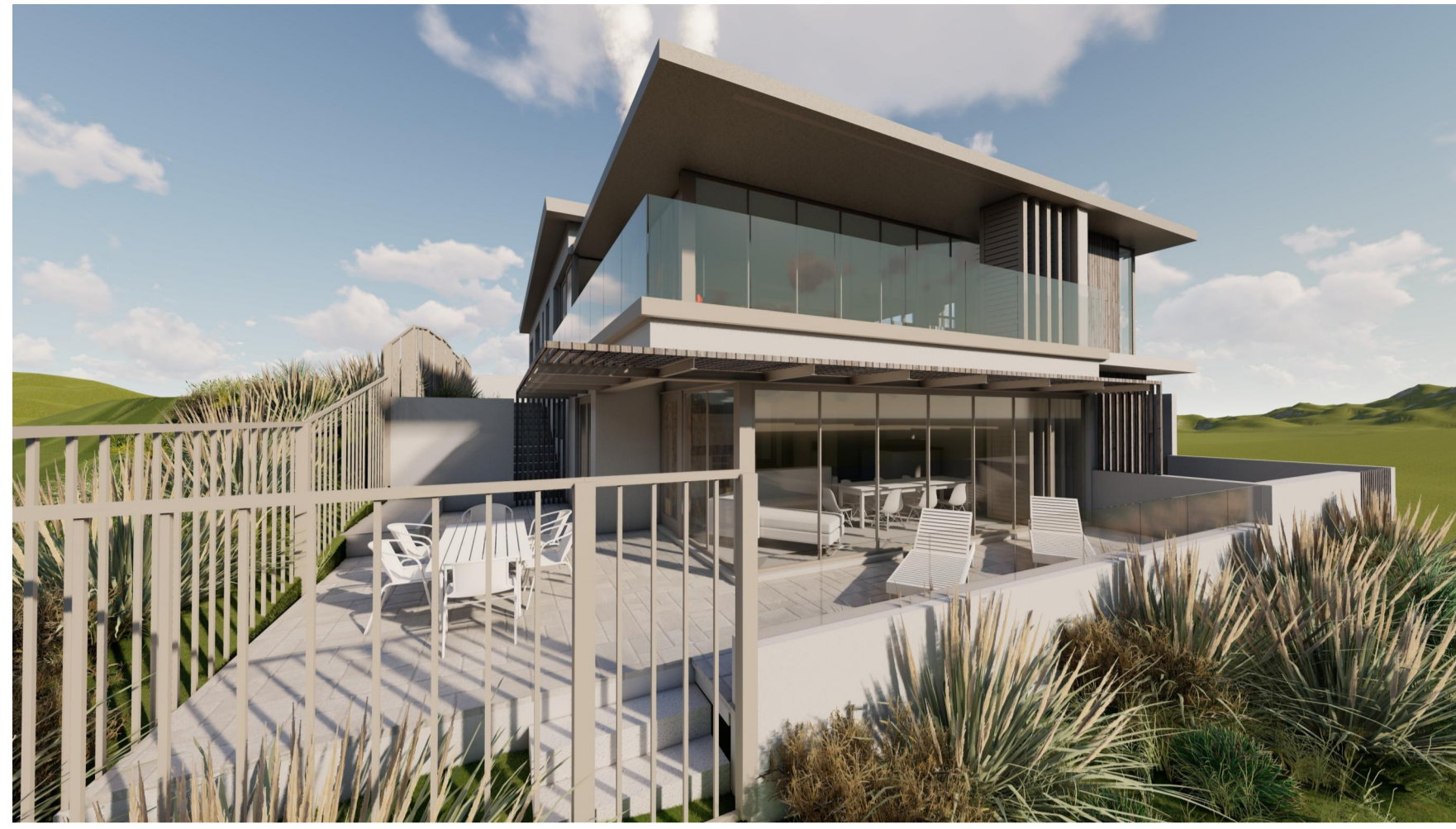
DRAWING NO.
I0444 / A1 / 03

REV NO.
03

SACAP REG.
PSAT 24749037

PRINT A1 LANDSCAPE

OLDER THAN 60 YEARS - UNGRADED HPOZ - Coastal



MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB- CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

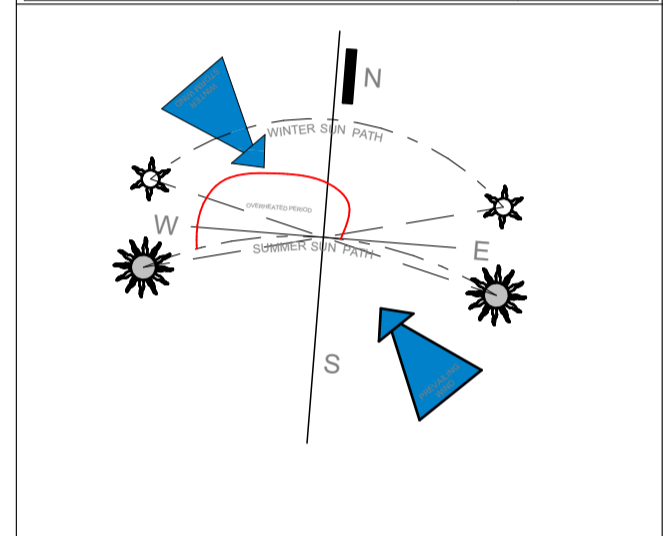
VARIATIONS:		
REV NO	DATE	DESCRIPTION:
xx	07.07.2022	As-built
00	01.10.2025	Proposal 01
01	21.10.2025	Proposal 02
02	29.10.2025	Proposal 03
03	26.11.2025	LUMS Appl

THE BUILDINGS

DESCRIPTION	TOTAL
LOWER GROUND STOREY	(167.86m²)
ex. DWELLING & STAIRS	133.50m ²
ex. & new OPEN PATIO	27.68m ²
new STAIRCASE	7.68m ²
GROUND STOREY	(283.13m²)
new GARAGE	46.04m ²
ex. DWELLING	186.56m ²
new DWELLING ADDITIONS	26.21m ²
ex. & new BALCONY	18.90m ²
new OPEN STEPS AND LANDING	3.79m ²
new RC ROOF SLAB	1.63m ²
TOTAL COVERED FOOTPRINT	283.13m²
open balcony, steps and landing incl.	283.13m ²
TOTAL COVERED FLOOR AREA	393.94m²

THE SITE

ERF SIZE	495m ²
COVERAGE PERMITTE	50.00%
PROPOSED COVERAGE	57.20%



DRAWING STAGE:

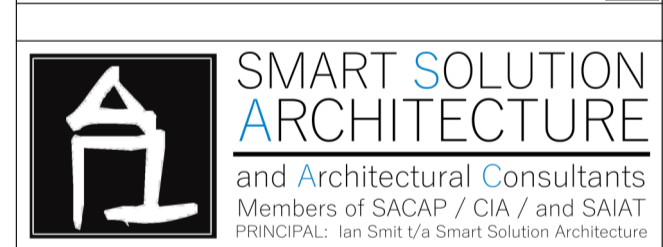
COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:

STREET BUILDING LINE	4m
LATERAL BUILDING LINE	2m
REAR BUILDING LINE	2m
HEIGHT RESTRICTION	8m
TITLE DEED BUILDING LINES (see drawings)	YES

ZONE APPLICABLE:

SINGLE RESIDENTIAL (SR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
GENERAL RES. - ZONE 3 (BULK ZONE 1)	<input checked="" type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>



Office 028 125 0019 admin@sarc.co.za
 I Smit 082 879 6749 iam@sarc.co.za
 D Swart 079 694 1728 dswart@sarc.co.za
 Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
 ALTERATIONS AND ADDITIONS TO
 EXISTING DWELLING FOR JOSIAS FAMILY
 TRUST ON ERF 4688

3 STRAND STREET, KLEINMOND

DWG TITLE:
 RENDERERS

DATE:
 11/26/2025

DRAWN BY:
 D SWART

CHECKED BY:
 D SWART

SACAP REG.
 PSAT 24749037

DRAWING SCALE
 AS SHOWN

PRINT A1
LANDSCAPE

DRAWING NO.
 10444 / A1 / 04

REV NO.
 03