

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

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a **departure** in terms of Section 16(2)(b) of the By-Law to relax the following:

- eastern street building line from 4m to 2,1m to accommodate the change of use of the existing single garage into a garden store, tool store and toilet, and to relax the same street building line from 4m to 1,45m to accommodate a proposed new pergola.
- northern street building line from 3m to 1,37m to accommodate a proposed new pergola.
- south-eastern lateral building line from 2m to 0m to accommodate the change of use of the existing single garage into a garden store, tool store and toilet.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before **22 August 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H. Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1175, GULLSLOT 15, VERMONT: AANSOEK OM AFWYKING: INTERACTIVE STADS- EN STREEKBEPANNING NAMENS M CICHON

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek **afwyking** ingevolge Artikel 16(2)(b) van die Verordening ontvang is om die volgende te verslap:

- oostelike straatboulyn vanaf 4m na 2,1m om die gebruiksverandering van die bestaande enkel motorhuis in 'n tuinstoor, gereedskapstoor en toilet te akkommodeer, en om dieselfde straatboulyn vanaf 4m na 1,45m te verslap om 'n voorgestelde nuwe pergola te akkommodeer.
- noordelike straatboulyn vanaf 3m na 1,37m om 'n voorgestelde nuwe pergola te akkommodeer.
- suidoostelike syboulyn vanaf 2m na 0m om die gebruiksverandering van die bestaande enkel motorhuis in 'n tuinstoor, gereedskapstoor en toilet te akkommodeer.

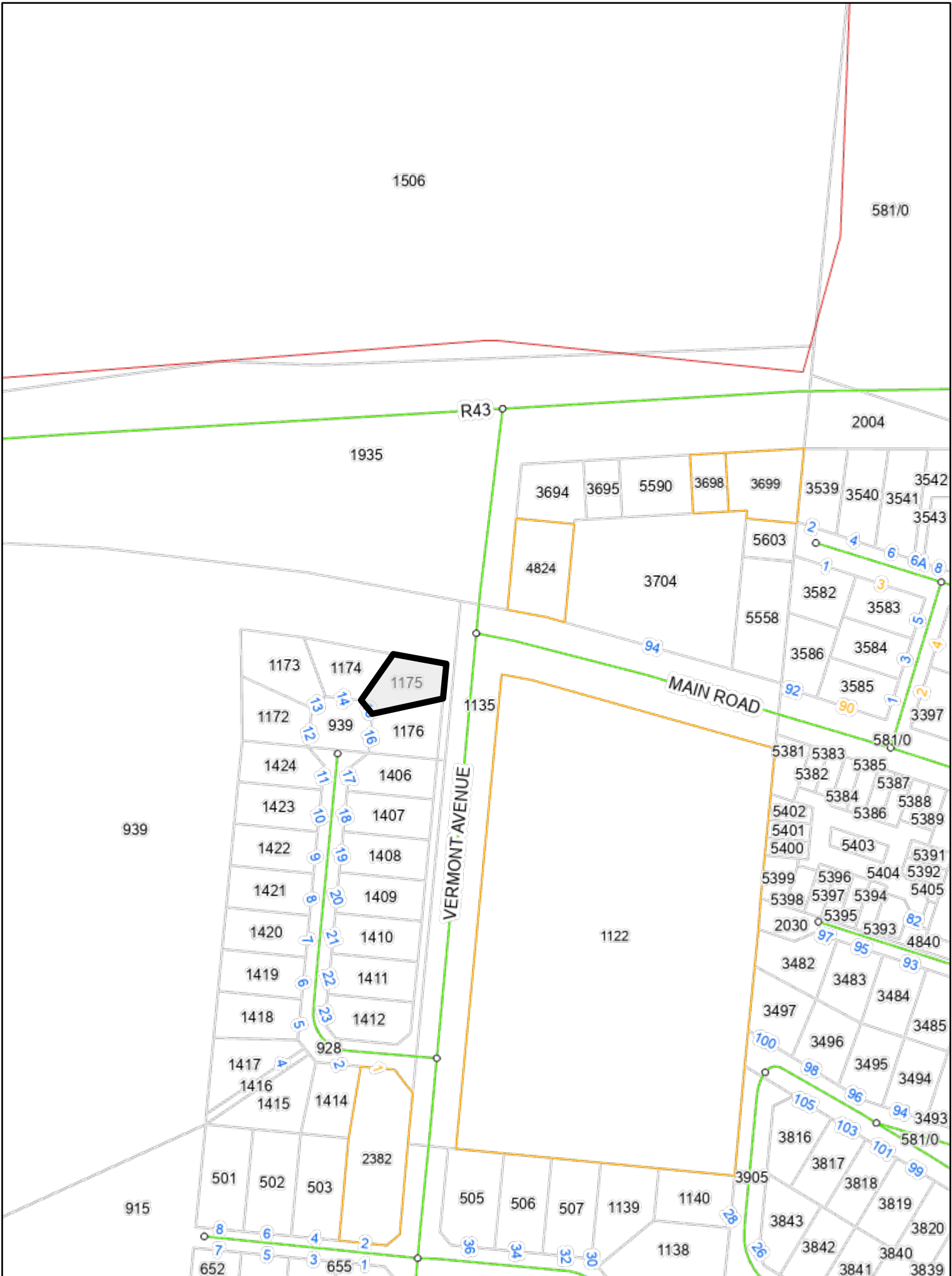
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbepanning, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / loretta@overstrand.gov.za) voor of op **22 Augustus 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H. Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement: Stads- en Streekbepanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

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

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiwewo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo **sokunyenysiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenysiswe oku kulandelayo:

- umgca wesakhiwo ongakwicala lasempuma lesitrato ukusuka ku-4m ukuya ku-2,1m ukulungiselela ukutshintsha igaraji emisa imoto enye ukuze ibe yindawo yokugcina izixhobo zegadi negumbi langasese kunye nokunyenysiswa umgca wesakhiwo okwafanayo ukusuka ku-4m ukuya ku-1,45m ukulungiselela verandas entsha ecetywayo.
- umgca wesakhiwo ongakwicala elingasemntla ukususela ku-3m ukuya ku-1,37m ukulungiselela iveranda entsha ecetywayoi.
- south-eastern lateral building line from umgca wesakhiwo ongakwicala elikumzantsi mpuma ukususela ku-2m ukuya ku-0m ukulungiselela ukutshintsha igaraji emisa imoto enye ukuze ibe yindawo yokugcina izixhobo zegadi negumbi langasese.

linkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu neSithuba e-16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zinokungeniswa ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**22 Agasti 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zohagamshekwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ye-Telephonic inokwenziwa **kuMnu H Olivier** kwi-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala unokundwendwela iSebe leDolophu noCwangciso lweMhlaba apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.





InterActive Town & Regional Planning

PO Box 980

Hermanus

7200

Reference: Erf 1175, Vermont, Hermanus

Date: 27 June 2025

ERF 1175, VERMONT: BUILDING LINE DEPARTURE

Application is hereby made for building line departures for Erf 1175, Vermont, Hermanus in terms of the relevant legislation, as described in the accompanying documentation.

In support of the application please find the following attached:

- A proof of payment of the application fee
- Motivational Report
- Annexures

Kind Regards

Andre Wiehahn Pr Pln A/927/1996

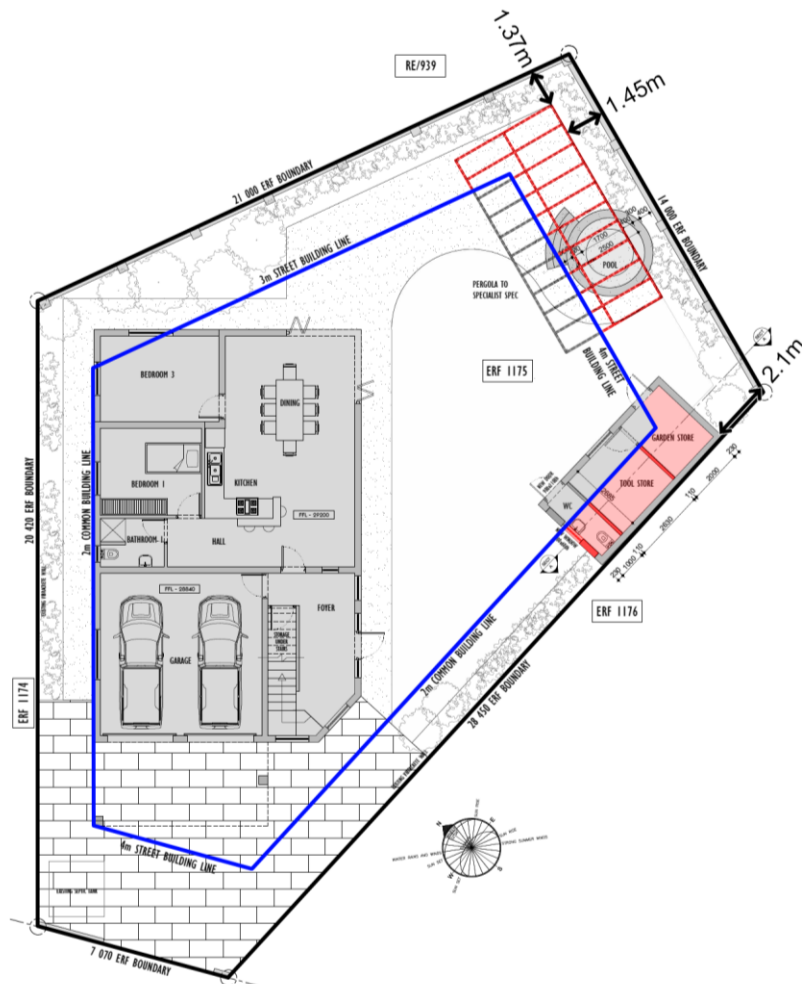
B Art et Sc (Town and Regional Planning)



ERF 1175 VERMONT, HERMANUS

15 Gull Close

Building line departure application



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June 2025

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Notes

1. Introduction

a. Brief

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

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

b. Background, Development Objective & Application Proposal

The application area consists of a single residential property with an existing dwelling. The property owners wish to add a pergola and convert the existing garage into storage area (tools and garden store) with an outside toilet. These additions are located within the eastern building line. The property's northern boundary borders an undeveloped road reserve as can be seen on the locality plan and zoning plan reflected in Figures 4 & 6 respectively.

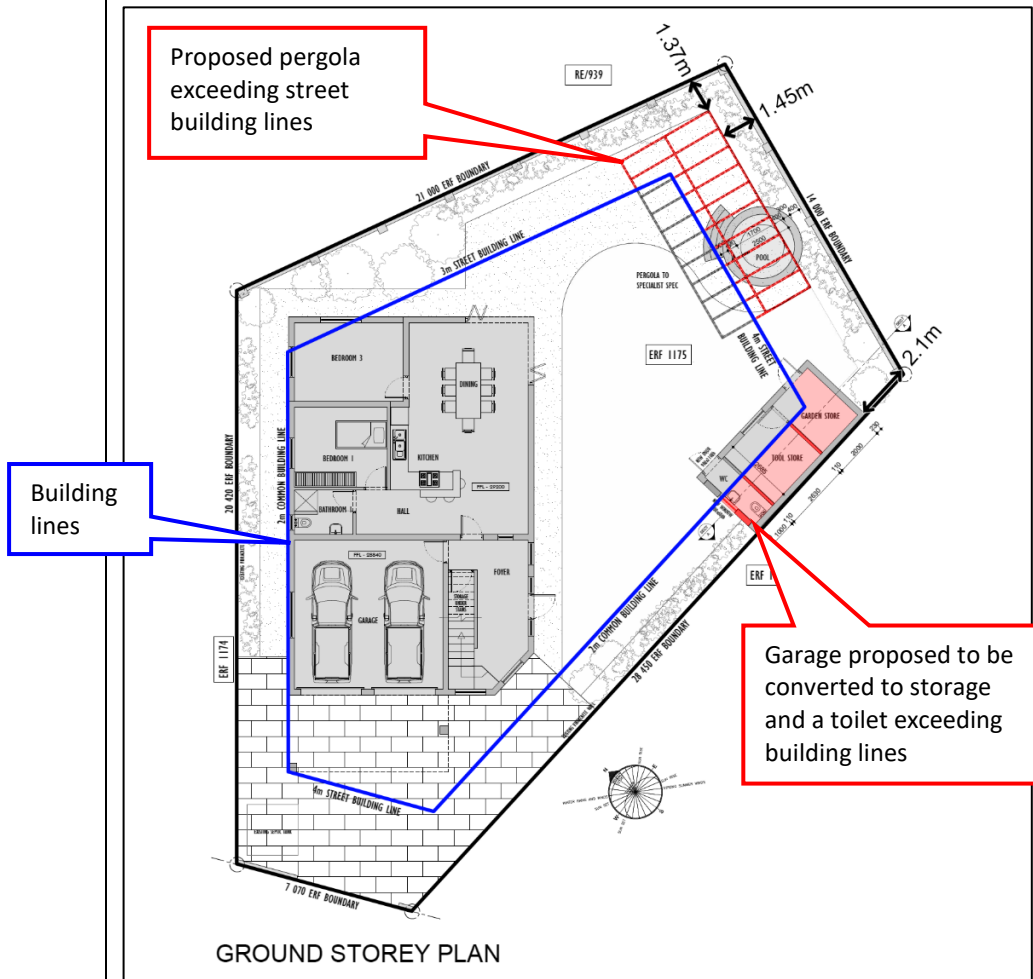


Figure 1: Application illustration

Subsequently the **application proposal** is for:

- A departure to relax the eastern street building line from 4m to 2.1m to allow for the conversion of a garage into storage and a toilet.
- A departure to relax the southeastern side building line from 2m to 0m to allow for the conversion of a garage into storage and a toilet.
- A departure to relax the northern street building line from 3m to 1.37m to allow for a proposed pergola.
- A departure to relax the eastern street building line from 3m to 1.45m to allow for a proposed pergola.

2. The Application

a. Analysis: Title Deed	The Conveyancer Monica Korf issued a certificate confirming that no restrictive title deed conditions exist against the proposal on Erf 1175 Vermont.					
b. Analysis: Development Criteria: The development parameters for Erf 1175 Vermont, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, read with the subject title deed are summarised as follows:	Parameters		Existing Zoning Scheme Requirements:	Proposed	Comments	
	Zoning		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	Primary Use		Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house	Consistent	
	Consent Uses		Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent	
	Coverage		50%	37.5%	Consistent	
	Height		8m	6.9m	Consistent	
	Building lines		Street	4m east & southwest 3m north	1.37m north 1.45m east for pergola 2.1m east for storage	Application includes building line departures
			Side	2m	2m 0m southeast for existing garage to be converted to storage and a toilet	Application includes a building line departure
	Parking		Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent	
	General Parameters		Swimming pool height: 1m Swimming pool distance from boundary: 1m	Swimming pool height 0.68m Swimming pool distance from boundary: 1m		
c. Application: The application form is attached as Annexure A .	Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for: <ul style="list-style-type: none"> • A departure to relax the eastern street building line from 4m to 2.1m to allow for the conversion of a garage into storage and a toilet in terms of Chapter IV, Section 16(2)(b). • A departure to relax the southeastern side building line from 2m to 0m to allow for the conversion of a garage into storage and a toilet in terms of Chapter IV, Section 16(2)(b). • A departure to relax the northern street building line from 3m to 1.37m to allow for a proposed pergola in terms of Chapter IV, Section 16(2)(b). • A departure to relax the eastern street building line from 3m to 1.45m to allow for a proposed pergola in terms of Chapter IV, Section 16(2)(b). 					

3. Contextual Site Information

a. Property Description

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

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

The following Surveyor General Plans reflect the application site:

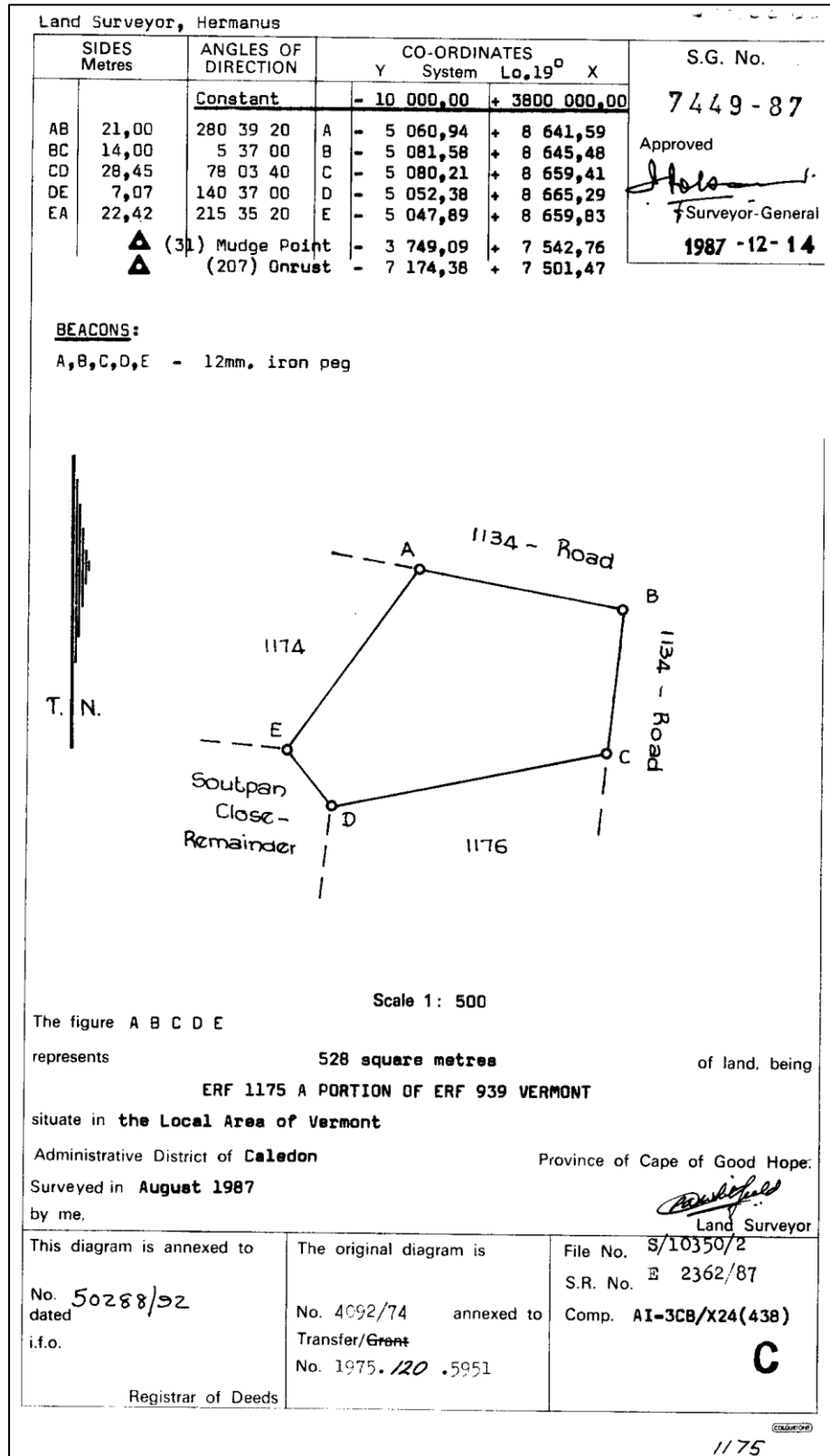


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

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

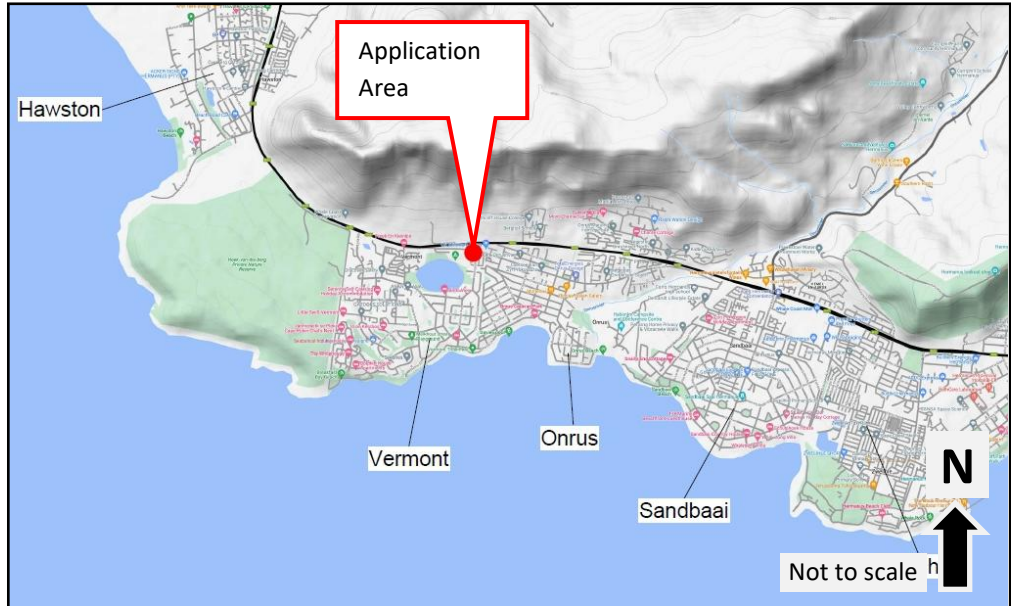


Figure 3: Locality Plan – Regional Context

Local Context:

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



Figure 4: Locality Plan – Local Context

c. Land Use:
 Refer to the Land Use Plan attached as **Annexure H**.
 The application area accommodates a dwelling house on the property. The surrounding land-uses consists of single residential, general residential, open space and business land uses. No change in land use is proposed. The application proposal is **consistent** with the land use and character of the area.



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

d. Zoning:
 Refer to the Extract of Hermanus Zoning plan attached as **Annexure G**.
 The application area, Erf 1175, Vermont is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1 as well as Transport Zone 2 and Business Zone 3. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.



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

e. Spatial Planning Policy The following policy guidelines from the following relevant policy documents are applicable to the application area.

i. Overstrand Municipal Spatial Development Framework, 2020

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

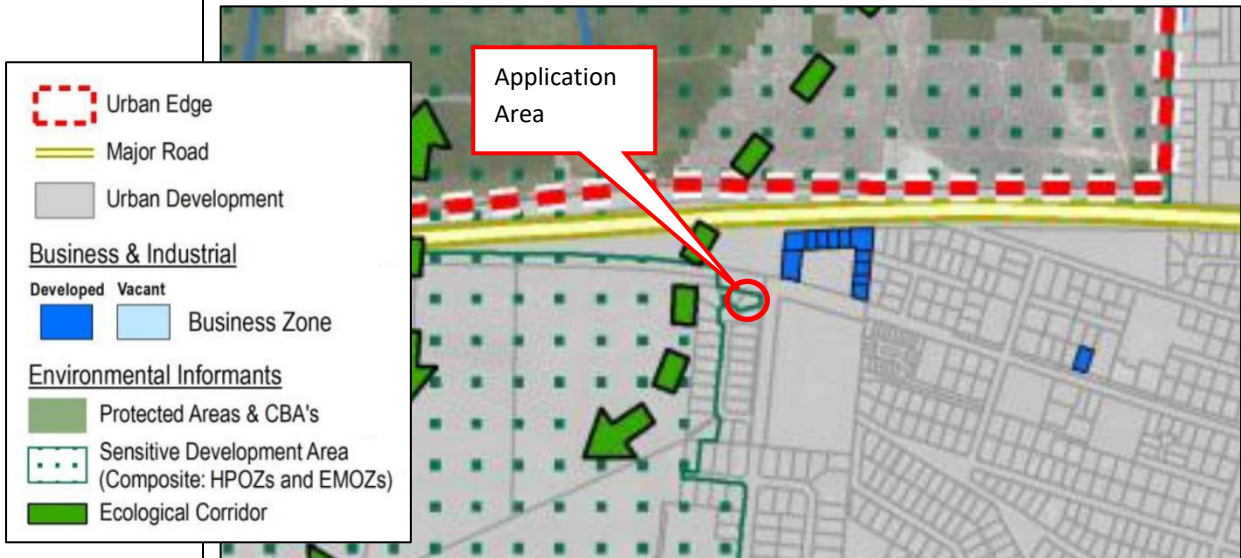


Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract

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

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

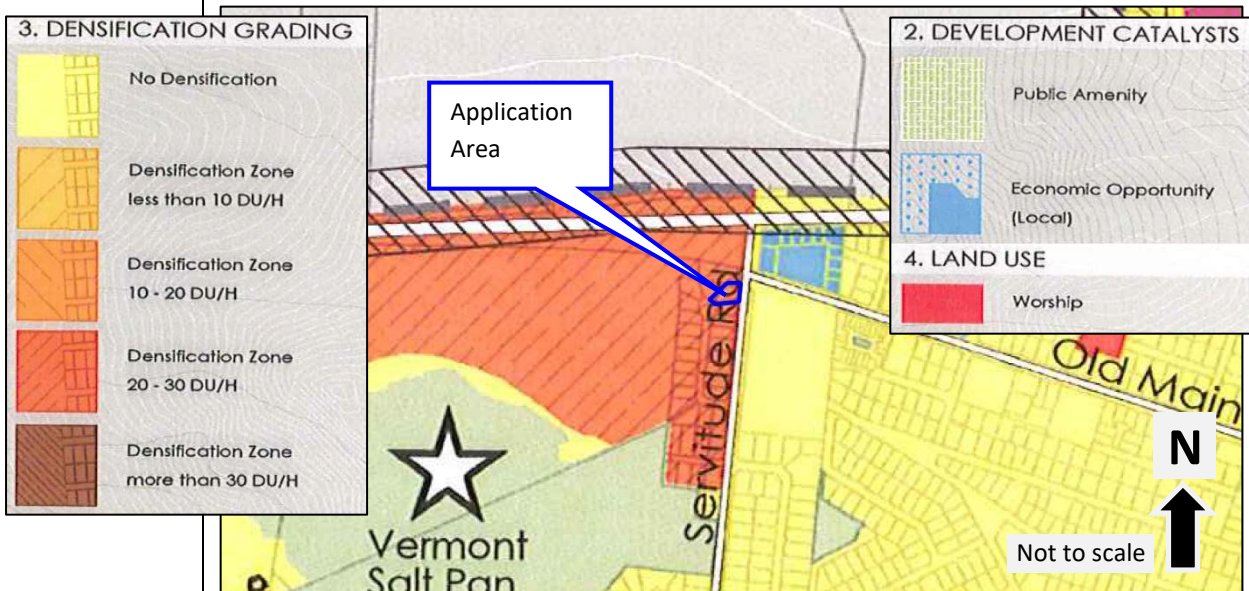


Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy

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

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

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

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

8.5.1.1.4. Category D: Private Property

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

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

Conclusion:

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

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the proposed building plans

a. Introduction and Background

The property owner wishes to convert the existing garage which exceeds building lines to storage and a toilet as well as to construct a pergola which exceeds building lines.

b. Proposal

The application objective is to allow a storage area as well as toilet inside the existing garage and to build a proposed pergola above a proposed pool.

Here below is a plan showing the application proposal.

Ground floor plan

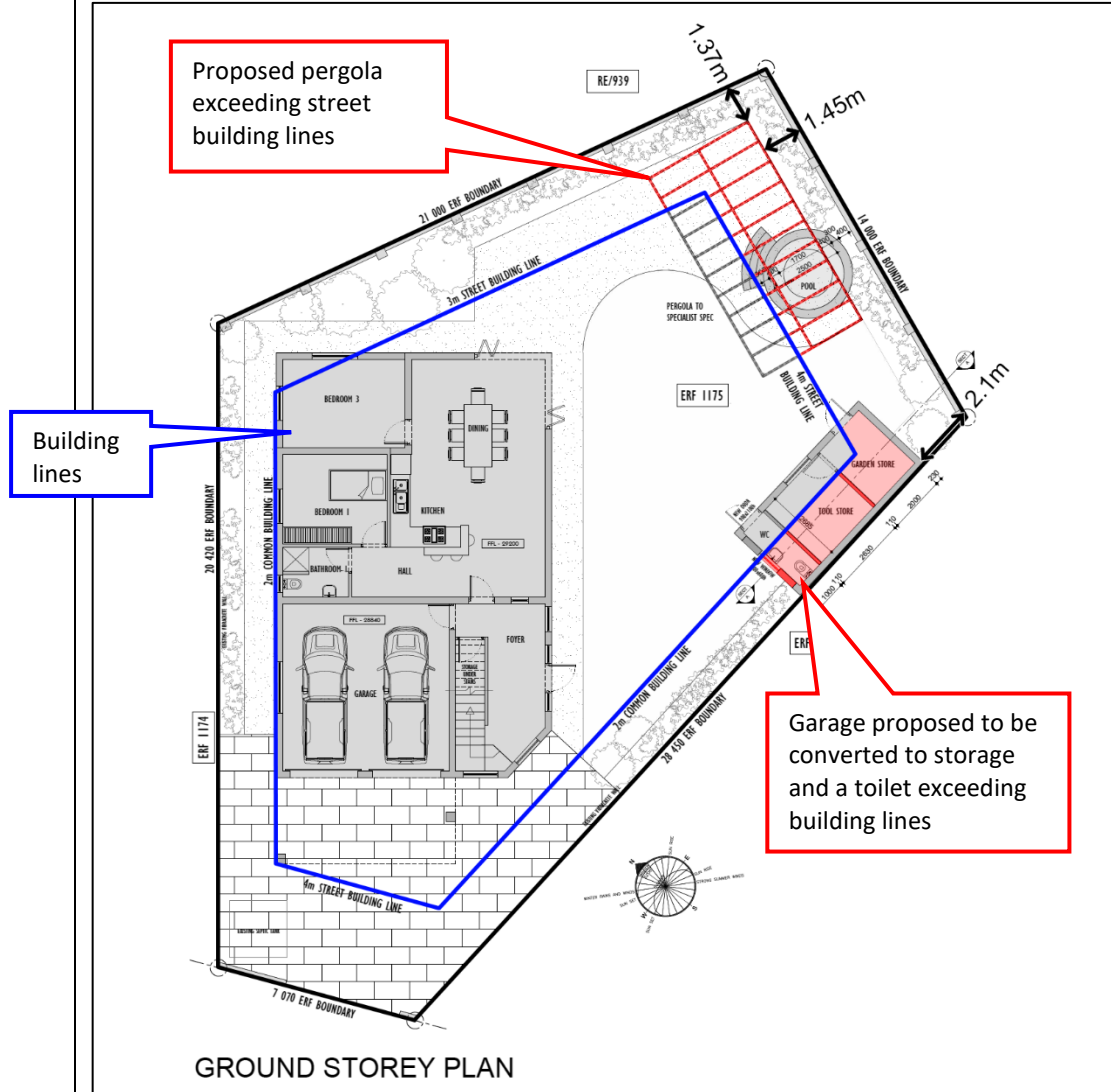
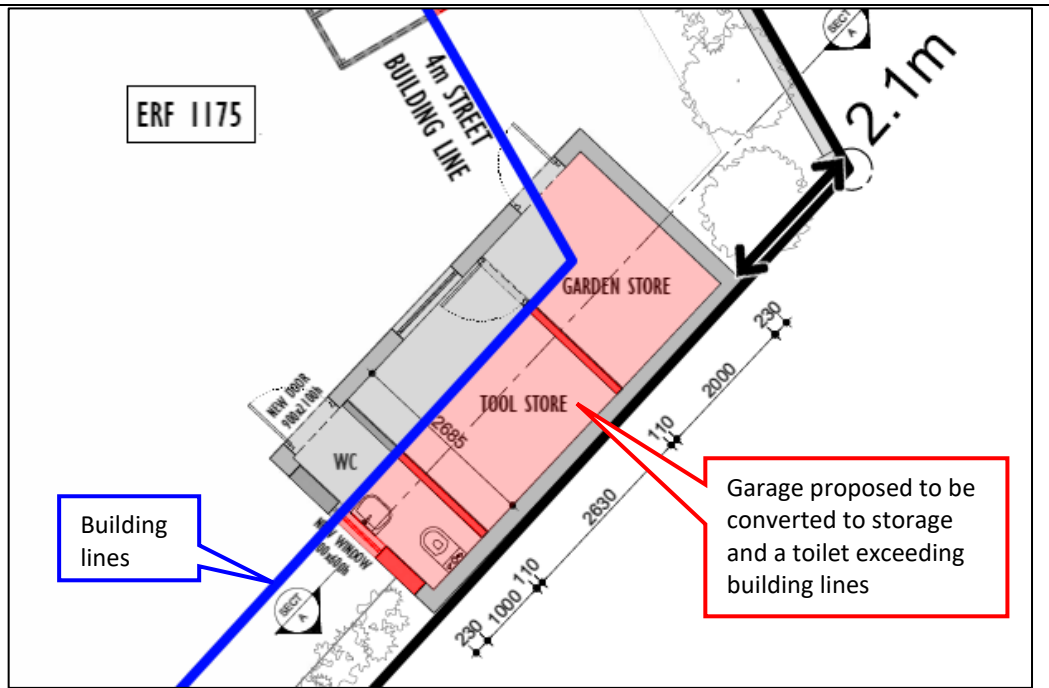


Figure 9: Building Plan overlay

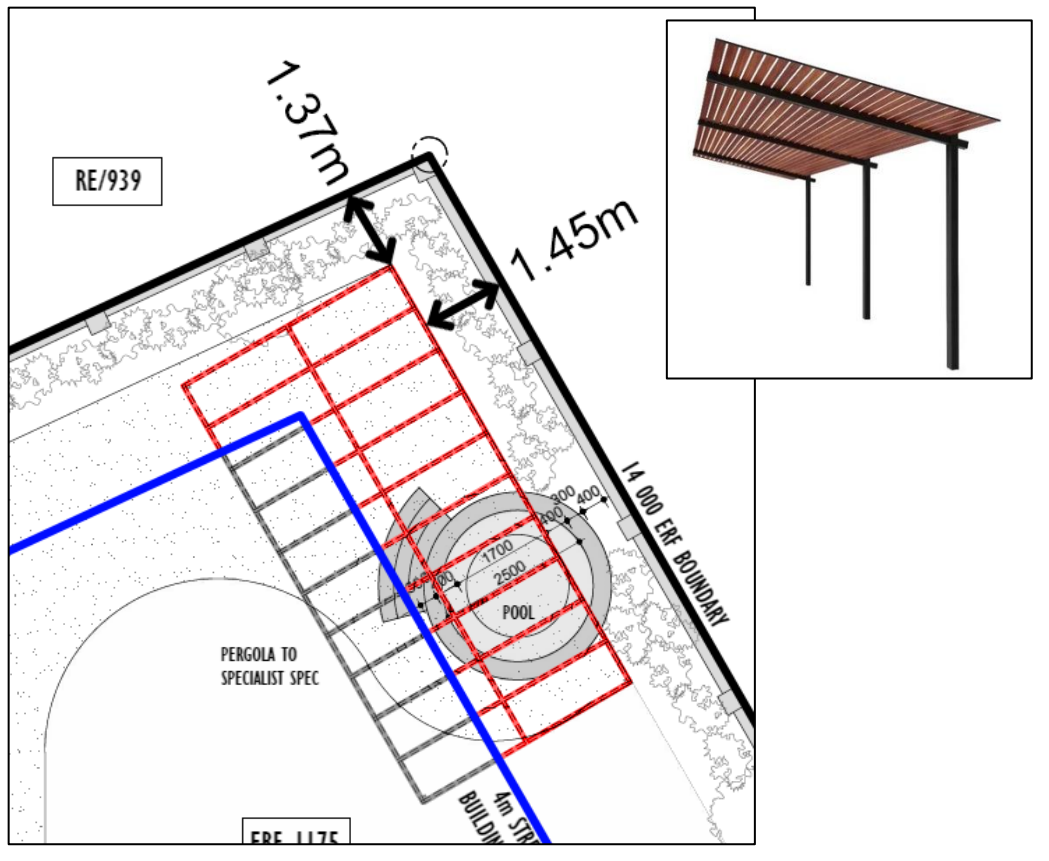
Storage area and toilet

The existing garage exceeding the southeastern side building line is proposed to be converted into tool and garden storage and a toilet. This will include the bricking up of the existing garage door with the installation of a window as well as internal changes. The proposed storage and toilet are not habitable spaces. Since only the existing single storey garage is converted, there will no impact in terms of privacy, views, light, noise or access. Here below is an illustration of the proposed storage area and toilet.



Pergola

A cantilever pergola is proposed above a proposed pool which exceeds street building lines. The pool is consistent with the zoning scheme development criteria. The pergola will provide partial shade for the users within this recreational area. The pergola will also provide additional privacy to a portion of the garden since Vermont Avenue that runs along the property boundary is elevated and looks down into garden of the application area. Here below is an illustration and a typical image showing the proposed pergola.



	<p><u>Desirability</u></p> <ul style="list-style-type: none"> • The proposal will improve the quality of life for the residents and the functionality of the property. • The conversion of the garage is more cost effective than building new structures. • The proposal is compatible and consistent with the character of the area. • The proposal will not have a negative effect on privacy, views or light of neighbouring properties • The proposal will not impact on noise or access to areas of the property.
	<p>c. Planning Principles</p> <p>In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:</p> <p>1) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.</p> <p>Possible results of the development</p> <p>The proposal will not contribute to perpetuation of past apartheid spatial development imbalances since application is only for amendments and additions to a single residential property structures.</p> <p>The application proposal is consistent with spatial justice.</p> <p>2) Spatial Sustainability which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.</p> <p>Possible results of the development</p> <p>The proposal relates to structures on a developed single residential erf and therefore no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.</p> <p>The application proposal can thus be deemed to be spatially sustainable.</p> <p>3) Spatial Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p>Possible results of the development</p> <p>The proposal will improve the functionality of the property but will not have an impact on spatial efficiency.</p> <p>The application proposal is consistent with the efficiency principle.</p>

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

Possible results of the development

The proposal is for amendments and additions to structures on a single residential erf and will not impact on spatial resilience.

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

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

Possible results of the development

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

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

5. Conclusion

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

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

- A departure to relax the eastern street building line from 4m to 2.1m to allow for the conversion of a garage into storage and a toilet in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the southeastern side building line from 2m to 0m to allow for the conversion of a garage into storage and a toilet in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the northern street building line from 3m to 1.37m to allow for a proposed pergola in terms of Chapter IV, Section 16(2)(b).
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