

**ERF 12296, 56 MITCHELL STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF LA GRADUS-SAMSON**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) of the following application applicable to Erf 12296, Hermanus (the property):

**Departure** in terms of Section 16(2)(b) of the Bylaw in order to:

- relax the street building line from 4m to 0m to accommodate the proposed pergola;
- relax the street building line from 4m to  $\pm 2.96m$  to accommodate the existing covered patio;
- relax the side building line from 2m to 0m to accommodate the existing covered gazebo's;
- relax the side building line from 2m to 0m to accommodate the existing pizza oven;
- relax the side building line from 2m to 0.37m to accommodate the existing pool pump house;
- relax the rear building line from 2m to 0m to accommodate the existing rainwater tanks;
- relax the side building line from 2m to 0.23m to accommodate the existing tool shed, and
- relax the side building line from 2m to 0m to allow the proposed change of use of an approved storage area.

**Determination of an administrative penalty** in terms of Section 16(2)(q) of the Bylaw.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any comments must be in writing in accordance with the provisions of Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **24 January 2025**, quoting your name, address and contact details, interest in the application, and the reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 12296, MITCHELLSTRAAT 56, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS LA GRADUS-SAMSON**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoek van toepassing op Erf 12296, Hermanus (die eiendom):

**Afwyking** ingevolge Artikel 16(2)(b) van die Verordening ten einde die:

- straatboulyn vanaf 4m na 0m te verslap om 'n voorgestelde preeel te akkommodeer;
- straatboulyn vanaf 4m na  $\pm 2.96m$  te verslap om die bestaande onderdak stoep te akkommodeer;
- syboulyn vanaf 2m na 0m te verslap om die bestaande bedekte gazebo's te akkommodeer;
- syboulyn vanaf 2m na 0m te verslap om die bestaande pizza oond te akkommodeer;
- syboulyn vanaf 2m na 0.37m te verslap om die bestaande swembadpomp kamer te akkommodeer;
- agterboulyn vanaf 2m na 0m te verslap om die bestaande reënwater tenke te akkommodeer;
- syboulyn vanaf 2m na 0.23m te verslap om die bestaande gereedskapskuur te akkommodeer, en
- syboulyn vanaf 2m na 0m te verslap om die voorgestelde verandering van gebruik van 'n goedgekeurde stoorarea te akkommodeer.

**Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **24 Januarie 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P Roux** by 028-313 8900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 12296, 56 MITCHELL STREET, EASTCLIFF, HERMANUS, INDAWO KAMASIPALA OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA LA GRADUS-SAMSON**

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala) wesi sicelo silandelayo sisebenza ku-Erf 12296, e-Hermanus (ipropati):

**Ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze:

- ukunciphisa umda wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi-0m ukulungiselela i-pergola ecetywayo;
- ukunciphisa umda wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi- $\pm 2.96m$  ukulungiselela ipatio ekhoyo egqunyweyo;
- ukunciphisa umda wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0m ukulungiselela i-gazebo's ekhoyo egqunyweyo;
- ukunciphisa umda wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0m ukulungiselela i-oven ye-pizza ekhoyo;
- ukunciphisa umda wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0.37m ukuze uhlalise indlu yempompo ekhoyo;
- ukunciphisa umda wesakhiwo ongasemva ukusuka kwi-2m ukuya kwi-0m ukulungiselela iitanki zamanzi emvula ezikhoyo;
- ukunciphisa umda wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0.23m ukulungiselela ishedi yezixhobo esele ikhona, kunye
- ukunciphisa umda wesakhiwo esisecaleni ukusuka kwi-2m ukuya kwi-0m ukuvumela utshintsho olucetywayo lokusetyenziswa kwendawo yokugcina evunyiweyo.

**Ukumiselwa kwesoahlwayo** solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi wama- **24 Eyomqungu 2025**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhalezimvo zakhe.

# 1. Locality Plan Erf 12296 Hermanus

Plan prepared by: Veronica Jansen

Tel: 028 313 1411

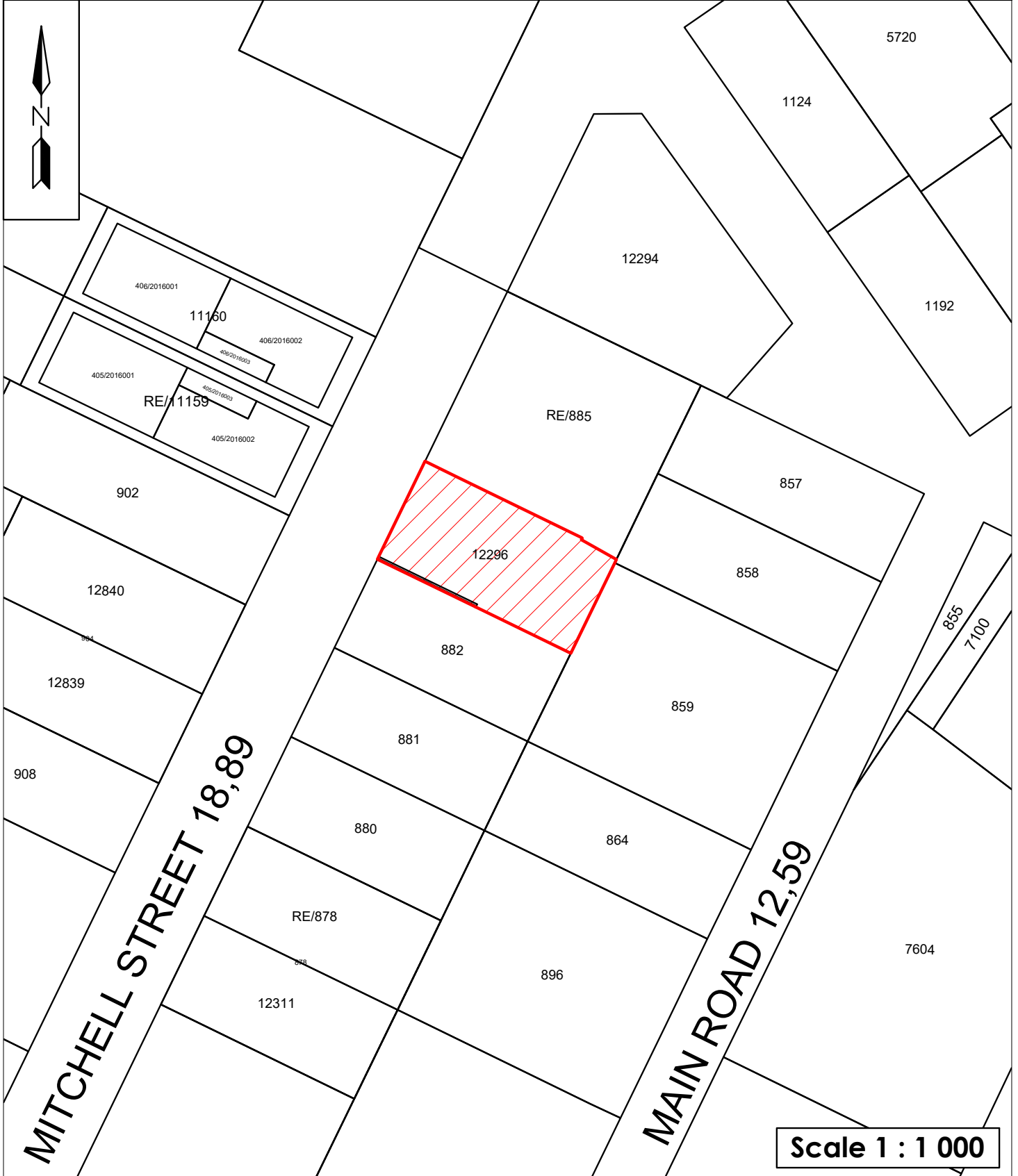
Email: admin@wrapgroup.co.za

Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**

Town Planning & Project Management



**Scale 1 : 1 000**



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### 1. ABBREVIATIONS

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<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>SR1</b>	Residential Zone 1: Single Residential

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### 2. PROPERTY DETAILS

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<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 12296 Hermanus
<b>Extent</b>	843m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

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### 3. BACKGROUND AND INTENT

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Erf 12296 Hermanus, hereafter referred to as the subject property, is located at 56 Mitchell Street, Eastcliff (refer to **Plan 1 - Locality Plan**). The property owner appointed WRAP Project Office to submit a land use application on her behalf, refer to **Annexure A - Power of Attorney**.

She has owned the property since the late nineties and has since improved the property over time. She has added several structures and additions that require the municipality's consent. She also now wants to add a pergola to the front of her garage to add to the aesthetic appeal of her property.

The development parameters of the OMLUS regarding building lines on single residential properties also prohibits any structures within the 2-meter side building line and within 4 meters from the street boundary. The structures mentioned above is situated within the said side- and street building line.

As a result, approval of the following application is required:

- Permanent Departure from the side- and street building lines; and
- Determination of an administrative penalty.

**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

WRAP compiled this report to ensure that the property owner's requirements are met.

The following is proposed:

**4.1 Permanent departure** from the 4m street building line to 0m to allow the proposed pergola.

The owner currently has only a double garage and wishes to add a pergola to the front of the garage for aesthetic appeal. The owner envisions building the pergola in front of the garage, encroaching on both the street and side building lines. In terms of the Overstrand Municipality Land Use Scheme (OMLUS), a carport is permitted to encroach over the street building line with permission from the Overstrand Municipality (OM), provided that the following conditions are met:

Section 16.1.2(b) - OMLUS	Comply or deviate
The width of such carport shall not exceed 6,5 m;	<u>Comply</u> , the pergola is approximately 4,5m wide.
(ii) the roof of the carport shall be supported by a metal or timber post or brick, concrete or masonry pillars;	<u>Comply</u> , the proposed pergola will be supported by timber posts.
(iii) the carport shall not be enclosed on any side, except by: - a boundary fence or wall; - a wall which forms the external wall of a building; or - a security or automated gate.	<u>Comply</u> , the pergola is not proposed to be enclosed on any side.
The height of such carport, measured from the natural ground level to the highest point of the structure over the building line, may not exceed 3,0 m on the street boundary, but the height may increase at a 40-degree angle away from such boundary (roof).	<u>Comply</u> , the carport is proposed to be <b>2,475m</b> high.

Based on the above it is clear the pergola complies with the requirements set out by the OM.

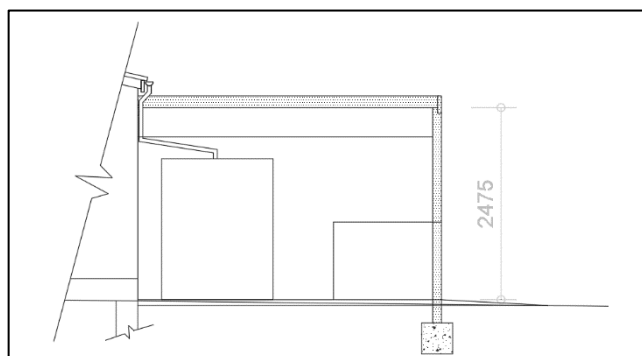


Figure 1: Proposed Pergola height

**4.2 Permanent departure** from the 4m street building line to  $\pm 2,96\text{m}$  to allow the existing covered patio.

The property was historically utilised as a guest house, which included an open patio at the front of the building. This open patio was an attractive feature that allowed guests to enjoy outdoor space, enhancing the overall appeal of the property. When the property was later converted back into a private residential home, the owner decided to cover the patio with clear roof sheets. This modification was made thoughtfully, with the intention of preserving the original character and functionality of the space. The clear roofing material was specifically chosen to ensure that natural light could continue to enter the rooms located at the front of the property, while also making the area watertight, providing a sheltered outdoor space that could be enjoyed throughout the year.

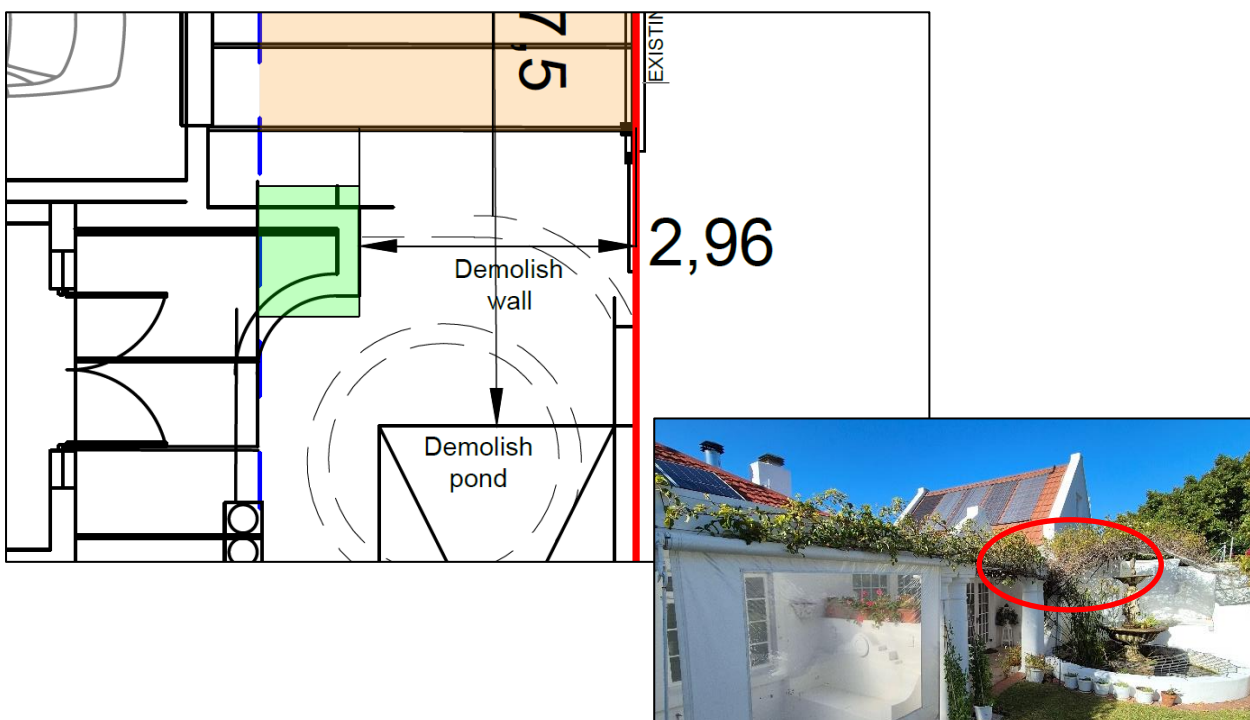


Figure 2: Proposed departure to allow the existing covered patio area

Despite the practical and aesthetic benefits of the roofed patio, it was installed without formal municipal approval. Additionally, a section of the patio encroaches on the street building line, which under normal circumstances would require approval.

It is important to note that the covered patio has been an integral part of the property for a considerable period and has not caused any negative impact on the surrounding neighbourhood or streetscape. In fact, it enhances the functionality of the property by providing additional sheltered outdoor space, without obstructing the street view or infringing on the privacy or enjoyment of neighbouring properties. The clear roofing, which allows natural light through, maintains the visual openness of the structure, ensuring that it does not create an imposing or unsightly feature.

Moreover, allowing this modification to remain would align with the overall character of the surrounding residential area, where similar structures and outdoor enhancements have been undertaken by neighbouring property owners. The covered patio contributes to the aesthetic cohesion of the street, enhancing the property's appeal while maintaining the integrity of the built environment. Importantly, the owner has made every effort to ensure that the alteration was carried out in a way that complies with the spirit of local design guidelines, prioritising both functionality and visual appeal.

The covered area located within the street building line is only a small section of  $\pm 1,5\text{m}^2$ , which is considered as minor.

**4.3 Permanent departure** from the 2m side building line to 0m to allow the existing covered gazebos.

The owner occasionally rents the entire property to transient guests, providing them with a unique and enjoyable experience. In an effort to enhance their stay, the owner has supplied umbrellas next to the swimming pool for shade and comfort. Due to the variable weather conditions and strong winds characteristics of the area, these umbrellas have proven to be vulnerable, often becoming damaged or lost. To address this issue and improve the outdoor experience for guests, the owner has taken the initiative to install two gazebos, each approximately  $7,2\text{m}^2$  in extent.

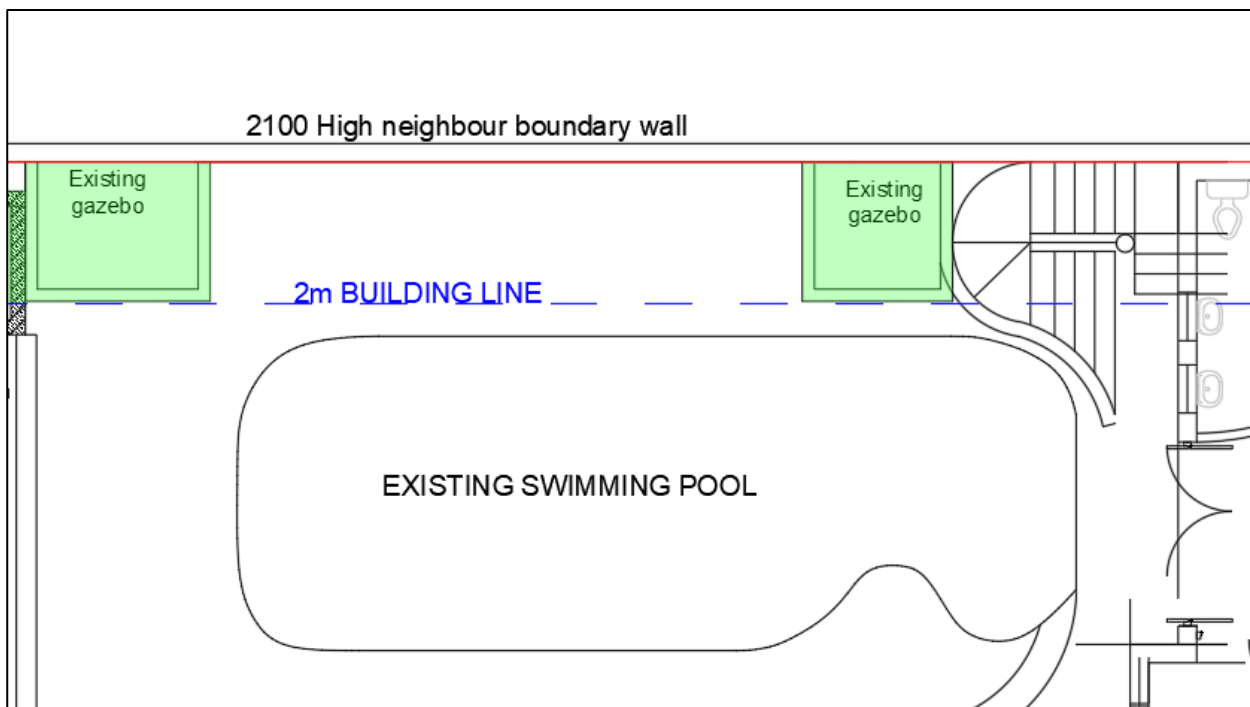


Figure 3: Proposed departure to allow the existing gazebos

These gazebos offer a sturdy and aesthetically pleasing solution to provide shelter for guests, ensuring that they can enjoy the outdoor amenities, regardless of the weather. Unfortunately, both gazebos encroach upon the side building line, which means that prior approval from the municipality was required before their installation. Recognising the oversight in not obtaining the necessary permissions beforehand, the owner is now



taking proactive steps to rectify this past contravention by submitting the current application for approval.

The gazebos not only enhance the functionality of the outdoor space, but also contribute positively to the overall appeal of the property. They provide a designated area for relaxation and socialising, allowing guests to enjoy the beauty of the property without being exposed to the elements. Moreover, the addition of these structures demonstrates the owner's commitment to providing a high-quality experience for her guests while adhering to local development standards.

The gazebos allow the owner to continue providing a comfortable and safe environment for guests, ultimately contributing to a positive reputation for the property as a desirable rental option. Additionally, the gazebos blend well with the landscape and add visual interest to the outdoor area, enhancing the property's overall aesthetic appeal.

Furthermore, the owner is committed to complying with the municipal regulations and ensuring that any future developments are appropriately managed. By seeking retrospective approval for the gazebos, she is demonstrating her willingness to align with the character of the neighbourhood. This proactive approach not only rectifies the past oversight but also fosters goodwill with the municipality and surrounding residents.

**4.4 Permanent departure** from the 2m side building line to 0m to allow the existing outdoor pizza oven.

The following addition were made without any malintent, as the owner sought to enhance the property's appeal and functionality. One notable feature is the outdoor pizza oven, which enriches the cooking experience for both the owner and her guests. This addition not only adds value to the property but also promotes social interaction during gatherings, especially when the weather allows for outdoor cooking.

The outdoor pizza oven serves as a focal point for encouraging leisurely meals and family gatherings in a beautiful setting. It was however constructed without prior approval from the municipality. This oversight was unintentional, stemming from the owner's genuine desire to improve her home. Recognising the need for compliance with the OMLUS, the owner is now seeking to regularise this installation through the appropriate application process.

Allowing the outdoor pizza oven to remain would support the owner's efforts to enhance the property and provide a unique amenity that aligns with the local community's lifestyle. Moreover, this addition reflects the trend of outdoor living embraced by many homeowners, contributing to the vibrancy of the neighbourhood.

**4.5 Permanent departure** from the 2m side building line to 0,37m to allow the existing pool pump house.

The owner experienced significant damage last year due to heavy rainfall, which resulted in the flooding of the pool pump. Following this incident, the insurance company mandated that the pump be relocated to a safer position on the property to prevent



future damage. In response to this requirement, a small pool house was constructed with a height of 1,4m to house the pump securely.

This new structure however encroaches upon the side building line, which means that prior municipal approval was necessary for its construction. The owner undertook this project with the intention of protecting the pool pump and ensuring the property remains functional and safe. Recognising the importance of compliance with local regulations, the owner is now seeking to regularise the pool house through the appropriate application process. Only a small portion of 2,2m<sup>2</sup> of the pool house is located in the side building line.

By obtaining approval for this small pool house, the municipality would not only support the owner's proactive measures to safeguard her property but also contribute to the overall functionality of the outdoor space.

**4.6 Permanent departure** from the 2m rear building line to 0m to allow the existing rainwater tanks; and

**4.7 Permanent departure** from the 2m side building line to 0,23m to allow the existing tool shed.

These two additions were made solely for the functionality of the property, aimed at enhancing its efficiency and promoting sustainability. First, two water tanks were installed to collect rainwater, a thoughtful initiative designed to conserve water resources. The tanks are however higher than 2,1m which is the height limit in terms of the OMLUS.

This system allows the owner to harness natural rainfall for irrigation purposes, significantly reducing reliance on municipal water supplies and supporting environmentally friendly gardening practices. By utilising rainwater, the owner is not only lowering water bills but also contributing to the preservation of the local ecosystem. This practice is especially beneficial in areas where water scarcity can be an issue, making it a responsible choice for both the property and the wider community.

In addition to the water tanks, a small toolshed was constructed to provide a dedicated space for storing gardening equipment and tools. This shed was strategically positioned to ensure it has minimal impact on the overall aesthetics and functionality of the property. Its location was carefully considered to avoid obstructing views or disrupting the natural flow of the garden space. By keeping tools and equipment organised and easily accessible, the toolshed enhances the owner's ability to maintain the garden effectively, ultimately leading to a more vibrant and well-kept outdoor environment.

Both additions reflect the owner's commitment to improving the property's functionality while prioritising environmental sustainability. They serve practical purposes that enhance the overall quality of life for the occupants and contribute positively to the character of the property. Furthermore, these improvements align with contemporary trends in property management, where efficiency and ecological responsibility are increasingly valued by homeowners and communities alike.



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**4.8 Permanent departure** from the 2m side building line to 0m to allow the proposed change of use of an approved storage area.

The property features a storage area above the garage, and the proposal is to convert this space into a second dwelling that will serve as domestic quarters. This conversion presents an opportunity to optimise the existing structure while providing practical benefits to the owner. Given that the storage area is located across the 2m building line, it is essential to obtain municipal approval before any work can commence on the conversion.

Transforming the storage area into a second dwelling offers several advantages. Firstly, it would enhance the property's functionality by creating additional living space. This could be particularly beneficial for accommodating family members, guests, or staff, thus providing a flexible living arrangement that meets the owner's needs. The additional dwelling could also serve as a rental unit, generating supplementary income for the owner while addressing the increasing demand for housing in the area. This is especially relevant in light of current housing challenges, where efficient use of space can contribute to alleviating shortages.

Moreover, the proposed domestic quarters would allow for greater independence for occupants, providing them with a dedicated space that fosters privacy and comfort. This could be particularly appealing for family members seeking autonomy or for individuals working in close proximity to the property, such as caregivers or staff.

From a community perspective, the conversion aligns with broader goals of maximising existing property potential and promoting sustainable development. By utilising the available space above the garage, the owner is contributing to efficient land use, minimising the need for new construction while enhancing the livability of the area. This approach not only benefits the property owner but also adds value to the neighbourhood by improving the overall housing stock.

Furthermore, the conversion can be designed to complement the existing architectural style of the property, ensuring that it integrates seamlessly into the surrounding environment. This consideration helps maintain the aesthetic appeal of the area while enhancing the overall character of the neighbourhood.

**4.9 Determination of an administrative penalty;**

The property owner, as mentioned in Section 3 of this report, are currently in the process of ensuring her property complies with the development parameters of the OMLUS. As a result, several additions that occurred over the past few years need to be rectified and approved by the municipality. To ensure compliance with the By-Law, it is of importance to include an application for the determination of an administrative penalty. It is however requested that the administrative penalty be waived in total.

Section 90(3) of the By-law requires that the following information be provided:



**The nature, duration, gravity and extent of the contravention**

Section 4.3 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Existing Covered Patio	±1,5m <sup>2</sup>
Existing Gazebos	±7,2m <sup>2</sup>
Existing Pool House	±2,4m <sup>2</sup>
Existing Pizza Oven	±1,3m <sup>2</sup>
Existing Water Tanks	±0,6m <sup>2</sup>
Existing Tool Shed	±1,7m <sup>2</sup>
<b>TOTAL</b>	<b>±14,7m<sup>2</sup></b>

**The conduct of the person (allegedly) involved in the contravention**

The owner was responsible for ensuring that there were no contraventions in terms of the By-Law.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

**Whether the unlawful conduct was stopped**

The structure has already been constructed.

**Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.**

To the knowledge of this office, the property owner has not previously contravened the By-Law.

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**5. LAND USE ENVIRONMENT**

The subject property is located in Eastcliff, an established residential area in Hermanus. The property is surrounded by other Residential Zone 1: Single Residential properties. The surrounding area's zonings are illustrated in the attached **Plan 2 - Zoning Plan**.

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**6. TITLE DEED**

The title deed of the subject property (T52616/2018) attached as **Annexure B** does not contain any restrictive conditions which may prohibit the approval of the permanent departures.

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**7. ZONING**

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:



RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
	Parameters	Proposal	Comply/ deviate
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
<b>Consent use</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
Development parameters			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	41,67%	Comply
<b>Building lines</b>	<p>(i) The street building line is determined in accordance with the net erf area:</p> <ul style="list-style-type: none"> <li>• 400 m<sup>2</sup> and greater = 4m</li> </ul> <p>(ii) The side and rear building lines are determined in accordance with the net erf area:</p> <ul style="list-style-type: none"> <li>• Greater than 400 m<sup>2</sup> = 2m</li> </ul>	<p>(i) Proposed Departures</p> <ul style="list-style-type: none"> <li>• From 4m to 0m to allow the proposed pergola.</li> <li>• From 4m to 2,96m to allow the existing covered patio.</li> </ul> <p>(ii) Proposed Departures</p> <ul style="list-style-type: none"> <li>• From 2m to 0m to allow the existing covered gazebo.</li> <li>• From 2m to 0m to allow the outdoor pizza oven.</li> <li>• From 2m to 0,37m to allow the pool house.</li> <li>• From 2m to 0m to allow the water tanks.</li> <li>• From 2m to 0m to allow the tool shed.</li> <li>• From 2m to 0m to allow the change of use from a storage area to a second dwelling.</li> </ul>	<b>Deviate, motivated and applied for.</b>



## MOTIVATION

<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The existing dwelling adheres to the 8,0m height restriction.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	There is an existing double garage, should the second dwelling be approved above the garage an additional parking will be created by demolishing the existing fishpond.	Comply

## 8. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

### **Electricity, Water, Sewage and Solid Waste**

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

Solid waste is collected every week by the OM.

### **Access and Egress**

Access and egress to the property is gained from Mitchell Street.

## 9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law can be illustrated as follow:

### **Need and desirability.**

The need for the land use application is to ensure the property meets all the needs of the owner. The desirability is more often a personal feeling of the owner, and the owner has a need to build a covered- carport and pedestrian entrance. The structures will not benefit any other users or person other than the property owner, but it will however increase the property value and in the future, may yield income for the OM.

Socio-economic impact	The permanent departures are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area.
Impact on the external engineering services	Refer to Section 8.



## MOTIVATION

Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

### **Impact on views, sunlight and character of the area**

The subject property is located in a residential setting and the proposed structures will not be out of the ordinary for the area. Although the proposed pergola will encroach both the side and street building lines, it is not anticipated that these structures will affect any views, sunlight, or character of the area.

### **Economic impact**

There is little to no impact on the economy. The building of the proposed structures will temporarily employ a contractor that will use workers to assist in the construction phase.

### **Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The development will not affect the property values of surrounding properties.

### **Environmental impact**

The subject property is not located within an environmentally important area.

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## **10. POLICIES AND REGULATIONS**

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### **10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The property is not located within the EMOZ.

### **10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The property is not located within the HPOZ.

### **10.3 Spatial Planning Policies**

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.



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## **11. PLANNING PRINCIPLES**

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### **Spatial justice**

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal is not predicted to influence past spatial injustices.

### **Spatial sustainability**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to legalise the existing structures and the proposed additions will ensure the subject property meets the requirements of the owner.

### **Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the owner's requirements are met.

### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



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### 12. EVALUATION

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In conclusion, the proposed additions, including the pergola, and the conversion of the storage area to a second dwelling, are all carefully considered enhancements that align with the character of the property and the surrounding area. These additions will not impede on views, block sunlight, or negatively affect the aesthetic integrity of the neighbourhood. Instead, they represent a thoughtful and practical use of the property, with due consideration given to spatial planning policies and the broader community context.

The gazebos, outdoor pizza oven, water tanks, and toolshed all serve functional purposes, contributing to the overall sustainability and liveability of the property. Each addition has been designed with a commitment to improving the property's functionality without detracting from the area's character or negatively impacting neighbouring properties.

The conversion of the storage area to a second dwelling will provide additional accommodation in a manner that supports efficient land use and meets the evolving needs of the owner. This proposal aligns with local spatial planning frameworks and enhances the value and utility of the property.

In light of these considerations, these improvements not only reflect the owner's commitment to enhancing the property responsibly but also contribute positively to the broader goals of sustainable and thoughtful development in the area.

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### 13. RECOMMENDATION

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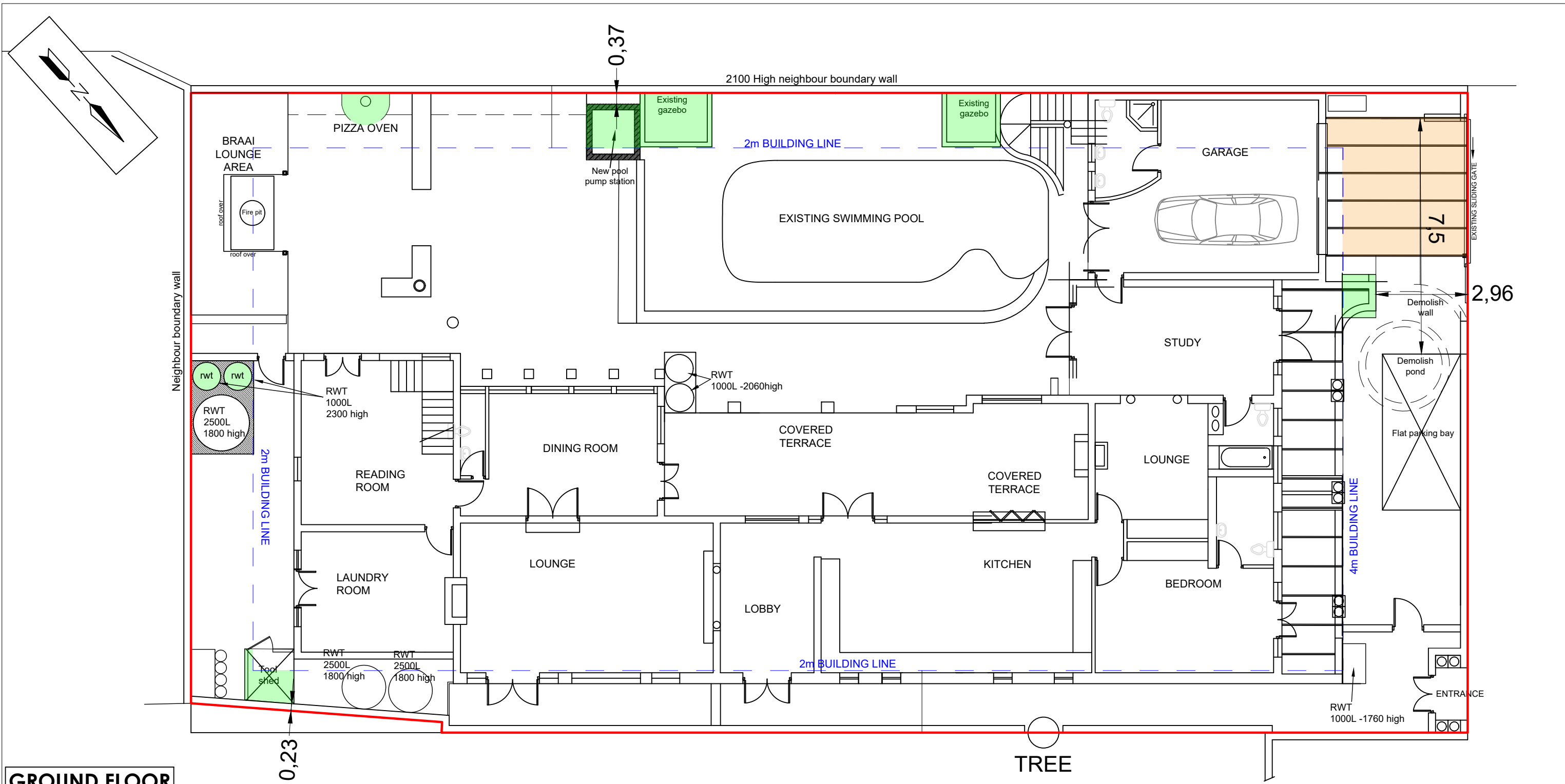
Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Permanent departure** from the 4m street building line to 0m to allow the proposed pergola in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent departure** from the 4m street building line to  $\pm 2,96$ m to allow the existing covered patio in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent departure** from the 2m side building line to 0m to allow the existing covered gazebos in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.4 Permanent departure** from the 2m side building line to 0m to allow the existing outdoor pizza oven in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;



## EVALUATION & RECOMMENDATION

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- 13.5 Permanent departure** from the 2m side building line to 0,37m to allow the existing pool pump house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.6 Permanent departure** from the 2m rear building line to 0m to allow the existing rainwater tanks in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.7 Permanent departure** from the 2m side building line to 0,23m to allow the existing tool shed in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.8 Permanent departure** from the 2m side building line to 0m to allow the proposed change of use of an approved storage area in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.9 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



**GROUND FLOOR**  
**SCALE 1 : 125**

4.1 Site Plan  
Erf 12296 Hermanus

Erf Extent = 843m<sup>2</sup>

**Coverage**

Existing Coverage = 41,67%

Plan Number: 24.96 (001)

Plan prepared by: Thian Jansen on 08/10/2024

Based on plans by LA Designs

All distances are approximate  
and subject to a survey

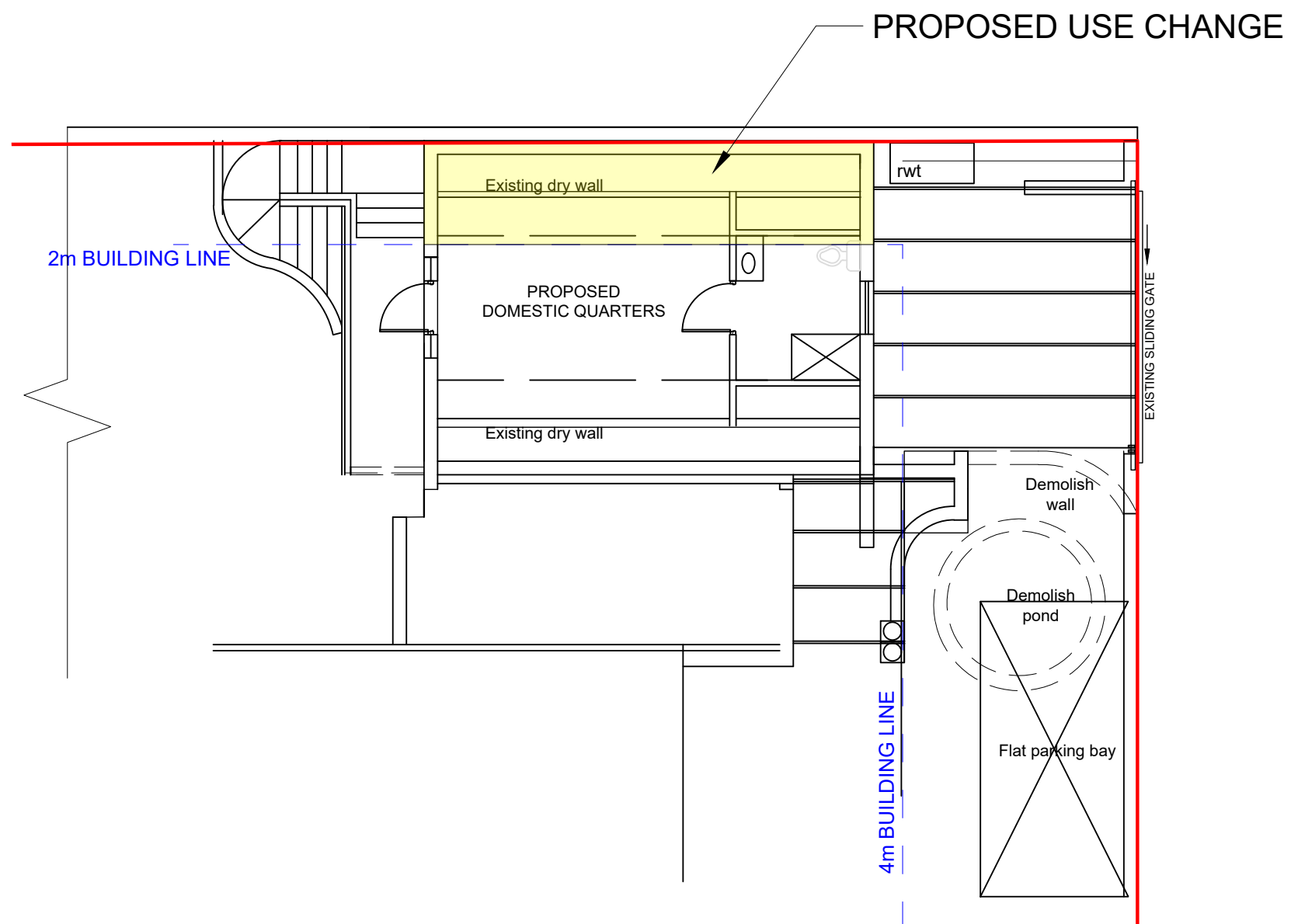
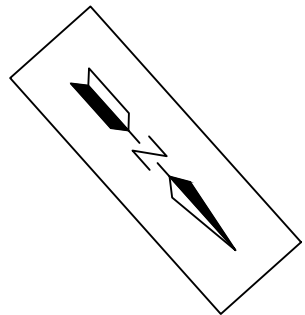
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



**FIRST FLOOR**  
**SCALE 1 : 100**

4.2 Site Plan  
Erf 12296 Hermanus

Plan Number: 24.96 (001)

Plan prepared by: Thian Jansen on 08/10/2024  
Based on plans by LA Designs

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management