



**ERF 1239, 18 WEST END STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF W.L. NEFF**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application, applicable to Erf 1239, Sandbaai, has been received in terms of Section 16(2)(b) of the By-Law for the following:

- Relaxation of the southwestern lateral building line of the property from 2m to 0m to accommodate a proposed garage.
- Relaxation of the maximum height from 2.1m to 2.49m and 2.32m respectively to accommodate two sections of the firewall located on either side of the garage.
- Relaxation of the permissible length of 9m to 12.06m to accommodate the proposed garage.

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 to reach the Municipality (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **15 November 2024**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, **Mr. B. Minnaar** 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 1239, WEST END STRAAT 18, SANDBAAI, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR AFWYKING: MNRE PLAN ACTIVE STADS & STREEKS BEPLANNING NAMENS W.L. NEFF**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek, van toepassing op Erf 1239, Sandbaai ingevolge Artikel 16(2)(b) ontvang is vir die volgende:

- Verslapping van die suid-westelike laterale boulyn van die eiendom vanaf 2m na 0m om 'n voorgestelde motorhuis te akkommodeer.
- Verslapping van die maksimum hoogte vanaf 2.1m na 2.49m en 2.32m onderskeidelik om twee gedeeltes van die brandmuur aan beide kante van die motorhuis te akkommodeer.
- Verslapping van die toelaatbare lengte van 9m na 12.06m om die voorgestelde motorhuis te akkommodeer.

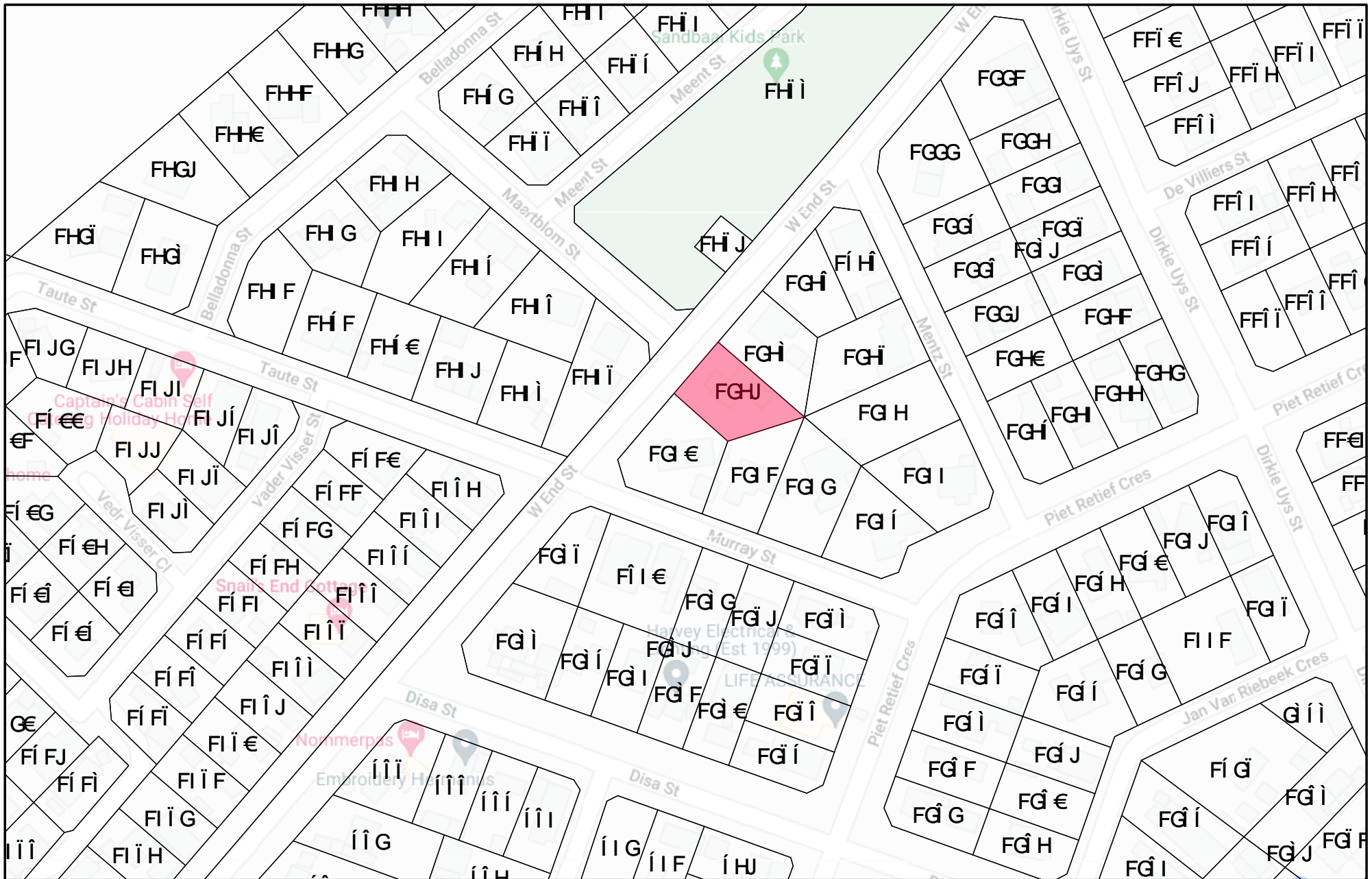
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit bereik (Patersonstraat 16, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **15 November 2024**, 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. B. Minnaar** 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 Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA ESINGU-ERF 1239, 18 WEST END STREET, SANDBAAI, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA: ABANUM. BAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA-W.L. NEFF**

Kukhutshwe iasziso esimayela nemiba yeSoloty lama-48 IlikaMasipala wase-Overstrand OsiSihlomelo soMthethwana kaMasipala OngeZicwangciso zokuSetyenziswa koMhlaba kaMasipala, ku2020 (UMthethwana) isaziso esi singesicelo esisebenziseka kwiSiza esingu-Erf 1239, Sandbaai, sifunyenwe ngokwemiba yeSoloty le16(2)(b) loMthethwana olandelayo:

- Ukunyenya umgca wesakhiwo kwicala elisemzants-intshona ukusuka kumgca wesakhiwo kwisiza esi ukusuka kwiimitha ezi2m ukuya ku0m ukulungiselela igaraji ephakanyiswayo.
- Ukunyenya ukuphakama ukusuka kwiimitha ezi2.1m ukuya kwi2.49m ne2.32m ngokulandelelanayo ukulungiselela izigaba ezibini zodonga lomlilo ezifakelwa kwicala ngalinye legaraji.
- Ukunyenya ubude obuvunyelweyo beemitha eziyi 9m ukuya kwi12.06m ukulungiselela igaraji ephakanyiswayo.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwintsimbi ye08:00 neye-16:30 kwiSebe: LeZicwangciso zeDolophu, Paterson Street, Hermanus. Naziphina izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngaphambi okanye ngomhla **15 Novemba 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo, kunye nomdla wakho kwesi sicelo. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi weDolophu, **Mnu. B. Minnaar** ku028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeziCwangciso zeDolophu apho igosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.



**PROPOSED DEPARTURE**  
**ERF 1239 SANDBAAI**  
**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Plan Active Town & Regional Planners has been engaged by Mr. WL Neff, the owner of Erf 1239 Sandbaai, to apply for a departure of the subject property.

The property currently features an existing timber-constructed home with a double garage. Our client intends to construct a new double garage that will include a laundry and storage area. Part of the proposed new garage will be positioned on the 0m building line, while the new laundry and storage area will be situated beyond the 2m lateral building line. In compliance with fire regulations, two sections of 230mm wide firewalls will be erected on the boundary on either side of the garage, exceeding the permissible height restriction of 2.1m by 0.39m and 0.22m respectively as per the Overstrand Municipal Scheme Regulations. Additionally, the proposed length of the new garage on the 0m boundary line will exceed the permissible length of 9m and one-third of the lateral boundary line.

This application seeks to address the proposed height restriction on the boundary walls, the positioning of the garage on the 0m building line, and the extended length of the new garage beyond the permissible 9m and one-third of the lateral boundary line.

## **2. APPLICATION DETAILS**

The application is submitted in accordance with Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. The application seeks departure approval for the height deviation for two sections of the boundary wall, the 0m lateral building line for the proposed garage, and the new garage exceeding the permissible length of 9m and one-third of the lateral boundary line of Erf 1239 Sandbaai.

## **3. NEED AND DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Erf 1239 Sandbaai is located at 18 West End Street, Sandbaai. Please refer to the attached locality plan for details. The property spans 941m<sup>2</sup> and is held under title deed no. T27182/2024.

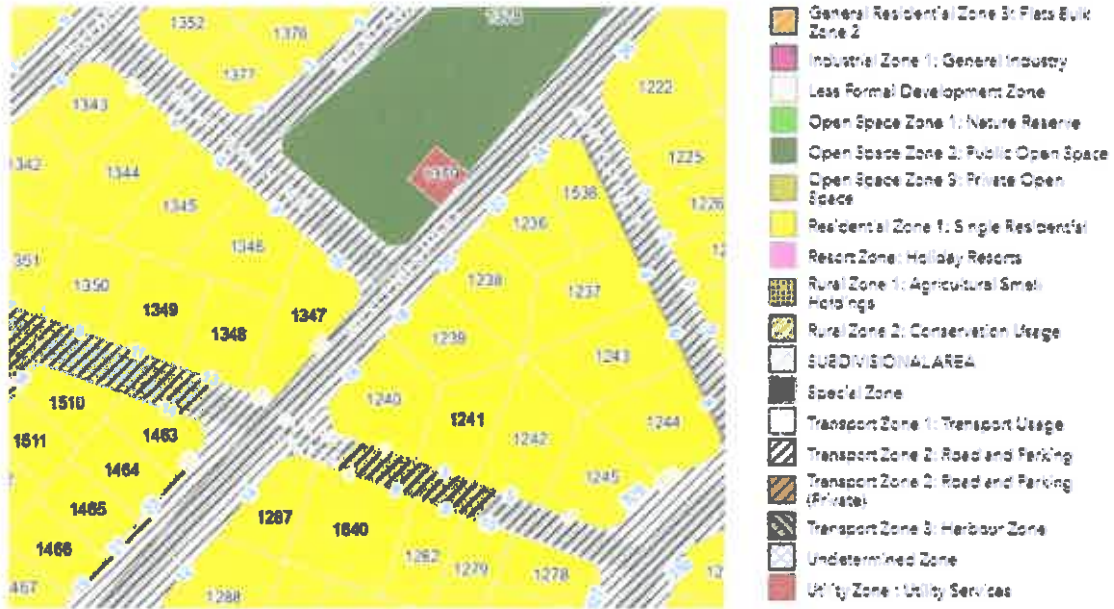
The subject property currently features an existing dwelling with a double garage.

### **3.2 ZONING**

Erf 1239 Sandbaai has the following land use rights:

ERF NUMBER	ZONING
Erf 1239 Sandbaai	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, utility, public road and public open space purposes as per the insert following:



### 3.3 LAND USE

The subject property, Erf 1239 Sandbaai, contains an existing single-storey dwelling with a double garage, utilized for single residential living purposes. Surrounding the property are a variety of land uses, including other single and double-storey residential dwellings, utility areas, public open spaces, and public roads. These diverse uses contribute to a mixed yet predominantly residential character of the neighbourhood, ensuring a balance of living spaces and public amenities in the vicinity.

### 3.4 PROPOSAL

The following departures are proposed for Erf 1239 Sandbaai in accordance with Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020:

- Departure from the 2m southwestern lateral building line to 0m to accommodate a proposed garage.
- Departure from the maximum height of 2.1m to 2.490m and 2.320m respectively for two sections of a firewall located on either side of the garage.
- Departure from the permissible length of 9m and one-third of the lateral boundary line for SR1 zoned properties, as specified in the Overstrand Land

Use Scheme Regulations (2020), to a total garage length plus firewalls of 12.060m.

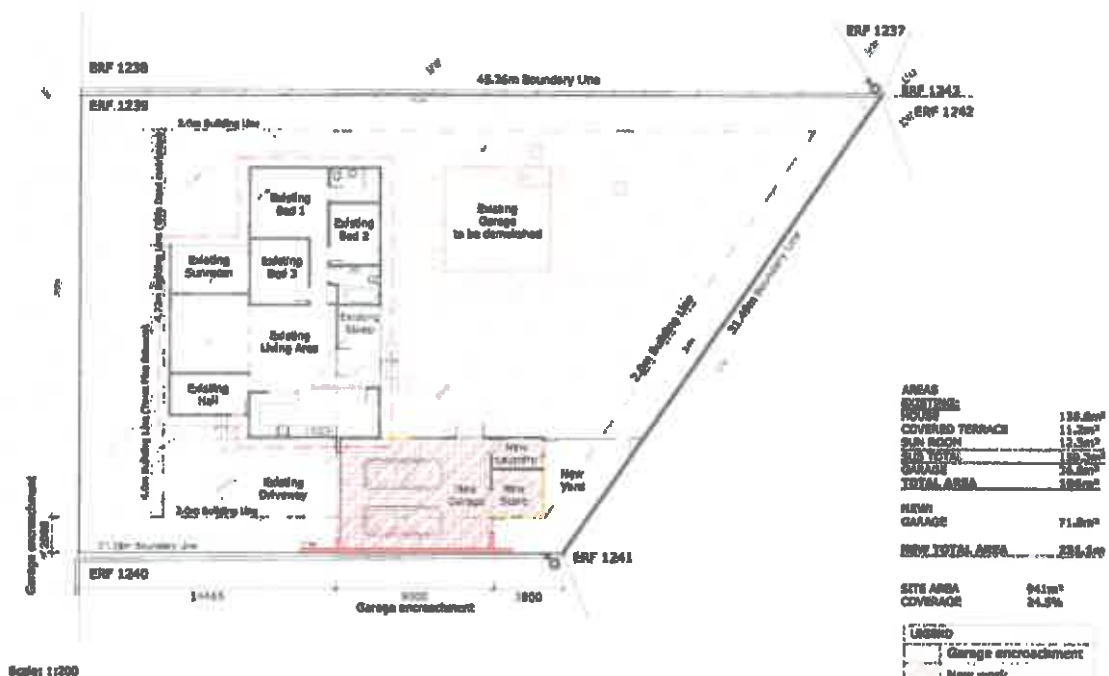
The property owner intends to construct a new garage along the lateral boundary, necessitating provisions for the two sections of the firewall on either side of the garage to comply with fire regulations. The proposed firewall sections will be 230mm wide and 2.490m and 2.230m high respectively, exceeding the permissible boundary wall height of 2.1m. Additionally, the total length of the proposed garage will be 12.060m (garage and fire walls), surpassing the allowable length of 9m and one-third of the lateral boundary line.

The existing garage will be demolished.

Herewith follows the detail of the proposed application for consideration:

**3.4.1 Departure (boundary wall height and garage deviation)**

The existing building positions on Erf 1239 Sandbaai were surveyed, and an As-Built plan was compiled by Stijl Architecture. The existing garage will be demolished as indicated on the plan. This plan also indicates the position of the proposed new garage on the 0m southwestern lateral boundary line:



- Garage on boundary line and two sections of boundary wall exceeding the height restriction

In terms of the Overstrand Municipality Land Use Scheme Regulations 2020, Chapter 16.1.1 c the following guidelines are applicable:

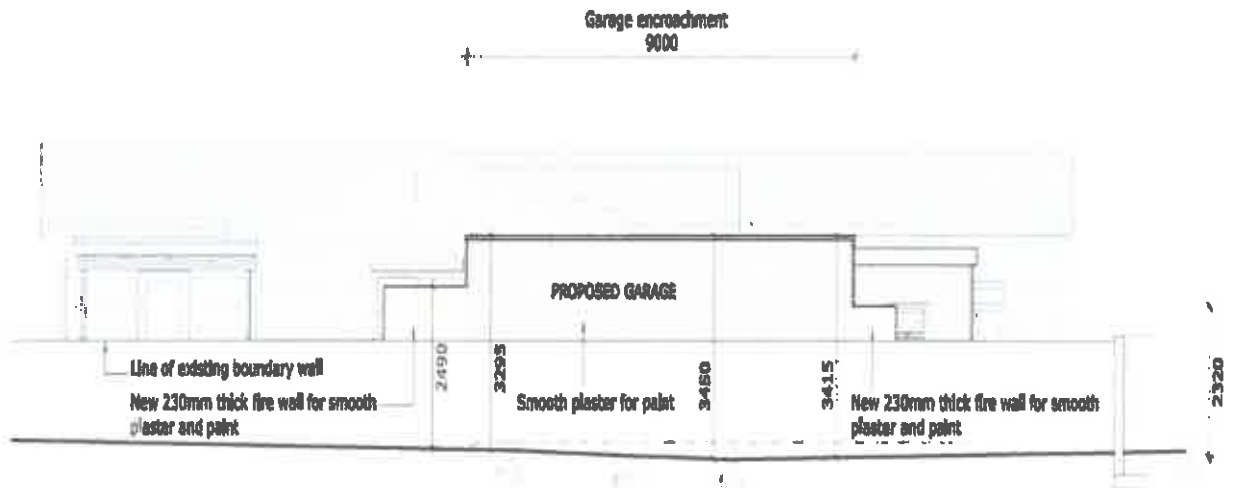
**Encroachment of side and rear building lines permitted**

c) The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:

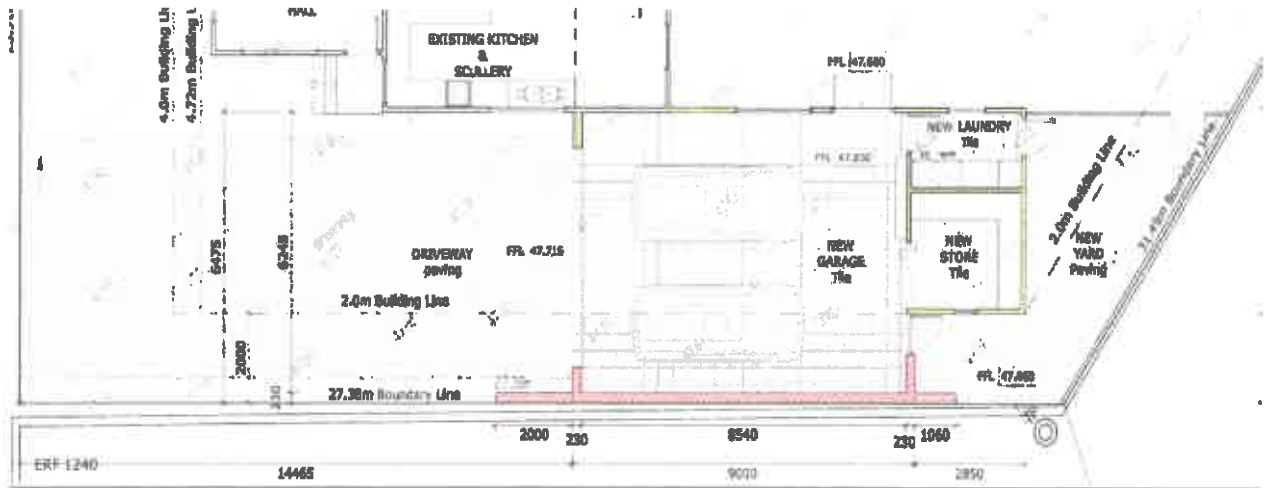
- (i) written consent from the immediate neighbours is obtained;
- (ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40 degree angle away from such boundary;
- (iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);
- (iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;
- (v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;
- (vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;
- (vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;
- (viii) the garage/carport shall be included in the calculation of coverage on the land unit; and
- (ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.

Should any of the above-mentioned not be complied with, an application will be applicable.

This application addresses the proposed height encroachment of two sections of the boundary wall on either side of the garage and while the proposed garage adheres to the 3.5m height restriction, it does not comply with the 9m length and one-third of the lateral boundary line restriction, as illustrated in the diagram below:



In accordance with fire regulations, two sections of the wall (indicated in yellow) on either side of the garage must be erected to a width of 230mm to ensure compliance. These sections, measuring 2.490m and 2.320m respectively, will exceed the allowable height of 2.1m for boundary walls.



The total length of the proposed garage, including the two fire walls, will be 10.93m, which exceeds the permissible length of 9m and one-third of the lateral boundary line. Given that the length of the southwestern boundary is 27.38m, one-third of this length is 9.13m.

Additionally, there are no windows located on the portion of the garage wall that is situated along the 0m boundary line.

The area schedule of the As Built structures and new garage is as follows:

<b>AREAS</b>	
<b>EXISTING:</b>	
HOUSE	135.8m <sup>2</sup>
COVERED TERRACE	11.2m <sup>2</sup>
SUN ROOM	12.3m <sup>2</sup>
<b>SUB TOTAL</b>	<b>159.3m<sup>2</sup></b>
GARAGE	36.6m <sup>2</sup>
<b>TOTAL AREA</b>	<b>196m<sup>2</sup></b>
<b>NEW:</b>	
GARAGE	71.8m <sup>2</sup>
<b>NEW TOTAL AREA</b>	<b>267.8m<sup>2</sup></b>

SITE AREA	941m <sup>2</sup>
COVERAGE	28.4%

The coverage of 28.4% on Erf 1239 Sandbaai remains well within the maximum permissible coverage of 50% allowed for SR1 zoned properties. The proposed application is anticipated to have no adverse impact on the character or property values of the surrounding properties.

The new garage structure, including the storeroom and laundry area, is positioned in such a way that it will not interfere with passing traffic or public activities. The massing and height of the existing structures, along with the new garage, are compatible with the character of the area, even with the requested departures.

The zoning of Erf 1239 Sandbaai will remain Residential Zone I: Single Residential, and the primary land use will continue as single residential purposes. The new garage and the two proposed sections of the firewall will comply with all other land use scheme regulations and title deed parameters for SR1 zoned properties. The height encroachment of the two sections of the wall is expected to have only a marginally higher impact on adjacent property owners and passers-by.

The proposed departures are consistent with existing land use patterns in the surrounding environment, and no significant issues are anticipated with the proposed application.

### **3.5 THE POTENTIAL OF THE PROPERTY**

The zoning and primary land use of the subject property will remain unchanged. Located within a single residential area, the property is designated for low-impact land uses such as bed-and-breakfast establishments, day care centers, guest houses, and home occupations. The proposed departure will not impede any potential future land use applications for Erf 1239 Sandbaai.

All existing structures comply with land use regulations and title deed requirements for SR1 zoned properties, as illustrated on the site plan.

When evaluating the potential of the property to accommodate the departure, it is important to consider the scale of the surrounding built environment and the minimal impact on the streetscape. The new garage will be constructed using high-quality materials, further ensuring that the development aligns with the character of the area.

### **3.6 ECONOMIC IMPACT**

The proposed departure aims to facilitate the construction of a new double garage, which is essential for addressing fire safety regulations. Specifically, the departure will allow for the installation of two sections of firewall, each 230mm wide, and 2.490m and 2.320m high respectively on either side of the garage. These firewalls are necessary to comply with safety standards and ensure that the new garage adheres to fire regulations.

Economically, this development is likely to have several positive effects. By bringing the property into compliance with fire safety regulations, the proposed improvements will enhance the overall safety and functionality of the property. This can lead to increased property value and marketability, as potential buyers or investors often place a premium on properties with up-to-date safety features and compliance with regulations.

Moreover, the construction of a new double garage can provide added convenience and utility for the property owner, potentially improving their quality of life and satisfaction with the property. The enhanced infrastructure could also attract potential

tenants or buyers in the future, contributing to the long-term economic viability of the property.

Overall, while the proposed departure involves adjustments to height and length regulations, it is expected to have a positive economic impact by increasing the property's compliance with safety standards, enhancing its value, and improving its functionality.

### **3.7 SOCIAL IMPACT**

The proposed departure for the construction of a new double garage, including the necessary firewalls, is not anticipated to alter the social dynamics or status quo of the area.

The development is designed to be in harmony with the existing residential character of the neighbourhood, ensuring that it integrates seamlessly with surrounding properties. The new garage and firewalls will not obstruct views, block natural light, or otherwise negatively affect neighbouring properties. Additionally, there are no proposed changes that would disrupt the current use or enjoyment of adjacent properties.

Since the proposed changes are primarily structural and focused on compliance with safety regulations, they are unlikely to impact the social interactions or community relationships within the area. The property remains consistent with its residential zoning, and the scale of the development is in line with the surrounding built environment.

Furthermore, the construction will not interfere with community spaces or public amenities, and there are no plans that would affect local traffic patterns or increase noise levels. By maintaining the character and functionality of the property, the proposal supports the overall stability and cohesion of the neighbourhood.

In summary, the proposed departure is expected to have a minimal impact on the social fabric of the area, as it aligns with the existing residential character and does not infringe on the rights or well-being of the surrounding community.

### **3.8 COMPATIBILITY WITH SURROUNDING LAND USES**

The subject property is situated in an established low-density residential area. The application does not propose any changes to the zoning or primary land use of the property, ensuring that the proposal remains compatible with the surrounding land uses.

The neighbouring properties are developed with single and double-storey dwellings, serving as permanent residences and holiday houses. The scale and design of the existing structures, as well as the proposed new garage on Erf 1239 Sandbaai, align well with the surrounding residential buildings. This compatibility ensures that the new development will integrate smoothly with the character and scale of the existing neighbourhood.

The proposed garage, including the encroaching sections of the firewall, will enhance the property's functionality and safety, contributing positively to its overall value. This improvement is expected to benefit the area by maintaining and potentially enhancing the aesthetic and functional qualities of the neighbourhood.

Additionally, the use of the subject property will continue as residential (main dwelling with garages), which aligns with the prevailing use of surrounding properties. The proposal introduces minimal impact on the streetscape and does not interfere with the experience of passers-by, ensuring that it does not disrupt the neighbourhood's character or functionality.

Overall, the development proposal is compatible with the surrounding land uses and contributes positively to the residential environment of the area.

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

All necessary services for the subject property are already in place. The proposed construction of the new garage structure will not affect the usage of these existing services, as no additional demand or loading on the current civil infrastructure is anticipated.

Should any additional services be required during or after construction, they will be provided in accordance with the standards and to the satisfaction of the Overstrand Municipality. This ensures that all engineering and service requirements are met without disrupting or overburdening existing infrastructure.

### **3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY**

The proposed departure, which involves adjustments to the building height and length for the new garage and associated firewalls, is not expected to impact the general safety and wellbeing of the surrounding community. The property is projected to continue being used by a single family, maintaining the residential nature of the area without introducing any disruptive or unfamiliar activities.

The proposed development is not associated with any noxious trades or industrial activities that would produce harmful air emissions or other environmental pollutants. Consequently, there is minimal risk to public health from the construction and use of the new garage. The development will be conducted in compliance with all relevant health and safety regulations, ensuring that any construction-related impacts are managed appropriately and do not pose a risk to the community.

Furthermore, the new garage and firewalls are designed to meet fire safety regulations, which enhances the overall safety of the property. The project does not introduce any new sources of pollution, noise, or traffic that could negatively affect the surrounding area.

Overall, the proposal is anticipated to have a positive or neutral impact on the safety, health, and wellbeing of the community, contributing to the residential character of the area without posing any significant risks.

### **3.11 IMPACT ON HERITAGE**

The application does not involve altering the character of a site larger than 5,000m<sup>2</sup>; therefore, it does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 1239 Sandbaai is not located within the Heritage Protective Overlay Zone as defined by the Overstrand Municipality's Land Use Scheme Heritage Overlay Zone (2020). Additionally, the property is not designated for heritage conservation according to the Overstrand Municipal Growth Management Strategy (2010). The dwelling on the property is less than 60 years old and does not hold any historical significance related to important persons, events, or activities. Furthermore, the property has no association with the history of slavery and is not utilized for living heritage purposes.

Given these factors, the proposed departure is not expected to have a negative impact on the heritage value of Sandbaai:

### **3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed departure does not involve any activities that would trigger the requirements of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). Additionally, the subject property is not located within the Environmental Overlay Zone as defined by the Overstrand Municipality's Land Use Scheme (2020).

As such, the proposal is not expected to have any significant impact on the biophysical environment. The development aligns with existing environmental regulations and does not necessitate further environmental assessments or interventions.

### **3.13 TRAFFIC IMPACT, PARKING AND ACCESS**

Access to Erf 1239 Sandbaai will continue to be from West End Street, as shown on the site plan. There are no new access points proposed, ensuring that the current traffic patterns and entry/exit points remain unaffected by the proposed development.

The Overstrand Municipality Land Use Scheme Regulations (2020) prescribes a minimum of two parking bays for a dwelling house. The 2 parking areas within the new garage structure would comply with the requirement for SR1 zoned properties, ensuring that sufficient parking is available.

The primary use of the property will remain as a single residential dwelling. As such, the proposed development is not expected to impact traffic flow or increase traffic volumes in the area. The new garage will not generate additional traffic beyond what is typical for a single residential property. Consequently, there will be no significant changes to the existing traffic conditions or access patterns in the neighbourhood.

Overall, the development is designed to integrate seamlessly with the existing infrastructure, maintaining the current traffic and parking conditions in the area.

### **3.14 TITLE DEED**

Title Deed No. T27182/2024 for Erf 1239 Sandbaai does not contain any restrictive conditions that would need to be amended or removed to accommodate the proposed departure related to the height of the two sections of the boundary wall, the positioning of the garage on the 0m building line, or the length of the garage exceeding 9m on the lateral boundary line.

Given the straightforward nature of the title deed, a conveyancer's certificate is not included with this application. Additionally, there is no bond registered against Erf 1239 Sandbaai, ensuring that there are no financial encumbrances that would affect the proposed development.

### **3.15 FORWARD PLANNING AND LAND USE DOCUMENTS**

The Overstrand Spatial Development Framework (SDF) 2020 designates the area encompassing Erf 1239 Sandbaai for urban development purposes. The proposed development, which maintains the zoning and use of the property as Residential Zone 1: Single Residential, aligns with the SDF's objectives. Consequently, the impact of the proposed departures on the spatial integrity of the area is expected to be minimal, ensuring consistency with the Overstrand SDF (2020).

According to the Overstrand Municipal Growth Management Strategy (OMGMS, 2010), Erf 1239 Sandbaai is located within Planning Unit No. 8, which advocates for maintaining the existing density status quo. The application does not propose additional portions or second dwelling units, thereby preserving the low-density residential character of the area. The proposal is in line with the planning framework for the Hermanus West area, ensuring that the current land use pattern remains intact.

The proposed development supports sustainable land use by enhancing an established residential area without contributing to urban sprawl or encroaching on sensitive environments. The minimal impact on the overall density of Sandbaai reinforces the commitment to preserving the low-density residential nature of the neighbourhood.

In summary, the proposed departures follow relevant municipal spatial planning policies and contribute positively to the sustainable development of the area.

### **3.16 PLANNING PRINCIPLES**

The planning principle of spatial resilience does not apply to this application.

**Spatial justice:** The proposed development for Erf 1239 Sandbaai aligns with principles of spatial justice in several significant ways. The development maintains the existing zoning of the property as Residential Zone 1: Single Residential, ensuring that land use remains consistent with its designated purpose. This adherence to zoning regulations supports equitable land use and maintains fairness within the community by preventing unauthorized changes to land use.

The integration of the proposed garage into the existing residential environment respects the scale and character of neighbouring properties. By harmonizing with the surrounding area, the development supports social cohesion and ensures that the changes blend seamlessly with the local context. It will not negatively impact the surrounding neighbours or alter the community's character.

The proposed changes are relatively minor, focusing on compliance with fire safety regulations and parking requirements, and do not significantly alter the density or character of the area. This approach aligns with spatial justice principles by ensuring that the development does not disproportionately affect or marginalize existing residents. The impact on the biophysical environment is minimal, as the subject property has been established since 1943, indicating that it has long been part of the built environment.

The proposal adheres to the Overstrand Spatial Development Framework (2020) and the Overstrand Municipal Growth Management Strategy (2010), which emphasize sustainable development and the preservation of low-density residential areas. By focusing development within established urban areas and avoiding encroachment on sensitive or undeveloped land, the proposal supports long-term sustainability and spatial justice.

Additionally, the proposed land use application ties in with the existing character of the area and reflects similar applications that have been approved in the past. This consistency ensures that the approval of the proposed application will not promote spatial development imbalances or be spatially biased. The development aligns with the existing Sandbaai Township's establishment, reinforcing the character of the area without introducing significant changes. The transparent and fair application process, along with a thorough assessment of impacts, underscores a commitment to spatial justice by considering and addressing potential concerns, thereby benefiting the community as a whole.

**Spatial sustainability:** The proposed development for Erf 1239 Sandbaai exemplifies spatial sustainability by integrating seamlessly with the existing urban environment and promoting long-term environmental and social stability.

The proposed departures from zoning regulations involve minor adjustments, including the height and length of boundary walls. Specifically, two sections of the boundary wall of 2m and 1.060m respectively will exceed the permissible height over a total boundary distance of 27.38 meters. These adjustments are minimal and are not expected to impact the visual elements of the property or its surroundings. Similarly, the encroachment of the garage length by 1.93m on the lateral boundary will not alter the building's massing or negatively affect the streetscape or passers-by. The new garage structure is designed to blend well with the surrounding buildings, maintaining the area's character and ensuring that it complements the existing residential context.

The additional structure will have a footprint of only 71.8 m<sup>2</sup>, which minimizes the impact on the biophysical environment. The property's long-standing establishment further ensures that the development will not disrupt sensitive ecosystems or contribute to urban sprawl. The development focuses on enhancing an existing residential area rather than expanding into undeveloped or sensitive lands, thus preserving natural landscapes and promoting sustainable land use practices.

Factors such as the use of high-quality materials, the thoughtful layout of structures, and the scale of the surrounding built environment all contribute to the spatial sustainability of the proposal. The low impact on the streetscape and the compatibility with the character of the area underscore that the proposed deviations align with the principles of sustainable development.

In summary, the proposed development for Erf 1239 Sandbaai is spatially sustainable as it optimally utilizes the existing property without affecting natural vegetation. The project aligns with the character of the area, does not negatively impact adjacent property owners, and maintains long-term environmental and social stability. The proposal supports sustainable development by enhancing an established residential area while respecting the principles of spatial sustainability.

**Efficiency:** The subject property is easily accessible and conveniently located in an ideal position close to the Sandbaai and Hermanus business areas and the beach. It proves to be resourceful to approve the new garage structure since it is compatible with the existing built environment and the way the design was done by the architect is aesthetically pleasing.

It proves to be efficient to accommodate the proposed structure in its position and its uses by approving the proposed departure of erf 1239 Sandbaai. The approval of the departure will not detract from the principle of efficiency but, if anything, contribute to promote same.

The proposed departure proof to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

**Good administration:** Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

#### **4. RECOMMENDATION**

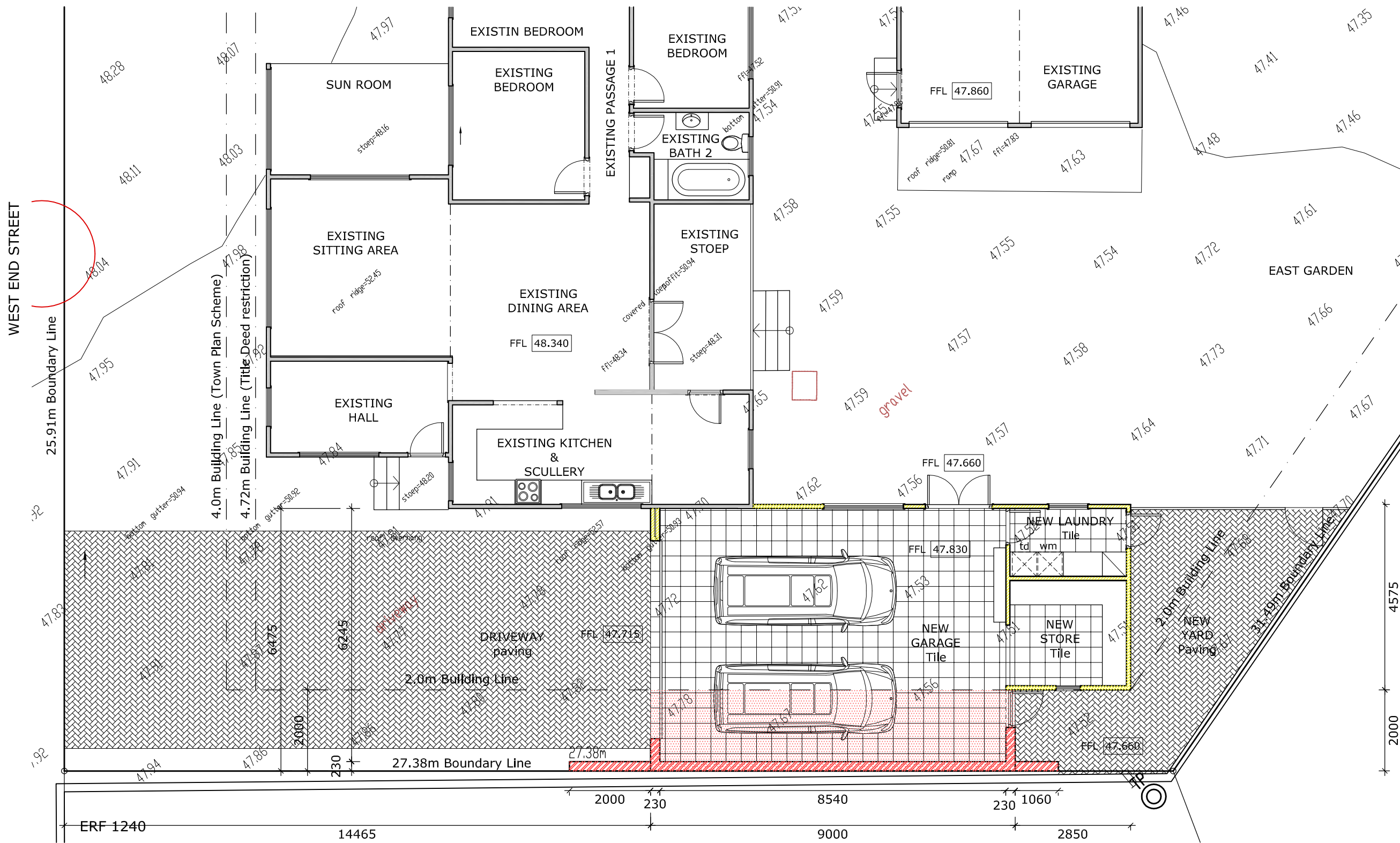
When this application is evaluated, it is important to take note of the following:

- All necessary services for Erf 1239 Sandbaai are already in place, and the proposed development will not place any additional burden on the existing

infrastructure. This ensures that municipal services will continue to be adequate and unaffected.

- The application does not propose an increase in residential density or densification. It maintains the current residential character of the property and surrounding area.
- The proposed departures involve minor adjustments to existing regulations. Specifically, the two sections of the boundary wall of 2m and 1.060m respectively will exceed the permissible height over a total boundary length of 27.38 meters. The new garage will exceed the permissible length by only 1.93m. These encroachments are considered low-impact and are unlikely to significantly affect the visual or functional aspects of the property.
- The zoning and primary land use of the property will remain unchanged as Residential Zone 1: Single Residential. This ensures that the proposed development is consistent with current zoning regulations and land use designations.
- The proposed garage and boundary wall adjustments are compatible with the existing built environment. The design and scale of the new structure align with the character of surrounding properties, maintaining the residential character and aesthetic of the area.
- The development will not affect traffic flow or existing services. Adequate parking will continue to be provided on the property, with the new garage accommodating two vehicles. Access to the property will remain unchanged, preserving current traffic patterns.
- The proposal does not impact any heritage sites or environmental factors as the proposed changes are minimal, with no significant effects on natural vegetation or heritage resources.
- The application aligns with the Overstrand Spatial Development Framework (2020) and the Overstrand Municipal Growth Management Strategy (2010). It supports established planning strategies for maintaining low-density residential areas and does not contribute to urban sprawl.
- The application complies with the principles outlined in the Land Use Planning Act (LUPA, 2014) and the Spatial Planning and Land Use Management Act (SPLUMA, 2013). It adheres to relevant planning regulations and guidelines.

Considering these points, the application is recommended for approval. The proposed development is expected to have no negative impact on land values, privacy, the built environment, or the character of the area. The proposal supports the sustainable development of an established residential property while adhering to applicable planning and environmental standards.



AREAS	
<b>EXISTING:</b>	
HOUSE	135.8m <sup>2</sup>
COVERED TERRACE	11.2m <sup>2</sup>
SUN ROOM	12.3m <sup>2</sup>
<b>SUB TOTAL</b>	<b>159.3m<sup>2</sup></b>
GARAGE	36.6m <sup>2</sup>
<b>TOTAL AREA</b>	<b>196m<sup>2</sup></b>
<b>NEW:</b>	
GARAGE	71.8m <sup>2</sup>
<b>NEW TOTAL AREA</b>	<b>267.8m<sup>2</sup></b>
SITE AREA	941m <sup>2</sup>
COVERAGE	28.4%

LEGEND	
	Demolition
	Garage encroachment
	New work

GROUND STOREY LAYOUT Scale: 1:100

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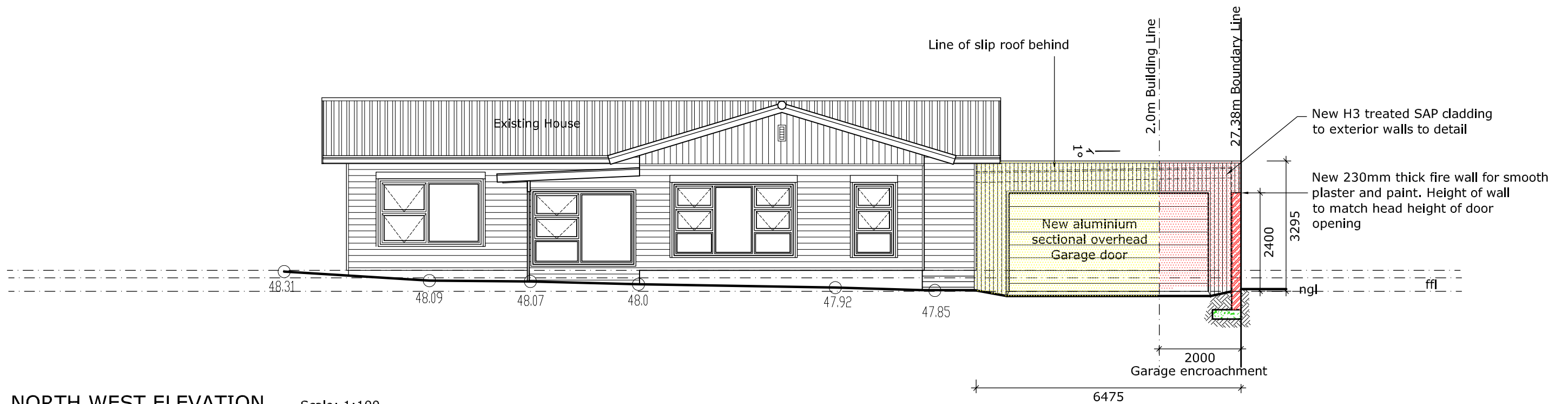
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**HOUSE NEFF**  
**ERF 1239**  
18 WEST END STREET, SANDBAAI  
HERMANUS,

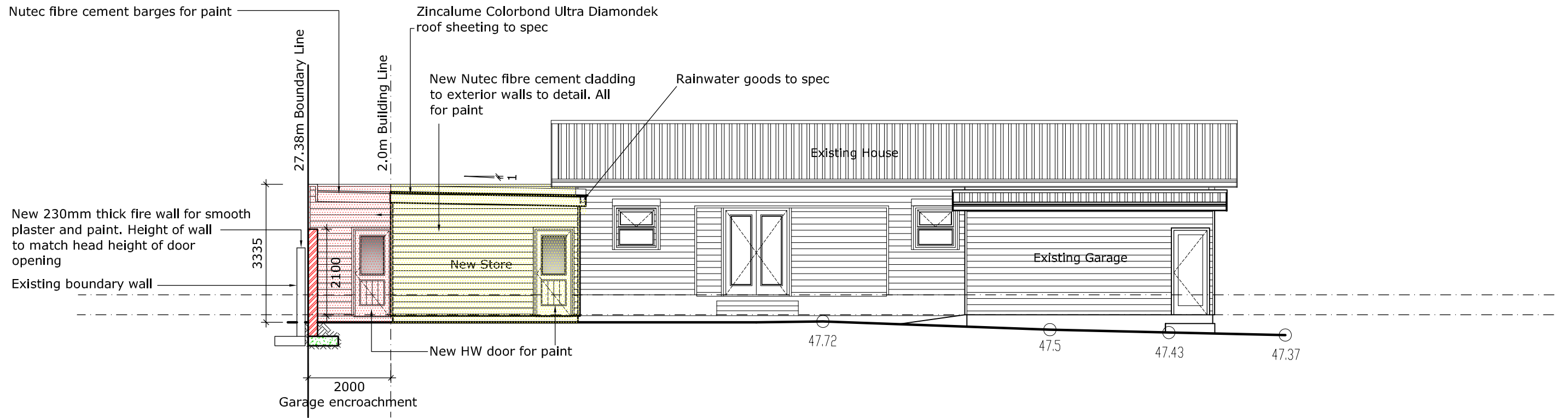
**DRAWING**  
DEPARTURE APPLICATION  
**GROUND STOREY LAYOUT**

DWG NO:010/D/01  
SCALE 1:100 @ A3  
DATE: JULY 2024  
DRAWN: LAS

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**NORTH WEST ELEVATION** Scale: 1:100



**SOUTH EAST ELEVATION** Scale: 1:100

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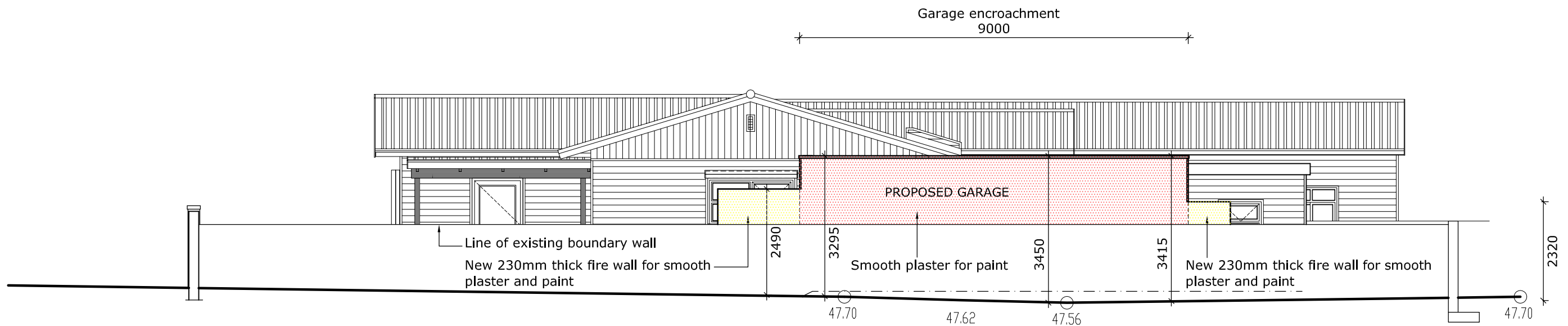
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**HOUSE NEFF**  
**ERF 1239**  
18 WEST END STREET, SANDBAAL  
HERMANUS,

**DRAWING**  
**DEPARTURE APPLICATION**  
**NORTH WEST**  
**&**  
**SOUTH EAST**  
**ELEVATION**

DWG NO:010/D/02  
SCALE 1:100 @ A3  
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SOUTH WEST ELEVATION Scale: 1:100

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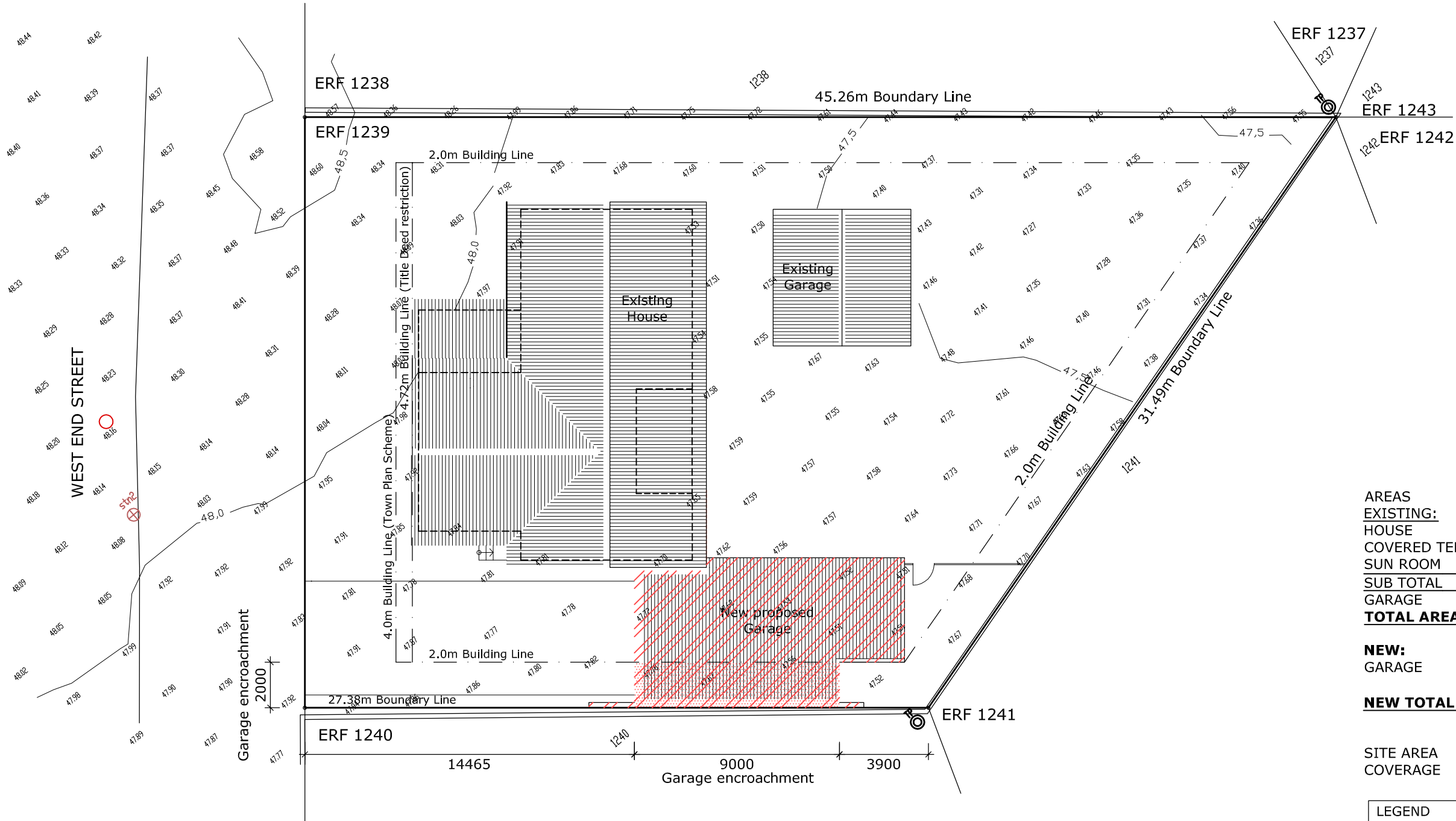
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HOUSE NEFF  
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DRAWING  
 DEPARTURE APPLICATION  
 SOUTH WEST  
 ELEVATION

DWG NO:010/SP2/03  
 SCALE 1:100 @ A3  
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LEGEND	
	Garage encroachment
	New work

SITE PLAN

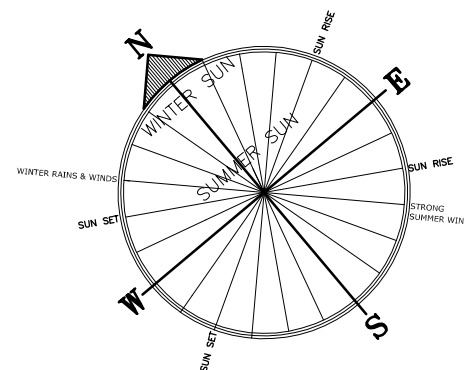
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**HOUSE NEFF**  
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18 WEST END STREET, SANDBAAI  
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**DRAWING**  
DEPARTURE APPLICATION

**SITE PLAN**

DWG NO:010/D/00

SCALE 1:200 @ A3

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DRAWN: LAS