



## REMAINDER ERF 2537, 11 HOMEYER STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE ANN TRUST

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 has been received for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the western street building line from 3m to 2.66m to accommodate the existing braai and dining room.
  - relax the southern and eastern side building lines from 2m to 0m to accommodate the proposed garage and storage area.
- ❖ **Determination of an administrative penalty** in terms of Section 90(q) of the By-Law.

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 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](mailto:loretta@overstrand.gov.za)) on or before **02 May 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, 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 Planning Department where a municipal official will assist them in order to formalize their comment.

## RESTANT ERF 2537, HOFMEYERSTRAAT 11, ONRUSTRIVIER, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE STADS- EN STREEKSBEPLANNERS NAMENS THE ANN TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir die volgende:

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om:
  - die westelike straatboulyn vanaf 3m na 2.66m te verslap om die bestaande braai en eetkamer te akkommodeer.
  - die suidelike en oostelike syboulyne vanaf 2m na 0m te verslap om die voorgestelde motorhuis en stoor area te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 90(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 ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **02 Mei 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, 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 Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

## INTSALELA YESIZA U-ERF 2537, 11 HOMEYER STREET, ONRUSTRIVIER, KUMMANDLA KAMASIPLA WASEOVERSTRAND: ISICELO SOKWAHLULA & NENGQIKELELO YOBHALISO LOMDLIWO: NGABAKWA PLAN ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LE- THE ANN TRUST

Kkukutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana kaMasipala wase-Overstrand OsisiHlomelo Sezicwangciso NgokuSetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) isaziso sithi kufunyenwe isicelo esingale miba ilandelayo:

- ❖ **Ukwahlula** ngokwemiba yeSoloty le16(2)(b) loMthethwana uku:
  - Nyenyisa umgca wesakhiwo omelene nesitrato ukusuka kwiimitha ezi-3m ukuya kwi-2.66m ukulungiselela indawo yokubhaya esele ikhona negumbi lokutyela.
  - ukunyenya imigca yesakhiwo emelene nesitrato kwicala elisemazantsi nempuma yesakhiwo ukuska kwiimitha ezi-2m ukuya akwi-0m ukulungiselela igaraji ephakanyiswayo nommandla wokugcina iimpahla.
- ❖ **Ingqikelelo yobhaliso lomdlwo** ngokwemiba yeSoloty le90(q) loMthethwana.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusuka phakathi kwentsimbi ye 08:00 neye16:30 kwiSebe: IziCwangciso zeDolophu, Paterson Street, Hermanus. Naziphina izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama51 nelama 52 loMthethwana kaMasipala(16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye phambi komhla **02 kaMeyi 2025**, uchaze igama lakho, idiles neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **kuMchwangcisi weDolophu, Mnu. H Olivier kwa028-313 8900**. Umasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda makahambe kwiSebe leZicwangciso zeDolophu apho igosa likamasipala liza kumnceda ahlomle ngokusemthethweni.



**DETERMINATION OF AN  
ADMINISTRATIVE PENALTY AND  
PROPOSED BUILDING LINE  
DEPARTURES**

**REMAINDER ERF 2537 ONRUSTRIVIER**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

On behalf of The Ann Trust, the registered owner of Remainder Erf 2537 Onrustrivier, Mr. T. van Dyk has appointed Plan Active Town and Regional Planners to apply for the determination of an administrative penalty and building line departures for the property.

The Trust acquired the property in 2020, at which time a dwelling was already established on the northern portion of the erf, encroaching upon the western street building line along Hofmeyer Street. A building plan for additions to the dwelling—including a dining and braai room, as well as a double garage—was submitted and subsequently approved on 20 March 2020. The proposed additions were designed to comply with the 3m street building line and did not follow the existing dwelling's western wall alignment, which encroached on the building line by 0.14 meters. However, during construction, the builder aligned the approved dining and braai room with the existing western wall instead of stepping it back as required. As a result, an administrative penalty and building line departure are now required to legalize this minor encroachment.

Additionally, although the double garage was included in the approved 2020 building plan, it was never constructed. Instead, a deck was partially built in the location originally designated for the garage.

The owner also intends to construct a single garage along the eastern and southern lateral erf boundaries. The proposed garage will provide parking space for a single vehicle and additional storage. While the garage complies with Section 16.1.1(c) of the Overstrand Municipal Land Use Scheme Regulations, 2020, the application will also address the required building line departures for this structure.

The subject property has a total extent of 496m<sup>2</sup> and is registered under Title Deed Number T3826/2020.

## **2. APPLICATION DETAILS**

This application is submitted in accordance with the Overstrand Municipality's Bylaw on Municipal Land Use Planning, 2020, as follows:

- Chapter 4, Section 16(2)(b): Application for departures from the building lines.
- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty, as per the Amended Bylaw on Municipal Land

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

The subject property is located at 37 Dempers Street, and 9 Hofmeyer Street Onrustrivier being a corner erf. Remainder Erf 2537 Onrustrivier has a total extent of 496m<sup>2</sup> and is situated within a predominantly single residential area.

For further reference, please see the enclosed locality plan and aerial photograph below.



### **3.3 LAND USE**

Remainder Erf 2537, Onrustrivier is utilized as a residential property, featuring a well-established single storey dwelling. The residence comprises:

- Three bedrooms
- Two bathrooms
- Lounge
- Dining room
- Kitchen and scullery
- Braai room
- Deck

The surrounding area consists primarily of single-family homes and public roads, situating the property within a well-established single residential neighbourhood. The uniform presence of single dwelling units reinforces the residential character of the area, fostering a cohesive community atmosphere. This setting provides a peaceful and structured environment, ideal for family living and promoting a strong sense of community among residents.

### **3.4 PROPOSAL**

The following is proposed in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Bylaw on Municipal Land Use Planning, 2020, for departures from the building lines.
- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020, for the determination of an administrative penalty.

### **3.4.1. Determination of an administrative penalty**

As a trustee of The Ann Trust, Mr. T. van Dyk was made aware of a potential encroachment issue related to the constructed braai room while preparing a new building plan for the proposed garage along the eastern and southern boundaries of Remainder Erf 2537, Onrustrivier. It was identified that the approved braai room was constructed in line with the existing dwelling, rather than being stepped back 0.14m as required to comply with the 3m street building line.

The accompanying as built building plan illustrates that the encroachment consists solely of the western outer wall of the braai room, classifying it as a minor encroachment. Specifically, the encroachment measures:

- Length: 5.77m
- Width: 0.14m
- Total Encroachment Area:  $\pm 0.81\text{m}^2$

In accordance with Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020, we hereby submit an application for the determination of an administrative penalty to address the unauthorized building work and building line encroachment resulting from the misalignment of the position of the braai room.

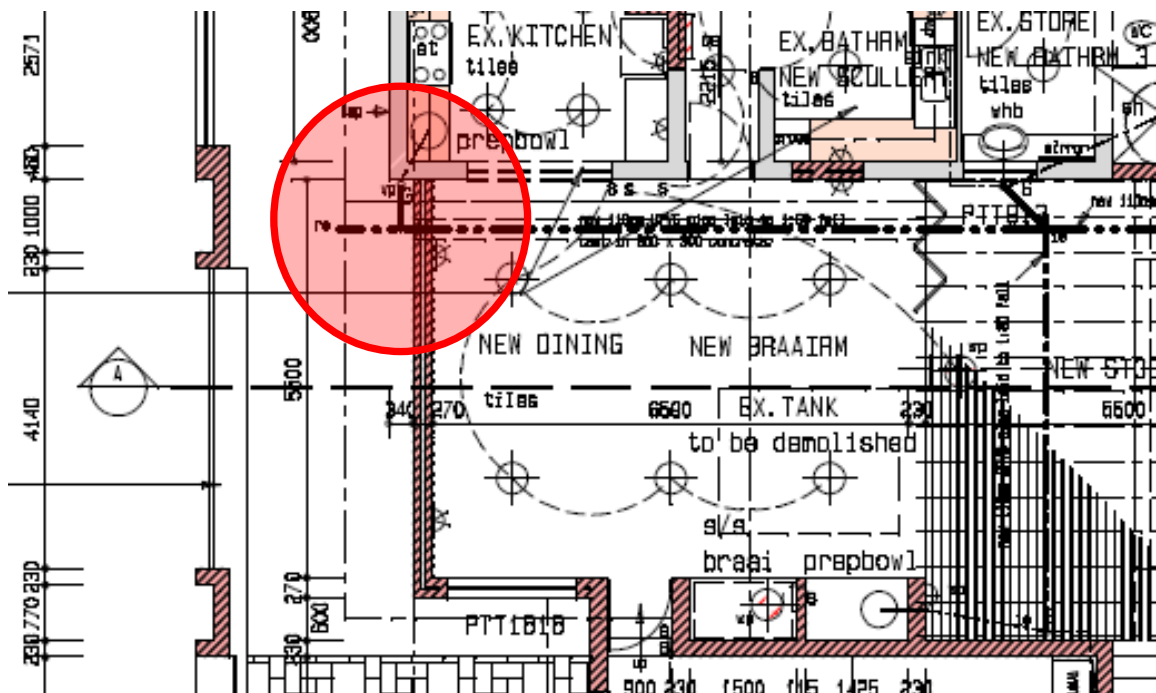
As stipulated in Chapter 10, Section 90(1) of the Bylaw, any party in contravention of the regulations must apply to the Municipality for an administrative penalty determination, provided that no demolition directive has been issued under Section 85 for the affected land or structure.

Furthermore, in accordance with Chapter 10, Section 90(3) of the Bylaw, the applicant is required to submit the following information to the satisfaction of the Municipality:

### 3.4.1.1 CRITERIA FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY

#### The Nature, duration, gravity, and extent of the contravention

In March 2020, the building plan for additions to the dwelling was approved, and construction commenced in 2022. As outlined earlier in this report, the approved building plan indicated that the braai room and dining area would be stepped back by 0.14m to comply with the 3m street building line along Hofmeyer Street. However, during construction, the builder aligned the addition with the existing house, resulting in a minor encroachment into the western street building line by 0.14m. Please refer to the building plan abstract below:

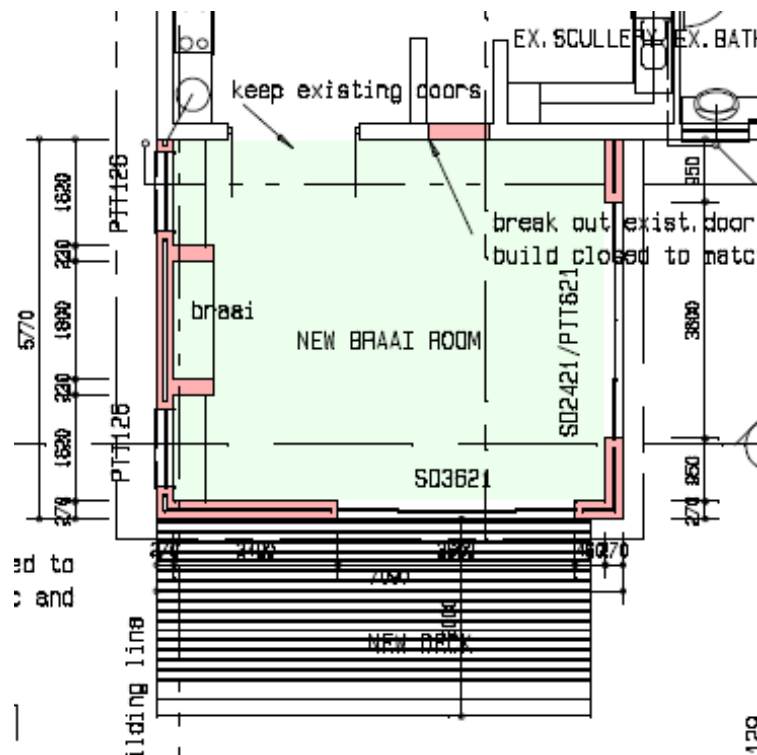


This encroachment has existed since the completion of the braai room and dining area in 2022. The impact of the encroachment is minimal, as it consists primarily of a small portion of the dwelling's western outer wall.

In 2024, while drafting a new building plan for the addition of a single garage and extra storage, the existing encroachment of the braai room and dining area was identified. In order to proceed with the proposed garage and storage addition, it is necessary to

first address the 2022 encroachment through an administrative penalty and building line departure application.

The 2022 encroachment consists of a portion of the existing braai room and dining room encroaching into the western street building line by 0.14m, with the actual use of the encroaching area limited to a section of the dwelling's outer wall. Please refer to the as built building plan abstract below:



This application seeks approval to regularize the encroachment, ensuring compliance with municipal regulations while maintaining the current use and layout of the building. The extent of the unauthorized building work, measured in a clockwise direction from the northern lateral boundary, is detailed as follows:

Structure	Extent of unauthorised building work	Date Constructed
Portion of the existing braai room and dining room	±0.81m <sup>2</sup>	2022
<b>Total Extent of unauthorised building work</b>	<b>±0.81m<sup>2</sup></b>	

The Ann Trust, as the owner of the subject property, is committed to fully cooperating with the Overstrand Municipality to address the unauthorized building work. This application seeks to resolve both the determination of an administrative penalty and the approval of building line departures simultaneously, ensuring compliance and regularization of the existing encroachment.

The position and nature of the unauthorized building work do not negatively impact the surrounding properties and remain largely unnoticeable. The braai room and dining room have been in place for several years without any reported complaints or concerns from neighbouring property owners. The minor encroachment does not obstruct views, sunlight, or access for adjacent properties. Furthermore, the design and appearance of the structure are consistent with the architectural style and character of the neighbourhood, maintaining aesthetic continuity and minimizing any potential visual impact.

The Ann Trust is dedicated to taking all necessary steps to regularize the existing encroachment in compliance with municipal regulations. This includes:

- **Thorough Review and Adjustment of Building Plans:** Ensuring that all current and future building plans are meticulously reviewed and adjusted to meet municipal building regulations.
- **Transparent Communication:** Engaging in open and transparent communication with the Overstrand Municipality and neighbouring property owners to address any concerns and provide updates on the regularization process.
- **Ongoing Compliance Monitoring:** Establishing a system for ongoing monitoring and maintenance to ensure continued compliance with all building regulations and to prevent any future unauthorized works.

By implementing these measures, the Trust aims to maintain and enhance harmony within the community, demonstrating a commitment to responsible property management and neighbourly cooperation. The Trust values the support and collaboration of the Overstrand Municipality in this process and remains dedicated to a cooperative approach in resolving the current issues.

**The conduct of the person involved in the contravention.**

The unauthorized construction was carried out by the building contractor in 2022. The Ann Trust is committed to rectifying and legalizing the existing encroachments, as detailed earlier in this motivation report. The Trust acknowledges the importance of compliance with municipal regulations and is proactively taking the necessary steps to address the matter in accordance with the applicable legal framework.

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

If the Overstrand Municipality deems it necessary to impose an administrative penalty fee for the unauthorized construction, a report from a quantity surveyor detailing the unauthorized work will be provided.

According to the Overstrand Tariffs List for 2024/2025, the cost for formal structures in habitable spaces on properties larger than 150m<sup>2</sup> is calculated at R20,253.00 per square meter (VAT inclusive). The habitable spaces that encroach upon the building lines are as follows:

Structure	Extent of unauthorised building work	Date Constructed
Portion of an existing braai room and dining room	±0.81m <sup>2</sup>	2022
<b>Total Extent of unauthorised building work</b>	<b>±0.81m<sup>2</sup></b>	

The extent of the unauthorised encroachments can be calculated as follows:

**±0.81m<sup>2</sup> x R20 253.00**

**Total building cost = ±R16 404.93**

**Whether the unlawful conduct was stopped**

The owner is actively addressing the contravention by applying for the determination of an administrative penalty and building line departures. The braai room and dining room, constructed in 2022, have been completed and have remained in use since their completion. No further unauthorized construction has taken place.

**Whether a person involved in the contravention has previously contravened this Bylaw or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, the current Trustees of The Ann Trust have never previously contravened this bylaw or any other planning regulations.

We appeal to the Overstrand Municipality to consider the minimal impact of the encroachment on the surrounding area, noting that only a portion of the outer wall of the braai room and dining room encroach upon the western street building line by 0.14m.

Furthermore, the structure has a negligible impact on neighbouring properties concerning existing land use rights. The Zoning Scheme Regulations and the Overstrand Municipality's Amended Bylaw on Municipal Land Use Planning, 2020, will continue to guide future development on the subject property.

Given these considerations, we respectfully request that a penalty fee not be imposed on the property owner.

**3.4.1. Proposed building line departures**

Remainder Erf 2537 Onrustrivier has a total extent of 496m<sup>2</sup>. In accordance with the Overstrand Scheme Regulations, Residential Zone 1: Single Residential properties exceeding 400m<sup>2</sup> are subject to a 4m street building line, as well as 2m lateral and rear building lines, as outlined in the table below:

Net erf area	Street building line
Less than 150 m <sup>2</sup>	1,0 m
Less than 400 m <sup>2</sup>	2,0 m
400 m <sup>2</sup> and greater	4,0 m

Net erf area	Side and rear building lines
Less than 150 m <sup>2</sup>	At least 1,0 m one side and 0 m on the other side. Rear = 1,0 m.
Up to 400 m <sup>2</sup>	1,0 m
Greater than 400 m <sup>2</sup>	2,0 m

However, an exception applies when a property has an average depth of 20m or less, in which case a reduced street building line of 3m is permitted. As a result, the applicable street building line along Hofmeyer Street is 3m, as indicated on the building plans.

### **Existing Braai and Dining Room**

The braai room and dining room were constructed in alignment with the existing dwelling instead of being stepped back as per the approved building plan. As a result, an application is being submitted for a building line departure from the prescribed 3m street building line to 2.86m to accommodate this deviation. The structure, built in 2022, encroaches upon the western street building line by 0.14m, necessitating this application to regularize the existing braai room and dining room.

The minor encroachment of the existing braai room and dining room into the western street building line by 0.14m has no significant negative impact on the surrounding properties, streetscape, or overall property values. The encroachment is negligible and remains in line with the existing dwelling's structure, ensuring that the overall visual appearance of the property remains unchanged and does not disrupt the established architectural character of the area. Given the setback of the property and its integration into the streetscape, the encroachment is hardly noticeable from Hofmeyer Street and does not create an intrusive or obtrusive effect.

The encroachment consists solely of a portion of the braai room and dining room's outer wall, which does not obstruct views, access, or privacy for adjacent property owners. The structure has been in place since 2022 without any complaints from neighbours, demonstrating that it does not negatively affect their enjoyment of their properties. The minor deviation from the approved building line does not impact the desirability or market value of the property or its surroundings. The structure remains within a well-maintained and cohesive residential area, ensuring that property values remain stable. Furthermore, the high-quality construction and seamless integration with the existing dwelling contribute positively to the overall aesthetic and functionality of the property.

The surrounding neighbourhood consists predominantly of single residential properties with similar building designs and layouts. The existing braai room and dining room are consistent with the architectural style of the area, ensuring that the character of the neighbourhood is preserved. The encroachment does not introduce any unusual or disruptive elements that would alter the overall residential atmosphere. Additionally, it does not affect natural light, ventilation, or accessibility for either the subject property or its neighbouring properties. The minor adjustment of 0.14m is too small to create any significant shadowing or airflow restrictions, and the structure does not interfere with pedestrian or vehicular access in any way.

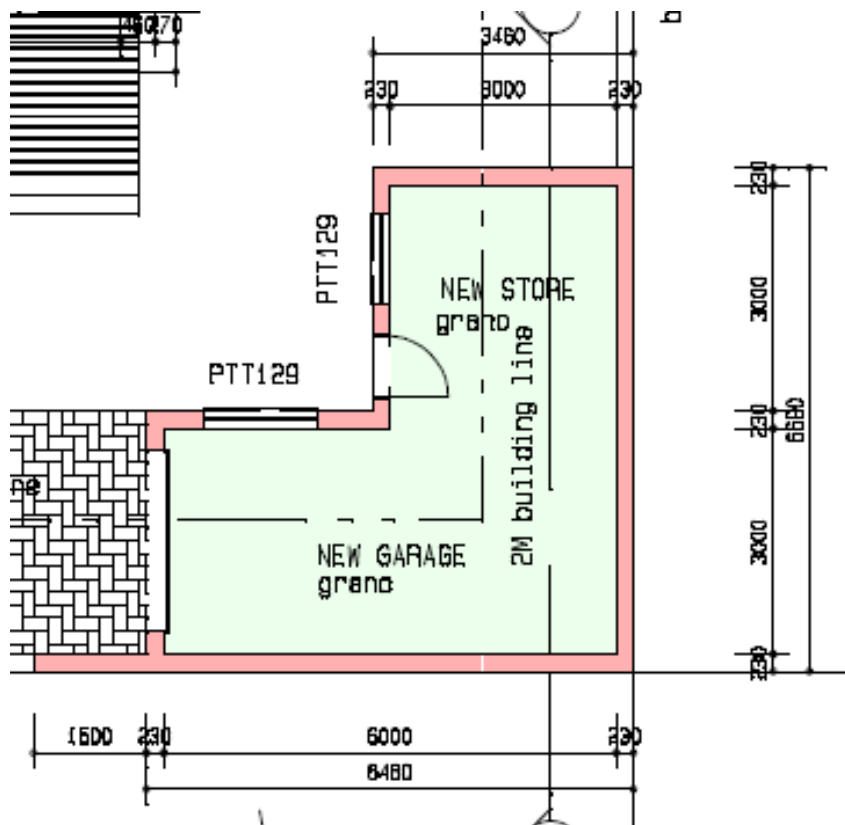
The Overstrand Municipality's planning regulations aim to maintain orderly development while allowing reasonable flexibility for property improvements. Given that the encroachment is minor, does not compromise safety, and does not negatively impact surrounding properties, approving the building line departure aligns with the principles of fair and practical land use management. Considering the minor extent of the encroachment, its lack of impact on neighbours or the streetscape, and its consistency with the character of the neighbourhood, the existing braai room and dining room pose no adverse effects. The property remains fully functional, visually cohesive, and in harmony with surrounding developments. Given these factors, approval of the building line departure from 3m to 2.86m is both reasonable and justified.

### **Proposed Single Garage and storage space**

The proposed single garage, positioned in the south-eastern corner of Remainder Erf 2537 Onrustvler, will be constructed in an L-shape to accommodate additional storage space. The design ensures that both the eastern and southern boundary walls remain free of windows, thereby preserving the privacy of adjacent properties. The garage will be built with consideration for the surrounding structures, ensuring minimal visual or environmental impact.

The placement of the garage aligns with efficient land use principles while maintaining the overall aesthetic and character of the neighbourhood. Given its location and design, the structure will not obstruct any scenic views, natural light, or ventilation for neighbouring properties. The absence of windows on the boundary walls further mitigates concerns related to privacy, ensuring that the addition does not intrude upon the enjoyment of adjacent properties.

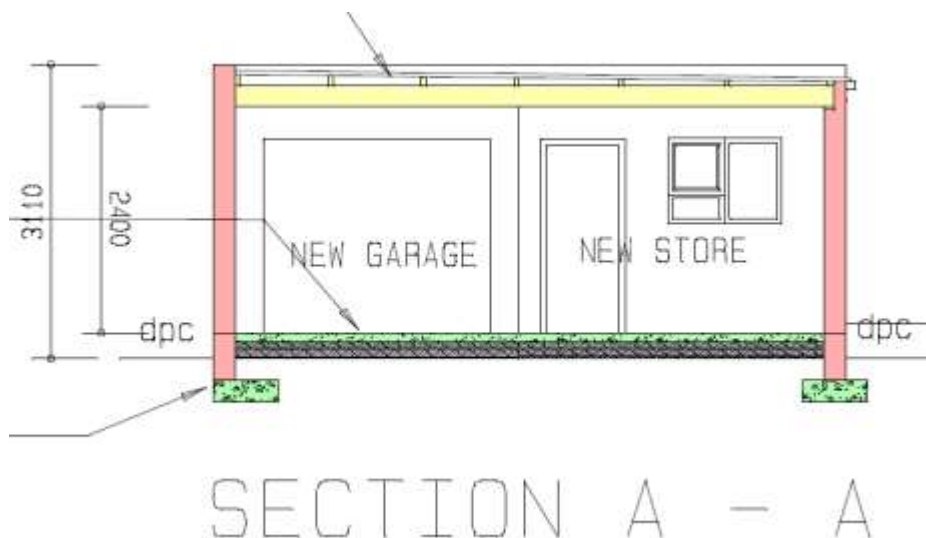
Additionally, the garage's L-shape design allows for practical storage solutions without encroaching unnecessarily on the open space of the property. This approach enhances functionality while ensuring that the development remains unobtrusive within the existing urban fabric. The proposal adheres to sound planning principles and contributes positively to the property's usability without negatively affecting the surrounding environment. Please refer to the building plan abstract below:



The proposed garage and storage area will have a floor-to-ceiling height of 2.4m, with the total height of the structure reaching 3.11m, which remains within the allowable maximum height of 3.5m. This ensures that the development complies with municipal

height regulations while maintaining a scale that is in harmony with the surrounding built environment.

The structure's modest height minimizes any potential overshadowing of adjacent properties and maintains an unobtrusive presence along the property boundaries. Given its placement and compliance with height restrictions, the garage will not negatively impact neighbouring properties, ensuring that the development integrates seamlessly with the existing residential character of the area. The design also prioritizes functionality while respecting spatial planning principles, contributing to a well-balanced and aesthetically cohesive streetscape. Please refer to the building plan abstract below, Section AA:



The proposed garage and storage area will extend 6.69m along the eastern boundary and 6.46m along the southern boundary, as indicated on the building plan. The total area of the new garage and storage space will be 33m<sup>2</sup>, ensuring efficient use of space while maintaining a compact footprint that aligns with the existing layout of the property.

The structure's dimensions are carefully considered to minimize any impact on neighbouring properties. Its placement along the boundaries optimizes available space, preserving the overall balance of the site. The garage and storage area are designed to be functional while remaining visually unobtrusive, ensuring they blend seamlessly with the surrounding built environment.

### **3.5 ACCESS**

Vehicular and pedestrian access to Remainder Erf 2537 Onrustrivier will be via Hofmeyer Street. A sliding gate will provide access to the driveway, located on the southern boundary, leading to the proposed single garage and storage space. The existing pedestrian access gate is located further north from the driveway, as indicated on the attached building plan. No additional vehicular access points will be created, ensuring that the current access arrangements are maintained.

### **3.6 SERVICES.**

All services on the subject property already exist. Additional services are not required, and therefore, the proposal will not have a negative impact on the existing services provided by the Overstrand Municipality.

### **3.7 TITLE DEED**

There are no restrictive Title Deed conditions in Title Deed No. 3826/2020 that need to be addressed in order for the proposed building line departures for Remainder Erf 2537 Onrustrivier to be approved.

There is a bond registered at Nedbank against Remainder Erf 2537 Onrustrivier. We have attached the bondholder's consent as required.

### **3.8 FORWARD PLANNING**

#### **Overstrand Municipal Wide Spatial Development Framework (2020).**

In terms of the Overstrand Municipal Wide Spatial Development Framework (2020), the subject property is earmarked for urban development purposes. The residential zoning and land use of Remainder Erf 2537 Onrustrivier will be retained after the proposed application has been concluded.

#### **Overstrand Growth Management Strategy (2010)**

With reference to the Overstrand Growth Management Strategy (2010), the subject erf falls within Planning Unit 1, which consists of the majority of Onrustrivier. No densification is proposed for this area.

Our application is for the determination of an administrative penalty and building line departures, and as such, the Growth Management Strategy does not apply to this application.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Remainder Erf 2537 Onrustrivier is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons, groups, events, or activities. Additionally, it is not used for living heritage. According to the Overstrand Municipal GIS system, the area where the subject property is located is not within any Heritage Protection Overlay Zones.

In light of the above, it is evident that the building line departures will not have a negative impact on the heritage value of the subject property or the greater area of Onrustrivier.

#### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed building line departures do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). Therefore, no further environmental assessments or approvals are required for this application.

### 3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency, and spatial resilience for this application can be further elaborated as follows:

**Spatial Justice:** This principle focuses on ensuring that development benefits are shared equitably, both socially and economically, within a community. By applying for the regularization of the existing encroachments and seeking approval for the necessary building line departures, the application ensures that the rights of the property owner are respected, while simultaneously maintaining a balance with the broader interests of the surrounding residents. The proposed changes have minimal impact on the neighbouring properties, ensuring no unfair disadvantage or obstruction to the rights of others, thus fostering a sense of equity and justice in spatial planning.

**Spatial Sustainability:** Sustainability in urban planning not only refers to environmental aspects but also to the creation of spaces that are functional, harmonious with their surroundings, and adaptable for the future. The proposed application fits within the context of the existing built environment, and the retention of the residential zoning ensures that the property continues to contribute to the local community. By making provisions for the regularization of the existing structures rather than demolishing them, the proposal avoids unnecessary waste, respects the existing infrastructure, and promotes a sustainable approach to urban growth by reducing the need for additional land consumption.

**Efficiency:** The application demonstrates planning efficiency by addressing minor building line encroachments without requiring extensive alterations or demolitions. The proposed building line departures allow for the existing structures to be formalized, meaning that minimal disruption will occur to the current functionality of the property. By effectively utilizing the space already in place, the application ensures that development proceeds with minimal resource expenditure and time delays, which also contributes to reducing the overall cost of development. Furthermore, the inclusion of the garage and storage space optimizes the use of the land without overdevelopment.

**Spatial Resilience:** The resilience of a development is about ensuring that it can adapt and function well in the face of future changes, whether those be environmental, social, or economic. By regularizing the existing encroachments and adhering to the Overstrand Municipality's regulations through building line departures, the application ensures that the development will not become a liability in the future. The structures are designed to be compatible with surrounding properties and the existing infrastructure, meaning they will remain in harmony with future developments in the area. The proposed amendments will not undermine the long term viability of the property but will rather enhance its value and functionality, ensuring its continued role as a sustainable and resilient residential asset in the Onrustvriër area.

In summary, the proposed application reflects a commitment to sound planning principles that will contribute to the broader development goals of the Overstrand Municipality, ensuring that this development is socially fair, environmentally responsible, and economically efficient while maintaining the long term resilience of the property.

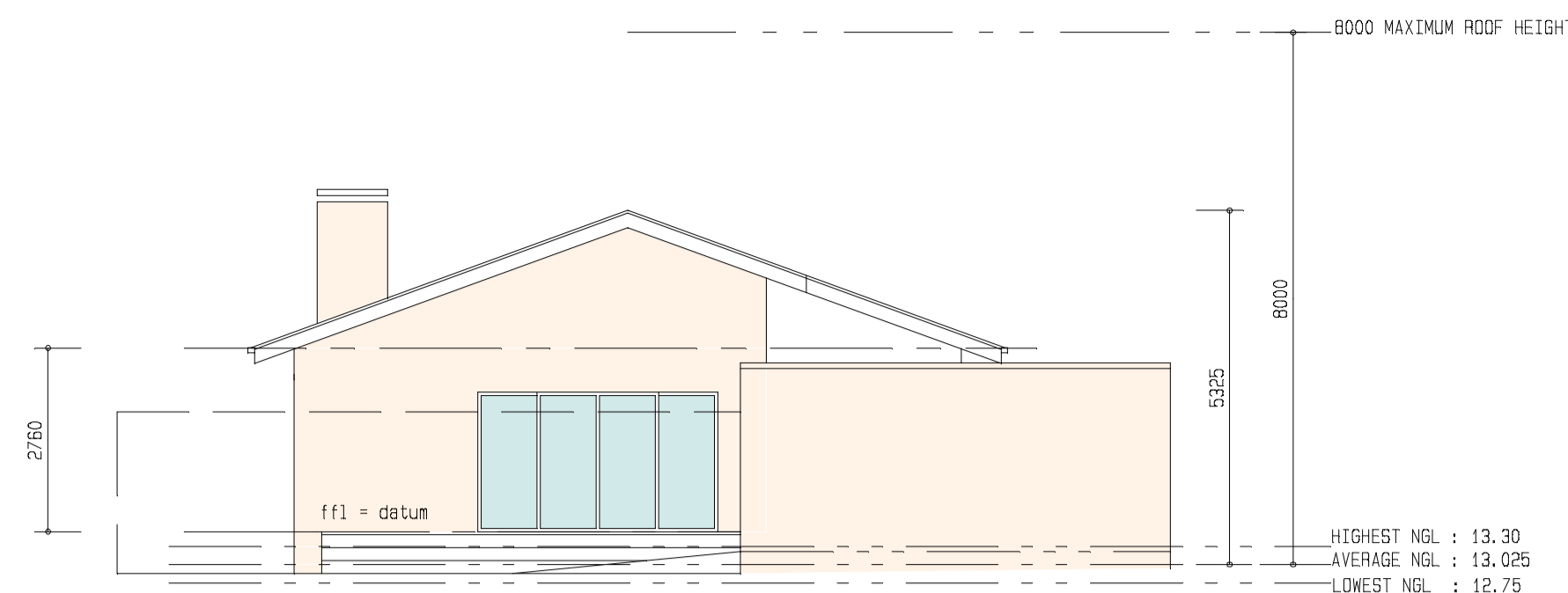
**Good administration:** Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's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

#### 4. **RECOMMENDATION**

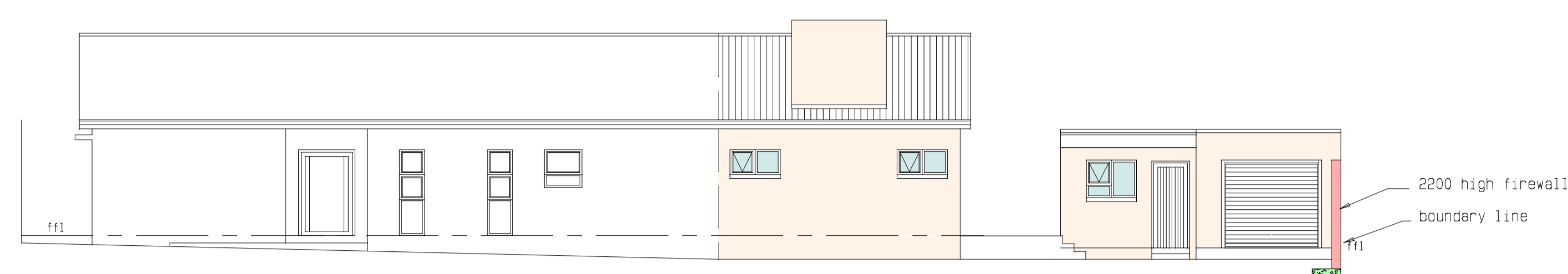
Based on the information provided regarding the determination of an administrative penalty, existing and proposed building line encroachments we recommend approval for the requested relaxations from a planning perspective. Our reasons supporting this recommendation are as follow:

- The minor building line encroachment of 0.14m is insignificant and does not negatively impact the visual aesthetics, views, or privacy of neighbouring properties.
- The unauthorized structures, including the braai room and dining area, have been in place since 2022 without complaints or concerns from neighbours.
- The proposed garage and storage area will complement the existing structures and not cause any further encroachment or disruption to the street or neighbouring properties.
- The building line departure request ensures compliance with the Overstrand Municipality's planning regulations, addressing the current noncompliance while maintaining a harmonious development on the property.
- The proposed development will not create any additional strain on the surrounding infrastructure, including roads, services, or utilities, as all necessary services are already in place.
- The application aligns with the Overstrand Municipality's broader urban development goals and spatial planning principles, ensuring the long-term sustainability of the area.
- The application demonstrates the applicant's commitment to regularizing the unauthorized work and ensuring full compliance with municipal land use and building regulations.
- The proposed building line departures are in line with the character of the surrounding area, which is predominantly residential, and do not alter the general residential character of the neighbourhood.
- The proposal does not have any negative impact on the surrounding erven or their value, as the encroachments are minor and in keeping with the neighbourhood's character.
- Given the minimal nature of the encroachments and their negligible impact, it is recommended that the application for the building line departures be supported.

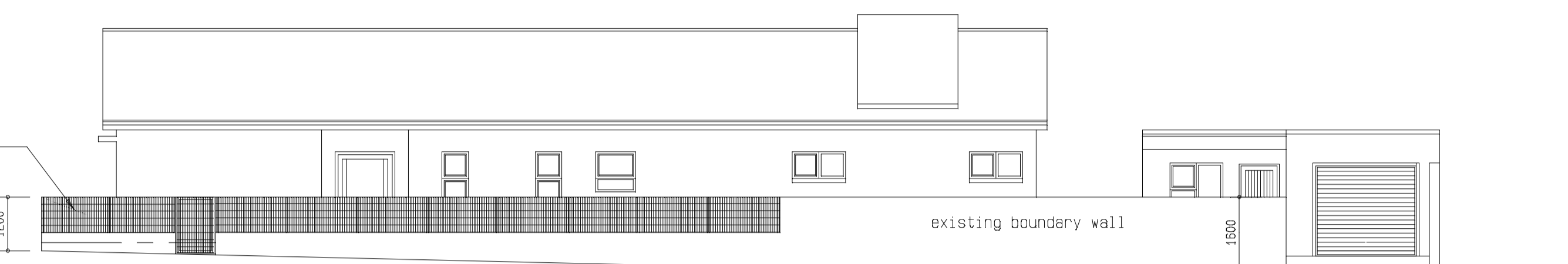
In conclusion, approving the building line relaxations and encroachments as outlined would be in the best interest of maintaining harmony between historical development and current planning norms. It acknowledges the practical realities of existing structures while ensuring future developments align with regulatory standards.



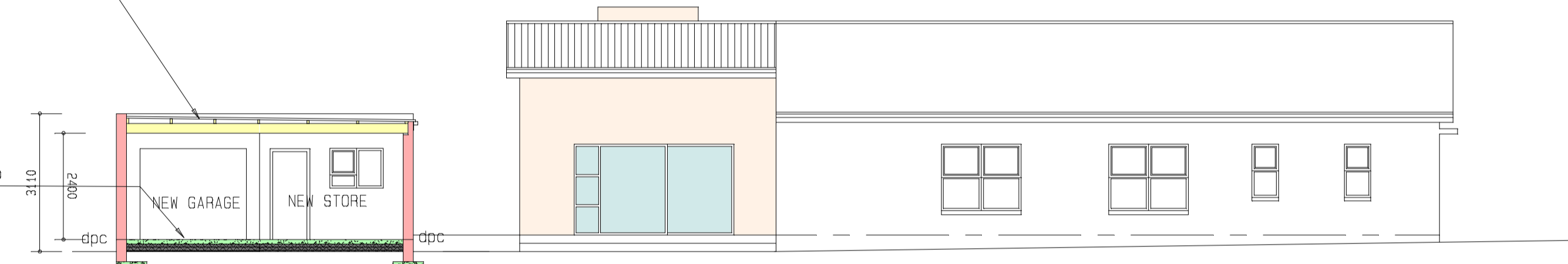
SOUTH ELEVATION



WEST ELEVATION

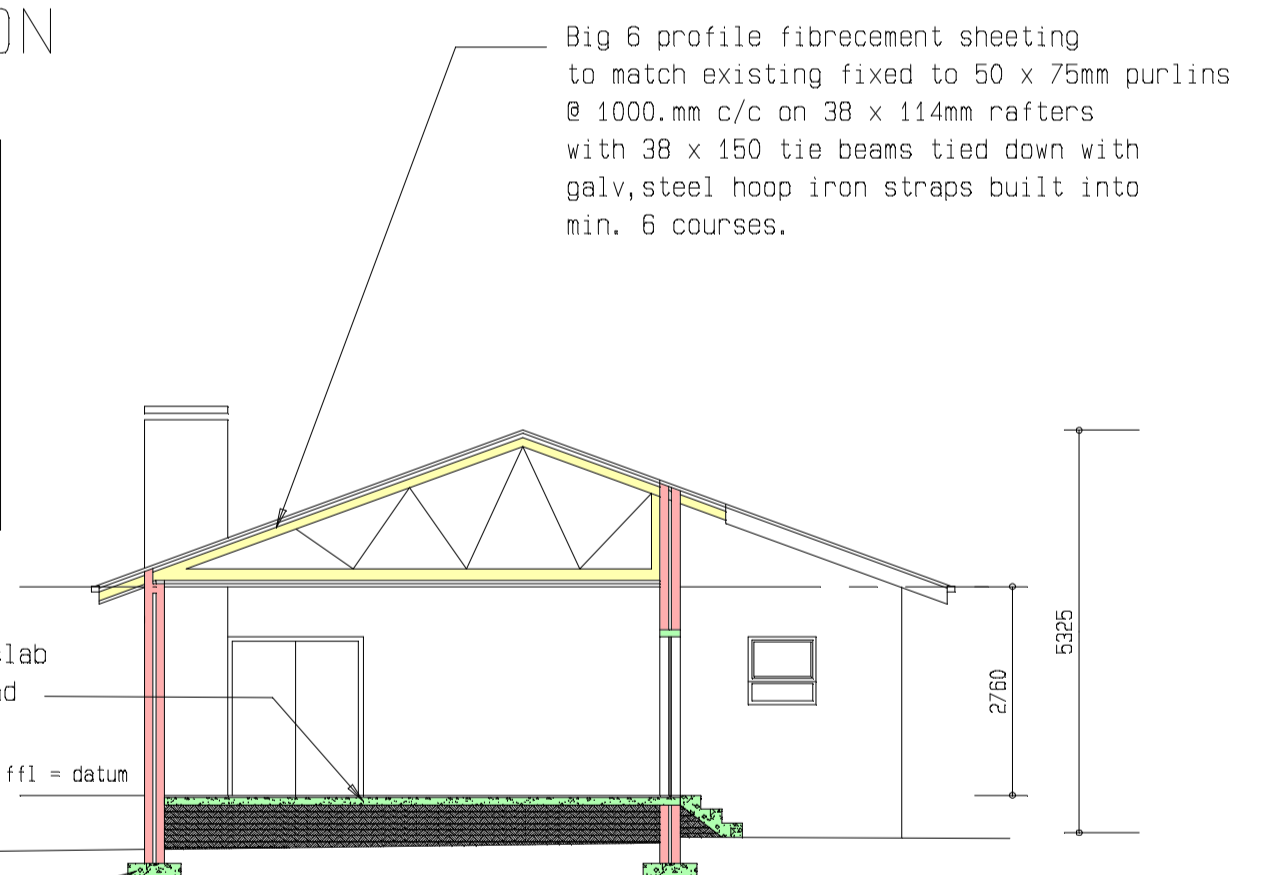


WEST ELEVATION - boundary wall

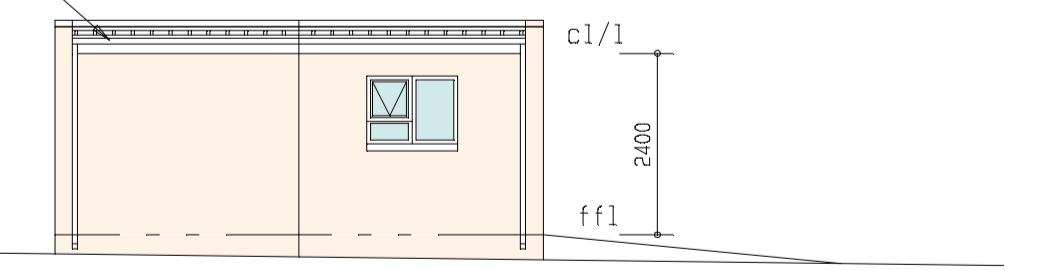


SECTION A - A EAST ELEVATION

ROOF ASSEMBLY	R - value
outdoor air film	0.05
Big 6 profile roofsheeting	0.30
unventilated 75mm purlin air space	0.14
Radenshield's d/s barrier	1.57
roof air space	0.38
indoor air film	0.11
50mm Isoboard ceiling	1.67
Total	4.22



SECTION B - B

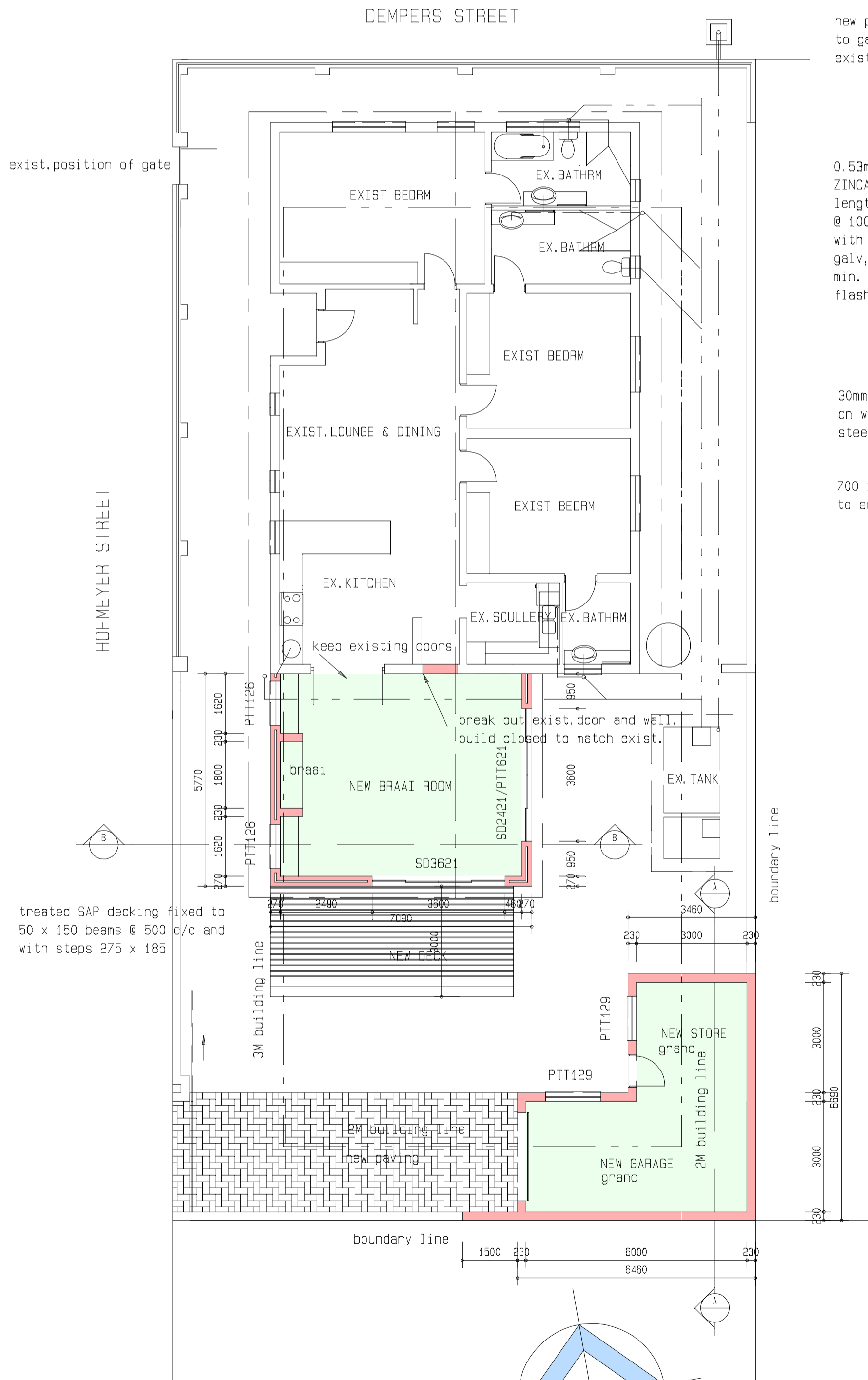


NORTH ELEVATION

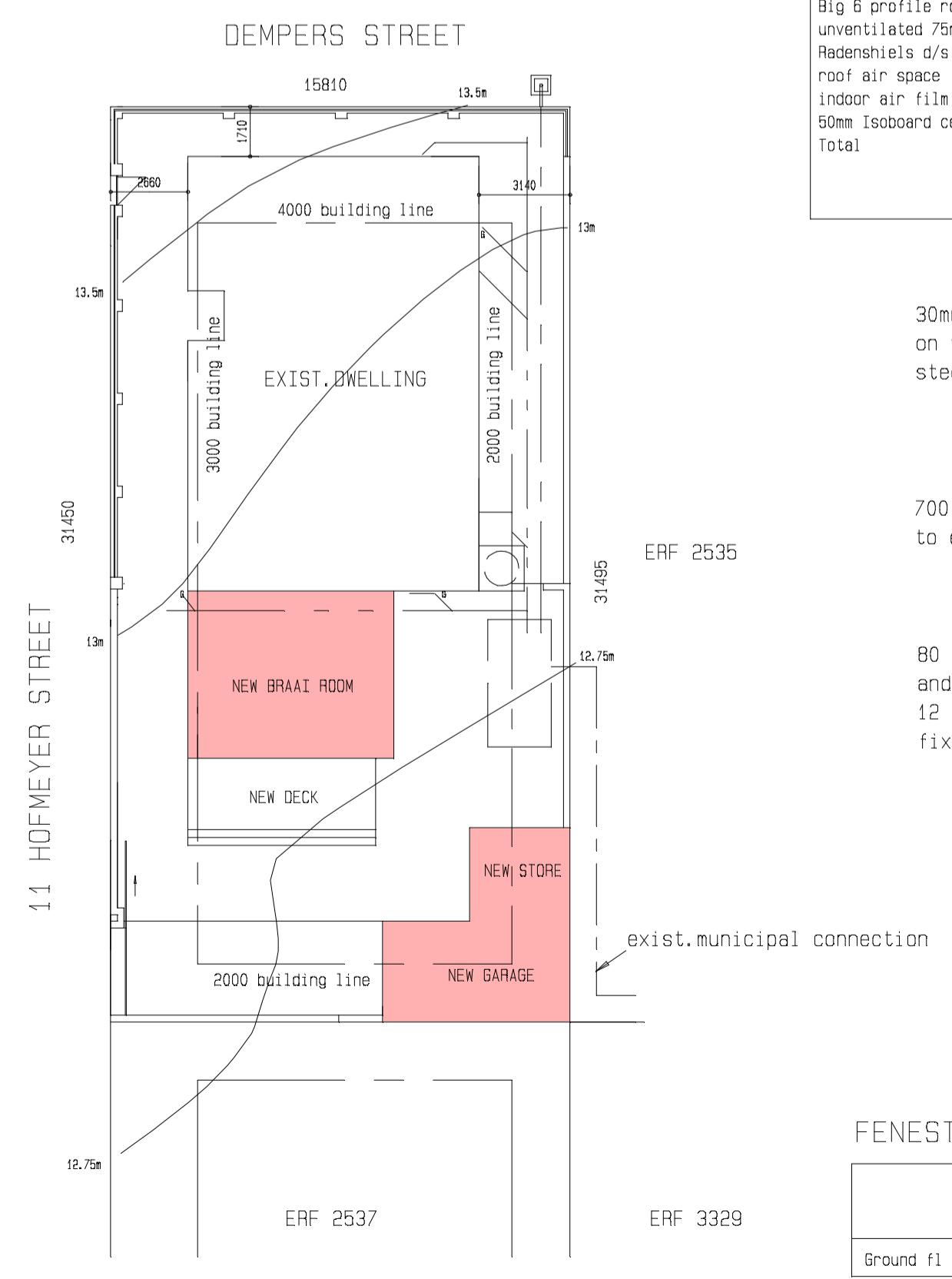
FENESTRATION PERFORMANCE ACHIEVED

Storey	Area weighted U value	Area weighted SHGC		
		shaded	un-shaded	South
Ground storey		Achieved		Achieved

	NET AREA m <sup>2</sup>	Allowed		Used		SANS 204
		U	SHGC	U	SHGC	
Ground fl	154.38	230.148	21.370	183.928	15.819	COMPLY



1:100 PLAN



1:200 SITE PLAN

AREA	VALUE
ex. dwelling	= 147.69m <sup>2</sup>
additions	= 40.91m <sup>2</sup>
new garage	= 33.00m <sup>2</sup>
total	= 221.60m <sup>2</sup>
erf	= 497.94m <sup>2</sup>
coverage	= 44.50%

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PROJECT :  
ALTERATIONS AND ADDITIONS  
TO EXISTING DWELLING FOR  
THE - ANN TRUST  
ON ERF 2537  
11 HOFMEYER STREET  
ONRUS HERMANUS

DRAWING TITLE :  
1:100 PLAN, ELEVATIONS, SECTIONS  
1:200 SITE PLAN

DWG. No. :  
TVD 2/2024- 1

SCALE : 1:100 1:200  
DATE : 02 JUNE 2024  
DRAWN : HWJ  
CHECKED :