



ERF 273, 57 CLIFF STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BMC 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 in order to:
 - relax the street building line from 4m to 1,67m and 2,19m respectively to accommodate alterations to the existing deck;
 - relax the lateral building line from 2m to 0m to accommodate a pergola, and
 - encroach the approved coverage from 58,96% to 60,8%.

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 and Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **Friday, 11 July 2025**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Senior Town Planner, Mr. SW van der Merwe** 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 273, CLIFFSTRAAT 57, DE KELDERS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS BMC TRUST

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

- ✚ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening ten einde die:
 - straatboulyn vanaf 4m na 1,67m en 2,19m onderskeidelik te verslap om veranderinge tot die bestaande dek te akkommodeer;
 - lateraleboulyn vanaf 2m na 0m te verslap om 'n pergola te akkommodeer, en
 - goedgekeurde dekking van 58,96% tot 60,8% te oorskry.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige skriftelike kommentaar moet ingevolge die bepalinge van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 11 Julie 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, Mnr. SW van der Merwe** 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 273, 57 CLIFF STREET, DE KELDERS, INDAWO KAMASIPALA WASEOVERSTRAND: ISICELO UKUTENXA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA BMC TRUST

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe koku kulandelayo:

- ✚ **ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze:
 - phumla umgca wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi-1,67m kunye ne-2,19m ngokulandelayo ukulungiselela utshintsho kwi-balcony ekhoyo;
 - phumla umgca wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0m ukuze uhlalise i-pergola; kunye
 - ukwandisa ukhuseleko oluvunyiweyo ukusuka kuma-58,96% ukuya kuma-60,8%.

linkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwentsimbi ye-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, iSitalato iPaterson, iHermanus neThala leeNcwadi laseGansbaai, iMain Road, eGansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi u**Lwesihlanu 11 EyeKhala 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zochagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngefowuni inokwenziwa ku**Mcwangcisi weDolophu oMkhulu, uMnu. SW van der Merwe** ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.



ERF 273 DE KELDERS

APPLICATION FOR PERMANENT DEPARTURE

Application prepared for:
BMC TRUST

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Submitted
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1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Erf Number	Erf 273 De Kelders
Extent	595m ²
Zoning	Residential Zone 1: Single Residential



3. BACKGROUND AND INTENT

The subject property, Erf 273 De Kelders, is located at 57 Cliff Street, De Kelders (refer to **Plan 1 – Locality Plan**). The owners appointed WRAP Project Office to submit a land use application on their behalf (refer to **Annexure A – Power of Attorney**).

The owners purchased the property in 2024. Prior to their ownership, the previous owners undertook an extensive process to rectify and obtain approval for several contraventions of the By-Law that had occurred historically.



These include:

- Relaxation of the eastern lateral building line from 2m to 0m to accommodate the existing single garage on the lower ground floor level, and the garage deck/balcony above it on the ground floor level;
- Relaxation of the eastern lateral building line from 2m to 1,57m to accommodate the change of use from kitchen to en-suite bedroom on the ground floor level;
- Relaxation of the street building line (Cliff Street) from 4m to 1,934m to accommodate the existing balcony on the ground floor level;
- Relaxation of the western lateral building line from 2m to 1,57m to accommodate the as-built braai and balcony on the ground floor level;
- Deviation from Section 16.1.1(c)(ii) of the Overstrand Land Use Scheme Regulations (2020) to permit the as-built single garage with a length of 9,886m; and
- Deviation from the maximum permissible coverage of 50% to 58,96% to accommodate the as-built structures.

The current owners have identified several improvements and have been in the process of renovating and enhancing the property to realise its full potential, while also preserving its aesthetic appeal. One of the proposed alterations includes modifying the concrete deck at the front of the dwelling. The existing deck, approved at 1,934m from the street boundary, has a stepped configuration and is therefore not aligned in a straight line.

The current proposal is to align the deck with the line of the building by stepping the existing deck outward. Additionally, the owners wish to include pergolas on both the front deck and the garage deck, which was previously approved. To ensure compliance, the owners are required to obtain approval for a permanent departure.

To comply with the Overstrand Municipality Land Use Scheme (OMLUS), approval of the following applications is required:

- 1) Permanent departure from the street and common building line; and
- 2) Permanent departure from the approved permissible coverage, increasing from 58,96% to 60,8%.

protection from the elements, refer to **Plan 3 – Site Plan** and **Annexure C – Architect Building Plans**.

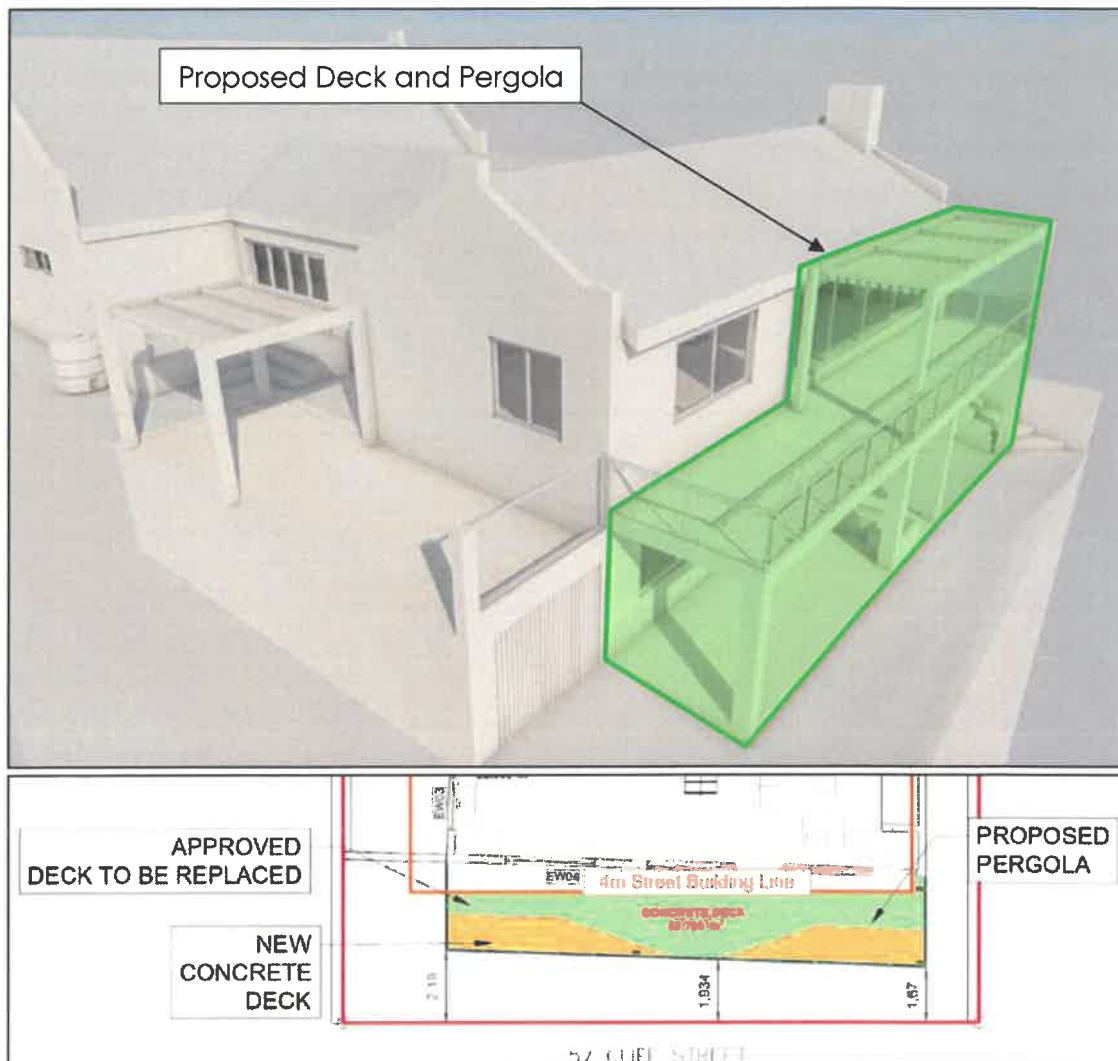


Figure 2: Proposed new deck and pergola

The subject deck, which encroaches into the street building line, is not a new or unauthorised addition. It was constructed in accordance with building plans previously approved by the Overstrand Municipality. This approval serves as formal recognition by the Municipality that the encroachment, in its original form, was acceptable in terms of impact, built form, and alignment with the municipal development parameters applicable at the time.

This application seeks to slightly increase the extent of the building line encroachment beyond that which was previously approved, due to the dwelling being constructed at an angle relative to the street boundary. The proposed works aim to align the deck with the orientation of the main dwelling, while simultaneously improving its structural and visual integrity. The angular nature of the original construction results in the deck being set back at variable distances from the boundary, which necessitates a building line relaxation ranging from 1,67m to 2,19m.



While each land use application is considered on its own merits in accordance with applicable planning principles and policies, it is relevant that the deck, despite its encroachment into the street building line, was previously approved by the Municipality. The current proposal does not materially expand the footprint of the deck but rather seeks to regularise and refine an already accepted structure. The intention is to improve the deck's functionality, alignment with the dwelling, and visual appearance, without increasing its impact on the surrounding area.

Design and Aesthetic Enhancement

The proposed works are intended to significantly enhance the appearance and functionality of the front façade. The pergola, a visually light and architecturally appropriate structure, will soften the visual bulk of the existing building and introduce an attractive, shaded outdoor space that complements the scale and character of the dwelling.

In doing so, the proposal achieves several urban design objectives, including:

- **Improved streetscape quality:** The pergola adds architectural interest and breaks up the horizontal massing of the front elevation, contributing positively to the rhythm and appearance of Cliff Street.
- **Sensitive visual integration:** The materials and finishes proposed for the pergola will match or complement those of the existing building, ensuring that the structure integrates seamlessly into the existing architectural language.
- **No negative impact on neighbouring properties:** The position of the deck and pergola does not obstruct views, overshadow adjacent properties, or compromise the amenity or privacy of neighbours.

The proposed pergola will be open on all sides, with no solid walls or enclosures, thereby ensuring minimal visual bulk and no sense of enclosure to surrounding properties. Furthermore, the balustrade will consist of glass panels, which will preserve existing sightlines and ensure that no views, particularly those of neighbouring properties, are obstructed or compromised as a result of the proposed development.

The proposal includes a modest increase of approximately 1 m of usable deck space on either side, refer to Figure 3. This increase is carefully designed to improve the functionality and symmetry of the existing deck without encroaching further into neighbouring view corridors or affecting their privacy. Given the scale, materials, and open design of the proposed additions, it is anticipated that the impact on surrounding properties will be negligible and, in practical terms, no greater than what is already experienced under the current, approved condition.

Moreover, the proposed enhancements will contribute positively to the visual character of the dwelling without introducing any new element that could adversely affect the enjoyment, privacy, or amenity of adjacent properties. As such, the proposal remains compatible with the surrounding built environment and poses no adverse impacts to neighbours.

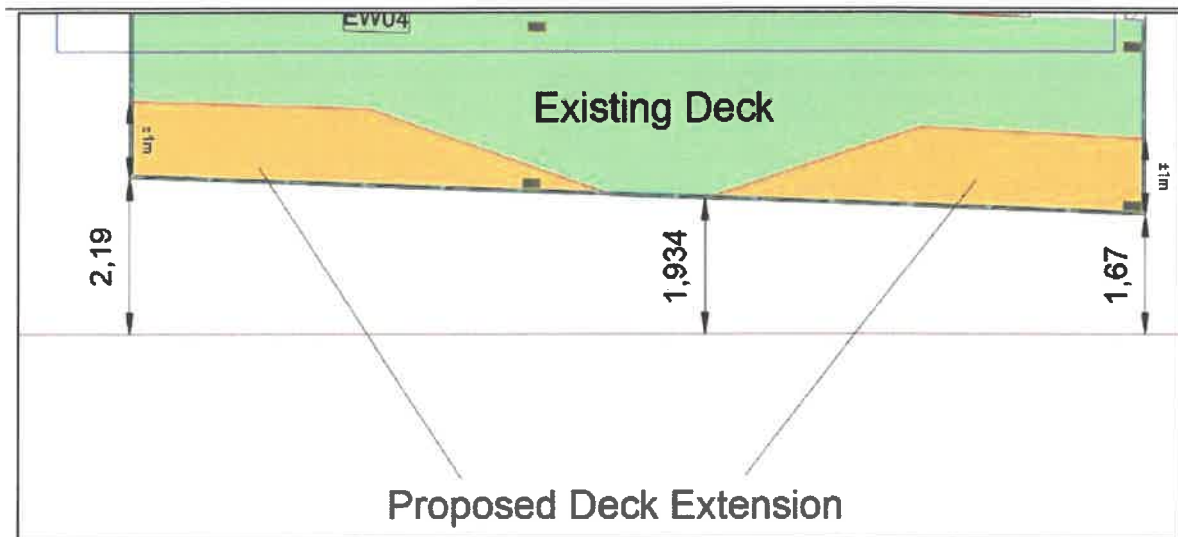


Figure 3: Proposed Deck Extension

Functional and Practical Considerations

The proposal enhances the usability and liveability of the property by:

- Allowing the front deck to be used as a more functional outdoor living area;
- Providing necessary weather protection through the pergola, contributing to the comfort and year-round use of the space;
- Maximising the potential of an already approved structure without introducing bulk or height inconsistent with the surrounding context.

These improvements promote the principles of sustainable development, encouraging the efficient use of existing structures rather than unnecessary demolition or expansion.

Motivation

The owners seek to improve a structure that was previously approved by the Municipality. The existing deck was authorised with a past land use approval and building plans, and the current proposal does not introduce an entirely new element but rather enhances and refines what has already been accepted.

Secondly, the extent of the proposed encroachment is modest and remains consistent with the established built form of the property. The revised design maintains the original character of the structure while aligning it more accurately with the orientation of the dwelling.

Thirdly, the pergola is designed as a lightweight and open-sided structure with a minimal physical and visual presence. Its inclusion will not contribute to a sense of enclosure or bulk and will have negligible impact on the surrounding streetscape. Furthermore, the proposed improvements are aligned with the objectives of the Municipality's planning frameworks, as they support the character and quality of the built environment. The enhancements reflect good design principles and contribute positively to the overall visual appeal of the property.



MOTIVATION

Lastly, the proposal does not undermine the intent or function of the street building line. The purpose of the building line is to ensure spatial order, preserve aesthetic consistency, and prevent encroachment-related impacts on the public realm. In this instance, none of these principles are compromised, as the changes are sensitive, proportionate, and contextually appropriate.



Figure 4: Proposed Deck Extension – Street View

The proposal represents a modest refinement to a previously approved development and will result in a high-quality built outcome that enhances the appearance, use, and long-term value of the property without causing any adverse impacts.

4.2 Permanent departure from the 2m side common building line to 0m to allow for the proposed pergola.

In addition to the pergola proposed on the front-facing deck of the dwelling, the owners have also expressed the intention to add a secondary pergola on the side of the dwelling, specifically above the existing garage structure. This addition is modest in scale, carefully considered in design, and aligned with both the functional and aesthetic goals for the property.

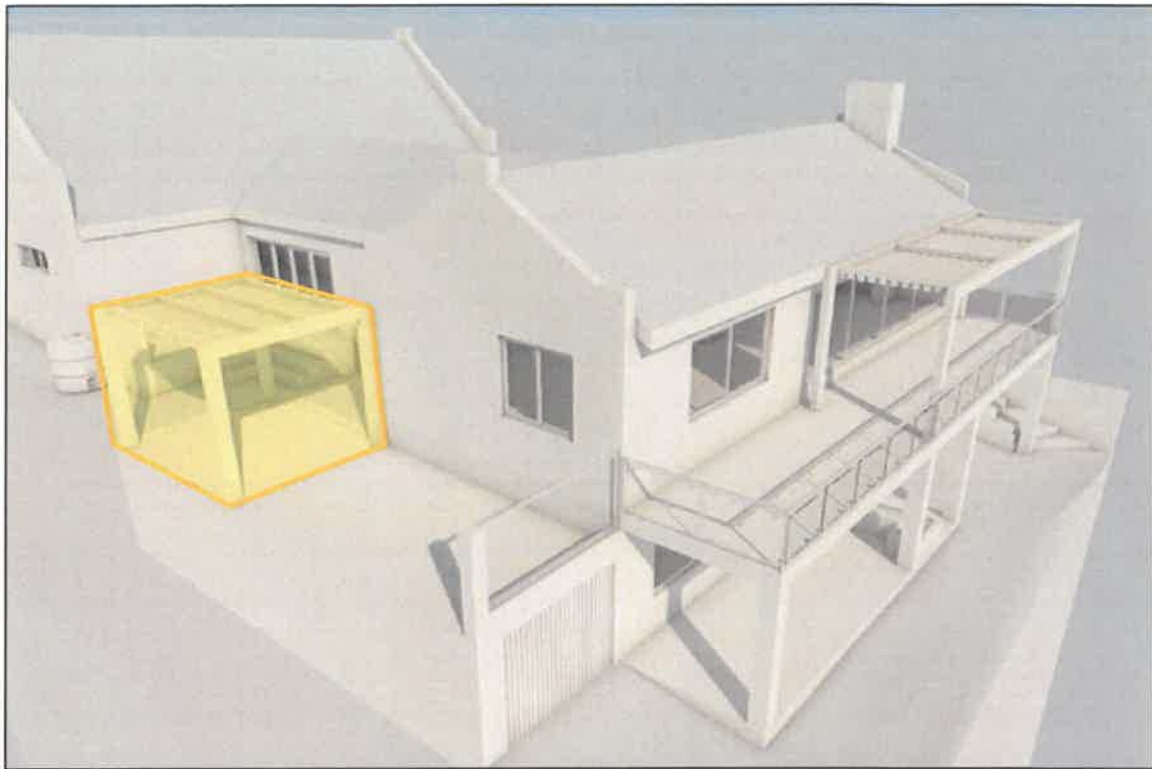


Figure 5: Proposed pergola

The pergola will not be waterproof and will not create additional habitable space over the building line. It is designed as an open-sided, lightweight structure that ensures minimal visual impact and does not obstruct views or access to light. The deck above the garage was previously approved by the Municipality, and the inclusion of the pergola in this location does not expand the existing built form, nor does it intensify the use of the space.

The purpose of the pergola is to create a semi-shaded outdoor area that enhances the usability and comfort of the approved deck, particularly by offering protection from direct sunlight. This will contribute to the liveability of the dwelling without compromising the intent of the building line or introducing any adverse impacts on neighbouring properties.

From a planning and design perspective, the pergola is a logical and appropriate addition. It complements the architectural language of the dwelling, aligns with the improvements proposed on the front-facing deck, and maintains consistency in materiality and style. As the structure does not create enclosed or habitable space, it remains within the scope of acceptable development parameters and is not anticipated to increase the impact on surrounding properties or the public realm.

Overall, the pergola above the garage represents a logical and contextually appropriate enhancement that supports the liveability and design cohesion of the property, without compromising municipal objectives relating to bulk, scale, or neighbourhood compatibility. Referring to figure 4 above, the proposed pergola proposed over the side building line is not expected to be visibly obtrusive from the street.



4.3 Permanent departure from the approved permissible coverage, increasing from 58,96% to 60,8%.

Section 6.1.2(a) of the OMLUS stipulates that properties with an area of 400m² or more are subject to a maximum coverage limit of 50%. In the previous approval, as detailed in Section 3, the Municipality permitted the existing structures to exceed this limit, resulting in a total coverage of 58.96%.

The current proposal introduces a marginal increase in coverage beyond the previously approved 58.96%. This slight increase is primarily due to the intention to straighten and extend the front deck by approximately 1 meter on each side. The existing deck has an irregular shape, and the proposed modifications aim to regularise its form, enhancing both its functionality and aesthetic appeal. Although these adjustments result in a slight increase in the covered area, they do not materially alter the impact of the built form as experienced from the street or adjoining properties.

The proposed increase in coverage is modest and arises from the need to rectify the irregular shape of the existing deck, which was previously approved by the Municipality. The adjustments are aimed at improving the usability of the outdoor space without introducing significant additional bulk or massing.

Secondly, the proposed deck alterations are designed to not contribute to habitable space or substantial visual bulk. Their inclusion enhances the functionality of the outdoor areas while maintaining the open character of the property.

Lastly, the proposal does not undermine the intent or function of the coverage limits, which are fundamentally designed to ensure spatial order, preserve aesthetic consistency, protect neighbour amenity, and prevent overdevelopment. Each of these objectives is carefully considered and upheld in the current application, as elaborated below:

Spatial Order

Coverage restrictions are primarily intended to preserve an appropriate balance between built form and open space on a property. In this case, despite the slight increase in coverage above the 58.96% previously approved, a meaningful amount of open space remains on the erf. The proposal retains generous building setbacks, and the extensions relate only to the deck area, which is already part of the approved built form. There is no intensification of the internal floor area or the addition of habitable structures. As such, the perception of spatial order on the site, and within the streetscape, is fully maintained.

Aesthetic Consistency

The coverage limit also serves to maintain a cohesion in the built environment, avoiding overly dense or visually jarring developments. The proposed refinements to the deck, straightening and modestly extending it by 1m on each side, are designed with sensitivity to the existing architectural language of the dwelling. The pergolas are open-sided, lightweight, and visually recessive and do not add additional coverage. Instead of creating a visual imbalance, the proposal improves the aesthetic quality of the existing structure by creating clean, regular lines and a more harmonious façade. This aligns well with the existing visual character of the neighbourhood.

Protection of Neighbour Amenity



MOTIVATION

The protection of neighbours' privacy, sunlight, and views is a key concern of coverage limitations. The proposed extensions are low impact in nature and do not affect the height or position of primary structures. The addition of glass balustrades and open-sided pergolas ensures that view corridors are respected and that no overshadowing or privacy intrusion occurs. The deck has already been in use in its approved form, and its slight expansion will not result in any greater impact on the use and enjoyment of neighbouring properties. The absence of habitable space within the proposed extension further reduces the potential for impact.

Prevention of Overdevelopment

A primary function of coverage control is to prevent the overdevelopment of residential erven, which could compromise the low-density character of the area. This proposal clearly avoids that risk. The dwelling remains a single residential structure. The increase in coverage is very modest and relates only to outdoor leisure space, and the bulk and massing of the built form are unchanged.

No intensification in land use is proposed, and the open, coastal character of the property remains intact. The proposal reflects thoughtful spatial planning and responsible development, not overuse of the land.

5. LAND USE ENVIRONMENT

The subject property is located in De Kelders, an established residential area in the Overstrand. The property is surrounded by other Residential Zone 1: Single Residential properties, Public Streets and Open Spaces. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

Title deed T49644/2024 (refer to **Annexure B**) was perused and there are no restrictive conditions present that prohibits the approval of the proposal being made.

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
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	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



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Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the erf extent: 400m ² and greater = 50%	<p>Existing</p> <p>Existing Ground Floor - 88,5m² Existing Garage - 34,06m² Existing First Floor - 290,44m² Existing Balcony - 27,76m² Existing Garage Deck - 32,31m² Existing Coverage - 58,96%</p> <p>Proposal</p> <p>New addition to Concrete Balcony - 10,9 m² Proposed New Coverage - 60,8%</p>	Deviate – Applied for and motivated
Building lines	<p>(i) The street building line is determined in accordance with the extent of the erf: (i) 400 m² and greater = 4m</p> <p>(ii) The side and rear building lines are determined in accordance with the extent of the erf: (ii) Greater than 400 m² = 2m</p>	<p>(i) Permanent departure from the 4m street building line to between 1,67m and 2,19m to allow the proposed deck alterations.</p> <p>(ii) Permanent Departure from the 2m common side building line to 0m to allow the proposed pergola.</p>	Deviate, applied for and motivated.
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Comply	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Existing approved garages.	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 Cliff 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 was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owners. To achieve this, the property owners are required to apply for a permanent departure from the building line and height restriction.

Socio-economic impact	The socio-economic impact of the proposed improvements is expected to be minimal but generally positive. The enhancements to the deck and inclusion of pergolas will improve the overall quality, functionality, and visual appeal of the property, which can contribute modestly to local property values and support the ongoing investment in the area. The construction phase may also offer short-term employment opportunities for local contractors and suppliers. Importantly, the proposal does not introduce any new land use or intensify occupation, meaning there are no adverse impacts on infrastructure, services, or surrounding land uses.
Compatibility with surrounding uses	The proposed alterations are fully compatible with surrounding land uses, which are predominantly residential in nature. The improvements, namely the refined deck and pergolas, are domestic in scale and character and are consistent with typical outdoor living features commonly found in the area. The design complements the architectural style and character of the surrounding area, maintains appropriate setbacks,



MOTIVATION

	and does not introduce any new or intrusive activities. As such, the proposal integrates seamlessly with the existing built environment and will not detract from the residential character or amenity of the surrounding properties.
Impact on the external engineering services	Refer to Section 8 of this report.
Impact on safety, health and wellbeing of the surrounding community	The proposal will have no negative impact on the safety, health, or wellbeing of the surrounding community. The improvements are limited to refinements of existing, approved structures and do not introduce any hazardous or incompatible uses. The proposed pergolas are open, lightweight features that do not obstruct sightlines or create concealed spaces that could compromise safety. The improvements are structurally sound and will comply with all applicable building regulations, thereby ensuring ongoing health and safety standards are maintained. Furthermore, by enhancing the property's appearance and usability, the proposal contributes positively to the general sense of place and wellbeing within the neighbourhood.
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 proposed additions, including the alignment of the deck and the addition of pergolas, have been carefully designed to minimise any impact on views, sunlight access, and the established character of the area.

In terms of views, the pergolas are open-sided and not enclosed, and the balustrading on the deck will be made of glass. These design choices ensure that the structure remains visually lightweight and does not create a visual barrier that would obstruct views for neighbouring properties or passers-by. The additional deck space – approximately 1m on each side – is modest and does not exceed the current height or scale of the existing built form, thereby avoiding any new view-related impacts.

Regarding sunlight, the pergolas are not solid-roofed structures and will not create any significant shading on adjacent properties. Their design allows natural light to pass through, maintaining the sunlight access enjoyed by neighbouring dwellings. The location of the proposed additions does not cast new or extended shadows onto adjacent buildings or outdoor areas that would negatively affect their enjoyment.



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As for the character of the area, the alterations are sympathetic to the architectural language and visual rhythm of the neighbourhood. Outdoor decks and pergolas are common features in coastal residential areas such as De Kelders, particularly where properties seek to maximise their interface with sea views and outdoor living. The proposed improvements follow the same principle, enhancing the aesthetic appeal and functionality of the property without introducing any discordant or out-of-place elements.

Economic impact

The proposal is not expected to have a short- or long-term economic impact.

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 proposal is not predicted to have a negative impact on surrounding properties.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

A portion of the property is located within the Coastal Protection EMOZ. The purpose thereof is to manage the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves.

It is not predicted that the proposed departures will have a negative impact on the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is located within the 'Coastal Strip' HPOZ, the purpose of which is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- To protect the natural, environmental and scenic qualities along the coastal strip;
- To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;
- To protect and enhance the nature of the transition zone between the built fabric along the coastal strip, including the first line of erven facing the coast, the coastal walkway and the coastline.

The proposal of the permanent departures is not expected to have a negative impact on the HPOZ as the additions to the structure was done taking into consideration the historic appeal of the structure.

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.



11. PLANNING PRINCIPLES

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

The application supports the principle of spatial justice by regularising and improving previously approved structures without displacing or excluding any groups or individuals. The proposal does not introduce exclusive or inequitable land uses but rather enhances an existing residential property within the urban fabric. The improvements are modest and do not restrict access, create barriers, or contribute to spatial inequality in any form.

Spatial Sustainability

The proposal promotes spatial sustainability by optimising the use of an already developed erf. Rather than seeking extensive redevelopment or new bulk, the application focuses on improving existing structures to better align with the needs of the current owners while preserving the residential character of the area. No additional demand is placed on municipal infrastructure, and the proposal remains within the context of a sustainable urban footprint.

Efficiency

The proposed changes make more efficient use of the site by increasing the functionality of outdoor space already in use. The alignment of the deck and inclusion of pergolas enhances the property's liveability without the need for further building extensions or excessive consumption of land. This small-scale improvement increases the utility of the site without compromising surrounding land uses or the efficiency of service delivery.

Spatial Resilience

The improvements contribute to spatial resilience by enhancing the adaptability of the property for long-term use and comfort, particularly in relation to environmental exposure such as sun, wind, and coastal weather conditions. The pergolas provide protection from the elements without creating enclosed structures, which ensures the property remains flexible to evolving needs and climate conditions without compromising built form integrity.

Good Administration

This application reflects the principle of good administration by being submitted in full compliance with the procedural requirements of the Overstrand Municipality. It acknowledges and builds upon previous municipal approvals, transparently addresses deviations, and seeks formalisation of all elements through the appropriate legal channels. The proposal demonstrates a commitment to working within the regulatory framework and contributing to an orderly, well-managed built environment.

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



CONCLUSION & RECOMMENDATION

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.

12. CONCLUSION

This application seeks to regularise and refine previously approved structures on Erf 273, De Kelders, through minor departures from the building line and coverage parameters of the Overstrand Municipality Land Use Scheme (OMLUS). The primary intention is to enhance the functionality, structural integrity, and aesthetic quality of the existing deck, while also introducing lightweight, open-sided pergolas that align with the architectural character of the area.

All proposed improvements are contextually appropriate, visually unobtrusive, and proportionate in scale. They will not result in any negative impacts on neighbouring properties in terms of privacy, sunlight access, or views, nor will they compromise the established character of the streetscape. Importantly, the deck was previously approved within the street building line, and the proposed modifications simply align and improve upon what has already been accepted, without materially increasing its footprint.

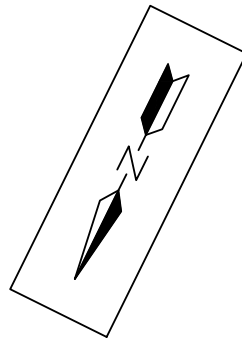
The application upholds the principles of spatial justice, sustainability, efficiency, resilience, and good administration as outlined in the Spatial Planning and Land Use Management Act (SPLUMA) and does so within the framework of responsible urban development. The design responds sensitively to the built context and contributes positively to the long-term usability and visual quality of the property.

Considering the above, it is respectfully submitted that the proposed departures be supported by the Overstrand Municipality, as they are reasonable, justified, and consistent with the intent and objectives of the land use planning policy framework.

13. RECOMMENDATION

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

- 13.1 Permanent departure** from the 4m street building line to between 1,67m and 2,19m to allow the proposed deck alterations 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 2m side common building line to 0m to allow for the proposed pergola in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Permanent departure** from the approved permissible coverage, increasing from 58,96% to 60,8% in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



ERF 256

NEIGHBOURS WOODEN FENCE 18.89m BOUNDARY LINE

ERF 272

31.49m BOUNDARY LINE

2m Side Building Line

2m Rear Building Line

2m Side Building Line

ERF 274

APPROVED GARAGE

GARAGE 29,416 m²

EN-SUITE 3,576 m²

BEDROOM 12,728 m²

KITCHEN/DINING 9,422 m²

LIVING AREA 10,592 m²

GARAGE 33,515 m²

EXISTING DECK TO BE REMOVED
REFER TO PLAN 3.2

4m Street Building Line

NEW CONCRETE DECK ABOVE
REFER TO PLAN 3.1

18.89m BOUNDARY LINE

Scale 1 : 125

3.1 Site Plan Erf 273 De Kelders

Existing Ground Floor - 88,5m²
Existing Garage - 34,06m²
Existing First Floor - 290,44m²
Existing Balcony - 27,76m²
Existing Garage Deck - 32,31m²

Coverage - 58,96%

Proposal

New Concrete Balcony
38,709m²

Proposed New Coverage - 60,8%

Plan prepared by: Thian Jansen

Plan Number 24/59(001) - 16/05/2025

All distances are approximate
and subject to a survey

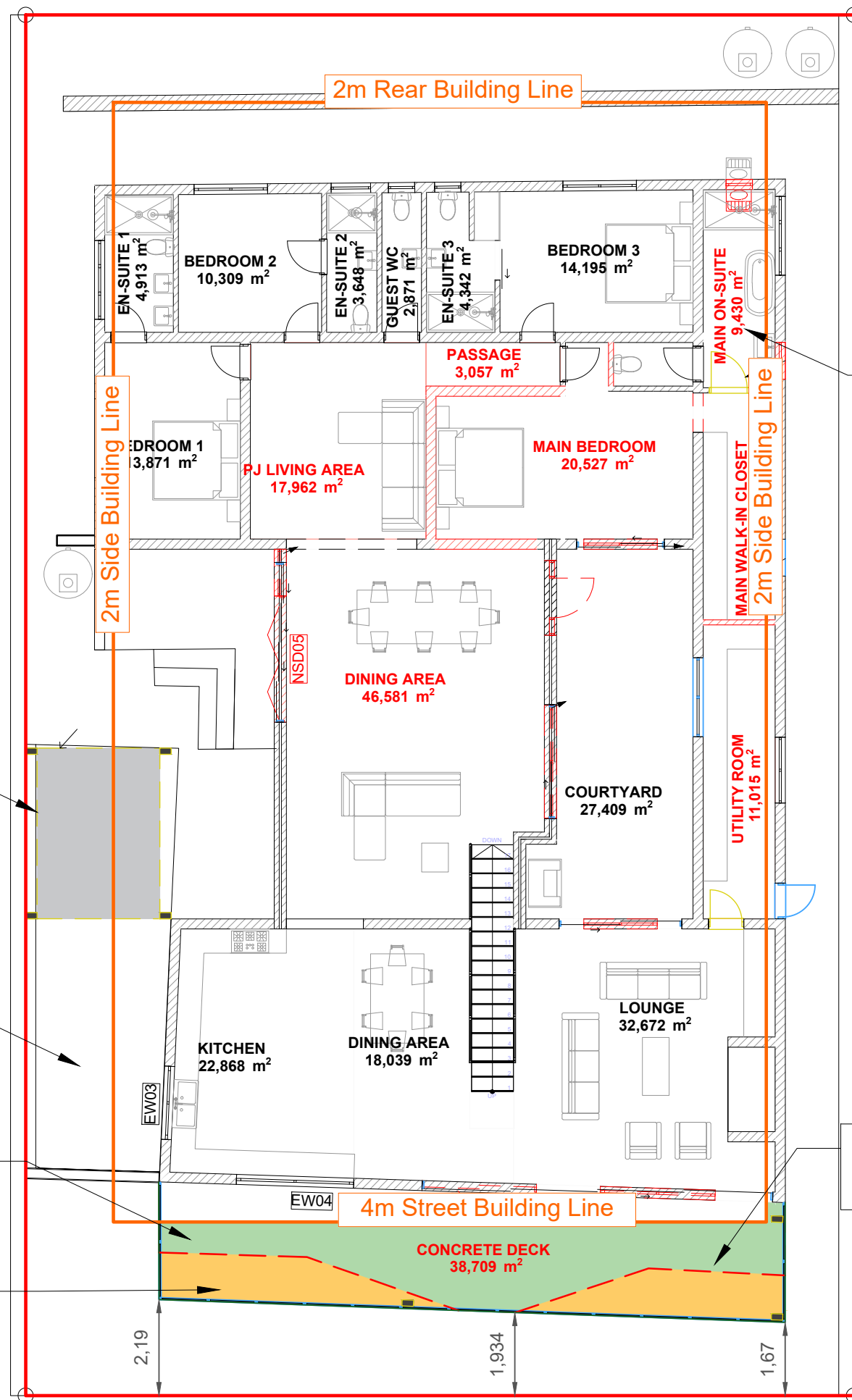
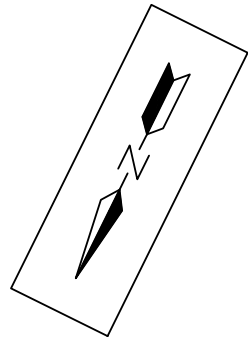
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Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



57 CLIFF STREET
Erf 273

Scale 1 : 125

3.2 Site Plan
Erf 273 De Kelders

Existing Ground Floor - 88,5m²
Existing Garage - 34,06m²
Existing First Floor - 290,44m²
Existing Balcony - 27,76m²
Existing Garage Deck - 32,31m²

Coverage - 58,96%

Proposal

New Concrete Balcony
38,709m²

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