



ERF 2909, 169 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF CJW BELEGGINGS (PTY) LTD

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 eastern lateral building line from 2m to 0m, to accommodate the proposed roofed outdoor area;
 - relax the permissible height restriction from 8,0m to 8,730m, to accommodate the existing skylights; and
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, for the determination of an administrative penalty, to accommodate the existing dwelling.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town & Spatial Planning, 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) alida@overstrand.gov.za) on or before **13 June 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to Town Planner, **Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 2909, SEWENDESTRAAT 169, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS CJW BELEGGINGS (EDMS) BPK

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 oostelike lateraleboulyn vanaf 2m na 0m te verslap, om die voorgestelde onderdak buite area te akkommodeer;
 - die toelaatbare hoogtebeperking vanaf 8,0m na 8,730m te verslap, om die bestaande dakligte te akkommodeer; en
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete, om die bestaande woning te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, 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) alida@overstrand.gov.za) voor of op **13 Junie 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan Stadsbeplanner, **Mnr. P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISAZISO ERF 2909, 169 SEVENTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA NENGQIKELELO YOMDLIWO WOBHALISO: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA-CJW BELEGGINGS (PTY) LTD

Kufunyenwe isaziso esingemiba yeSolotyama48 loMthethwana kaMasipala wase-Overstrand OsisiHlomelo oEsingezicwangciso Zokusetyenziswa koMhlaba ku2020 (Umthethwana), esithi kufunyenwe isicelo esingale miba ilandelayo:

- ✚ **ukwahlula ngokwemiba** yeSolotyama16(2)(b) loMthethwana:
 - ukunyenya umgca wesakhiwo omelene necala elisempuma ukusuka ku-2m ukuya ku-0m, ukulungisa wophahla lommandla wangaphandle;
 - ukunyenya ubude obunemida ezimitha eziyi-8,0m ukuya 8,730m ukulungiselela isibhakabhaka esibonakalayo; kunye
- ✚ **nengqikelelo yomdlwi wobhaliso** ngokwemiba yeSolotyama16(2)(q) loMthethwana ongengqikelelo yobhaliso lomdlwi, ukulungiselela indawo esele ikhona.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwentsimbi ye08:00 neye 16:30 kwiSebe: Izicwangciso zeDolophu & neNdawo, Hermanus. Naziphi na izimvo ezimayela nesi siphakamiso mazifakwe ngokwezibonelelo zeSolotyama51 nelama52 loMthethwana ochazwe ngentla kwaMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi kwama-**13 Juni 2025**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi Omkhulu weDolophu, **Mnu. P Roux** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu & neNdawo apho igosa likamasipala liza kumnceda ukuze ahlomle ngokusemthethweni.

#overstrand4all





PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY & DEPARTURES

ERF 2909 HERMANUS

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town and Regional Planners has been appointed by CJW Beleggings (Pty) Ltd, the registered owner of Erf 2909 Hermanus, to apply for an administrative penalty and departures from the applicable height restriction and lateral building line parameters.

The property has been developed with a triple-storey dwelling, a double garage, fire pit, swimming pool, and outdoor pool area. Upon completion of the dwelling, Van Dyk Land Surveyors conducted a height survey which confirmed that, while the flat roof structure complies with the 8m height restriction, the skylights exceed the height limit by approximately 730mm.

In addition, the owner intends to construct a roofed outdoor area adjacent to the swimming pool to provide privacy and shade which will encroach upon the 2-metre lateral building line. As such, the application includes:

- An administrative penalty and departure for the existing height encroachment caused by the skylights, and
- A lateral building line departure to permit the proposed covered outdoor area.

Although building plans for the dwelling were duly submitted and approved, it was discovered after the construction phase that the ground floor was constructed approximately 610mm higher than indicated on the approved plans. This deviation has resulted in the overall height of the dwelling exceeding the 8-metre height restriction by roughly 730mm. Construction was completed on 22 December 2023, and the property was surveyed on 12 February 2024, confirming the extent of the height encroachment.

Detailed information regarding the existing and proposed encroachments is provided in the subsequent sections of this motivation report.

2. APPLICATION DETAILS

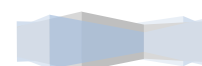
This application is submitted in terms of the following provisions of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020:

- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty in respect of Erf 2909 Hermanus;
- Chapter 4, Section 16(2)(b): Application for departures from the applicable height restriction and lateral building lines affecting Erf 2909 Hermanus.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 2909 Hermanus is located at 169 Seventh Street, Voëlklip, a well-established and desirable residential neighbourhood within the coastal town of Hermanus. The area is known for its scenic beauty, close proximity to the ocean, and convenient access to various amenities, recreational areas, and tourist attractions.



The property measures 917m² in extent and is registered under Title Deed No. T62028/2022. It is zoned for Single Residential use in accordance with the Overstrand Municipality's zoning scheme.

The erf has been developed with a modern triple-storey dwelling that takes advantage of the site's gradient and scenic surroundings. In addition to the main dwelling, the property includes a double garage and various outdoor amenities that contribute to the functionality and leisure appeal of the residence. These include a fire pit, swimming pool, and a partially enclosed outdoor lounge area.

The property's development reflects a contemporary architectural style that is consistent with the surrounding residential character of Voëlklip. However, due to certain deviations during construction—as well as a proposed future addition—this application seeks to address the relevant non-compliances through the appropriate planning processes.

The locality plan and abstract below provided in the annexures illustrate the property's position within the broader urban context of Hermanus.



3.2 ZONING

Erf 2909 Hermanus is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipality's zoning scheme. This zoning permits the use and development of the property for residential purposes, including a primary dwelling house and associated outbuildings and structures, subject to applicable development parameters.

The surrounding properties are primarily zoned Residential Zone 1, reinforcing the established low-density residential character of the Voëlklip neighbourhood. Additionally, there are adjacent parcels zoned for public roads and public open spaces, which support pedestrian connectivity, recreational opportunities, and enhance the overall amenity value of the area.

This mix of residential and public land uses contributes to the balanced and cohesive character of the neighbourhood, providing both privacy for residents and access to shared public amenities.

Please refer to the attached zoning map abstract for a spatial representation of the zoning context.



3.3 LAND USE

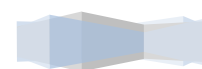
Erf 2909 Hermanus is currently utilised in accordance with its Residential Zone 1 designation. The property is developed with a primary triple-storey dwelling, which serves as the main residential structure. This is consistent with the primary rights afforded under the zoning scheme, which permits a single residential dwelling along with ancillary uses.

In addition to the main dwelling, the erf features several outdoor amenities that support and enhance the residential lifestyle, including a swimming pool, fire pit, outdoor lounge, and a double garage.

While the existing and intended land use remains compatible with zoning regulations, minor deviations have occurred—most notably, a height encroachment due to the inclusion of skylights and a proposed roofed outdoor area that will project into the 2-metre lateral building line. These deviations are limited in scale and nature and will be addressed through the current application process. They are not anticipated to negatively impact the residential character of the property or the surrounding area.

The surrounding land uses reflect a well-established residential neighbourhood, comprising predominantly single residential dwellings, interspersed with guesthouse accommodation that supports local tourism. The area is also serviced by public roads and includes areas designated as public open space, contributing to the accessibility, amenity, and overall character of Voëlklip.

The current and proposed land use of Erf 2909 is therefore compatible with both its zoning designation and the prevailing land use pattern in the area.



3.4 PROPOSAL

The following land use applications are proposed for Erf 2909 Hermanus:

Administrative Penalty:

In terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, an administrative penalty is sought in respect of the existing "As Built" dwelling. This is to address the encroachment of the skylights beyond the maximum permissible height limit, as they were constructed higher than what was approved on the building plans.

Departures from Development Parameters:

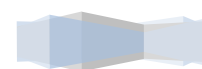
In accordance with Chapter 4, Section 16(2)(b) of the same By-law, a departure is requested from the prescribed development parameters for Residential Zone 1 (SR1) properties. The departure relates specifically to:

- A height encroachment to permit the existing skylights, which reach a height of ± 8.730 metres above base level, exceeding the permitted maximum of 8.00 metres.
- A lateral building line encroachment to enable the construction of a roofed outdoor area adjacent to the swimming pool, which will extend into the 2-metre lateral building line.

This application therefore seeks to formalise:

- The existing height deviation related to the skylights, bringing the structure into compliance with planning regulations;
- And the proposed encroachment into the lateral building line for the future development of a roofed outdoor entertainment area.

Further technical details and supporting documentation are provided in the following sections of this report.



3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020), any person who has contravened the provisions of the by-law and wishes to rectify such a contravention must submit an application to the Municipality for the determination of an administrative penalty. This process may only be initiated provided that no demolition directive has been issued in terms of Section 85 in respect of the land, building, or any part thereof that is in violation.

This mechanism enables property owners to formally regularise unauthorised structures or deviations, thereby addressing non-compliance in a constructive and lawful manner, and mitigating the risk of further legal action.

As this application seeks to rectify a contravention related to the height of the constructed skylights, it includes a request for the determination of an administrative penalty in terms of Chapter 4, Section 16(2)(q) of the By-law.

It is important to highlight that the Municipal Planning Tribunal (MPT) is the decision-making authority responsible for determining whether an administrative penalty should be imposed and, if so, the amount thereof.

In accordance with Section 90(3) of the By-law, the MPT must consider a range of factors when assessing the appropriate penalty. These include, but are not limited to:

- The nature and extent of the contravention;
- The duration of the contravention;
- Whether the contravention was committed wilfully or in good faith;
- The impact of the contravention on surrounding properties and the broader environment;
- Any steps taken by the applicant to mitigate the contravention or prevent recurrence;
- Whether the landowner has previously contravened any planning laws or conditions.

These considerations ensure that the determination of the penalty is fair, proportionate,

and context-sensitive.

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

The property owner obtained approved building plans for the residential development on 17 April 2023. These plans indicated that the proposed structure, including the skylights, would remain within the maximum permissible height of 8.00 metres as required for properties zoned Residential Zone 1 (SR1).

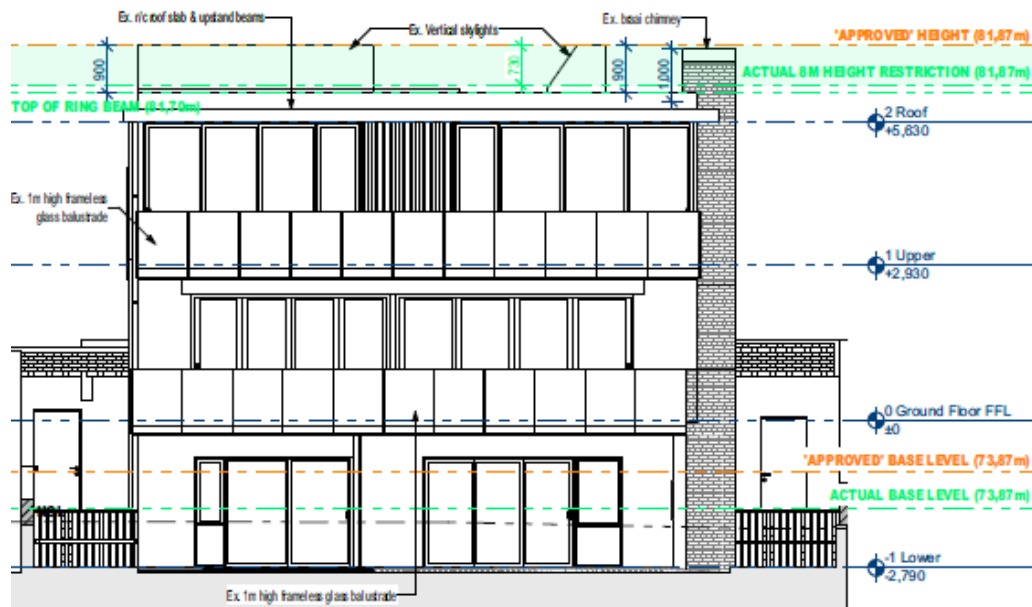
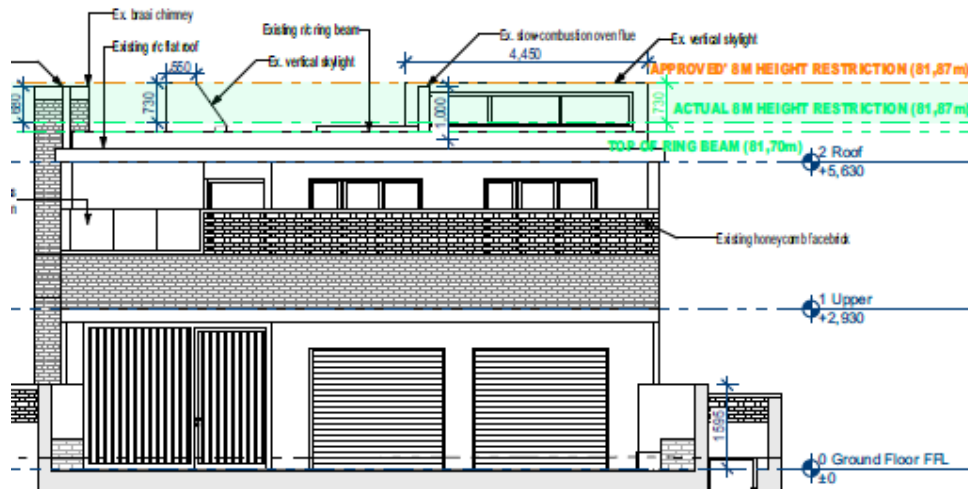
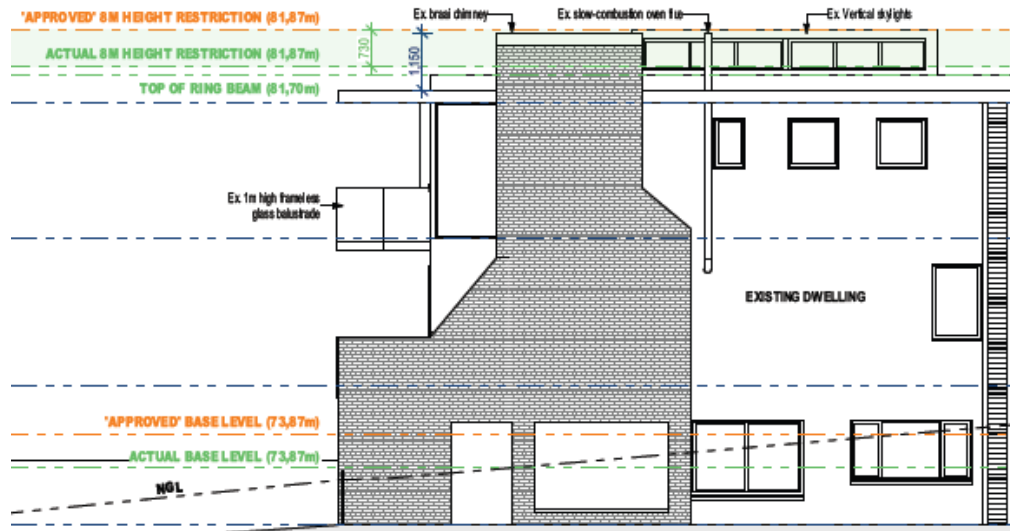
Upon completion of the construction, a height certificate was commissioned from Van Dyk Land Surveyors to confirm compliance. The height survey, conducted on 12 February 2024, revealed that the skylights exceed the permitted height by approximately 730mm, resulting in a total height of ± 8.730 metres measured from base level.

The height encroachment is attributed to the ground floor being constructed approximately 610mm higher than indicated on the approved plans. This unforeseen adjustment had a cumulative impact on the overall building height, although the flat roof itself remains within the 8-metre limit. The elevated ground floor level inadvertently caused the skylights—positioned atop the roof—to exceed the height restriction.

The exact cause of this construction error is unclear, but it only came to light following the final height survey. Up until that point, the property owner was unaware that any aspect of the structure was non-compliant.

To regularise this deviation, an application is being submitted for a departure to allow the as-built skylights to be accommodated at a height of ± 8.730 metres, exceeding the permissible height by ± 0.73 metres. This deviation is limited in extent and has not negatively impacted surrounding properties.

Refer to the updated "As Built" building plans, which clearly indicate the height exceedance and the building plan abstracts below (**Please note: The Actual Base Level and Actual Height Restriction indicated in green on the building plan should be interpreted as the correct base level and height restriction. The Approved Base Level and Approved Height Restriction shown in red represent the extent of the height encroachment. These levels have been verified by Van Dyk Land Surveyors.**):



- **The Conduct of the Person Involved in the Contravention**

The landowner did not derive any undue benefit from the unintentional height encroachment. A qualified professional team was appointed to manage and execute the construction, and the deviation resulted from an inadvertent error in the floor-to-ceiling height of the ground floor section.

It is important to emphasize that the contravention was not wilful, nor was it an attempt to circumvent planning regulations. The owner acted in good faith and relied on the expertise of the appointed professionals. The conduct of the landowner reflects a clear intent to comply with the applicable planning controls.

Upon becoming aware of the height deviation, the owner took immediate steps to address the issue by commissioning the necessary surveys and initiating the current application. This reflects a responsible and cooperative approach toward resolving the matter and ensuring that all structures are properly legalised.

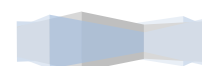
- **Whether the unlawful conduct was stopped**

The construction work on the property has been fully completed, and no further building activities are taking place. Upon discovering the non-compliance related to the height of the skylights, the property owner immediately initiated steps to address and rectify the issue through the formal land use planning process.

This application for the determination of an administrative penalty, together with the accompanying departure application, is a clear demonstration of the owner's commitment to legalising the "As Built" structures and ensuring full compliance with the applicable municipal regulations.

The owner is actively cooperating with the Municipality to resolve the matter in a responsible and transparent manner.

- **A report by a quantity surveyor in matters of unauthorised building / construction or cost estimate from registered building contractor**



A cost estimate has been obtained for the construction of the two skylights that exceed the permitted height restriction by ± 0.730 metres. The skylights measure 5.89m^2 and 6.77m^2 respectively. According to the estimate provided by Dries Le Roux Construction, the total cost associated with the construction of these skylights amounts to R97,216.91 (including VAT).

The property has already been fully developed, and the flat roof is a cast-in-place concrete structure, making any structural modification complex and costly. Rectifying the height deviation would involve substantial demolition and reconstruction, leading to significant financial and logistical implications. The landowner is therefore seeking to regularise the existing deviation through this application, which offers a reasonable and proportionate alternative to demolition.

Please refer to the enclosed cost estimate from Dries Le Roux Construction for further detail.

- **Whether the Person Involved Has Previously Contravened this By-Law or Any Prior Planning Law**

To the best knowledge of the applicant, and as confirmed by the landowner, no previous contraventions of this By-law or any prior planning legislation have occurred. The landowner has consistently demonstrated a commitment to compliance with municipal regulations and has no history of disregard for planning processes or development controls.

This suggests that the current contravention is an isolated incident, arising from an unintentional construction oversight, rather than any pattern of non-compliance. The owner's proactive approach to regularising the situation through the proper legal channels further reinforces their good faith and responsible conduct.

- **Summary**

This application seeks the determination of an administrative penalty in accordance with Chapter 4, Section 16(2)(q) and Chapter 5, Section 90 of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020). The penalty relates to a contravention that occurred during the construction of the approved dwelling on Erf 2909 Hermanus, specifically the unauthorised height encroachment of

two skylights.

The following key points are relevant to the consideration of this application:

- The property owner obtained approved building plans, and the structure was erected in good faith based on those approvals.
- The height encroachment of $\pm 730\text{mm}$ was only discovered after construction was completed and a final height survey was conducted.
- The cause of the non-compliance was an unintentional construction error—specifically, the ground floor being built approximately 610mm higher than indicated on the approved plans, which had a knock-on effect on the overall building height.
- The owner acted in good faith, was unaware of the deviation during construction, and has taken immediate steps to regularise the situation.
- A cost estimate has been provided by a registered contractor, reflecting the construction cost of the skylights that exceed the height restriction. This estimate serves as a basis for the determination of the administrative penalty.
- The owner has no prior history of planning contraventions and is fully cooperating with the Municipality to bring the property into compliance.
- The unlawful construction has ceased, and no further unauthorised work is being undertaken.

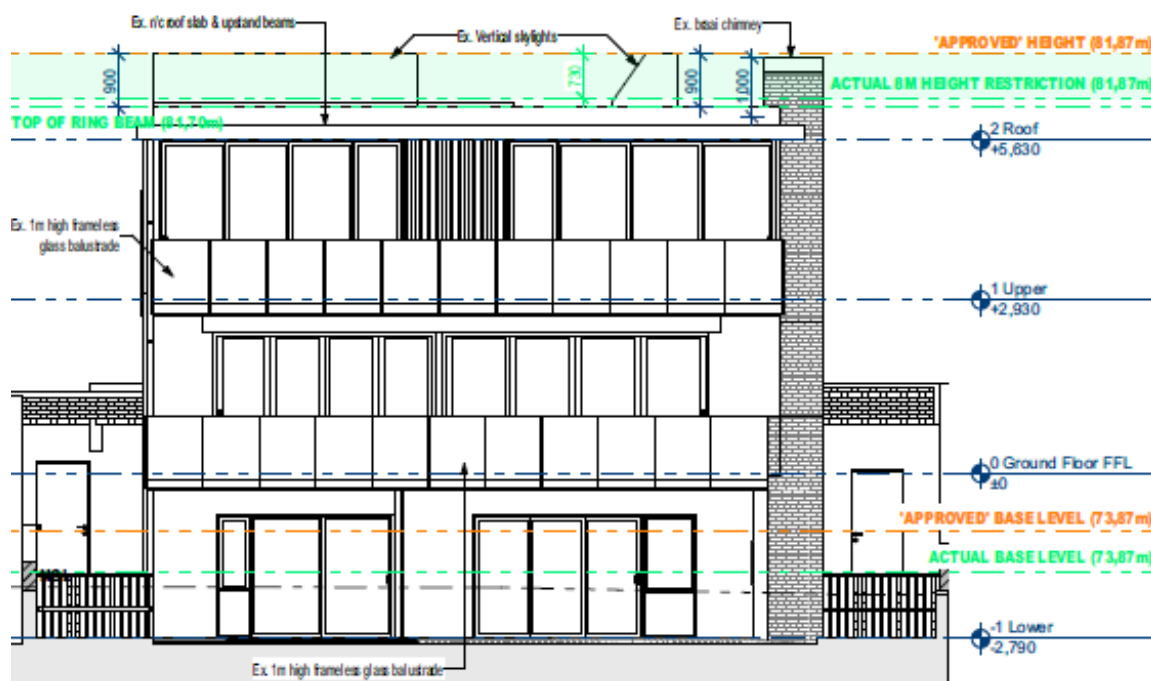
In light of these factors, and in accordance with Section 90(3) of the By-law, the owner respectfully requests that the Municipal Planning Tribunal (MPT) considers the application for the determination of an administrative penalty to regularise the existing “As Built” skylights and allow the structure to be legalised within the formal land use framework.

3.4.2 Departure (height deviation)

This application includes a request for a departure from the maximum permissible height restriction applicable to Residential Zone 1 (SR1) properties, in accordance with the Overstrand Land Use Scheme.



The Land Use Scheme prescribes a maximum building height of 8.00 metres, measured from the base level to the highest point of the structure. While the flat concrete roof of the completed dwelling on Erf 2909 Hermanus complies with this regulation, two skylights positioned on top of the roof project above the permitted height by approximately 730mm, resulting in an overall height of ± 8.730 metres. Please refer to the attached proposed building plan and the building plan abstract below for easy reference:



The building plans for the dwelling were approved by the Municipality on 17 April 2023, indicating full compliance with the applicable height parameters at the time. Construction commenced thereafter, and the dwelling was completed in February 2024.

Following the completion of the building, the owner commissioned Van Dyk Land Surveyors to verify the final building height and issue a compliance certificate. The survey, conducted on 12 February 2024, confirmed that while the primary structure remained within the 8.00m height limit, the skylights exceeded the maximum permissible height by ± 0.730 m. This deviation was not reflected in the approved plans and constitutes a contravention of the Land Use Scheme.

The height overrun was caused by an unintentional construction error during the early stages of development, where the floor level of the ground floor was constructed approximately 610mm higher than specified in the approved plans. This deviation had a cumulative effect on the total building height, pushing the skylights—positioned on the roof—beyond the prescribed height threshold.

Key considerations in support of this departure application include:

- The height non-compliance is limited in extent and pertains solely to the skylights. The bulk of the structure, including the flat roof, remains within the permitted height.
- The encroachment does not pose any adverse impact on the rights or amenities of neighbouring properties, including sunlight access, views, or visual intrusion.
- The architectural style, bulk, and scale of the dwelling are consistent with the surrounding built environment in Voëlklip and do not detract from the established residential character of the area.
- The property owner acted in good faith, relying on a professional team for construction, and was unaware of the deviation until the final land survey was completed.
- Rectifying the height overrun would require significant and costly structural alterations to a completed dwelling, particularly given that the roof is cast-in-situ concrete. A cost estimate from a registered contractor confirms the scale of expense involved.

This application therefore seeks to legalise the as-built height of the skylights, specifically requesting a departure to allow an increase from 8.00 metres to ± 8.730 metres. Given the limited nature of the deviation, the lack of negative impact, and the owner's proactive effort to address the contravention, the requested departure is considered reasonable, appropriate, and in line with sound planning principles.



3.4.3 Proposed Departure (Lateral Building Line)

This application includes a request for a departure from the eastern lateral building line applicable to Erf 2909 Hermanus, in terms of the Overstrand Land Use Scheme and Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

A 2.0-metre lateral building line applies along the eastern boundary of the property. The owner proposes to construct a high-quality covered pergola over a portion of the existing swimming pool area. The proposed structure will extend up to the eastern boundary, thereby encroaching the building line by 2.0 metres.

The covered pergola is designed to enhance the usability, comfort, and privacy of the pool area by providing shade and visual screening. The structure will have the following specifications:

- **Design & Height:** A flat-roofed, open-sided structure with a height of approximately 3.025 metres;
- **Length:** 8.1 metres, extending parallel to the eastern boundary;
- **Construction:** Built using reworked steel and hardwood, ensuring a durable and visually appealing, high-quality finish;
- **Screening:** Horizontal timber slats will be installed on the eastern elevation, extending from the height of the existing boundary wall to the pergola roof, providing effective privacy screening;
- **Stormwater management:** No rainwater runoff from the pergola roof will be discharged onto the neighbouring property; all stormwater will be managed internally on-site.

Because the structure has a fixed roof, it qualifies as coverage in terms of the Overstrand Land Use Scheme. The zoning applicable to Erf 2909 Hermanus—Residential Zone 1 (SR1)—allows a maximum site coverage of 50%. The total coverage of the site, including the proposed covered pergola, stands at 30.64%, which is well within the permissible limit.



The rendered visualisation of the proposed pergola above clearly illustrates the architectural intent and quality of the design. The structure is depicted as an elegant and functional outdoor feature positioned alongside the pool. It includes:

- A dining area beneath the pergola with a long table and chairs, suitable for outdoor entertainment;
- A casual lounge area furnished with soft seating to enhance the usability of the outdoor space;
- Timber slats on the eastern side, providing both screening and visual definition;
- The pergola's materials and detailing integrate seamlessly with the existing architecture, reflecting a contemporary and cohesive design approach;
- The pool deck is shown with sun loungers, a firepit/sunken seating area, and surrounding greenery, contributing to the tranquil and private atmosphere of the backyard.

While the pergola adds to the property's coverage and encroaches into the lateral building line, it is a lightweight, single-storey, and open-sided structure, with limited spatial impact and no adverse effect on the neighbouring property. The use of high-end materials, thoughtful screening design, and sensitive placement along the boundary demonstrate a contextually appropriate response to the site and surrounding area.

In conclusion, the proposed covered pergola supports the intent of the residential zoning by enhancing the functionality and enjoyment of private outdoor space. The

requested departure from the eastern lateral building line is considered reasonable, architecturally sympathetic, and desirable, and will not negatively impact neighbouring properties or the broader character of the Voëlklip neighbourhood.

3.5 THE POTENTIAL OF THE PROPERTY

Erf 2909 Hermanus is a well-located residential property situated in the sought-after Voëlklip neighbourhood, a popular and established area within the greater Hermanus urban landscape. The property enjoys a generous erf size of 917m² and is positioned in close proximity to natural assets such as the coastline, mountain trails, and public open spaces, while also benefiting from access to essential services and town amenities.

The site's topography and orientation offer excellent development potential for maximizing both indoor and outdoor living spaces, with the opportunity to enjoy views, natural light, and privacy. These qualities have informed the current layout, which integrates a triple-storey contemporary dwelling, a pool and entertainment area, and various complementary outdoor features such as a sunken firepit, decking, and a proposed covered pergola.

The existing and proposed improvements on the property represent a well-considered response to the site's potential, combining modern residential architecture with quality outdoor amenities that support lifestyle-focused living. The introduction of the covered pergola further enhances the functional value of the property by creating a private, shaded entertainment space that is both aesthetically pleasing and practically aligned with the needs of the residents.

In terms of long-term value, the property has strong potential to contribute positively to the neighbourhood's residential character and market appeal, owing to its high-quality built form, thoughtful design, and desirable location. The proposed departures, while minor in nature, enable the full realisation of the site's potential without compromising the rights or amenity of neighbouring properties.

In summary, Erf 2909 Hermanus offers significant development and lifestyle potential. The proposed improvements are in keeping with the spatial planning objectives of the

area and contribute to the property's ongoing evolution as a high-quality, compliant, and desirable residential asset within the Overstrand Municipality.

3.6 ECONOMIC IMPACT

The proposed regularisation and improvements to Erf 2909 Hermanus will have a positive economic impact both directly and indirectly, at various scales—property-specific, neighbourhood, and municipal.

At the property level, the development and enhancement of the erf, including the proposed covered pergola, contribute to the overall value and marketability of the property. High-quality architectural features, functional outdoor spaces, and well-integrated amenities increase the desirability of the property, thereby positively influencing its asset value within the local real estate market.

The construction of the dwelling and associated structures, including the proposed pergola, has supported local employment and procurement, with the use of locally based contractors, artisans, and suppliers. This has resulted in short-term economic stimulation through job creation and the sourcing of building materials and finishes within the Overstrand region.

At the neighbourhood level, high-quality, compliant developments such as this contribute to the upholding of property values in Voëlklip, reinforcing the area's reputation as a desirable residential and tourism node within Hermanus. Well-maintained, aesthetically pleasing residential properties strengthen the overall visual and economic appeal of the area, attracting further investment and residential demand.

From a municipal perspective, formalisation of existing structures through this application process ensures that the municipality recovers revenue through the determination of administrative penalties and development charges where applicable. Additionally, legalisation of improvements supports more accurate valuation for rates and taxes, contributing to the municipal revenue base in a fair and transparent manner.

In summary, the proposed regularisation and enhancement of Erf 2909 Hermanus have a net positive economic impact, supporting local employment, enhancing

property value, contributing to neighbourhood stability, and ensuring compliance that benefits the broader municipal framework.

3.7 SOCIAL IMPACT

The proposed improvements and associated departures on Erf 2909 Hermanus, including the regularisation of the existing skylights and the construction of a covered pergola, are not expected to result in any negative social impact. On the contrary, the development contributes positively to the residential character, sense of place, and overall liveability of the area.

The Voëlklip neighbourhood is a well-established, low-density residential area where private outdoor living spaces form an integral part of the lifestyle offering. The proposed covered pergola enhances the functionality and privacy of the swimming pool area, promoting the use of outdoor space for passive recreation, family gatherings, and relaxation—key components of a healthy and socially cohesive residential environment.

The structure has been carefully designed to ensure that it does not infringe on the privacy, access to light, or visual amenity of neighbouring properties. The inclusion of timber slatted screening on the eastern side demonstrates sensitivity to the surrounding context and a proactive approach to good neighbourliness.

From a broader social perspective, the application demonstrates responsible landownership, with the owner taking formal steps to regularise a minor, unintentional deviation and ensure long-term compliance with planning regulations. This contributes to a culture of accountability and respect for the planning framework, fostering a stable and well-managed built environment.

Furthermore, the high-quality execution of the proposed structures contributes to the aesthetic quality and maintenance standards of the neighbourhood, which supports community pride and a positive perception of the area among residents and visitors alike.

In conclusion, the proposed development and departures on Erf 2909 Hermanus are socially appropriate, support the intended residential use of the property, and promote

a high standard of living, without compromising the rights or wellbeing of surrounding property owners.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The proposed development on Erf 2909 Hermanus, including the existing triple-storey dwelling, outdoor entertainment areas, and the proposed covered pergola, is considered to be compatible with the surrounding land uses within the Voëlklip neighbourhood.

The immediate and broader surrounding area is characterised predominantly by Residential Zone 1 (Single Residential) properties, developed with a mix of single- and double-storey dwellings, many of which feature modern architectural styles, balconies, terraces, and covered outdoor spaces similar to what is proposed. The addition of the covered pergola aligns with this pattern of development, reflecting a common and contextually appropriate residential amenity.

In addition to the residential land uses, the area includes public roads and public open spaces, supporting recreational and lifestyle activities that complement the residential character of the neighbourhood. Guesthouse accommodation is also present in the area, contributing to a vibrant, tourism-supportive environment that accommodates both permanent residents and visitors.

The proposed covered pergola is intended for private outdoor use and is positioned to ensure no negative impact on adjacent properties. Its open-sided, low-profile design, use of screening elements, and location within the erf boundaries demonstrate sensitivity to neighbouring land uses. Furthermore, the scale and materials of the structure are architecturally compatible with surrounding buildings and consistent with the quality and style of the existing dwelling on the property.

No commercial or intensive land uses are proposed, and the property will continue to be used for residential purposes, in full alignment with the intent of its Residential Zone 1 designation. As such, the proposal maintains and reinforces the residential integrity of the area while allowing for improved functionality and quality of life for the occupants.

In conclusion, the proposed development is compatible with the surrounding land uses, complements the established character of the area, and supports the orderly and appropriate use of land within the Voëlklip context.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

The proposed development and associated departures on Erf 2909 Hermanus, including the existing triple-storey dwelling and the proposed covered pergola, will have a negligible impact on external engineering services.

The primary services that may be affected by residential development include water supply, sewerage, electricity, stormwater management, and access via the municipal road network. In this case, all required municipal services have already been installed and are currently operational, servicing the existing dwelling in accordance with the approved building plans.

The proposed covered pergola is an open-sided, roofed structure intended for outdoor living and entertainment. It does not include any kitchens, bathrooms, or internal plumbing, and therefore places no additional demand on water or sewer infrastructure. Similarly, as the pergola does not require mechanical ventilation or lighting systems beyond standard outdoor lighting, its impact on the electrical supply system is minimal.

With respect to stormwater, the applicant confirms that no rainwater runoff from the pergola roof will be discharged onto neighbouring properties. Stormwater from the structure will be managed within the site boundaries using appropriate on-site collection or dispersal methods, in line with municipal requirements. As such, no additional load will be placed on the municipal stormwater network.

The property maintains existing access from Seventh Street, with no alterations proposed to driveways or access points. The development will not result in any increased traffic generation beyond that associated with normal residential use, and no additional pressure will be placed on the surrounding road network.

In conclusion, the proposed development with associated building line departure will not require any upgrades, extensions, or enhancements to existing municipal

engineering infrastructure. The impact on external services is therefore considered to be insignificant, and the proposal is fully serviceable within the existing capacity of the Overstrand Municipality's infrastructure network.

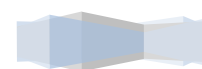
3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed development and associated departures on Erf 2909 Hermanus, including the regularisation of the existing skylights and the construction of a covered pergola, will not pose any risk to the safety, health, or wellbeing of the surrounding community.

The proposal is entirely residential in nature and aligns with the permitted land use rights of the property under Residential Zone 1 (SR1). The covered pergola is intended to enhance the private outdoor living environment for the occupants, promoting a healthier and more comfortable lifestyle without introducing any activity or feature that could negatively affect neighbours or the broader community.

Key considerations include:

- The structure is non-habitable, open-sided, and used solely for passive recreation. It does not accommodate any hazardous activities, nor does it involve the use or storage of harmful materials.
- There are no emissions, excessive noise, or visual obstructions associated with the pergola. It is constructed with a focus on aesthetic quality, privacy, and compatibility with the surrounding environment.
- The pergola is designed with screening elements to respect the privacy of neighbours and reduce the likelihood of visual intrusion.
- The design also ensures that stormwater from the structure is appropriately managed on-site, mitigating any risk of water discharge or related nuisance to adjacent properties.
- The development will not generate any additional traffic, dust, or waste beyond what is typical for residential use, and no public health concerns are anticipated as a result of the proposed improvements.



By promoting private outdoor use, improving residential amenity, and ensuring that the design responds to context-sensitive planning principles, the proposal actively contributes to the overall wellbeing and enjoyment of the property while respecting the rights of neighbours.

In summary, the proposed development will have no negative impact on the safety, health, or wellbeing of the surrounding community. Instead, it supports a well-integrated, high-quality residential environment in keeping with the broader character of the Voëlklip neighbourhood.

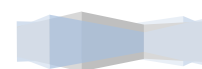
3.11 IMPACT ON HERITAGE

The application for the proposed departures on Erf 2909 Hermanus does not involve any alteration or development on a site exceeding 5,000 square meters in extent, and therefore does not trigger the provisions of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Furthermore, Erf 2909 is not situated within a Heritage Protective Overlay Zone, as defined in the Overstrand Municipality's Land Use Scheme – Heritage Overlay Zone (2020). The property is also not identified as a site of heritage significance in the Overstrand Municipal Growth Management Strategy (2010).

The existing dwelling on the property is a modern structure, less than 60 years old, and holds no formal or informal heritage status. It is not associated with any notable persons, historical events, cultural groups, or activities of historical or social significance.

Given the above, it is clear that the proposed departures—namely the height encroachment for the skylights and the lateral building line encroachment for the proposed covered pergola—will have no impact on heritage resources as defined under applicable heritage legislation or local policy frameworks.



The proposal is therefore considered to have no adverse impact on the heritage value or cultural landscape of Hermanus or the surrounding area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departures on Erf 2909 Hermanus do not trigger any listed activities as defined under the National Environmental Management Act, 1998 (Act No. 107 of 1998) and its associated regulations. The scope of the development does not involve any activities that would require environmental authorisation in terms of NEMA.

Additionally, the subject property is not located within the Environmental Overlay Zone as designated in the Overstrand Municipality's Land Use Scheme (2020). The site is fully developed for residential use, with no sensitive habitats, watercourses, or protected vegetation present.

The proposed departure to accommodate the as-built skylights and the construction of the covered pergola will occur entirely within the already transformed and built-up portion of the property. No earthworks, excavation, or removal of natural vegetation is required.

As such, the proposed development will have no adverse impact on the biophysical environment, and no further environmental approvals are necessary in terms of applicable legislation or policy.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

The proposed departures on Erf 2909 Hermanus will have no negative impact on traffic flow, parking availability, or access in the surrounding area.

The property is accessed via Seventh Street, a public road that forms part of the existing municipal road network within the Voëlklip neighbourhood. No changes are proposed to the existing access point, and vehicular access will remain unchanged as per the approved building plans.

The property has been developed with a double garage, and there is sufficient space on-site to accommodate additional off-street parking, if necessary. The proposal does not include the addition of any habitable units or uses that would generate increased traffic volumes or parking demand beyond those expected for a typical single residential property.

The proposed covered pergola is intended solely for private, outdoor recreational use and will not result in any increase in traffic generation, nor will it necessitate additional parking or access arrangements.

Furthermore, the application will not affect pedestrian movement, emergency access, or municipal service access, and is therefore considered to be fully compatible with the existing transport and movement systems in the area.

In conclusion, the proposed development will have no adverse impact on traffic, parking, or access, and the property remains fully compliant with the functional requirements for a residential erf in terms of movement and accessibility.

3.14 TITLE DEED

The property is registered under Title Deed No. T62028/2022. A review of the title deed confirms that there are no restrictive conditions that would prohibit or conflict with the proposed departures, including the departure from the maximum permissible height or the lateral building line.

Given the straightforward nature of the title deed and the absence of any conditions requiring removal or amendment, a conveyancer's certificate has not been included as part of this application.



It is further confirmed that no mortgage bond is registered against Erf 2909 Hermanus, and therefore no bondholder consent is required in support of this application.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

According to the Overstrand Spatial Development Framework (SDF), 2020, the area in which Erf 2909 Hermanus is located is designated for urban development purposes. The proposal does not entail a change in land use or zoning, and the property will retain its classification as Residential Zone 1: Single Residential. As such, the proposed departures will have a negligible impact on the spatial integrity of the area and are fully aligned with the objectives and intent of the SDF, which supports context-sensitive development within established urban areas.

In addition, the Overstrand Municipal Growth Management Strategy (OMGMS), 2010 identifies Erf 2909 as part of Planning Unit No. 6, an area where incremental densification is encouraged—specifically in the form of subdivision and the development of second and third dwelling units. Although this application does not propose subdivision or additional dwellings, it is consistent with the principle of optimising land use within a sustainable urban context.

The proposal involves modest departures to accommodate as-built architectural elements (i.e. skylights) and a proposed covered pergola, both of which enhance the functionality of an existing residential property without altering its land use or development intensity. The erf is located within a fully serviced, established residential neighbourhood, and the application does not promote urban sprawl, nor does it affect any environmentally sensitive areas.

The proposed development also supports the objectives of managed, low-density residential growth in Voëlklip, as envisioned by the OMGMS. It maintains the residential character of the area while improving the liveability and utility of the site within the parameters of sustainable land use planning.



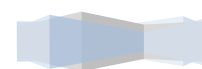
In summary, the proposed application is fully aligned with the Overstrand SDF (2020) and OMGMS (2010). It reflects sound planning principles, promotes responsible development within the urban edge, and complies with the overarching forward planning objectives of the Overstrand Municipality.

3.16 PLANNING PRINCIPLES

The proposed departures on Erf 2909 Hermanus—including the regularisation of the existing skylights and the construction of a covered pergola—align with sound and responsible planning principles. The development promotes appropriate land use within an established urban area and supports improved functionality of the erf, without negatively impacting the surrounding community or environment.

Spatial Justice: The application promotes fair and equitable use of urban land by supporting development within an already serviced and appropriately zoned area. The proposal does not displace any individuals, restrict access, or perpetuate historical spatial inequalities. Instead, it contributes to the responsible use of private residential land in a manner that respects neighbouring properties and the character of the Voëlklip community. The departures are minor in nature and are intended to legalise structures that enhance the use and enjoyment of the property by its occupants.

Spatial Sustainability: The proposed development supports the long-term sustainability of the area by encouraging infill development and the optimisation of existing urban land within the designated urban edge. No natural vegetation, environmentally sensitive land, or agricultural areas are affected. The covered pergola will enhance the usability of the erf for outdoor recreation and will improve living conditions, contributing to the long-term residential viability of the property. Additionally, the development promotes densification in a context-sensitive manner, without increasing residential density or impacting the low-density character of Voëlklip.



Efficiency: The proposed improvements make efficient use of existing infrastructure and services. The property is already fully serviced with municipal water, electricity, sewer, and road access, and no additional demand will be placed on infrastructure networks as a result of this application. The pergola is a lightweight structure that will not increase occupancy, traffic, or service consumption. Its construction reflects careful design and quality execution, with minimal spatial impact and no effect on public infrastructure or municipal resources. The legalisation of the as-built skylights and the proposed pergola further supports administrative efficiency and ensures regulatory compliance.

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

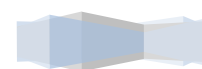
It is recommended that the application for the determination of an administrative penalty and departures relating to Erf 2909 Hermanus be approved for the following reasons:

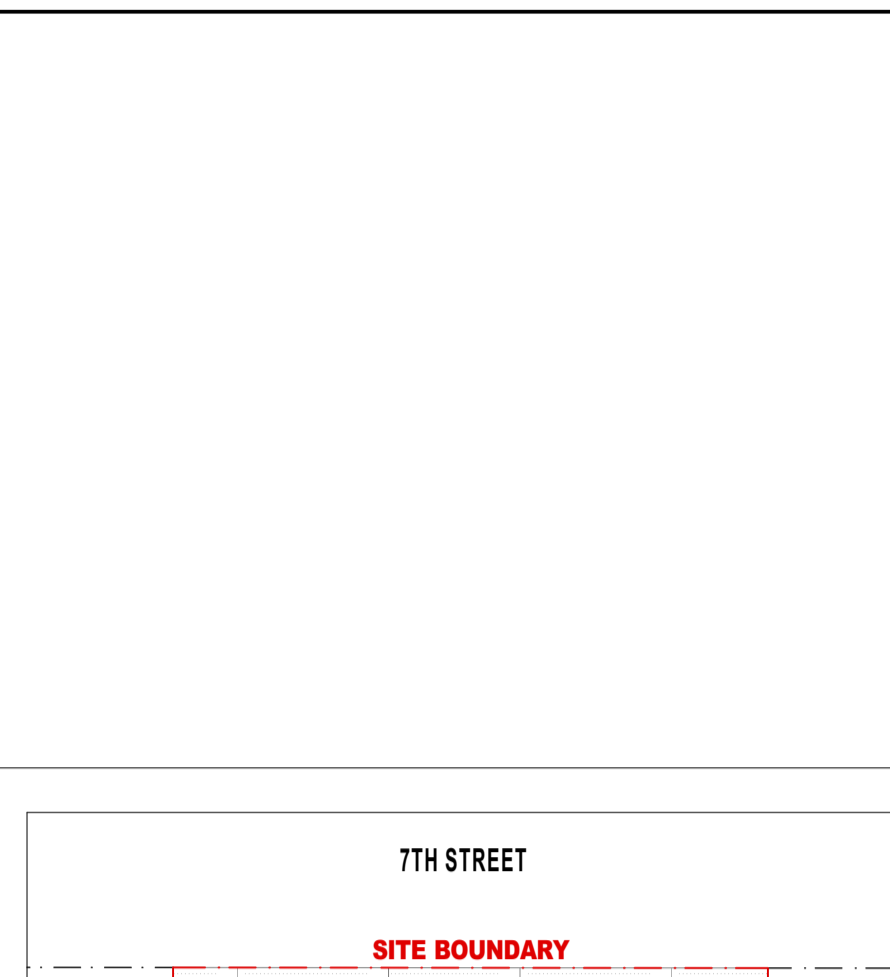
- The departures are minor in nature and relate to limited height encroachment ($\pm 730\text{mm}$) and a lateral building line encroachment to accommodate a lightweight, open-sided pergola.
- The as-built skylights and proposed pergola are consistent with the residential character of the area and have no adverse impact on neighbouring properties in terms of privacy, overshadowing, or visual intrusion.
- The proposed covered pergola enhances the functionality, comfort, and privacy of the outdoor pool area, supporting quality residential living.
- The overall site coverage remains well within the permissible limit of 50%, with total coverage at only 30.64%, including the pergola.



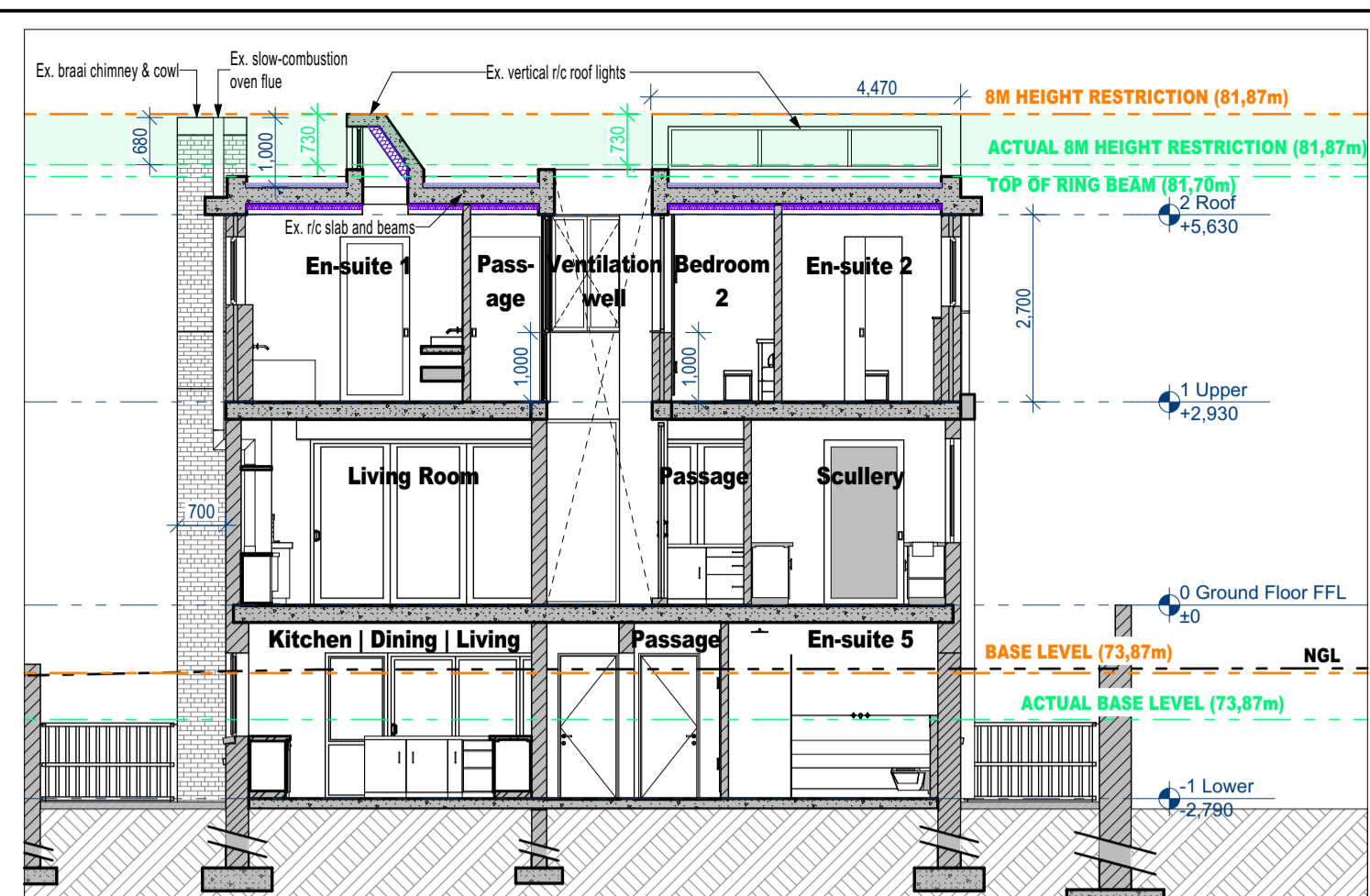
- The application is compatible with surrounding land uses and the architectural style of neighbouring properties, contributing positively to the built environment of Voëlklip.
- The development is located within the urban edge, makes use of existing infrastructure, and aligns with the spatial planning objectives of the Overstrand SDF (2020) and OMGMS (2010).
- The property is not located within a heritage or environmental overlay zone, and the proposed development has no negative impact on environmental or heritage resources.
- The landowner has acted in good faith, is taking proactive steps to regularise a minor contravention, and demonstrates a clear commitment to compliance and responsible land use management.
- There is no impact on municipal engineering services, traffic, access, or parking, and the proposal places no additional burden on public infrastructure.
- The proposed development reflects sound planning principles including spatial sustainability, justice, and efficiency.

In light of the above considerations, the application is deemed to be reasonable, policy-aligned, and contextually appropriate. The proposed departures are minor, have no negative impact on the surrounding environment or community, and contribute to the responsible enhancement of an existing residential property. It is therefore recommended that the application for the determination of an administrative penalty and the required departures be approved.

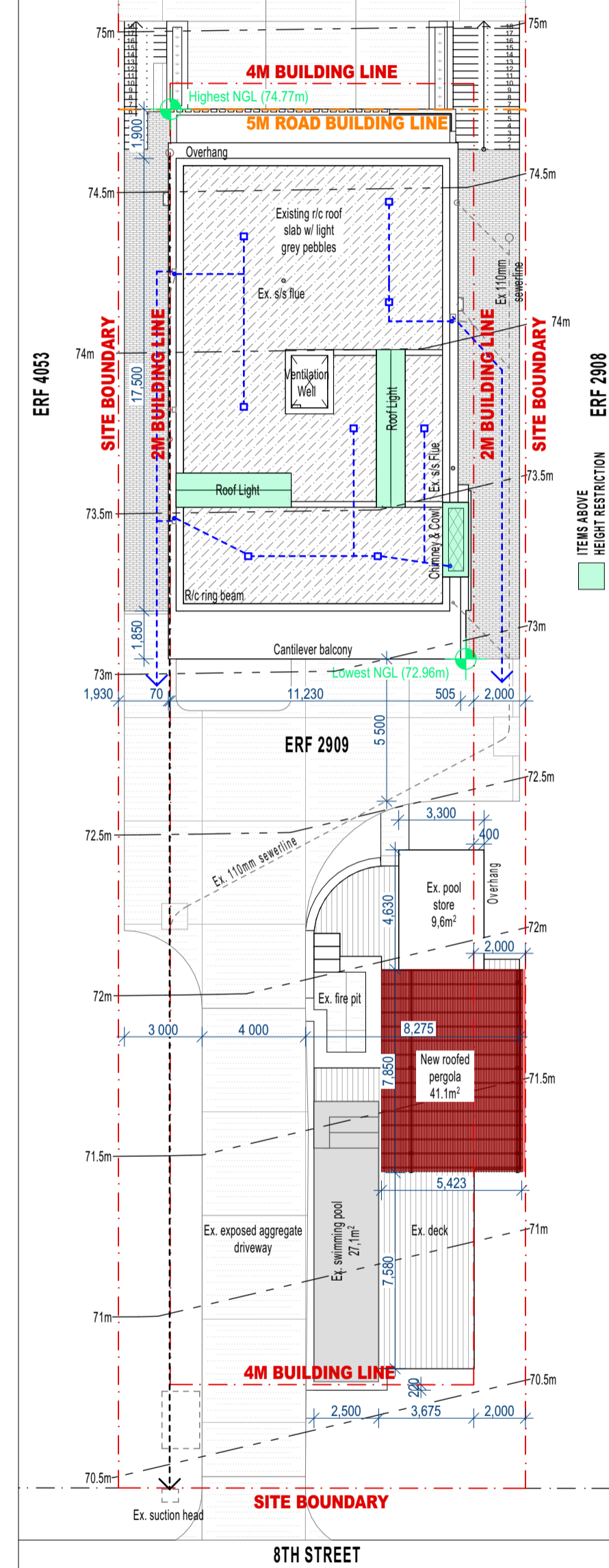




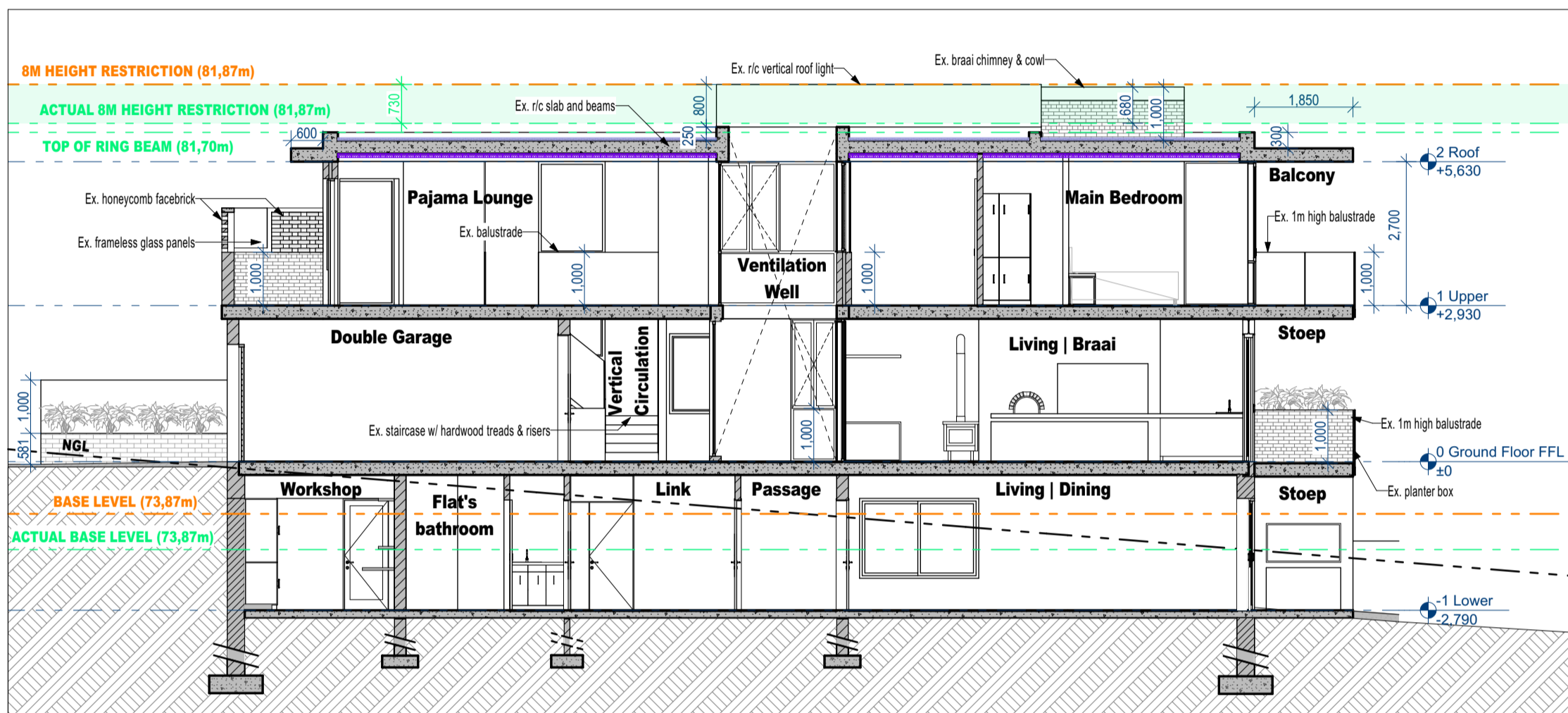
Section BB
Scale 1:100



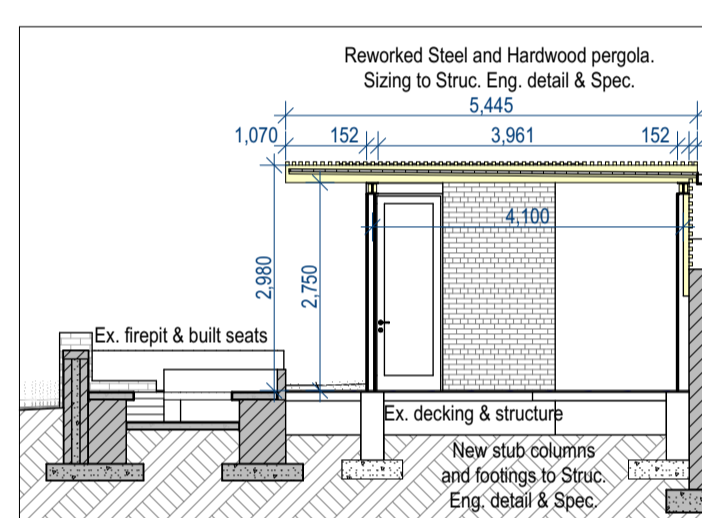
Section CC
Scale 1:100



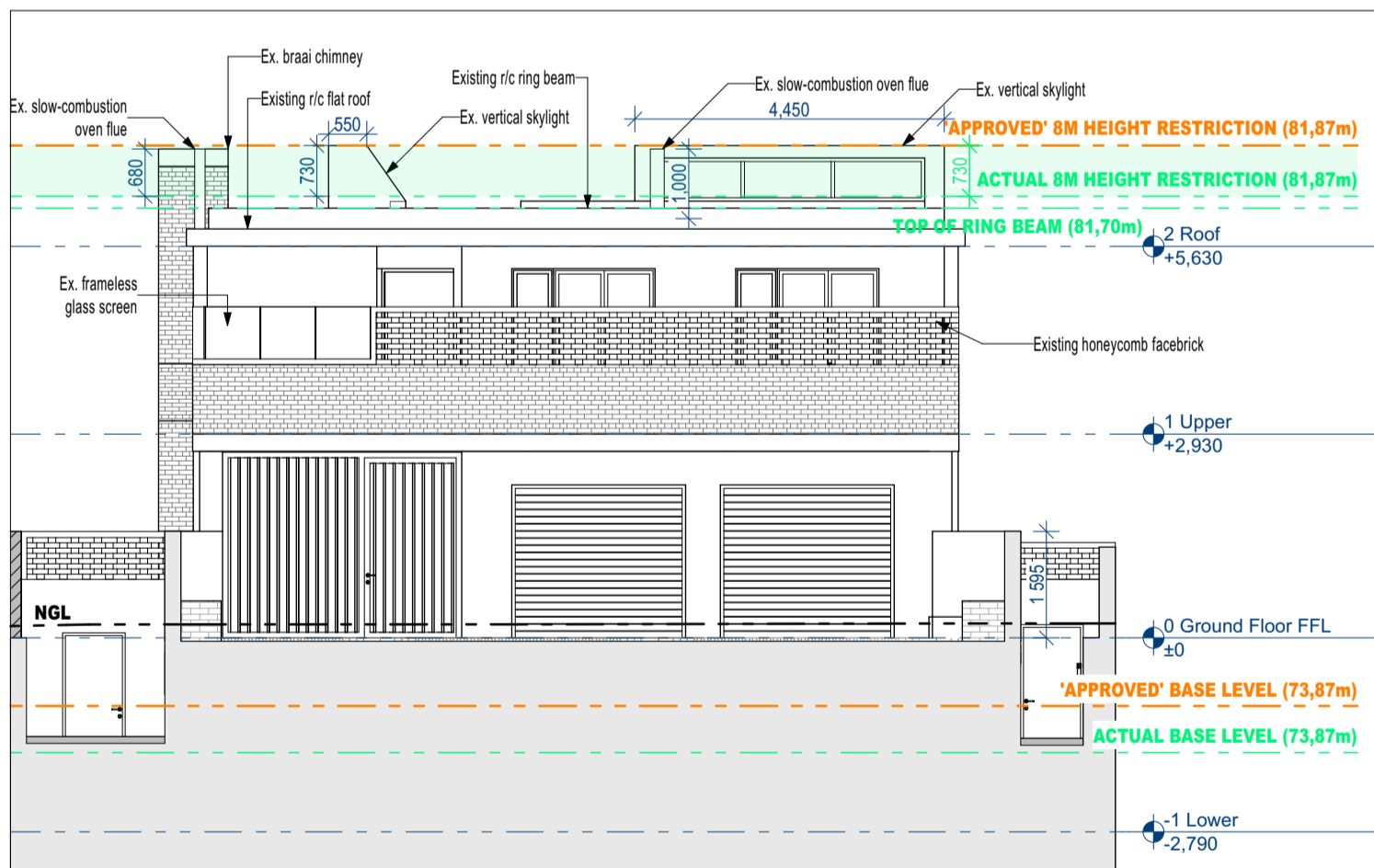
Site Plan
Scale 1:200



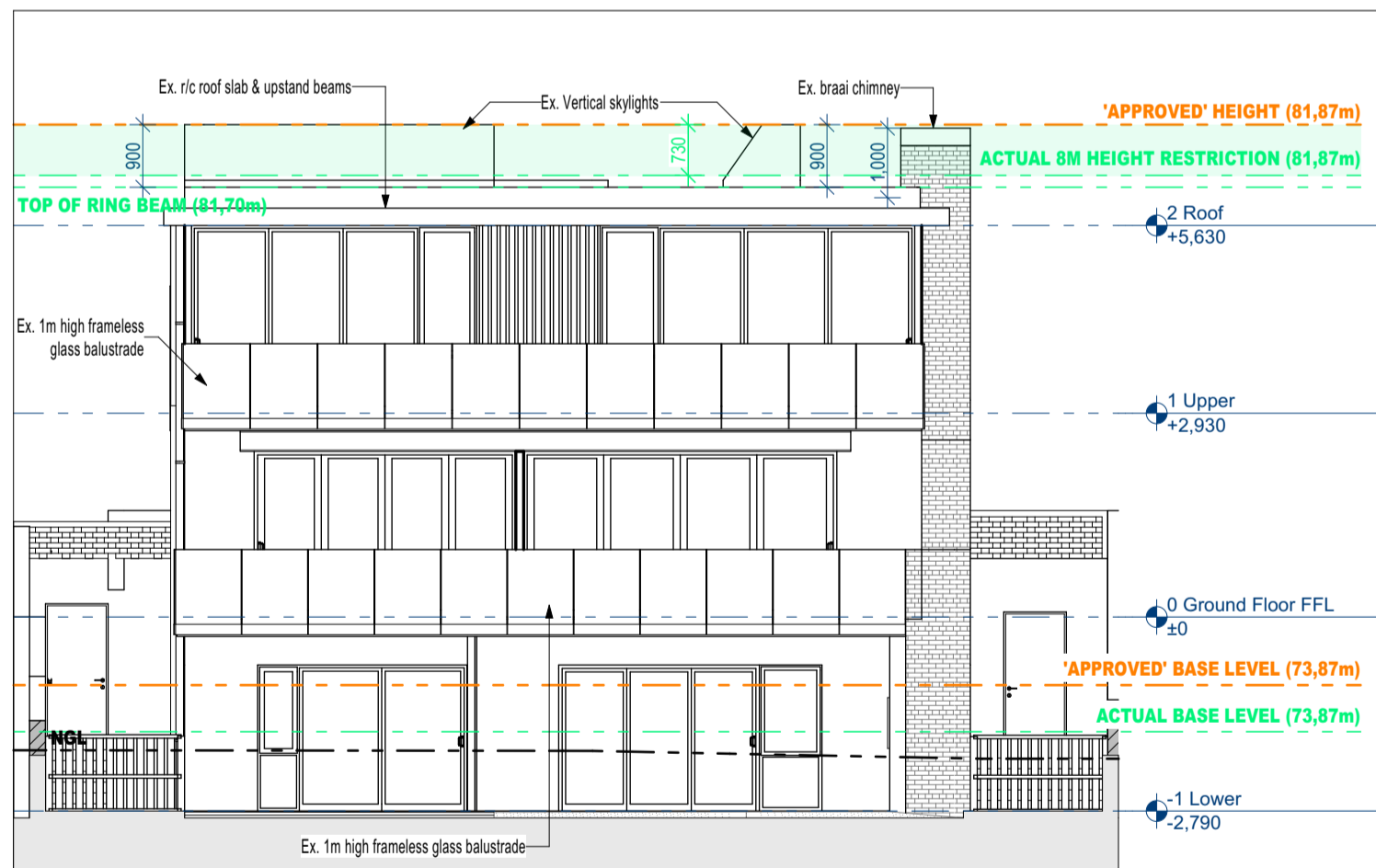
Section AA
Scale 1:100



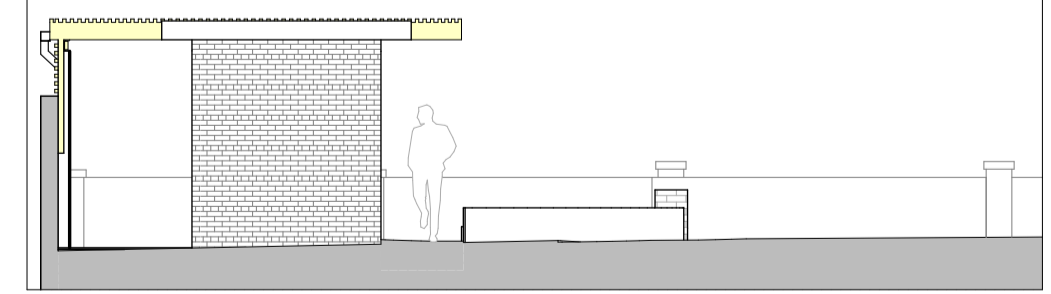
S-10 Section DD
Scale 1:100



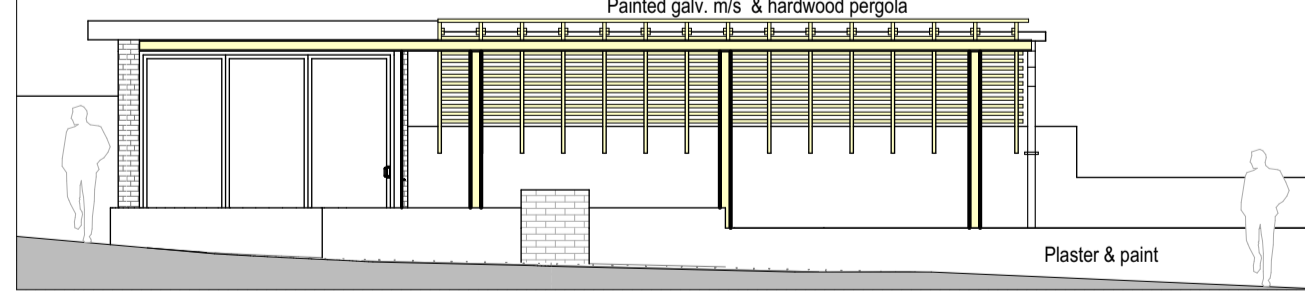
North East Elevation
Scale 1:100



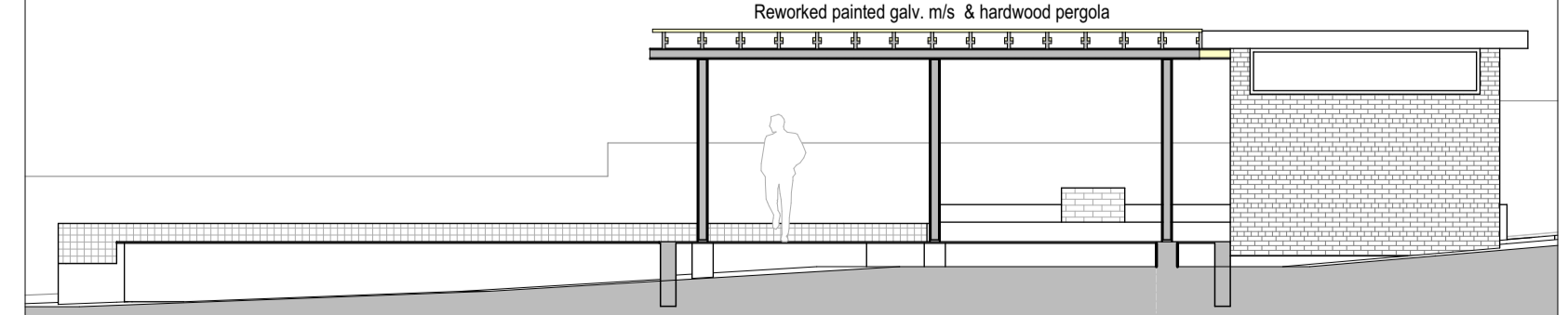
South West Elevation
Scale 1:100



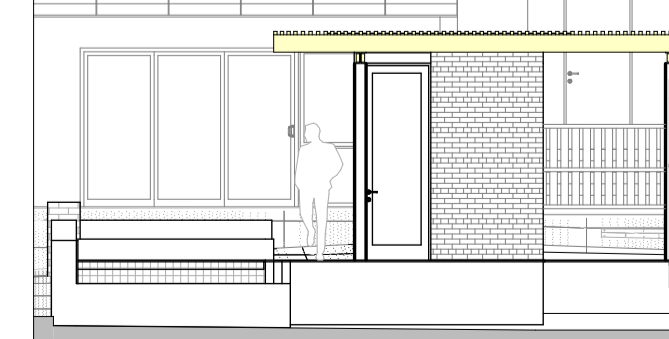
North Elevation
Scale 1:100



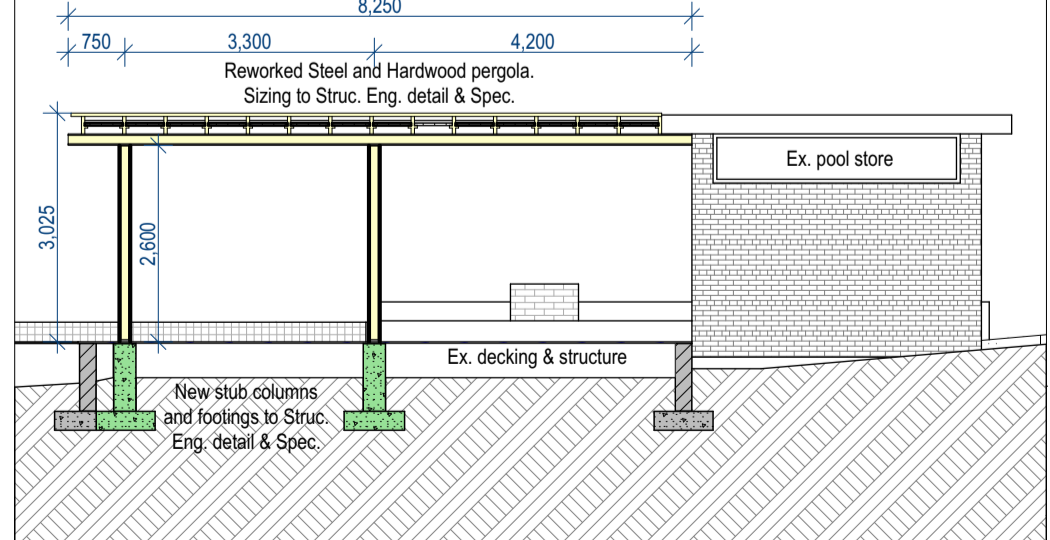
West Elevation
Scale 1:100



East Elevation
Scale 1:100

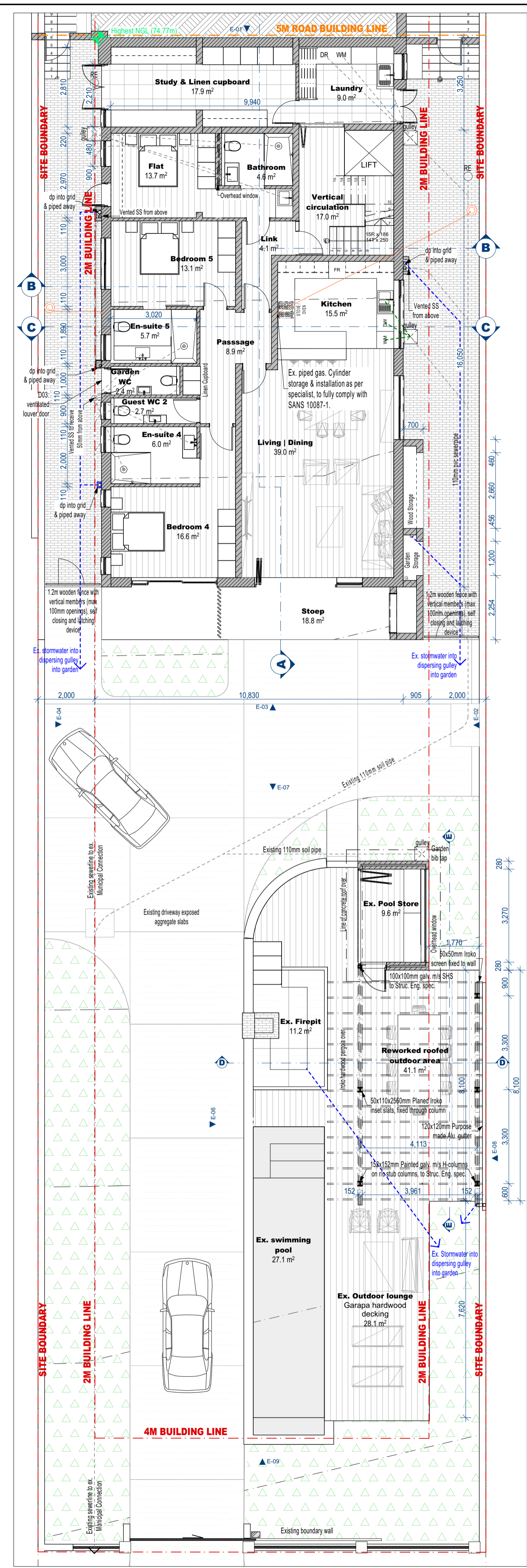


South Elevation
Scale 1:100



S-11 Section EE
Scale 1:100

Existing Pool Safety:
All existing boundary walls around the property are min 1.2m high from the outside. 2x ex. gates on side of building to the pool area are 1.2m with vertical slats, max 100mm openings, both with self locking and self closing devices.



Lower Floor Plan
Scale 1:100

GENERAL NOTES

COPYRIGHT OVER ALL DESIGNS AND DRAWINGS SHALL REMAIN THE PROPERTY OF SPACE ARCHITECTS INC. AND ANY PROVISION TO THE CONTRARY IN TERMS OF THE COPYRIGHT ACT NO 63 OF 1965 IS HEREBY SPECIFICALLY EXCLUDED.

THESE DRAWINGS SHALL BE READ IN CONNECTION WITH ALL OTHER SPECIALIST CONSULTANTS DRAWINGS AND SPECIFICATIONS FOR LABOUR AND MATERIALS.

ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM THE MISINTERPRETATION OF THE DRAWINGS.

ALL WORK IS TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATING AND LOCAL AUTHORITY.

NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING.

ALL MEMBER SIZES, SPANS AND STRUCTURAL ELEMENTS TO BE VERIFIED BY STRUCTURAL ENGINEER.

STAIRS
THE RISE OF ANY STEP NOT MORE THAN 200MM AND THE TREAD NOT LESS THAN 200MM WIDE.

RAILINGS AND BALUSTRADES
BALUSTRADES AND RAILINGS TO BE 1000MM A.F.F.L. AND HAVE MAXIMUM OPENINGS OF 100MM.

GLAZING
ALL GLAZING TO COMPLY WITH REQUIREMENTS OF SANS 1037 AND TRANSFER THROUGH GLASS DOORS & SIDE LIGHTS TO HAVE SAFETY GLASS.
ALL WINDOWS LOWER THAN 1800MM ABOVE FINISH LINE OF STAIRS & SLOOP FRONTS TO BE SAFETY GLASS.

EXPANSION
PLACE BETWEEN CONCRETE AND BRICKWORK:
A. VERTICALLY 20MM SCOTCH BEAD;
B. HORIZONTALLY 2X LAYERS OF BUTEC BOARD ON ALL CORNERING WALLS.

DPC'S & WATERPROOFING
WATERPROOFING MEMBRANES TO ALL HORIZONTAL AND VERTICAL OPENINGS AND ROOF.
ALL PARAPET WALLS TO BE SUPPLIED WITH ADEQUATE FLASHING WHERE REQUIRED.

DRAINAGE NOTE
HEAD OF DRAINS TO BE ADEQUATELY VENTED. INVERT LEVEL TO BE CHECKED ON SITE. AMEND WHERE NECESSARY.
PROVIDE A MINIMUM OF ONE OPEN GULLY TO EACH DRAINAGE INSTALLATION.
DRAINAGE FITTINGS TO BE ANTI-SYPHONED OR DEEP SEAL TRAPS WHERE APPLICABLE.
END CONNECTIONS TO BE PLUGGED TO PREVENT INGRESS WATER.
ALL WATER CONNECTIONS TO COMPLY WITH LOCAL AUTHORITY SPECS.
DRAINAGE WORK TO BE LEFT EXPOSED UNTIL INSPECTED BY LOCAL AUTHORITY HEALTH DEPARTMENT. MAXIMUM LENGTH OF DRAINS NOT TO EXCEED 25.00M WITHOUT THE PROVISION OF AN INSPECTION CHAMBER OR ROOM.
HEAVY DUTY INSPECTION CHAMBER COVER TO BE PROVIDED FOR SEWER CONNECTION IN DRIVEWAY.
DRAINS 100MM PVC, MIN FALL 1:80.
RESEAL ALL TRAPS TO WASTE FITTINGS.
WITH MARKED COVERS AT GROUND LEVEL.
RESEAL ALL TRAPS TO WASTE FITTINGS.
ALL WASTE PIPES TO BE EASILY ACCESSIBLE FOR REPAIR AND CLEANING.
CLOSED SYSTEM ENTER 45° JUNCTIONS.
600MM BENDS TO DRAINAGE RUN ANY DRAINAGE FALLING NEAR TO FOUNDATIONS OR UNDER DRIVEWAYS, TO BE 1000MM.
FITTINGS PROTECTED IN ACCORDANCE WITH PART P OF SANS 10000.

Architect
W. Louw
SACAP Number
4612
Registered name
[Signature]
N
Rev/D Date CHD Change Name

SCALE 1:100, 1:200

space
ARCHITECTS
www.2space.co.za

Project / Client
LUM APPLICATION
HOUSE WOLFAARDT
VOÛLKLIJ, HERMANUS
ERF 2909

Computer no.
HOUSE WOLFAARDT HERMANUS
Date
Friday, 21 February, 2025
Date of 1st issue
Draw
A. Vermeulen

Site Plan, Sections, Elevations & Floor Plan

Drawing no.
25-03-02
Rev.