

ERF 4161, 318 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF LM PRINSLOO

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 street building line from 4m to 0m, to accommodate the existing carport and proposed pergola;
 - relax the western lateral building line from 2m to 0m, to accommodate the change of use of the second dwelling, as well as the existing structures;
 - relax the northern rear building line from 2m to 0m, to accommodate the change of use, as well as the existing structures.
 - relax the eastern lateral building line from 2m to 0m, to accommodate the alterations to the windows within the building lines, and existing structures.
 - relax the permissible coverage from 50% to 60.538%, to accommodate the unauthorized covered areas and additions in order to construct a new entrance portico on the street boundary.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to rectify previous contraventions.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments 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, 29 August 2025**, quoting your name, address and contact details, interest in the application and reasons for comment. 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 Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 4161, AGTSTESTRAAT 318, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE ENGELBRECHT & SCORGIE NAMENS LM PRINSLOO

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 straatboulyn vanaf 4m na 0m te verslap, om die bestaande motorafdak en voorgestelde prieël te akkommodeer;
 - die westelike lateraleboulyn vanaf 2m na 0m te verslap, om die gebruiksverandering van die tweede woning, sowel as die bestaande strukture te akkommodeer;
 - die noordelike agterboulyn vanaf 2m na 0m te verslap, om die gebruiksverandering sowel as die bestaande strukture te akkommodeer;
 - die oostelike lateraleboulyn vanaf 2m na 0m te verslap, om die veranderinge aan die vensters binne die boulyne te akkommodeer asook die bestaande strukture; en
 - verslapping van die toelaatbare dekking vanaf 50% na 60,538%, om die ongemagtigde onderdak areas en aanbouings ten einde 'n nuwe ingangsportiek op die straatgrens te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om vorige oortreding reg te stel.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige 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, 29 Augustus 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Stadsbeplanner, Mnr. P Roux** 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 4161, 38 EIGHTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS ENGELBRECHT & SCORGIE EGAMENI LIKA LM PRINSLOO

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe soku kulandelayo;

- ❖ **Uphambuko** ngokwemigaqo ngokweCandelo016(2)(b) waloMthetho,uku
 - Ukunyenyesa umda kwisitalato ukusuka ku 4 mitha ukuya ku 0 mitha,ukulungiselela ikhapoti ekhoyo kunye nesiphakamiso se pergola.
 - Ukunyenyesa umda wesakhiwo ecaleni entshona ukusuka ku 2 mitha ukuya ku 0 mitha,ukulungiselela utshintsho lokusetyenziswa kwendawo yesibini yokuhlala kwakunye nezakhiwo ezikhoyo.
 - Ukunyenyesa umda wesakhiwo emantla ngasemva ukusuka ku 2mitha ukuya ku 0 mitha,ukulungiselela utshintsho lokusetyenziswa,kwakunye nezakhiwo ezikhoyo.



- Ukunyenya umda wesakhiwo kwicala eliseMpuma ukusuka ku 2 mitha ukuya ku 0 mitha ukulungiselela ukulungiswa kweefestile ezikumda wesakhiwo;kwakunye nezakhiwo ezikhoyo.
 - Ukunyenya ukhuseleko oluvumelekileyo ukusuka ku 50% ukuya ku 60.538% ukulungiselela indawo ezikhuselekileyo ezingagunyaziswanga kunye nongezelelo ukuze kokhiwe iportico entsha yongena kumda wesitalato.
- ❖ **Ukumiselwa Kwesohlwayo Solawulo** ngokwemigaqo yeCandelo 16(2)(q) waloMthetho,ukulungisa ulwaphulo mthetho lwangaphambili..

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi wama-NgoLwesihlanu, **29 EyeThupa 2025** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhalezimvo zakhe.

1. INTRODUCTION TO THE DEPARTURE APPLICATION:

1.1 BACKGROUND:

The owner of the property, Ms. LM Prinsloo has instructed Brandon Scorgie from the firm Engelbrecht & Scorgie Architectural office to submit an application to the Overstrand Municipality to **depart from the Municipality's Zoning Scheme Regulations**. Refer to Annexure D for the enclosed Power of Attorney.

Erf 4161, referred to in this document as the application area, measures 495m² in extent and is held by Title Deed no. T000050068/2024. Refer to annexure C for the enclosed Title Deed.

1.2 APPLICATION DETAIL:

1.2.1 PERMANENT BUILDING LINE DEPARTURE APPLICATIONS:

The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made in terms of;

Section 6.1.2 (b)(i) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the street building lines applicable to the application area.

According to the Overstrand Municipality's Zoning Scheme Regulations, the street building line is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Street building line
400m ² and greater	4.0m

Section 6.1.2 (b)(ii) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the lateral and rear building lines applicable to the application area.

According to the Overstrand Municipality's Zoning Scheme Regulations, the lateral and rear building lines are determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Side and rear building line
400m ² and greater	2.0m

1.2.2 PERMANENT COVERAGE FACTOR DEPARTURE APPLICATION :

The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b) 2020, state that an owner of an Erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefor an application is made in terms of :

Section 6.1.2(a) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the permitted coverage factor.

According to the Overstrand Municipality's Zoning Scheme Regulations, the maximum coverage is determined in accordance with the net Erf area, as listed in the table below :

Net Erf area	Maximum coverage
Less than 150m ²	80%
Less than 4700m ²	65%
400m ² and greater	50%

1.2.3 DETERMINATION OF AN ADMINISTRATIVE PENALTY:

The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of these By-laws, and submits an application to rectify the contravention must apply to the Municipality for the determination of an administrative penalty; therefore, an application is made for the determination of an administrative penalty for the unauthorized structures that currently encroach on the Municipal Street Building Line and the Municipal Lateral and Rear Building Lines, as raised later in this Departure Application Document.

1.3 PROPERTY DESCRIPTION, ZONING AND PROPERTY ANALYSIS:

1.3.1 PROPERTY DESCRIPTION:

The application area of 495m² in extent is situated at 318 8th Street, VOëLKLIP. Refer to Annexure G for the enclosed Locality plan.

The Erf 4161, the application area is surrounded by erven all zoned as Single Residential erven. All erven to the North, South, East and West of the application area, which are zoned as Single Residential erven, have been developed with either single-or double-storey dwellings. These properties serve as either permanent residences or holiday houses.

All properties to the front, rear, and lateral sides of the application area have a very slight gradient due to the natural topography of VOëLKLIP, with minimal to fair views towards the Mountain Range and some properties with limited sea views.

The existing buildings and structures being a single level dwelling on Erf 4161, the application area, is characterized by residential structures comprising typical family-type living accommodation.

- The main dwelling comprises an open plan lounge, dining and kitchen, 2 bedrooms with shared bathroom and a main en-suite master bedroom (approved)
- On the western boundary there is a single garage and on the eastern boundary, there is a double garage (both approved)
- In the back section of the Erf in the north-eastern corner, there is a free-standing WC (approved)
- In the north-western corner of the Erf on the boundary, there is an approved storage area, which has been converted into a flatlet (2nd dwelling unit)
- The front south-eastern corner finds a carport on the lateral and street boundary (previously a pergola, which has subsequently been covered with sheeting)

Refer to Annexures J and K for the enclosed drawings indicating the as-built dwelling along with the unauthorized, as-built structures on the application area.

The footprint of the existing dwelling on the application area along with the unauthorized structures on the application area comprise the following:

APPROVED AREA CALCULATION :

- Dwelling as approved	140.204m ²
- Garage (west side) as approved	37.543m ²
- Garage (east side) as approved	40.181m ²
- Storage area as approved	34.399m ²
- Outside toilet as approved	3.600m ²
- Pergola (permeable) as approved	23.364m ²
TOTAL AREA	279.29m²
- Total covered area as approved	255.93m ²
- Erf area	495m ²
- Coverage factor (as approved with drawings dated :	51.70%
* 14/05/1990 (new store room)	
* 12/02/1990 (additions to dwelling)	
* 30/07/1990 (outside toilet)	
* 1998 (garage and pergola)	

AREA CALCULATIONS (not approved, but already constructed, altered and unauthorized) :

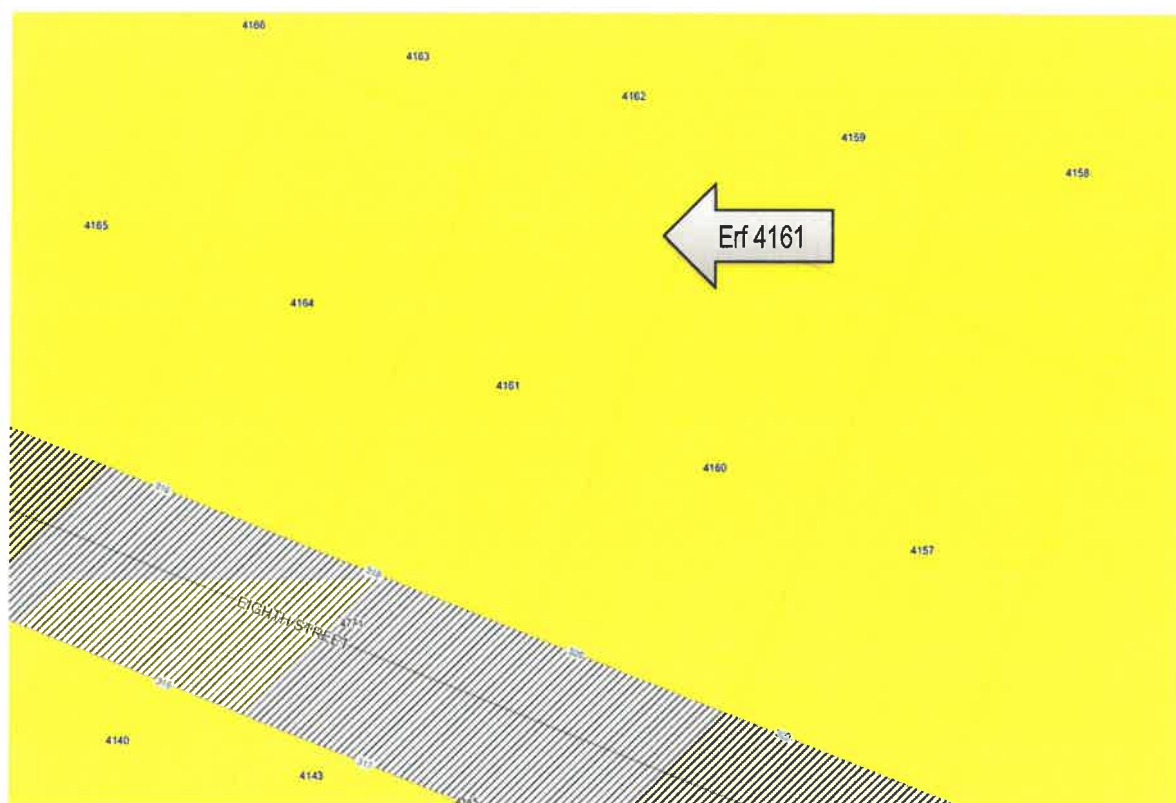
- Pergola convert into caport	26.364m ²
- Undercover porch	15.683m ²
TOTAL AREA (not approved)	42.047m²

1.3.2 ZONING:

Erf 4161, the application area, has the following land use rights:

Erf number:	Zoning:
Erf 4161, VOËLKLIP, Hermanus	Residential Zone 1: Single Residential

The application area is surrounded by Residential Zone 1: Single Residential erven, and the surrounding roadway zoned as Transport Zone 2: Road and Parking. Please refer to the zoning map abstract provided below.



- Residential Zone 1: Single Residential
- Transport Zone 2: Road and Parking

Figure 1: Zoning, an extract from the Overstrand Public Viewer – NOT TO SCALE

1.3.3 PROPERTY ANALYSIS AS PER THE OVERSTRAND MUNICIPALITY’S ZONING SCHEME REGULATIONS:

The development parameters for the application area as per the Overstrand Municipality Land Use Scheme, 2020 can be summarized as follows:

Design parameters:	Overstrand Municipality's Zoning Scheme Regulations:	Proposal:	Comments:
Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Unchanged
Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self - catering	Dwelling house and 2 nd dwelling unit	Departure application for 2nd dwelling unit within the lateral and rear building lines

Consent Use	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Unchanged	
Coverage	50%	60.53%	Application for a departure	
Height Restriction	8.0m	8.0m	Unchanged	
Building lines	Street	4.0m	0.0m	Application for a departure
	Side (West)	2.0m	0.0m	Application for a departure
	Side (East)	2.0m	0.0m	Application for a departure
	Rear	2.0m	0.0m	Application for a departure
Parking	Dwelling house: 2 bays 2 nd Dwelling unit: 1 bay	Dwelling house: 2 bays 2 nd Dwelling unit: 1 bay	Unchanged	

1.3.4 **PROPERTY ANALYSIS AS PER THE TITLE DEED OF THE APPLICATION AREA:**

Refer to Annexure C for the enclosed Title Deed for Erf 4161, VOËLKLIP. Title Deed No. T000050068/2024 was reviewed and contains no restrictive clauses relative to this application.

There is no bond registered against Erf 4161.

2. CONTEXTUAL SITE INFORMATION:

2.1 LOCATION:

2.1.1 APPLICATION AREA WITHIN A REGIONAL CONTEXT:

Within a regional context, the application area is located in VOËLKLIP. Refer to Annexure G for the enclosed Locality layout

3. BACKGROUND AND INTRODUCTION TO THE APPLICATION AND THE ACTUAL APPLICATION:

3.1 BACKGROUND AND INTRODUCTION TO THE APPLICATION:

3.1.1 In mid-2024 our firm, Engelbrecht & Scorgie Architectural office was approached by Ms. LM Prinsloo, who was in the process of purchasing the property. Our mandate and scope of services was limited to prepare drawings for internal configurations and renovations to the existing dwelling.

At this stage, the transfer had not yet gone through and we requested to have access to the approved drawings on file at Council.

The seller of the property (at this stage of our appointment), was not very co-operative in providing any access to the Council drawings and informed the purchaser that everything at the premises was approved on the drawings.

We advised our client that (based on our experience) it was vital for us to have access to the approved drawings. Our client persevered and was eventually provided with the approved drawings on file.

The transfer in the meanwhile took place and our client became the new property owner.

With the approved drawings in hand, we measured-up all the structures on-site and also applied for a Land Surveyor's topographical survey (refer to Annexure M for the Land Surveyor's diagram). Following our site investigation, we informed our client of the discrepancies between the approved drawings and what was actually built on-site, which included the following :

Below is the content of our e-mail to our client, Ms LM Prinsloo, dated 09 July 2024 :

To 'Lyn Prinsloo'; seawize1@iafrica.com

2024/07/09

 You forwarded this message on 2024/07/09 10:56.

- The carport on street side was shown and approved as a timber pergola carport, but had been covered over with metal sheeting
 - This will require a departure, as it is within the lateral and street building lines)
- The free-standing store in north-west corner of Erf
 - This was approved as a store, but is not being used as such
 - The changes included
 - Store converted into a flat (2nd dwelling unit)
 - Fireplace built on the side of the approved building footprint
 - This is a usage change within the building line zone with the fireplace also falling within the building line zone
 - The usage change to a habitable area (2nd dwelling unit) will require a departure
- The outdoor braai, screen wall on covered roof, does not reflect anywhere
- Main dwelling
 - There are a couple of differences with regards to the space arrangement, usage and windows
 - Living room - 2 windows in eastern wall differ from the size of the one window shown on one of the approved drawings
 - Undercover stoep/ porch does not reflect anywhere on a drawing (open stoep is shown)
 - Store room opposite bedroom 2 was constructed slightly different and usage is no longer a store
 - No wall and door towards passage
 - Used as laundry

- "Jut-out" on verandah side slightly different
- Western bedroom wing
 - The extent of the bedroom/ bathroom wing is not as shown on the drawing
 - Bathroom section is ± 550 mm further north and in-line with the "store room" jut-out on the opposite side of the kitchen
 - Internal changes are not reflected on any drawing, which includes
 - Bathroom leading off from the bedroom
 - Windows on western wall
 - The windows within the building line zone will require a departure.
- Garage on western boundary
 - There is an internal dry wall dividing the space into a garage store and a habitable area
 - This can merely be removed
 - Window closest to garage door as shown on drawing, is no longer in place or never installed
- None of the street-facing planters and palisade fencing is reflected on any of the drawings

3.1.2 Upon receiving the Land Surveyor's topographical survey, we drew-up the base drawing, i.e. :

- The drawing of all the structures found on-site when our client, Ms. LM Prinsloo, took ownership of the property. We quickly did some area calculations, because at first glance, the roofed area appeared considerably more in meterage than the permissible 50% coverage. As anticipated, we found the coverage to be way in excess of the permitted 50% coverage factor, which is applicable on an Erf of this size.
1. Since the construction of the main dwelling, there have been a number of additions for which most have approved drawings on file at the Overstrand Municipality (refer to Annexure I for the enclosed approved drawings). In the earlier years, the Planning Department had far less staff to scrutinize drawings and the approach to achieve approval, was totally different to current requirements. Examples of this, include :
 - At times, Architects were permitted to show the outline of existing building with only the new work requiring detailing
 - Area calculations, building lines and other Zoning Scheme Regulations, were often omitted or incorrectly reflected slipping through the approval process without being highlighted by the Building Control Officer
 - As can be seen from the attached drawings of earlier approvals, this was definitely what transpired with most of the approval on this property, which led to one of the transgressions being the coverage in excess of 50%
 2. The Planning Department did not have access to a GIS (aerial photographs) of all the properties. If they had this available at the time when all of these drawings were submitted for approval, there is a strong possibility that they could have picked up some of the irregularities.
 3. Property owners are mostly uninformed when it comes to Zoning Scheme Regulations, National Building Regulations and SANS Standards. At times they may inadvertently make changes to an existing structure on a property without realizing the implications. Without me condoning any of these actions, there is a strong possibility that some of the unauthorized deviations on the application area, came about due to public ignorance as mentioned, of these could be e.g. :
 - Pergola carport :
 - The property owner may very well have theorized that everything had already been approved hard up to the side and street boundary and that there was (in their perception) very little difference and no reason to not cover the pergola with sheeting.
 - Windows in eastern wall (main dwelling) :

- The average person would not think there is any reason that they may not **move windows in an “already approved” section of a house.**
- Store room converted into habitable space :
 - Once again, an uninformed property owner could think no reason to not use an approved building for an alternate use. The addition of the fire place enclosure should have been applied for.
- Entrance porch – covered :
 - This would not normally require a departure consideration, as the porch is well out of any building line zones. However, due to the 50% coverage factor being triggered, the covering of this space needs to be mentioned.
 - One of the property owners covered the space with poly carbonate sheeting. Once again, the average person may consider erecting a couple of transparent sheets as something minor.

Having said all of the above, I am by no means downplaying the gravity of the unauthorized structures and changes and I am merely making assumptions as to how something like this came about, especially the coverage factor discrepancy.

Our client was devastated to hear of all these problems and discrepancies, as they were led to believe that all approvals were in place. Furthermore, the property had been marketed by the Estate Agent and subsequently sold to them as a 5-bedroom accommodation (see attached Annexure O), being the Estate Agent's listing on Property 24.

Our firms' services were further extended to include the preparation and submission of a departure application in an attempt to rectify the abovementioned discrepancies on behalf of our client, Ms. LM Prinsloo, as well as preparing and submitting application for the determination of and administrative penalty for the discrepancies mentioned and highlighted throughout this departure application document.

3.2 THE ACTUAL APPLICATION:

3.2.1 PERMANENT BUILDING LINE DEPARTURE APPLICATIONS:

As stated elsewhere in this Departure Application Document, the Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a **permanent building line departure** from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made for:

3.2.1.1 The relaxation of the Municipal Street Building Line from 4.0m to 0.0m

3.2.1.1.1 The subject relaxation is necessary to accommodate the carport, which extends between the garage and the street boundary. *Although the columns and roof beams were approved in 1998 as a pergola, the structure is now seen as unauthorized, because it now falls under the definition of a carport since being sheeted*

3.2.1.1.2 The subject relaxation is necessary to accommodate a new proposed pergola in front of the existing approved western side garage

3.2.1.2 The relaxation of the Western Municipal Lateral Building Line from 2.0m to 0.0m:

3.2.1.2.1 The subject relaxation is necessary to accommodate the usage change, as well as structures within the building line zone :

- The usage change is required to accommodate the 2nd dwelling unit within the building line zone and which is constructed on the boundary. *Although the structure was approved in 1990 as a store room, it is seen as*

unauthorized, because the usage has changed and has subsequently been converted into a habitable unit (the 2nd dwelling unit)

3.2.1.2.2 The building line relaxation required, is affected by the following, being either alterations within the building line or structures, which fall within the building line zone :

- Lateral building line relaxed from 2m to 1.088m to accommodate the west-facing bathroom window within the building line zone
- Lateral building line relaxed from 2m to 1.629m to accommodate the north-facing bathroom window 5 within the building line zone
- Lateral building line relaxed from 2m to 0.571m to accommodate the fire place enclosure, which forms part of the habitable unit
- Lateral building line relaxed from 2m to 0.0m to allow and accommodate the 2nd dwelling unit within the building line zone (previously approved as a store)
- Lateral building line relaxed from 2.0m to 0.0m to accommodate a new pergola directly in front of the garage

3.2.1.3 The relaxation of the northern rear building line from 2.0m to 0.0m. The subject relaxation is necessary to accommodate the usage change, as well as the structure within the building line zone. *Although the structures were approved in 1990 to a store room, it is seen as unauthorized, because the usage has changed and has subsequently been converted into a habitable unit (the 2nd dwelling unit)*

3.2.1.4 The relaxation of the eastern lateral building line from 2.0m to 0.0m. The subject Relaxation is necessary to accommodate the alterations to windows within the building line zone. The mentioned windows are not found on any approved plans when our client took ownership of the property. The departure required for the mentioned windows within the eastern lateral building line are initiated by proposed alterations that the current property owner is planning, which is limited to the alteration to the window proportions and positions

3.2.2 PERMANENT COVERAGE FACTOR DEPARTURE APPLICATION:

As stated elsewhere in the departure application document, the Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b) 2020, state that an owner of an Erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations, therefor an application is made for

3.2.2.1 The relaxation of the 50% coverage factor to 60.538% to allow for the additional unauthorized undercover areas that our client Ms. LM Prinsloo took ownership of, as well as the additional area added to this in order to construct a new entrance portico on the street boundary.

The coverage calculations can be summarized as follows :

APPROVED AREA CALCULATION :

- Dwelling as approved	140.204m ²
- Garage (west side) as approved	37.543m ²
- Garage (east side) as approved	40.181m ²
- Storage area as approved	34.399m ²
- Outside toilet as approved	3.600m ²
- Pergola (permeable) as approved	23.364m ²
TOTAL AREA	279.29m²
- Total covered area as approved	255.93m ²
- Erf area	495m ²
- Coverage (as approved with drawings dated :	51.70%
* 14/05/1990 (new store room)	
* 12/02/1990 (additions to dwelling)	
* 30/07/1990 (outside toilet)	
* 1998 (garage and pergola	

AREA CALCULATIONS (not approved, but already constructed, altered and unauthorized) :

- Pergola convert into carport	26.364m ²
- Undercover porch	15.683m ²
TOTAL AREA (not approved)	42.047m²

AREA CALCULATIONS (new/ proposed by new owner, Ms. LM Prinsloo) :

- Proposed portico	1.695m ²
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The total additional area not approved the proposed additional area, comes to 43.742m². This brings about an increase in the coverage factor from 51.70% to 60.53%, which equates to an increase of 8.838% over and above previous approved coverage

This however, is not in accordance with the coverage factor as stipulated in the Zoning Scheme Regulations. The percentage that the coverage exceeds the coverage factor of 50%, is by a factor of 10.53%.

3.2.3 DETERMINATION OF AN ADMINISTRATIVE PENALTY:

The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of this By-laws, and submits application to rectify the contravention, must apply to the Municipality for the **determination of an administrative penalty**; therefore, an application is made for the determination of an administrative penalty for the unauthorized, as-built structures constructed within the subject building line(s), as highlighted throughout this Departure Application Document.

Refer to Annexure H for the enclosed administrative penalty application form.

3.2.3.1 BACKGROUND AND SUMMARY OF THE CONTRAVENTION AND ADDITIONAL REQUIREMENTS:

As mentioned elsewhere in this Departure Application Document, our firm, Engelbrecht & Scorgie Architectural Office, was appointed in mid-2024 by Ms. LM Prinsloo, who recently purchased the property, to prepare drawings for a few minor renovations and alterations to the existing dwelling on Erf 4161. Please refer to point 3.1 *"Background and introduction to the application"*.

When copies of the previously approved drawings were obtained from the Overstrand Municipality's Building Control Department (to serve as a foundation for assessing the existing and approved dwelling, and to use mainly as a basis for measuring up the existing dwelling on the application area), we identified the numerous discrepancies between the approved drawings on record at the Overstrand Municipality's Building Control Department and the structures we assessed and measured up on site. These discrepancies comprise the following:

1. The pergola structure as approved in 1998 had been converted by one of the previous owners into a carport by covering the pergola timbers with sheeting. The structure is considered authorized by the Overstrand Municipality due to it not having planning permission as a carport. The Zoning Scheme Regulations do make provision for a carport constructed over the 4.0m street and 2.0m lateral building lines, but correct procedures for planning approval required a permanent departure from the Zoning Scheme Regulations
2. On the western side of the Erf, a portion of the house was approved and built on the previously applicable lateral building line. The structure as positioned is assumed to be approved as can be seen on the attached approved building plan for extensions to the existing dwelling and approved in 1990 (refer to annexure I for previously approved building plans. Subsequent to approval, one of the earlier property owners most probably made alterations to the internal layout and moved or installed windows in the western and northern walls of this existing structure. Both windows as marked on our drawing as W4 and W5, fall within the 2.0m lateral building line, being the applicable building line in the current version of the Zoning Scheme Regulations
3. On the north-western corner of the Erf, it was found that the structure currently hosting a habitable area had been approved, but as a store room and not as habitable accommodation. A fireplace enclosure has been added to the structure, which falls within the 2m lateral building line zone. The structure (excluding the fire place, although approved), as can be seen in the enclosed approved drawings (refer to Annexure I), is seen as unauthorized due to the usage change of the structure within the lateral rear building line. Once again as mentioned previously, one of the earlier owners has converted this space into a habitable area without the necessary planning permission and also constructed a fire place to service the 2nd dwelling unit.
4. The coverage factor was found to be exceeded from previously approved coverage by 8.497% (this excludes the proposed portico's coverage factor of 0.341%)
 - 4.1 The coverage in excess of the approved coverage of 51.70% is due to :
 - The carport pergola being covered with roof sheets

- The existing entrance porch being covered with polycarbonate sheeting
- 4.2 The increase of the coverage factor in excess of 51.70% and the approved Zoning Scheme Regulations stipulated of 50% requires a relaxation of the coverage factor
5. Whilst applying to legalize all the inconsistencies, our client, Ms. LM Prinsloo, is planning some minor internal alterations and renovations and external additions. These below mentioned alterations and additions do not form part of the contraventions and included :
- 5.1 The internal remodeling necessitates that two windows within the eastern lateral building line be altered and re-positioned. Mentioned window are marked on our drawing as W1 and W2 (refer to Annexure J and K)
- 5.2 The construction of a pergola in front of the garage located on the western side of the Erf – this addition required the relaxation of the street and lateral building line
- 5.3 The construction of an entrance portico on the street boundary

These inconsistencies necessitated further examination and was brought to our client, Ms. LM Prinsloo's attention, who expressed astonishment at our findings. Having only recently purchased the property, Ms. Prinsloo was assured by the Estate Agent and the Seller of the property, that everything as it stands on the Erf, had planning approval. Ms. Prinsloo had no reason (being a trusting person), to doubt the word of the Seller and the Estate Agent. When the drawings were eventually made available to Ms. Prinsloo, she as an individual without any Architectural or construction experience, could see the footprint of all of the mentioned structures on the approved drawings. Not suspecting that anything else would be required, other than approval of the proposed alterations and renovations, Ms. Prinsloo in good faith, purchased the property without any doubts or reservations.

As the appointed firm responsible to advise on the inconsistencies from the approved drawings, we could only make assumptions on how these inconsistencies came about. There was no available information or evidence when these inconsistencies came about, as there could have been numerous property owners over the years. Since the time that the original house was approved, up to the last approved plan on record approved in 1998 up until our client Ms. LM Prinsloo, purchased the property. In this time span of 26 years, there 26 years. There is much unknown history of owners and no available information as to who brought about the mentioned transgressions. We listed the inconsistencies as detailed elsewhere in the departure document and advised our client that the only option was to apply to Overstrand Municipality for a permanent departure from the Zoning Scheme Regulations in an attempt to legalize the inconsistencies.

In line with the abovementioned background, the contraventions can be summarized as follows :

- The pergola carport covered over with sheeting extends beyond the 4.0m street and 2.0m lateral building line. *Although the pergola in the same position and with the same proportion was approved in 1990 by the*

Overstrand Municipality, the structure is now considered unauthorized due to the pergola being covered by roof sheeting and is now classified as a carport.

- The western-facing window and north-facing window in the westerly wing of the main dwelling, fall within the 2.0m lateral building line. These two windows in their current position, were not previously approved by the Overstrand Municipality and are considered unauthorized.
- The Habitable area in the north-western corner of the Erf extends beyond the 2.0m lateral and 2.0m rear building line. *Although the structure with the same proportions was approved as a storage area by the Overstrand Municipality in 1990 the habitable area is considered unauthorized due to the usage change within the building line zones.*
- A fireplace enclosure was constructed to service the habitable area in the north-western corner of the property. The fireplace enclosure extends beyond the 2.0 lateral building and is considered unauthorized.
- The current windows in the eastern section of the main dwelling and within the 2.0m eastern lateral building line, differ from the approved windows and are considered unauthorized
- Calculating the coverage based on the approved drawings on record, the undercover area amounts to 255.93m², which in turn equates to a total coverage of 51.703%. The additional area for the undercover areas total 42.047%, which equates to an additional 8.49% coverage. The coverage exceeding the approved coverage by 8.494% and exceeding the Zoning Scheme coverage factor of 50% by 10.197%, is considered unauthorized

3.2.3.2 NATURE, DURATION, GRAVITY AND EXTENT OF THE CONTRAVENTION:

As contemplated in the Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, the following factors must be considered when determining an appropriate administrative penalty:

1. Nature of the unauthorized structures:

The nature of the unauthorized structures as highlighted throughout this Departure Application Document, but can be summarized as follows:

- The carport extends beyond the 4.0m street and 2.0m lateral building line.
- Window changes to the western section of the main dwelling extend beyond the 2.0m lateral building line.
- The habitable area in the north-western corner of the property extends beyond the 2.0m lateral and 2.0 rear building line.
- The fire place enclosure servicing the habitable areas mentioned above extends beyond the 2.0m lateral building line.
- Window changes to the eastern section of the main dwelling extend beyond the 2.0m lateral building line
- The coverage exceeds the approved coverage (as calculated) by 8.494%.

2. Duration of the unauthorized structures:

As mentioned earlier in this Departure Application Document, the unauthorized structures in the application, could have come about due to the following factors :

- One of the previous property owners made the changes without planning approval, which could be due to ignorance or not

The exact date on which the contraventions occurred is unknown, but it can be noted that the footprint of most of the major structures other than the fire place enclosure, which are applicable to this departure application, were approved in their same proportion.

- Pergola approved and converted into a carport
- Storage area approved and converted into habitable accommodation (2nd dwelling unit)
- The coverage factor transgression is triggered due to :
 - The pergola being converted into a carport
 - The porch being roofed over
- The framed entrance porch area covered with polycarbonate sheeting, has the same proportion as the open porch indicated on approved drawings

Our client, Ms. LM Prinsloo purchased the property in 2024 and was never served with a notice with regards to the transgression.

3. Gravity of the unauthorized structures:

Although it is noted that any unauthorized contravention of any of the Zoning Scheme Regulations is serious for obvious reasons being that parameters for single residential Erven are laid down by the local Authority to regulate residential development and control amongst other densification, and the encroachment on adjoining property owners and street scopes

The scale of the contraventions and authorized structures may at first glance appear to be serious, more to the coverage factor transgression than the building line encroachment, but when one analyzes the contraventions and unauthorized structures, the resultant conclusion is reached that the contraventions are not extremely serious for the following reasons :

- The footprints (other than the entrance porch), have all been approved even though under different usage classification.
- The only unauthorized structure that has any visual impact, is the fire place enclosure, which has a minimal scale and footprint of only 1.36m².
- The undercover porch is completely obscured from view behind a "façade beam". The use of poly carbonate sheeting permitting light to filter through prevents deep shadowing and thus does not contribute to the visual bulking.
- The window changes within the eastern and western lateral building line are minimal in impact on any of the adjoining property owners
- The coverage of the undercover structures exceeding the permitted 50% coverage factor, goes unnoted for the following reasons :
 - The low-level roof design of all the buildings on the property
 - The main dwelling is set back on the Erf with the two garage and pergola structures making up the two legs of a "U"-shaped design allows for a pleasing and low impact on the street façade with no indication that the coverage factor has been exceeded

- No element of the dwelling, 2nd dwelling or any of the unauthorized covered areas is dominant in scale as seen from any of the surrounding properties

When determining the gravity of the unauthorized, as-built structures, it is important to take note of the following :

- The unauthorized structures that currently encroaches the 4.0m Municipal Street Building Line and the 2.0m Municipal Lateral Building Line, as highlighted throughout this Departure Application Document, constitute common residential components typically found on any residential property. The current Zoning Scheme Regulations do make provision for property owners to construct carports, which extend beyond the 4.0m street and 2.0m lateral building line when the correct procedures and planning permission is applied for. With the above being said, it can be assured that the unauthorized structures, does not have a negative impact on the character of the area, do not have a negative impact on the environment, do not have a negative impact on the streetscape, and do not have a negative impact on any of the surrounding properties, as discussed and highlighted later in this Departure Application Document.
- The unauthorized structure (limited to the usage), which encroaches the 2.0m lateral and 2.0m rear Municipal building lines, as highlighted throughout this departure application document, constitute common residential components typically found on any residential property. With the above being said, it can be assured that the structure with its current usage, do not have a negative impact on the environment, do not have a negative impact on the character of the area, do not have a negative impact on the street scope and do not have a negative impact on the surrounding properties as discussed and highlighted later in this departure application document.
- The coverage calculated from the available approved drawings, amounts to 51.70%, which already exceeds the permitted 50% coverage factor by 1.70%.
 - The pergola as approved already has a visual impact on the street façade, which is not increased much by the addition of roof sheeting to form a carport
 - The undercover roof over the porch is not visible due to the façade beam, which completely obscures the roof. Due to the use of poly carbonate to cover this space, it appears almost as an open space due to the light filtering down behind the façade beam
- The increase of 8.494% on the coverage factor in this case, is not considered to have a high impact on surrounding properties due to the design and placement of the approved structures

4. Extent of the unauthorized structures:

The extent of the unauthorized structures equates to a total of 43.40m². As mentioned above the visual impact of the unauthorized structures, is minimal and only the fire place enclosure has any significant impact on the visual perception due to the factors already mentioned.

The storage area as previously approved, has not increased in square meterage. The usage of the space as a habitable area, remains the same and can be calculated as follows :

- $4,79\text{m} \times 7.177 = 34.399\text{m}^2$

The carport pergola as previously approved, has not increased in square meterage. The addition of sheeting to the carport pergola structure has changed the usage to an undercover carport. The calculation of the new carport (previously approved as a carport pergola, is as follows :

- $5.738\text{m} \times 4.595\text{m} = 26,364\text{m}^2$
- The fireplace enclosure limited to a footprint of 1.36m^2 can be calculated as follows $0.741\text{m} \times 1.835\text{m}$ undercover porch
- The porch (hidden behind the façade beam), is in extent $3.045\text{m} \times 5.15\text{m} = 15.683\text{m}^2$.

5. Conduct of the person involved in the contravention:

The unauthorized structures were not the wrongdoing of our client, Ms. LM Prinsloo, but rather the wrongdoing of one of the former property owners. With this being said, our client, Ms. LM Prinsloo seeks to rectify and legalize the contraventions as highlighted throughout this Departure Application Document.

6. Whether the unlawful conduct was stopped:

The unauthorized structures, as highlighted throughout this Departure Application Document, are as-built structures. The Overstrand Municipality did not stop the building work and has also not issued a notice with regards to the transgression.

7. Whether the person involved in the contravention has previously contravened this By-law or previous planning law:

To the knowledge of this office, it is unknown whether the person involved in the contravention has previously contravened this By-Law or any other previous planning law.

8. A report by a quantity surveyor in matters of the unauthorized building / construction work:

Due to the small-scale nature of the encroachment, no Quantity Surveyor was involved. Our firm, Engelbrecht & Scorgie Architectural Office, consulted with a local, reputable contractor to provide us with an estimating cost report on the unauthorized structures, at current building rates.

Refer to Annexure N for the enclosed costing report in matters of the unauthorized building / construction work.

3.2.3.3 RECOMMENDATION FOR THE DETERMINATION OF THE ADMINISTRATIVE PENALTY:

In light of the above assessment, we appeal to the Overstrand Municipality that the administrative penalty be waived, as this application serves as a method to

rectify the contraventions, which were not the wrongdoing of our client, Ms. LM Prinsloo, but rather the wrongdoing, one of the previous property owners

4. **GENERAL:**

4.1 CHARACTER OF THE ENVIRONMENT IN WHICH THE APPLICATION AREA IS LOCATED:

The application area is situated at 318 8th Street, VOëLKLIP. Refer to Annexure G for the enclosed Locality plan.

Due to the natural topography of this section of the VOëLKLIP area, which has a very gradual gradient, all properties to the front, and rear sides of the application area have minimal to fair views towards the Mountain Range in a Northern direction with some properties having limited sea views.

VOëLKLIP, and more specifically, this particular area in which the application area is situated, is renowned for its diverse range of different architectural styles and designs.

The area in which the application area is situated, specifically 8th Street, has no historical architecture or conservation-worthy areas.

The application area is surrounded by erven all zoned as Single Residential erven. All erven to the north, east, south and west of the application area, which are zoned as Single Residential erven, have been developed with either single or double-storey dwellings. These properties serve as either permanent residences or holiday houses.

4.2 EFFECTS OF THE UNAUTHORIZED, AS BUILT STRUCTURES IN RELATION TO THE CHARACTER OF THE AREA, THE ENVIRONMENT, THE STREETScape, AND SURROUNDING PROPERTIES:

The unauthorized structures that currently encroaches the 4.0m Municipal Street building line, the 2.0m eastern and western lateral building lines and 2.0m rear building line, constitute common residential components typically found on any residential property. With the above being said, it can be assured that the unauthorized, structures:

- Can almost go unnoticed to adjacent property owners and any passersby,
- Do not have a negative impact on the character of the area,
- Do not have a negative impact on the environment,
- Do not have a negative impact on the streetscape,
- Do not have a negative impact on any of the surrounding properties.

4.3 COMPATIBILITY AND IMPACT OF THE UNAUTHORIZED STRUCTURES ON IMMEDIATE SURROUNDING PROPERTIES:

The compatibility and impact that the unauthorized, as-built structures on the immediate surrounding properties were assessed based on the following five factors:

- **Location and proximity:**
The position and proximity of the affected surrounding properties in relation to the application area.
- **Land use compatibility:**
This revolves around evaluating how well the unauthorized, as-built structures align with the existing zoning and the current land use in the area.

- **Views:**
This revolves around how the unauthorized, as-built structures affect the visual landscape of the immediate surrounding properties.
- **Privacy:**
This revolves around evaluating how the unauthorized, as-built structures affect the privacy of the immediate surrounding properties.
- **Gravity and visual aesthetics:**
This revolves around evaluating how the unauthorized, as-built structures harmonize with the immediate surrounding properties.

The aerial photo below reveals the properties potentially affected by the proposed development on the application area, which are the following:



Figure 4: Potentially affected property owners, an extract from the Overstrand Public Viewer – NOT TO SCALE

- 4.3.1 Erf 4140 VK – 315 8th Street, VOËLKLIP : Is located diagonally opposite and across the street from the application area. **Erf 4140** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme

Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4140**, is situated diagonally to the south across the road from the application area and has good views of the Hermanus mountain range in a northern direction. The authorized structures on the application area will have no impact visually or on any view lines of **Erf 4140**.

The impact on privacy resulting from the unauthorized structures on **Erf 4161** in relation to **Erf 4140** is considered negligible. This conclusion is based on the following factors :

- None of the unauthorized structures of the application area, which face **Erf 4140**, are habitable with the carport being a typical single residential component used for parking and screening vehicles from the elements.
- The two erven are separated by 8th Street.
- There is a large bush between the subject house and the boundary screening most of the building on the application area from view.

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672%, an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4140** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element, will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade

As outlined throughout the departure application document, an application is made for the following relaxation of :

- The 4.0m street and 2.0m lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.

- A habitable area.
- The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line is to accommodate the re-configuration of the kitchen windows
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.2 Erf 4143 VK – 317 8th Street, VOËLKLIIP: is located directly opposite and across the street from the application area. **Erf 4143** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and **adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations**. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4143** is situated directly opposite and across the road from the application area with good views of the Hermanus mountain range in a northern direction and no sea view due to being a single storey dwelling.

The unauthorized structures will have no impact visually or influence any view lines towards the mountain range of **Erf 4143**.

The impact on privacy from the unauthorized structures on **Erf 4161** in relation to **Erf 4143** is considered negligible. The conclusion is based on the following factors :

- None of the unauthorized structures, which face **Erf 4143**, can be seen from the subject Erf other than the carport, which is a typical component of any single residential Erf. The carport on the application area conforms in all respects to the definition of a carport as defined in the Zoning Scheme Regulations.
- The two Erven are separated by 8th Street

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only

1.695m², which when added to the current undercover area of 297.97m², it totals 299.672%, an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4143** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element, will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade

As outlined throughout the departure application document, an application is made for the following relaxation of :

- The 4.0m street and 2.0m lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line is to accommodate the re-configuration of the kitchen windows
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.3 Erf 4145 VK – 319 8th Street, VOëLKLIP : is located diagonally opposite across the road from the application area. **Erf 4145** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4145** is situated diagonally across the road to the south of the application area and has good views of the Hermanus mountain range with no sea view due to being a single storey dwelling.

The dwelling on **Erf 4145** is set back from the street boundary with large trees and shrubbery along half of the western border and most of the street border.

The unauthorized structures on the application area will have no impact visually on any view lines of **Erf 4145**.

The impact on privacy resulting from the unauthorized structures on **Erf 4161** in relation to **Erf 4145**, is considered negligible. The conclusion is based on the following factors :

- None of the unauthorized structures, which face **Erf 4145**, can be seen from the subject Erf other than the carport, which is a typical component of any single residential Erf. The carport on the application area conforms in all respects to the definition of a carport as defined in the Zoning Scheme Regulations.
- The two Erven are separated by 8th Street.
- The trees and shrubbery along the western and northern border of **Erf 4145** totally obscure the application area from view

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672%, an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4145** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element, will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade

As outlined throughout the departure application document, an application is made for the following relaxation of :

- The 4.0m street and 2.0m lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line is to accommodate the re-configuration of the kitchen windows

- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.3.4 Erf 4160 VK – 320 8th Street, VOËLKLIP : is located directly east of the application area.

Erf 4160 is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the **relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations**. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4160** is situated directly east of the application area with fair views towards the northern Hermanus mountain range and no sea view due to being a single storey dwelling.

- The design of the dwelling on **Erf 4160** is of such a nature that the garage sits in close proximity to the existing garage on the application area. The rest of the dwelling is set back from the common boundary by approx. 4m.
- The unauthorized structures will have no impact visually on **Erf 4160** nor influence view lines towards the mountain range.

The impact on privacy is minimal and isolated to the two east-facing kitchen windows, which face the property on **Erf 4160**. These two windows are small in proportion and are separated from **Erf 4160** by a boundary wall 1800 high. Therefore, only the top 300mm of the windows will be visible from the adjoining property.

It must be noted that there exist currently two high-level windows (in the same area), which already face **Erf 4160**. The rest of the unauthorized structures on **Erf 4161** have a negligible impact in relation to **Erf 4160**. This conclusion is based on the following factors :

- None of the unauthorized structures, which face **Erf 4160**, can be seen from the subject Erf other than the carport, which is a typical component of any single residential Erf. The carport on the application area conforms in all respects to the definition of a carport as defined in the Zoning Scheme Regulations.
- The two Erven are separated by 8th Street

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672%, an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4160** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element, will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade
- None of the structures other than the side of the carport can be seen from **Erf 4160**

As outlined throughout the departure application document, an application is made for the following relaxation of :

- The 4.0m street and 2.0m lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line is to accommodate the re-configuration of the kitchen windows
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.4 Erf 4164 VK – 316 8th Street, VOËLKLIP : is located directly west of the application area. **Erf 4161** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing dwelling on **Erf 4164** is primarily a double storey dwelling with a single storey element on the western side of the property. The dwelling for the most part is set relatively back from the street boundary. The double storey element of this dwelling has fantastic views of the northern mountain range and fair to good sea views towards the sea.

The unauthorized structures will have no impact visually on **Erf 4164**, nor influence view lines towards the mountain or sea.

The impact on privacy is minimal and isolated to the west-facing bedroom window only. This window does not look directly on any windows on **Erf 4164** and is separated by a boundary wall. The upper section of the window is all that is visible from the adjoining property at ground floor level.

None of the other mentioned unauthorized structures face or live out towards **Erf 4164** and at ground level have a negligible impact.

At first floor level, the unauthorized structures and west-facing bedroom window, is visible, but the impact on privacy is also considered negligible.

The conclusion is based on the following :

- At first floor level, the floor level is at approx. the same height as the roof height of the application area.
- The windows of the dwelling on **Erf 4164** facing east, look clear over the roof of the application area

The single storey element set on the western portion of the property, has a large expose of garden between this element and the application area with none of the unauthorized structures visible other than the carport, which is a typical component of any single residential Erf. The carport on the application area conforms in all respect to the definition of a carport as defined in the Zoning Scheme Regulation.

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672m², an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4164** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible

- The portico being a free-standing element, will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade
- The only small section of these structures visible from **Erf 4161** includes :
 - A glimpse of the carport
 - The proposed portico

As outlined throughout the departure application document, an application is made for the following relaxation of :

- The 4.0m street and 2.0m lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line is to accommodate the re-configuration of the kitchen windows
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.5 **Erf 4159 VK – 319 7th Street, VOëLKLIP** : is located diagonally to the north of the application area. **Erf 4159** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4159** is located diagonally to the north-east of the application area with good views of the northern mountain range and no sea view due to being single storey dwelling.

The unauthorized structures will have no impact visually on **Erf 4159**, not influence view lines towards the mountain or sea.

The impact on privacy from the unauthorized structures on **Erf 4161** in relation to **Erf 4159** is considered negligible. The conclusion is based on the following assumptions :

- No portion of any of the unauthorized structures is visible from **Erf 4159**.
- The patio and entertainment area of **Erf 4159** is set far back from **Erf 4161** and faces westwards way from the application area.

- Only the two corners of the two Erven come together with no shaped boundary
- The ground level on **Erf 4161** sits quite a bit below the average ground level on **Erf 4159**.

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672%, an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4159** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade
- None of the structures will in any way be visible from **Erf 4159**

As outlined throughout this departure application document, an application made for the following relaxation :

- The 4.m street and 2.0m eastern lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m western lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line to accommodate the re-configuration of the kitchen windows.
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover,

they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.6 Erf 4162 VK – 317 7th Street, VOëLKLIP : is located directly north of the application area. **Erf 4162** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single storey dwelling on **Erf 4162** is located directly north of the application area with good northern views of the mountain range and no sea view due to the dwelling being single storey.

The unauthorized structures have no impact visually on **Erf 4162** nor influence view lines towards the mountain or sea.

The impact on privacy from the unauthorized structures on **Erf 4161** in relation to **Erf 4162** is considered minimal. The conclusion is based on the following assumptions :

- The only elements of the unauthorized structures visible to **Erf 4162** are isolated to :
 - The chimney of the fireplace enclosure
 - The end wall of the 2nd dwelling/ previous approved store room
- There is a relatively high boundary wall separating the two properties
- The ground level on the application area is lower than the average ground level on **Erf 4162** due to the natural topography of the area
- A structure on **Erf 4162** has been constructed on the south-west corner of the Erf which is hard-up against the end wall of the 2nd dwelling previously approved store room
- The store room structure has been in existence since 1990 when the drawings were approved by the Overstrand Municipality.

The coverage of all under roofed structures as approved over the years, totals 51.70%. Part of the site layout of approved structures, includes :

- The masonry façade at the porch entrance
- The pergola structure serving as a carport

Visually not much has changed by covering these two areas with respectively :

- Entrance porch covered with polycarbonate sheeting
- Pergola structure covered with metal sheeting

This increased the under covered areas from 255.93m² to 297.977m², an increase of 8.49%. Additionally, as a proposal, the new owner wishes to construct an undercover portico on 8th Street, which is permitted by the current Zoning Scheme up to a max of 5m. the proposed portico is only 1.695m², which when added to the current undercover area of 297.97m², it totals 299.672m², an increase of 0.342% to the coverage, which totals 60.53%.

The impact of the coverage increase on **Erf 4162** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible

- The portico being a free-standing element will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade
- None of the structures will in any way be visible from **Erf 4162**

As outlined throughout this departure application document, an application made for the following relaxation :

- The 4.m street and 2.0m eastern lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m western lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line to accommodate the re-configuration of the kitchen windows.
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the *gravity* of the abovementioned structures is considered negligible, as they do not have a greater *visual impact* than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

- 4.3.7 Erf 4163 VK – 315 7th Street, VOËLKLIP : is located diagonally to the north of the application area : **Erf 4163** is zoned as Residential Zone 1 : Single Residential and is exclusively developed for residential use. With this being said, the unauthorized structures, as mentioned and highlighted throughout this departure application document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the abovementioned structures on the application align seamlessly with the existing *zoning* and the prevailing *land use* within the area.

This dwelling comprises a single and double storey elements combined into a single house.

The single storey section of the dwelling extends most the length of the Erf from the building line on 7th Street southwards and terminating against the boundary of **Erf 4164**. There is a ±1200 wide gap between **Erven 4163 and 4162**. The double storey element of this dwelling, is located more or less in the central sector of their Erf. The closest corner of the double storey structure is approx. 9 or 10 meter away from the corner of the application Erf.

The unauthorized structures in the application area, have no visual impact on **Erf 4163**, nor do they influence view lines towards the sea or mountain, reasons being :

- At single storey level, there are no windows facing the corner where the two erven meet
- **Erf 4163** has a structure build hard-up against **Erf 4164** obscuring most of the application from view some for what can be seen down the remaining 1,2m alleyway.

- The double storey section of the dwelling on Erf 4163 being set back from the corner of the application area by ± 9 to 10 meters, completely overlooks the application area, which has a low-pitched roof over the dwelling, as well as over the unauthorized structures.

The impact on privacy from the unauthorized structures on **Erf 4161** in relation to **Erf 4163**, is considered negligible. The conclusion is based on the following assumptions :

- The only elements visible on the unauthorized structures limited to :
 - The roof coverings.
 - The chimney of the fireplace enclosure.
 - The parapet wall of the 2nd dwelling/ previously approved store room.
 - The 2nd dwelling being the habitable western corner of the application area falls eastwards and away from any part of the dwelling on Erf 4163.

The impact of the coverage increase on **Erf 4163** is negligible for the following reasons :

- Apart from the portico, which is a proposal, the footprint on the property remains unchanged
- Due to the usage of the unauthorized structures causing the coverage transgression being a porch and a carport, the privacy and visual impact is negligible
- The portico being a free-standing element will not be read with the footprint of the existing dwelling and the proposed addition is small in scale and adds a pleasing visual element to **Erf 4161** and the street façade
- From the single storey portion of the dwelling, none of the structures will be visible
- From the double storey portion of the dwelling, a distant and unaffecting view of the following will be visible :
 - Roof of porch
 - Roof of carport
 - Proposed portico

As outlined throughout this departure application document, an application made for the following relaxation :

- The 4.m street and 2.0m eastern lateral building line to accommodate the pergola, which was converted into a carport.
- The 2.0m western lateral building line to accommodate the western and northern windows of the main dwelling, which were not approved.
- The 2.0m western lateral and 2.0m northern rear building line to accommodate :
 - The usage change of the store into a habitable area.
 - A habitable area.
 - The habitable area being classified as the 2nd dwelling unit.
- The 2.0m eastern lateral building line to accommodate the re-configuration of the kitchen windows.
- The coverage factor of 50% to 60.53% to accommodate :
 - The unauthorized undercover structures, which contribute to the coverage transgression
 - The proposed portico

It is important to note, that the abovementioned unauthorized structures on **Erf 4161** form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the abovementioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover,

they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.4 GENERAL IMPACT OF THE UNAUTHORISED STRUCTURES:

4.4.1 Economic impact:

The Overstrand Municipality's Land Zoning Scheme Regulations govern structures and the uses thereof on properties. The unauthorized structures, as highlighted throughout this Departure Application Document, form part of common residential components one would find on any typical residential erf. With this being said, the unauthorized structures on Erf 4161 add value to the property on the application area as well as the area in which it is located.

4.4.2 Social impact:

The unauthorized structures on Erf 4161 will have no impact on the social status of the area in which the application area is located. As mentioned, and highlighted throughout this Departure Application Document, the unauthorized structures are compatible with the character of the area and do not negatively impact the rights of any of the adjacent properties in the area.

4.4.3 Compatibility with surrounding land uses:

The application area is situated in an existing developed area within the suburb, VOëLKLIP. The Departure Application does not propose to change the current zoning or the current land use of the application area, and therefore the current land use is compatible with the surrounding land uses. With this being said, the scale of the unauthorized structures on the application area merges well with the scale of the existing building on the application area, along with the surrounding buildings and dwellings in the immediate area.

4.4.4 Impact on Municipal Engineering services:

All services on the application area already exist.

The unauthorized structures on the application area have no negative impact on the usage of the existing available municipal services, such as electricity, water, or sewerage. The Zoning Scheme makes provision for a 2nd dwelling unit, as a primary right on all single residential Erven. The proposed additional habitable unit, being the 2nd dwelling unit, will impose no upgrading of any Municipal services. The size and scale of the proposed 2nd dwelling unit, is of such a nature that a max of 2 persons will be able to occupy the building.

4.4.5 Impact on health, safety and the wellbeing on the surrounding community:

The unauthorized structures on the application area have no impact on the general safety and wellbeing of the surrounding community. The application area will continue to be used for residential purposes.

4.4.6 Impact on heritage and heritage value:

Erf 4161, the application area, is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Heritage Overlay Zone. With the above being said, it is evident that the unauthorized, as-built structures for which this Departure Application is being submitted for do not have a negative impact on heritage or heritage value of the VOëLKLIP area.

4.4.7 **Impact on traffic, parking and access:**

No new **access** points are proposed and therefore the existing established access to Erf 4161 will remain unchanged.

The Overstrand Municipality's Zoning Scheme Regulations stipulates that two on-site **parking** bays be provided for the main dwelling with an additional parking bay for the 2nd dwelling unit for erven exceeding 400m². With this being said, there are ample parking space available on the site, including :

- Single garage on the western side of the Erf
- Double garage on the eastern side of the Erf
- 1 Parking Bay in front of the single garage
- 2 Parking bays in front of the double garage

The unauthorized structures have no impact on the number of vehicles traveling on 8th Street, VOëLKLIP. The use of the subject property will remain unchanged and therefore the impact on the **traffic** flow in the area will remain unchanged.

5 **PLANNING PRINCIPLES**

Policies, principles, planning, development norms, and criteria as set out in Section 42 of the Spatial Planning and Land Use management Act (SPLUMA) and Chapter VI of the Land Use Planning Act (LUPA) were considered and the proposed Departure Application is in compliance with this. The principles are defined and recorded below:

5.1.1 **Spatial justice:**

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

The primary objective of this application is to enable the owner of Erf 4161, the application area, to legalize and rectify the unauthorized structures on the application area. With this being said, it is not predicted that the unauthorized structures on the application area are set to influence any past spatial injustices.

5.1.2 **Spatial sustainability**

Spatial sustainability refers to a sustainable form of development. This means promoting less resource consuming development typologies that promote compaction, pedestrianization and mixed-use urban environments which allow for the development of a functional public transport system and space economy.

The encroachment of the 4.0m Municipal Street Building Line and the 2.0m western, eastern and northern Municipal Building Line constitute common residential components typically found on any residential property and therefore it can be assured that the unauthorized structures although some are visible to adjacent property owners and passersby, do not have a negative impact of the character of the environment, do not have a negative impact on the environment, do not have a negative impact on the streetscape, and do not have a negative impact on any of the surrounding properties.

5.1.3 **Efficiency**

Efficiency refers to the need to create settlements that optimize the use of space, energy, infrastructure, resources, and land.

The proposed Departure Application, as mentioned above, is intended to logically maximize the use of space of the subject property within a developed residential area.

5.1.4 **Spatial resilience**

Spatial resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are more likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

With the above being said, we are of the opinion that the principle of Spatial Resilience is not applicable to this Departure Application.

5.1.5 **Good administration**

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimize the negative financial, social, economic, and environmental impacts of a development. Furthermore, good administration in the context of land use planning, refers to a system which is efficient, well run, and where the timeframe requirements are adhered to.

Engelbrecht & Scorgie Architectural Office:

Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The Departure Application will follow due process as stipulated in the relevant Municipal By-Laws and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlines process within the applicable timeframes as stipulated by the Overstrand Municipality's By-Laws on Municipal Land Use Planning, 2020.

Overstrand Municipality:

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation, as this forms an integral part of the land use planning process. This process provides people who may be affected by the proposal with an opportunity to provide their comments and to raise any possible issued of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both the affected parties will benefit from as these comments will be reviewed and considered after which it will be addressed accordingly.

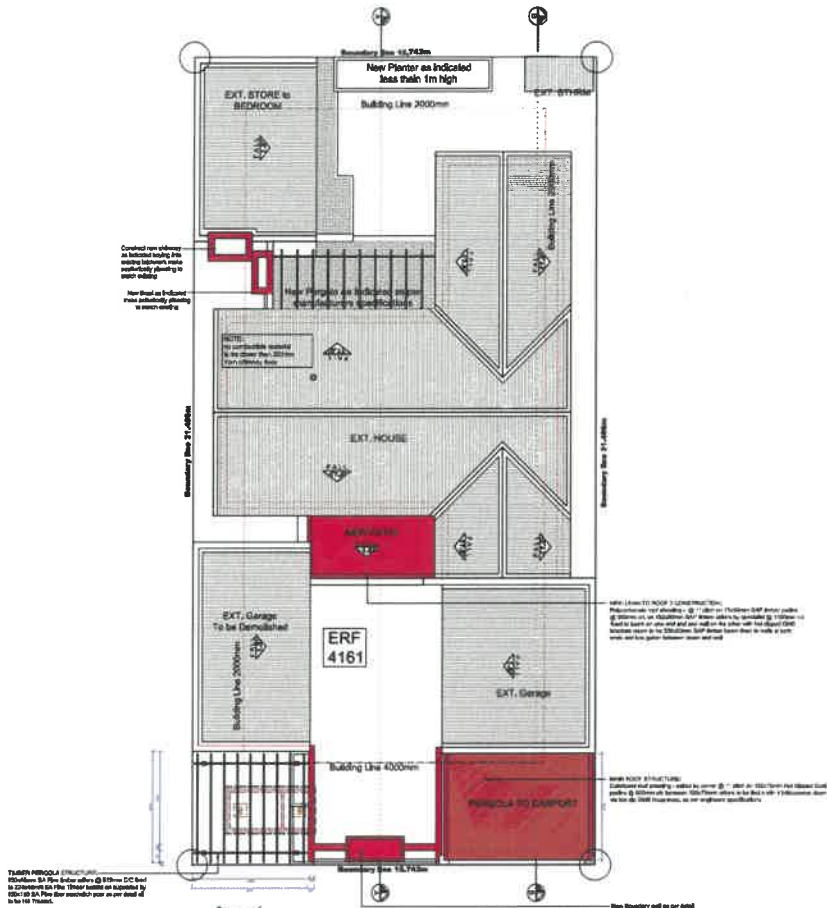
6 RECOMMENDATION AND CONCLUSION:

With the above being said, it is therefore recommended that the application be approved in terms of the Overstrand Municipality's Amended By-Lay on Municipal Land Use Planning, 2020.

Your sincerely

BRANDON SCORGIE
for Engelbrecht & Scorgie Architectural Office

NOTES:



ROOF / SITE PLAN EIGHTH STREET
Scale 1:100

APPROVED AREA CALCULATIONS:	
Existing Building	100.00m ²
Garage front	37.24m ²
Garage East	40.15m ²
Storage area	34.20m ²
Double Toilet	2.84m ²
Pergola	26.54m ²
Total Area	241.03m²
Total Covered Area	205.87m ²
ERF	660m ²
Coverage	31.19%

ADDITIONAL AREA CALCULATIONS:	
Pergola converted into Carport	26.34m ²
New Entrance	1.89m ²
Fire Standing Board	1.88m ²
Fireplace enclosure	1.29m ²
New New garage	23.29m ²
New Covered Path	14.04m ²
Total Additional Area	67.86m²
Total additional coverage	47.99m ²
Total Covered area	303.03m ²
ERF	660m ²
NEW Coverage	48.31%

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DRAWN BY: Keegan Foster
CHECKED BY: Brandon George ST 1939

PROJECT DESCRIPTION: Project Name

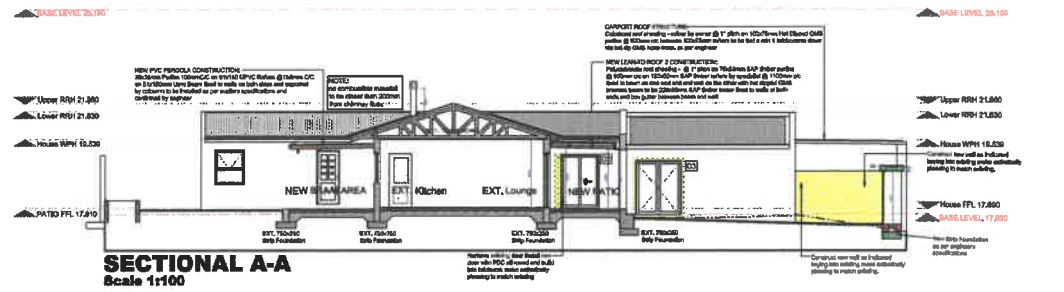
PAGE CONTENTS: Alterations

CLIENT: Tony And Lyn Prynloo
ADDRESS: 318 EIGHTH STREET

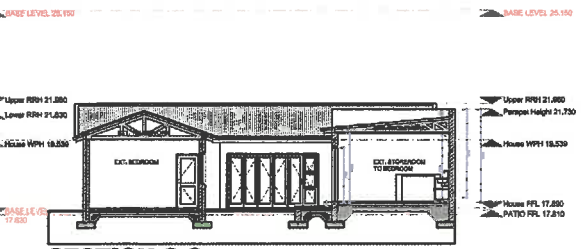
ERF: 4161
DRAWING: Project Number: A191; Current Revision

DATE: 28 / 02 / 25 SCALE: 1 : 100 PAGE: 022 OF 01

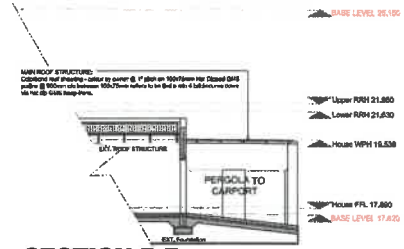
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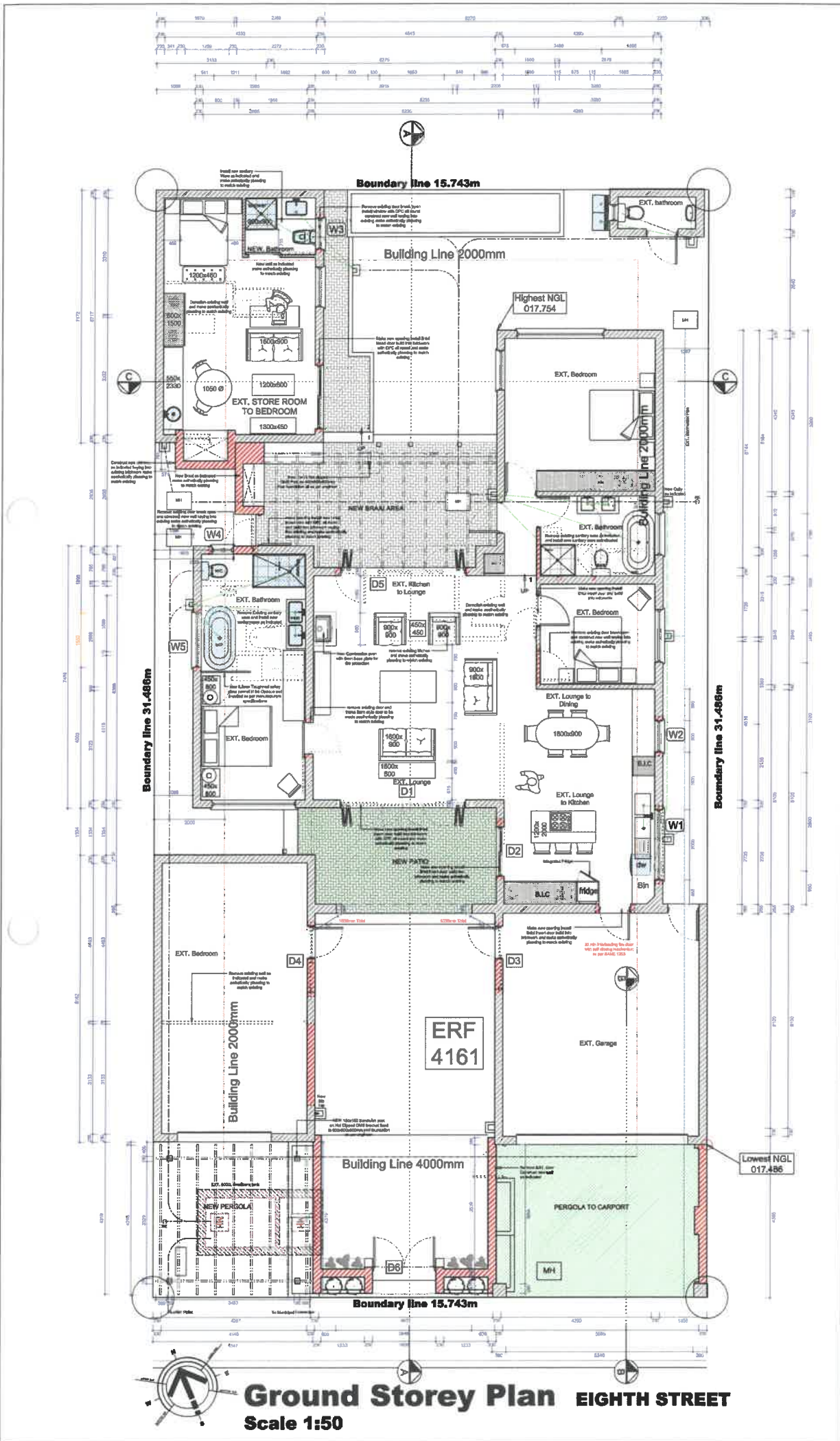
SECTIONAL A-A
Scale 1:100



SECTION C-C
Scale 1:100



SECTION B-B
Scale 1:100



NOTES:

APPROVED AREA CALCULATIONS	
Existing Dwelling	163,200m ²
Garage area	37,540m ²
Carport Area	44,110m ²
Storage area	34,380m ²
Clubhouse	26,360m ²
Pergola	26,360m ²
Total Area	292,750m²
Total Covered Area	258,870m²
ERF	699m ²
Coverage	38,318%

ADDITIONAL AREA CALCULATIONS	
Pergola converted into Carport	26,360m ²
New Entrance	1,890m ²
Pillar Standing Wall	1,580m ²
Fireplace enclosures	1,290m ²
New Rear Pergola	26,360m ²
New Covered Patio	16,020m ²
Total Additional Area	67,390m²
Total additional coverage	47,000m²
Total Covered area	303,030m²
ERF	699m ²
NEW Coverage	45,301%



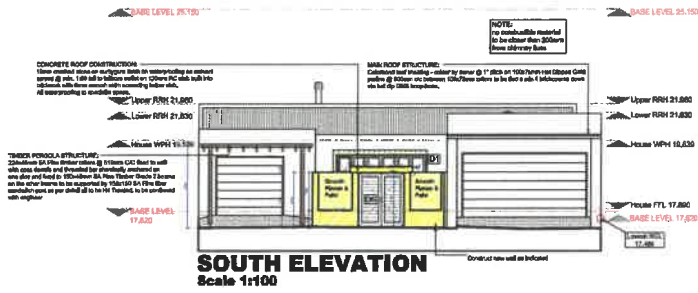
ENGELBRECHT & SCORGIE
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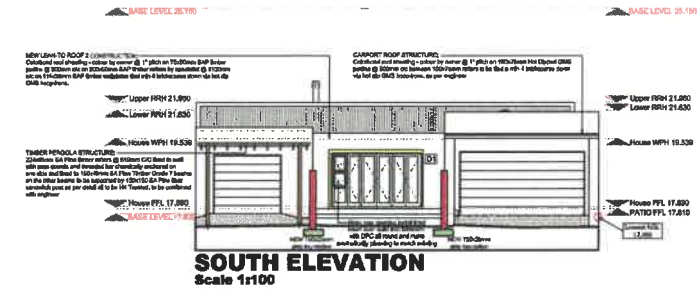
DRAWN BY:	Koegan Foster
CHECKED BY:	Brandon Scorgie BT 1939
PROJECT DESCRIPTION:	Project Name
PAGE CONTENT:	Alterations
CLIENT:	Tony And Lynn Pridmore
ADDRESS:	318 BONNICH STREET
ERF:	4161
DRAWING No.:	Project Number: A191; Current Revision
DATE:	23 / 03 / 20
SCALE:	1 : 100
PAGE SIZE:	A1
PROJECT NUMBER & PAGE No.:	J197 - 01 04
REV:	.

Ground Storey Plan EIGHTH STREET
 Scale 1:50

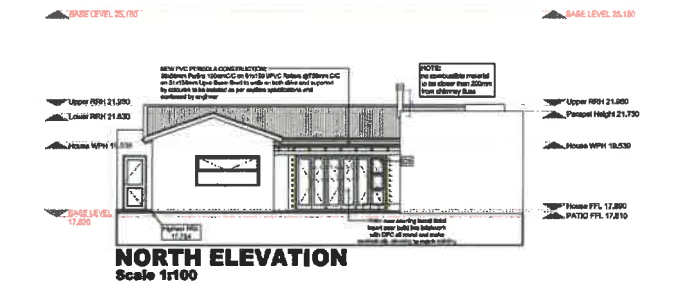
NOTES:



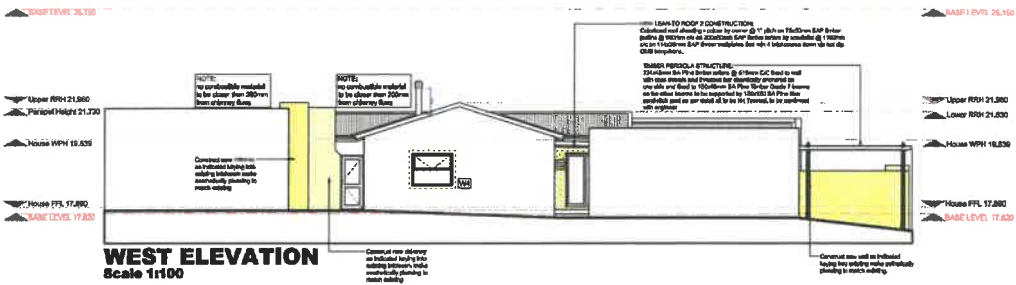
SOUTH ELEVATION
Scale 1:100



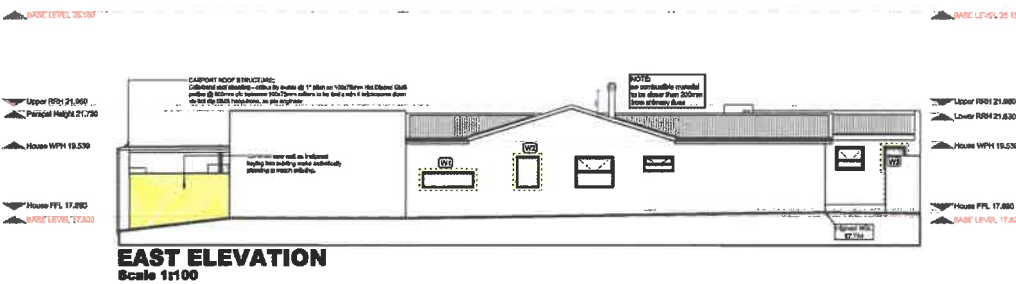
SOUTH ELEVATION
Scale 1:100



NORTH ELEVATION
Scale 1:100



WEST ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100

APPROVED AREA CALCULATIONS:	
Carport Overlap	160.00m ²
Garage total	37.25m ²
Garage East	61.10m ²
Storage tank	3.84m ²
Outback Toilet	38.38m ²
Pergola	38.38m ²
Total Area	292.73m²
Total Covered Area	205.87m²
EPF	88%
Coverage	30.31%

ADDITIONAL AREA CALCULATIONS:	
Pergola covered area Carport	25.25m ²
New Entrance	1.88m ²
Fire standing shed	1.50m ²
Fireplace enclosure	1.50m ²
New floor pergola	33.32m ²
New Covered Patio	18.64m ²
Total Additional Area	82.07m²
Total additional coverage	47.69m²
Total Covered area	303.62m²
EPF	80%
New Coverage	45.54%



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DRAWN BY: Kagan Forder
CHECKED BY: Brandon Scorgie BT 1939

PROJECT DESCRIPTION: Project Name
PAGE CONTENT: Alterations

CLIENT: Tony And Lyn Prinsloo
ADDRESS: 318 EDWINTH STREET
EPF: 4161
DRAWING No: Project Number; A191; Current Revision

DATE: 28 / 02 / 25 SCALE: 1 : 100 PAGE: 6/26
PROJECT NUMBER & PAGE NO.: J1927 - 02 / 04 REV: A1

