



ERF 868, 6 MOORE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: LISA ALCOCK ARCHITECTS ON BEHALF OF NK ALCOCK

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 a departure in terms of Section 16(2)(b) of the By-Law, for the following:

- ❖ to relax the street building line (Moore Street) from 3m to 1.5m, to accommodate a proposed carport; and
- ❖ to relax the street building line (Queen Victoria Street) from 4m to 1.5m to accommodate a proposed pergola and from 4m to 3.1m, to accommodate the existing balcony.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus and Stanford Library, Queen Victoria Street, Stanford. 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 / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 20 December 2024**, 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 868, MOORESTRAAT 6, STANFORD, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: LISA ALCOCK ARGITEKTE NAMENS NK ALCOCK

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

- ❖ om die straatboulyn (Moorestraat) vanaf 3m na 1.5m te verslap om 'n voorgestelde motorafdak te akkommodeer; en
- ❖ om die straatboulyn (Queen Victoriastraat) vanaf 4m na 1.5m te verslap, om 'n voorgestelde stoep te akkommodeer en vanaf 4m na 3.1m, om die bestaande balkon te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Stanford Biblioteek, Queen Victoriastraat, Stanford. Enige skriftelike kommentaar moet ingevolge die bepalinge van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 20 Desember 2024**, 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 868, 6 MOORE STREET, E-STANFORD, UMASIPALA WASE-OVERSTRAND: ISIPHAMBUKO: LISA ALCOCK ARCHITECTS EGAMENI LIKA NK ALCOCK

Isaziso sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukulungiselela oku kulandelayo:

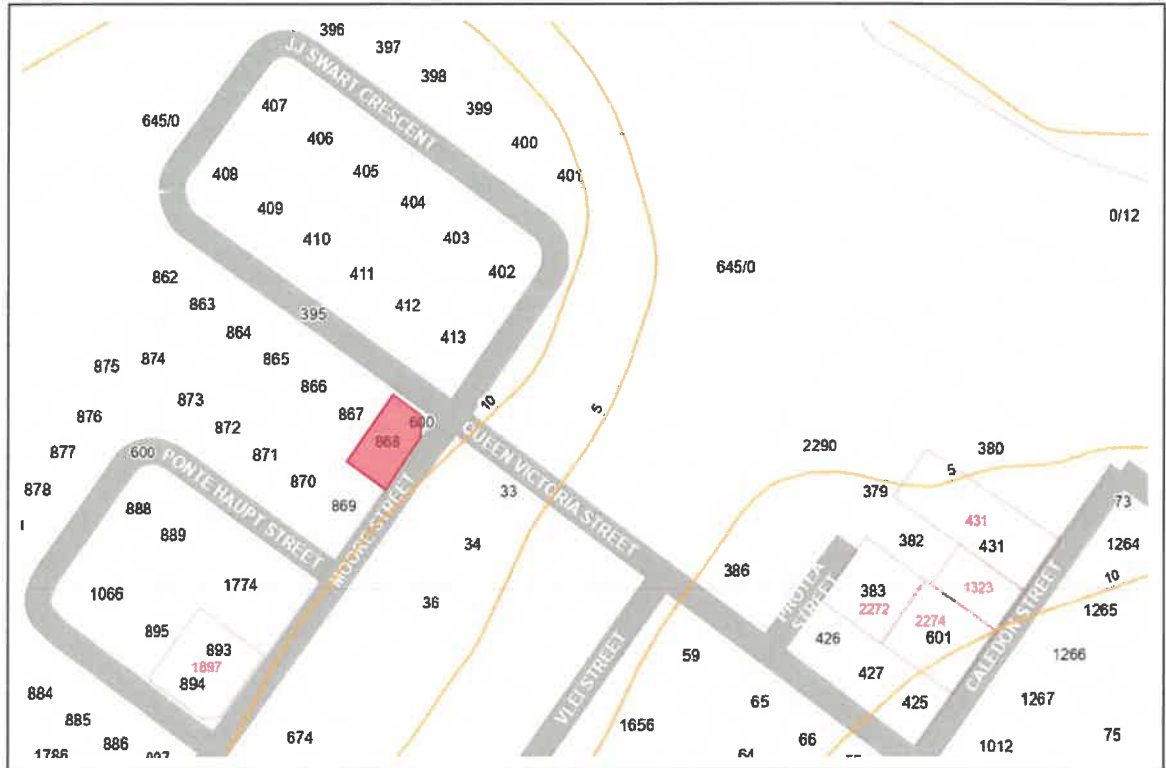
- ❖ ukunyeniswa komda wesakhiwo sesitalato (i-Moore Street) ukusuka kwii-mitha eziyi-3m ukuya kwii-mitha eziyi-1.5m, ukulungiselela indawo ecetywayo yokwakhiwa kwemoto; kwaye
- ❖ ukunyeniswa komda wesakhiwo sesitalato (i-Queen Victoria) ukusuka kwii-mitha eziyi-4m ukuya kwii-mitha eziyi-1.5m ukulungiselela i-pergola (indawo enomthunzi) ecetywayo kunye nokusuka kwii-mitha eziyi-4m ukuya kwii-mitha eziyi 3.1m, ukulungiselela i-bhalkhoni ekhoyo.

linkcukacha eziphelileyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, Paterson Street, eHermanus nakwiThala leeNcwadi lase-Stanfordini, Queen Victoria Street, eStanford Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo kaMasipala mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **koLweshlanu, 20 EyoMnga 2024**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **kuMchwangcisi weDolophu uMnu. P Roux** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvula. Nabani na ongiyo ukufunda okanbhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo.



**MOTIVATION FOR CONSENT/APPROVAL IN TERMS OF:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING HOUSE
ON ERF 868, 6 Moore St, Stanford**

30 September 2024 (reva. 23 Oct. 2024)



**Figure 1 Locality Plan
Erf 868, 6 Moore St , Stanford**

North



1.0 PROPERTY & APPLICATION DETAILS

| | | |
|---------------------------|---|--|
| Property Description | : | Erf 868, Stanford, Overberg |
| Site address | : | 6 Moore Street, Stanford |
| Registered Owner | : | Nicholas Alcock |
| Applicant | : | Lisa Alcock Architects |
| Site area | : | 562m2 |
| Current Zoning & Land-use | : | Single Residential zoning 1 |
| Overlay zone | : | none - Erf 868 falls outside the proclaimed Stanford Heritage Protection Overlay Zone (HPOZ) |
| Applicable zoning scheme | : | Overstrand Municipality Land Use Scheme 2020 |
| Municipality | : | Overstrand Municipality |
| Title deed | : | T000032023/2023 (registered on 3 August 2023) |
| Title deed Restriction | : | none |
| General Plan | : | 12442 |
| Proposed development | : | Additions & alterations to an existing house |
| Subject to PHRA / SAHRA | : | No – Original plans approved in Dec 2001. Existing structures built in approx. 2002 |
| Subject to NEMA | : | No |



The Application

Application is hereby made to the Overstrand Municipality for the following, in terms of the Overstrand Municipality Land use scheme 2020 regulations:

Application for permanent departures –

Section 16(2) (b) from the Overberg Municipality Land use scheme, 2020, for:

- A street building line encroachment on Moore street to allow consent for 1.5m in lieu of 3m to accommodate a new carport
- A street building line encroachment on Queen Victoria street to allow consent for 1.5m in lieu of 4m to accommodate a new pergola
- A street building line encroachment on Queen Victoria street to legalise the existing external stair landing, retained as a balcony which was previously built 3.1m in lieu of 4m to accommodate the existing stair landing / balcony. (*revised 23.10.24*)

Application for the determination of an administrative penalty -

Section 90 from the amendment by law on Overberg Municipality Land use planning, 2020 :

- Due to 5m² of the existing external timber stair & part of the landing, previously built 3.1m in lieu of 4m over the Queen Victoria st, street building line without council approval and thus unlawfully built, contravening the Overstrand municipal by laws (*revised 23.10.24*)

The above applications are made by Lisa Alcock Architects on behalf of Nicholas Alcock who is the registered owner of Erf 868, Stanford. A power of attorney is attached.

2.0 BACKGROUND

Erf 868, is situated to the North West of the original historical village of Stanford, just above the old cemeteries and just outside of the proclaimed Stanford Heritage Protection Overlay Zone. The property is zoned Single Residential Zoning 1 (SR1) and contains a single dwelling house & garage originally built in approximately 2002.

The owner is proposing to renovate the existing dwelling house, garage & general property. The existing title deed does not have any conditions restricting development on the property but the proposed additions and alterations do not fully comply with Overberg Municipality Land use scheme, (OMLUS) 2020, so the owner needs to apply for departures from certain of these regulations.

Although the proposed additions and alterations are relatively small-scale in nature and will not have an impact on any surrounding property, some of the regulations mentioned above are being contravened by the proposal and require municipal approval. This includes departures from the OMLUS development rules in terms of street building lines for additions to the dwelling.

The existing dwelling house gained council approval in December 2001 and we therefore understand that it was most likely built in approximately 2002. The unlawful external timber staircase & landing structure existed when the new owner, Nicholas Alcock purchased the property in August 2023. In terms of section 90(3) of the amendment by law on Overberg Municipality Land use planning, we have no means of determining when the unlawful structure was built and the conduct of the owner at the times and their alleged involvement in the contravention. (*revised 23.10.24*)

Due to the house being built in in approximately 2002 it is noted that the house is not older than 60 years of age and therefore will not require approval from Heritage Western Cape (HWC)

RECEIVED

24 OCT 2024

Application is thus herewith made for departures – Section 16(2) (b) from the Overberg Municipality Land use scheme, 2020, to allow consent for street building line encroachment on Moore & Queen Victoria streets.

Application is herewith also made for an administrative penalty – Section 90 of the amendment by law on Overberg Municipality Land use planning, 2020, to legalise the existing external timber stair & landing, previously unlawfully built and the landing proposed to be retained as a balcony. *(revised 23.10.24)*

The building plans for the proposed alterations & additions to the existing house & garage are attached hereto, along with the Town & Spatial planning application form, power of attorney, copy of the title deed, SG diagram and existing photos of the house and property.

Due to the additional Penalty application please see attached hereto also, the Administration penalty application form, existing site plan and photos showing the “unlawful structure” of the external staircase & landing and a QS cost estimate for this exterior staircase & landing based on 2024 prices of new materials. *(revised 23.10.24)*

This is all motivated in greater detail below:

3.0 LOCALITY AND CONTEXT

The property is situated on the corner of Moore & Queen Victoria streets in Stanford, North West of the original historical village and on one of the main access routes to “die Plaat” & Walker bay nature reserve (refer to Figure 1 above.)

The site falls naturally about 1.4m from the Queen Victoria street, Northerly corner to the Moore street southerly corner and sits about 0,5m above the Moore street road level.

The property is zoned Single Residential Zoning 1 (SR1) with the surrounding area an established single residential environment where all residential properties are zoned Single Residential Zoning 1. The property is 562m² in extent and contains an existing dwelling house with a 2nd storey in the roof space and separate garage. As mentioned, additions and alterations are proposed to renovate the dwelling house & garage

4.0 THE PROPOSAL

The proposal entails alterations & additions to the existing property, including converting the existing garage to be part of the main dwelling and the building of a new double carport in the Southern corner of the property. A new patio & pergola is proposed on the North East side of the property to enjoy the north orientation and views of the Klein River Mountains. Refer to proposed building plans attached.

5.0 MOTIVATION

The proposed alterations generally comply with the development rules of (OMLUS) 2020, however, the new carport location encroaches on the Moore st, street building line and the new Main patio pergola location encroaches on the Queen Victoria st, street building line.

Application is thus made for departures – Section 16(2) (b) from the Overberg Municipality Land use scheme, 2020, for: the street building line encroachment on Moore street to allow consent for 1.5m in lieu of 3m to accommodate a new carport and the street building line encroachment on Queen Victoria street to allow consent for 1.5m in lieu of 4m to accommodate a new pergola

Application is also made for an administrative penalty – Section 90 of the Overberg



Municipality Land use scheme, 2020, to legalise the existing external staircase & landing, previously unlawfully built and encroaching the Moore st, street building line - 3.1m in lieu of 4m . The existing unlawful landing structure is proposed to be retained as a balcony (*revised 23.10.24*)

The following sections comprise an assessment of the application in terms of the criteria listed in Section 66 of the OMLUS and serves as the motivation for the approval of this application.

5.1 Compliance with Planning Legislation

The proposed land use adheres to the development principles as specified in the Spatial Planning and Land Use Management Act No.16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act No.3 of 2014 (LUPA) as it ensures improved utilisation of land (with reference to the principle of spatial justice) and promotes land development that optimises the use of existing resources and infrastructure (with reference to the principle of efficiency).

5.2 Compliance with Spatial Development Frameworks and Planning Policy

The proposed carport and pergola are relatively simple structures and are typical of the single residential use of this property. The spatial development frameworks and planning policies address more high-level spatial planning and policy matters. Nevertheless, the proposal ensures more effective use of the available space of the property.

5.3 Compliance with the Overberg Municipality Land use scheme, 2020 (OMLUS)

The proposed alterations generally comply with the development rules of OMLUS 2020.

In terms of 16.1 .1 Encroachments of building lines permitted,

a) The new patio on the North East side located within the Queen Victoria st street building line, is less than 1m above the existing ground level and complies in terms of general encroachment of building lines. The addition of the new pergola on this patio & the "unlawful" existing stair landing /balcony structure above, does not comply with this regulation. We would however like to propose that the municipality considers the principles of 16.1.1d (1) that the pergola & existing stair landing/ balcony will enhance the appearance of the building generally as seen from Queen Victoria & Moore streets and their streetscapes and thus also consider the legalising of the existing stair landing / balcony (*revised 23.10.24*)

In the case of the proposed new carport located within the Moore st, street building line we request the municipality consider the principals of 16.1.2 b) and permit the construction of a carport over the street building line as the:

- (i) Width of the carport is 5,79m and does not exceed 6.5m
- (ii) The roof of the carport will be supported by timber posts
- (iii) The carport is not enclosed on any side except by the wall which forms the external wall of an adjacent building

The height of the carport measured from the natural grnd level to the highest point of the structure over the building line will not exceed 3m on the street boundary.

5.4 Desirability of the Proposal

In terms of Section 66 of the (OMLUS), the following considerations are relevant to the assessment of the extent to which the proposal would be desirable.

- **Socio-Economic Impact** – The proposed additions and alterations ensure that the available space on the property is efficiently used. The investment into the property will enhance the property value and will therefore have a positive impact on surrounding property values.
- **Compatibility with Surrounding Uses** – The existing single residential land use of the property will remain. Garages & carports built up to common boundaries & within street boundaries are not uncommon in the area and is allowed by the OMLUS (refer to Figure 2 below).



figure 2 – Examples of existing carport/ garage/ dwelling structures encroaching the street boundaries on surrounding properties

RECEIVED
24 OCT 2024

- **Impact on External Engineering Services** – The proposed additions and alterations make use of existing property rights and will not require additional services capacity. There will not be any impact on external engineering services.
- **Impact on Safety, Health and Well being of Surrounding Community** – The proposed carport & pergola structure are relatively minor additions to the property and will not affect the safety, health and wellbeing of the surrounding property owners in any way.
- **Impact on Heritage** – Erf 868 falls outside of the proclaimed Stanford Heritage Protection Overlay Zone (HPOZ) and the immediate area is not considered a sensitive heritage environment.

The existing dwelling house is not older than 60 years and thus does not require an application to or a permit from the Heritage Western Cape (HWC)

The proposed alterations & additions however, are sensitive to the heritage architecture, character and context of Stanford as a whole and the streetscape of Moore & Queen Victoria streets.

Although the Carport is proposed within the street building line of Moore street, it is not a monolithic structure but rather a lightweight timber structure. The existing low 1200mm high front timber street fence and proposed vegetation grown between the front fence and the carport will further soften the appearance of the carport within the front building line.

The proposed new timber pergola & the legalising of the existing stair landing/ balcony within the Queen Victoria st, street building line will further improve the visual appearance of the house from the street. Additional vegetation grown between the front fence and the patio will further soften the appearance.

It is also important to note that the existing vegetated road reserves are relatively wide on both Moore & Queen Victoria streets such that the proposed Carport and Pergola & balcony within both street building lines will be a minimum of 5m from their existing road edges. *(revised 23.10.24)*

The alterations & additions have been considered carefully to protect and enhance the character of the historical built environment of Stanford with regard to the streetscape, scale, massing and form, street interface, etc. so that rather than impacting the surrounding aesthetics, the proposed alterations & additions will enhance the streetscapes and character of Stanford in general. Refer to existing photos of the house and property and the proposed visual impressions of the proposed alterations & additions

- **Impact on the Biophysical Environment** - The property is situated within an established Stanford suburb & within the Stanford urban edge. There is public open space & the Klein River is nearby but the proposed alterations & additions will have no effect on any of the natural areas. It also does not contain any sensitive environmental elements.
- **Traffic Impact** – The proposed additions and alterations are within the property's existing zoning rights. No additional traffic impact will be created and the alteration work will have no impact on the neighbouring properties in terms of traffic and parking.

The proposal complies with all transport-related development rules, such as setback from the street boundary and width of the carriageway crossing.



5.5 Impact on Existing Rights

The proposed carport & pergola are relatively minor additions to the dwelling house as well as the existing 2.52m² unlawful portion of the stair landing and will not impact negatively on any surrounding properties. The proposed new structures are single storey in height and do not contain overlooking features. The existing stair landing extends only 900mm over the street building line and the privacy of the abutting properties will not be affected in any way. The proposal has been designed with due regard to the adjacent properties to ensure that the rights of these properties are not being affected. The built form and scale of the property, including the proposed additions and alterations, and the legalising of the portion of the stair landing / balcony is deemed appropriate.

6 CONCLUSION

We believe that the alterations & additions including the location of a new carport & pergola & the legalising of the existing stair landing/ balcony within the street building lines of Moore & Queen Victoria street will have a positive impact on the street and surrounding environment and properties and are in keeping with the aesthetic context of Stanford.

We request that the Overstrand municipality favourably consider this application for approval.

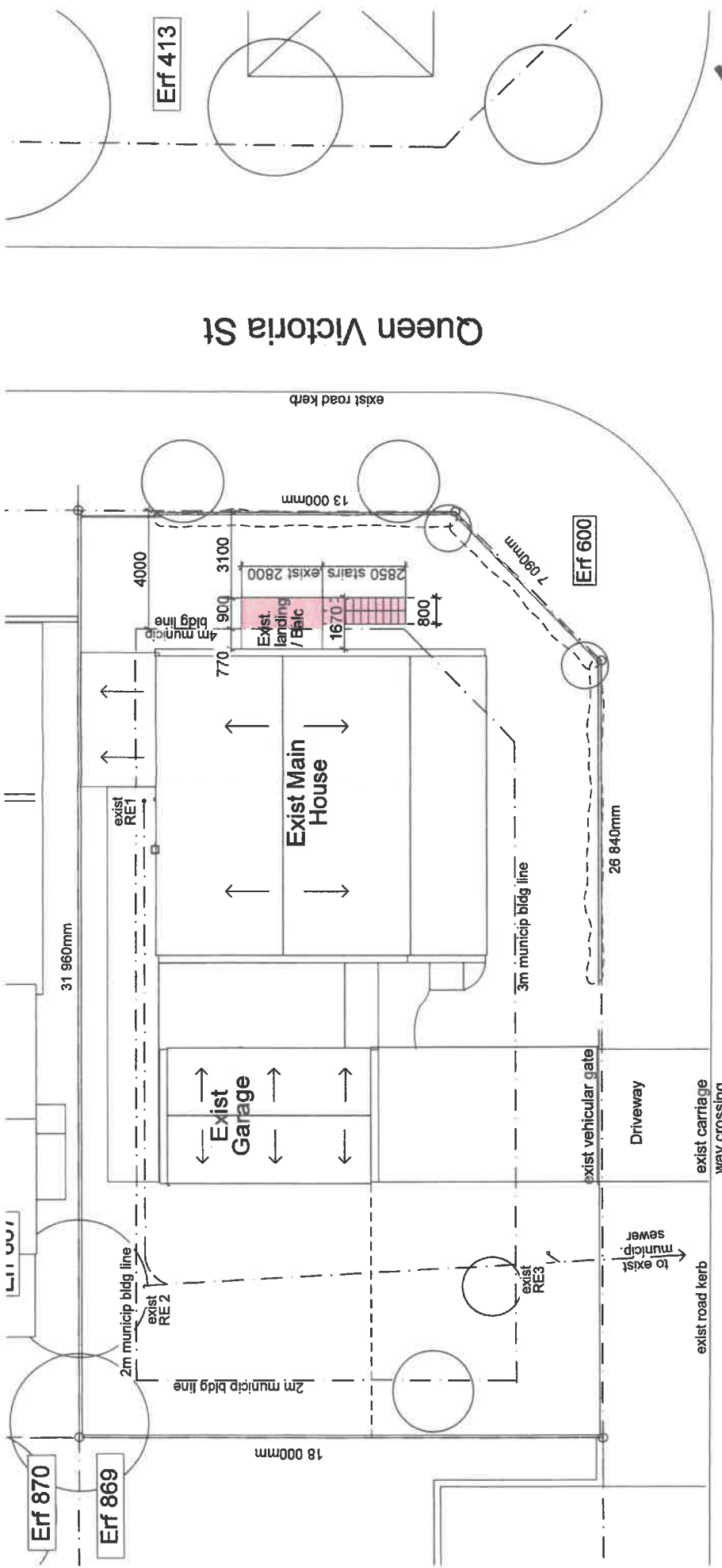




existing external timber stair & landing



RECEIVED
24 OCT 2024



Moore St

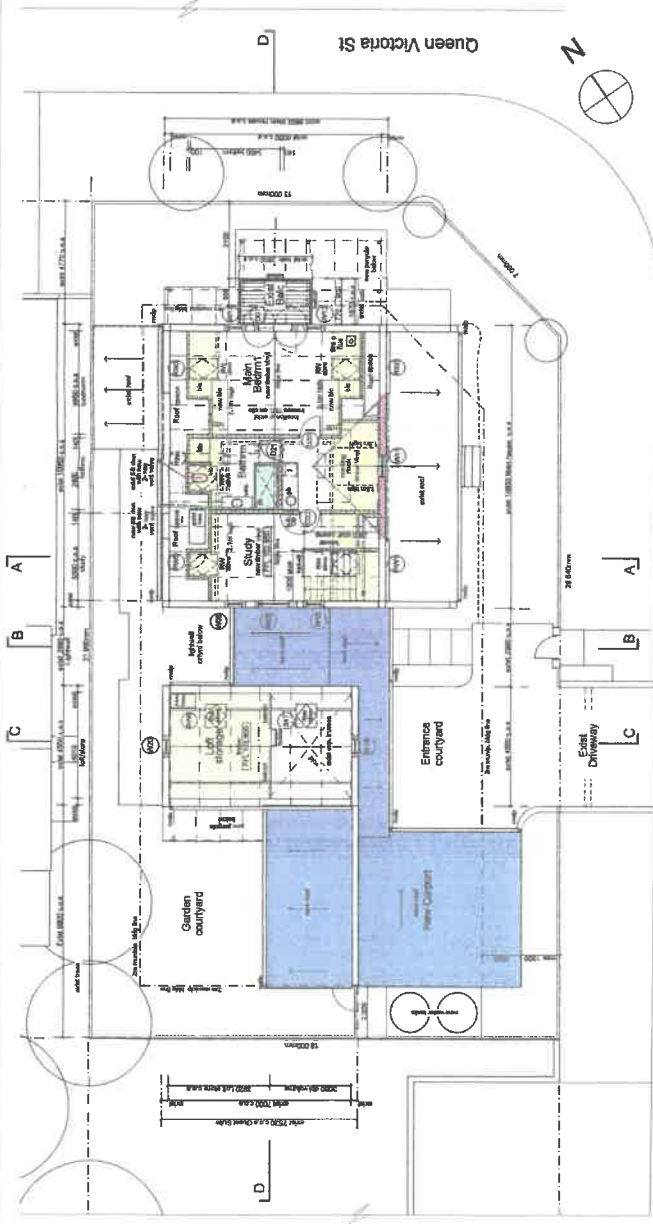
EXISTING ROOF PLAN

Scale 1: 200

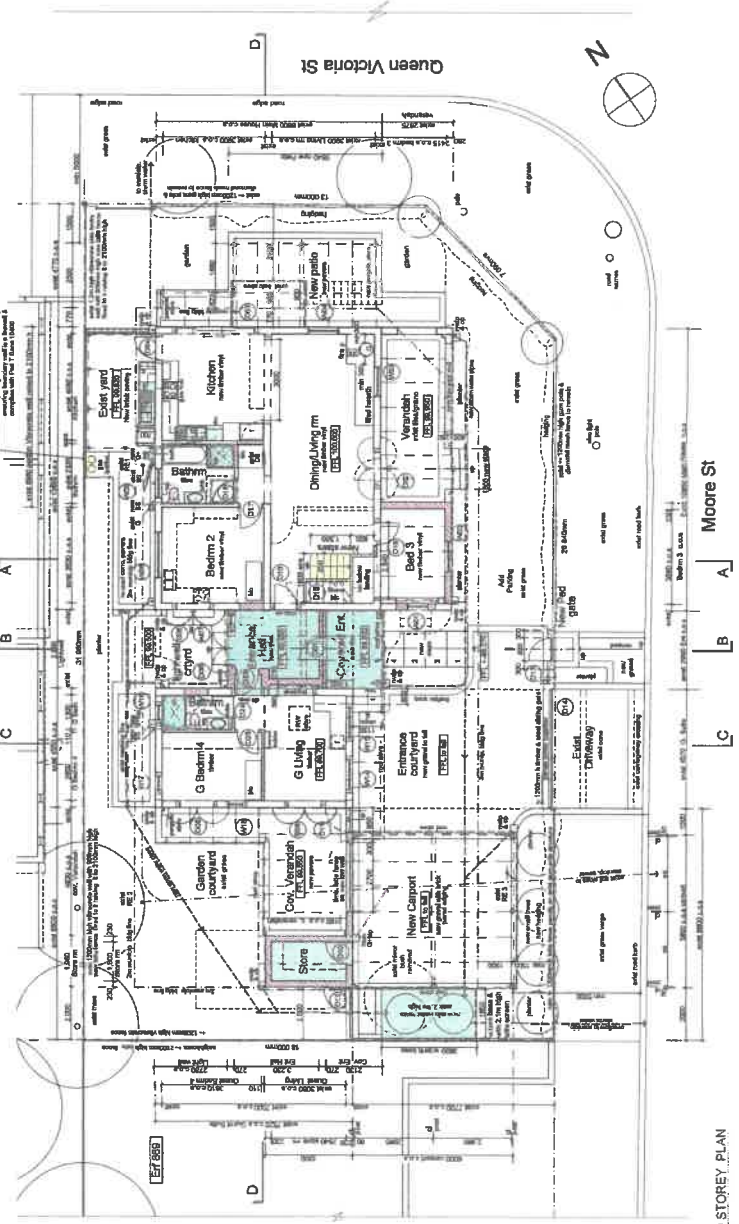
Erf 868 - unlawful stair & landing structure - 5m2

| | | | |
|--|--|---------------------------------|--------------------------------|
| LISA ALCOCK ARCHITECTS 18 Dunluce Avenue, Claremont, 7708 Cell : 0837972012 LisaAlcock@mweb.co.za | PROJECT Hse Alcock Erf 868, 6 Moore Street Stanford | JOB NO 2023/99 | DRWG NO CD102 |
| | DESCRIPTION Existing House Roof Plan(showing unlawful structure) | DRAWN LA | SCALE 1: 200 |
| | | DATE CREATED 23.10.24 | DATE ISSUED 23.10.24 |

NOTE:
 - THE DRAWING HAS BEEN PREPARED BY THE ARCHITECT AND IS TO BE USED AS A GUIDE ONLY.
 - ALL WORK TO BE CARRIED OUT AS PER THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS.
 - THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES.
 - ALL DIMENSIONS TO BE AS SHOWN UNLESS OTHERWISE SPECIFIED.
 - ALL DIMENSIONS TO BE AS SHOWN UNLESS OTHERWISE SPECIFIED.
 - ALL DIMENSIONS TO BE AS SHOWN UNLESS OTHERWISE SPECIFIED.



PROPOSED 1ST STOREY PLAN
 Scale 1:100



PROPOSED GROUND STOREY PLAN
 Scale 1:100

| | |
|--|----------------------------|
| ARCHITECT LISA ALCOCK ARCHITECTS 18 BUCKINGHAM GARDENS DUBLIN 4 TEL: 01 454 7021 01 454 7022 www.lisaalcock.com | DATE: 27/08/2024 |
| PROJECT Proposed Alterations & Additions to Existing house on, Efr 868 6 Moore Street, Stamford | |
| JOB NO 2023/99 | |
| DESCRIPTION PROPOSED GROUND & 1ST FLR PLAN | |
| SCALES 1:100 | |
| PURPOSE Council Submission | |
| DRAWN L.A. | CHECKED L.A. |
| DATE ISSUED 27.08.2024 | DATE EXPIRES 02.09.2024 |
| DATE ISSUED 27.08.2024 | REVISION 27.08.2024 |

Occupancy/Building classification:
 H4 (Dwelling use)

Architect:
 Lisa Alcock
 Date: 27.08.2024

Client:
 Nicholas Alcock
 Date: 27.08.2024

