

# **OVERSTRAND MUNICIPALITY**



## **TINY HOUSE POLICY**

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## 1. INTRODUCTION

A global shift towards simplicity and minimalism in the built environment in recent years has birthed the 'tiny house trend', which has taken off across the globe and has recently made its way to South Africa.

A *Tiny House* complies with the definition of a residential dwelling house but on a smaller than usual scale.

The tiny house movement (also called the small house movement) is an architectural and social movement that advocates for downsizing living spaces, simplifying, and essentially "living with less." According to the 2018 International Residential Code, Appendix Q Tiny Houses, a tiny house is a "dwelling unit with a maximum of 37 square metres of footprint floor area, excluding lofts."

While tiny housing primarily represents a return to simpler living, the movement is also regarded as a potential eco-friendly solution to the existing housing industry, as well as a feasible transitional option for individuals experiencing a lack of shelter.

The purpose of this policy is to focus on primary dwelling houses with a footprint of less than 27m<sup>2</sup>.

All Tiny House applications must comply with the National Building Regulations, including the parameters for rational designs, as well as the Land Use Scheme parameters and other applicable legislation.

## 2. LEGAL FRAMEWORK

The legal framework for all buildings in South Africa is contained in the following two documents:

- The National Building Regulations and Building Standards Act (Act 103 of 1977) (referred to as the *Building Act*),
- South African National Standards 10400: The Application of The National Building Regulations (SANS 10400).

All buildings must be approved by the Local Authority. When considering an application for a building, the decision maker must take into consideration all aspects of the Building Act and SANS 10400 or National Building Regulations (NBR).

Any digression from the prescriptive requirements of SANS 10400 requires a rational design. A rational design is described in Part A of SANS 10400 as a design by a competent person involving a process of reasoning and calculation and which may include a design based on the use of a standard or other suitable document.

When considering an application for a tiny house, the following three sections are of particular importance:

## 2.1. SECTION 7 OF THE BUILDING ACT

Section 7 of the Building Act reads as follows:

### *7. Approval by local authorities in respect of erection of buildings*

(1) *If a local authority, having considered a recommendation referred to in section 6(1)(a) -*

(a) *is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;*

(b) *(i) is not so satisfied; or*

*(ii) is satisfied that the building to which the application in question relates –*

*(aa) is to be erected in such manner or will be of such nature or appearance that –*

*(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;*

*(bbb) it will probably or in fact be unsightly or objectionable;*

*(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;*

*(bb) will probably or in fact be dangerous to life or property,*

*Such local authority shall refuse to grant its approval thereof and give written notice for such refusal.*

## 2.2. SANS 10400 PART C: DIMENSIONS

SANS 10400 prescribes that a primary dwelling house must be at least 27m<sup>2</sup> in area. Additional dwelling units on the same erf as a primary dwelling (second or third dwelling houses) are not limited in size in terms of the Building Act.

SANS 10400, Part C: Dimensions reads as follows:

### *4.4 Floor area*

*The overall plan area of any dwelling house shall be not less than:*

*a) 15 m<sup>2</sup> in the case of a temporary building,*

*b) 27 m<sup>2</sup> in the case of permanent category 1 buildings, or*

*c) 30 m<sup>2</sup> in the case of any other permanent building.*

With the present tendency towards smaller sites, it is likely that many more houses of a size much smaller than has been common in the past will be built. In considering the very small permanent building it should be remembered that size cannot be equated with quality.

### **3. CATEGORIES OR TYPES OF TINY HOUSES**

Tiny Houses can be grouped into three categories, based on their intended use:

- Permanent – Attached to approved foundation, prioritising occupant safety and energy efficiency,
- Temporary – Built on chassis or frame and may have wheels, prioritising mobility, or
- Transitional – living facilities for persons who lack shelter, prioritises flexibility to meet local needs.

#### **3.1 Permanent Dwelling**

Permanent tiny houses are attached to a foundation and complies with all applicable law.

Permanent tiny houses must meet the requirements of the Building Act.

Any digression from the prescriptive requirements requires a rational design.

The Building Act requirements for permanent houses are well-established and expanded upon in Section 4 of this document.

Sleeping lofts are allowed in a tiny house, a ladder or stairs may be used as the primary means of access to the sleeping lofts if submitted as a rational design.

Service connections (Water, sewage, electricity) will be required as per normal building regulations (SANS 10400).

Plan approvals and inspections are mandatory and provided by the Municipality.

Builders, electricians, and plumbers who work on a tiny house must be licensed/registered.

#### **3.2 Temporary Dwelling / Mobile Tiny House**

Tiny houses attached to a frame or chassis (which may or may not have wheels attached), park model recreational vehicles, or tiny houses on wheels are considered temporary dwellings. Temporary dwellings prioritize mobility.

Temporary tiny houses may only be established in areas zoned as resorts or areas zoned as less formal development zones.

Mobile tiny houses are designed for regular movement on public highways and subject to the National Road Traffic Safety Act (NRTA). This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers. Temporary tiny houses not designed for regular

movement on public highways can be transported under a trip permit or an over-dimension permit.

### 3.3 Transitional Housing

The establishment of transitional housing units to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing can be allowed.

Transitional tiny houses may only be established in areas zoned as less formal development zones.

Transitional housing units can include shacks, cabins, fabric structures, and other similar accommodations. Transitional housing units may only be established in areas zoned as less formal development zones. These are established and regulated at the local government level. This standard is a service to local government and has no regulatory impact until adopted by local government.

## 4. TINY HOUSE GUIDELINES

This section must be read with the Building Act and SANS 10400.

### 4.1. GENERAL

#### Scope

This part is applicable to tiny houses used as primary single dwelling units, or second dwelling units.

### 4.2. DEFINITIONS

The following words and terms shall, for the purposes of this document, have the meanings shown herein. Refer to the Building Act and SANS 10400 for general definitions.

**TINY HOUSE:** A dwelling that is 27m<sup>2</sup> or less in footprint with or without lofts.

**LOFT:** A floor level located more than 800 mm above the main floor, open to the main floor on one or more sides with a ceiling height of less than 2100mm and used as a living or sleeping space.

### 4.3. CEILING HEIGHT

#### 4.3.1. Minimum ceiling height

Habitable space in tiny houses shall have a ceiling height of not less than 2100mm.

Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 1900mm.

Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in lofts are permitted to be less than 2100mm.

#### 4.4. LOFTS

##### 4.4.1. Minimum area

Lofts shall have a floor area of not less than 2.0m<sup>2</sup>.

##### 4.4.2. Minimum dimensions

Lofts shall be not less than 1.0m in any horizontal dimension.

##### 4.4.3. Minimum height of loft area

The height of a loft measured from the finished floor to the finished ceiling shall not be less than 750mm.

##### 4.4.4. Loft access

The access to the primary egress from lofts shall be by means of a stairway or ladder.

##### 4.4.5. Loft Guards/balustrade

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 400mm in height.

#### 5. ZONING AND AREAS

5.1 Zoning codes determine where owners can site their tiny houses.

Tiny houses will be considered in the following zones:

- Resort Zone:
  - Temporary Tiny Houses, built on chassis or frame and may have wheels.
- Less Formal Development Zone:
  - Permanent Tiny Houses, attached to approved foundation,
  - Temporary Tiny Houses, built on chassis or frame and may have wheels, and
  - Transitional Tiny Houses, living facilities for persons who lack shelter, prioritises flexibility to meet local needs.
- Residential Zone 1: Single Residential
  - Permanent Tiny Houses, attached to approved foundation.
  - Direct neighbours' comments (or proof of notices served) are required for structures smaller than 30m<sup>2</sup>.

5.2 The consideration of the specific areas where tiny houses could be constructed must take the following into account:

- Requirements of Section 7 of the NBR,
- General style and value of buildings in the area, and
- Need and Desirability.

## 6. PROCEDURAL REQUIREMENTS AND APPLICATION PROCESS

The process to obtain permission to erect a tiny house is as follows:

- 6.1 Before formally submitting an application, an applicant must first discuss the details with the relevant official in the Building Control and Town Planning Departments.
- 6.2 The applicant must then submit a building plan application to the Building Control Department, together with a motivation and application for exemption and/or deviation from all the relevant parts of the NBR.
- 6.3 The building plan application is then assessed by the Municipality, taking all relevant legislation and this Policy into consideration.
- 6.4 Once assessed, the application is referred to the competent authority for decision.
- 6.5 The applicant is notified of the decision.

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