



REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO

**MPTNE20/09/18**

**WARD 70: APPLICATION FOR PERMANENT DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 3235, BELLVILLE, 3 RETZIA ROAD (HOHEIZEN)**

Case ID	70396599
Case Officer	Asanda Solombela
Case Officer phone number	021 4006849
District	Northern
Ward	70
Ward Councillor	Clr A. Crous
Report date	August 2018

**1. EXECUTIVE SUMMARY**

Property description	Erf 3235, Hoheizen, Bellville
Property address	3 Retzia Road
Application components description	Departures from: <ul style="list-style-type: none"> <li>To permit the proposed outbuilding to be 2.0m in lieu of 3.5m from street boundary.</li> <li>To permit the proposed garage to be 0.0m in lieu of 3.0m from common boundary (exceeding width).</li> <li>Item 22 (f): To permit the proposed garage to be 1.5m in lieu of 5.0m from street boundary.</li> </ul>
Site extent	802m <sup>2</sup>
Current zoning	Single Residential Zoning 1: Conventional Housing (SR1)
Current land use	Dwelling house
Overlay zone applicable	None
PHRA or SAHRA heritage	None
Public participation outcome summary	Objections were lodged by two (2) of the surrounding property owners.
<b>Recommended decision</b>	
Approval	<input checked="" type="checkbox"/>
Refusal	<input type="checkbox"/>
Approval in part & Refusal in part	<input type="checkbox"/>

**2. BACKGROUND FACTS**

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- 2.1 Neighbours consent forms were issued to the potentially affected surrounding neighbours and a formal notice was also issued to the neighbours by Council. Two (2) of the surrounding owners lodged objections towards the proposal.
- 2.2 Subsequently to advertising, the applicant has revised and amended the plans to address the concerns of the surrounding property owners. The departure that was previous advertised is indicated below while the struck through is no longer required.

Departures from:

- o ~~Item 22(d): To permit the proposed outbuilding to be 0.0 in lieu of 3.0m from common boundary.~~
- o To permit the proposed outbuilding to be 2.0m ~~1.5m~~ in lieu of 3.5m from street boundary.
- o To permit the proposed garage to be 0.0m in lieu of 3.0m from common boundary (exceeding width).
- o Item 22 (f): To permit the proposed garage to be 1.5m in lieu of 5.0m from street boundary.

**3. SUMMARY OF APPLICANT'S MOTIVATION**

The applicant's motivation may be summarized as follows (see **Annexure D**):

- The owner wants to erect an outbuilding, which will comprise of a new garage and gym on the first floor, as well as extension of the existing garage.
- The proposed additions will allow the owner to protect his vehicles.
- The new additions will not decrease the value of surrounding properties.
- The proposed additions will have a positive facelift on the property.

**4. PUBLIC PARTICIPATION**

		Applicable	Dates / Comments
Advertising	Notice in the media (s81)	x	
	Notice to a person (s82)	✓	Notice of no-objection letter by hand and formal advertising was conducted on 6 April 2018.
	Notice to Community organization (s83)	x	
	Notice to Ward Councillor (s83)	x	
	Notice of no objection (s84)	x	
	Notice to Provincial Government (s86)	x	
	Notice to an Organ of State (s87)	x	
	Public meeting	x	
Outcome	On-site display	x	
	Objections	✓	Two (2) objections received
	Objection petition	x	
	Support / No objection	✓	Six (6) no objection letters were received supporting the proposal (but 1 was

			withdrawn and an objection was later submitted by the neighbour)
	Comments	x	
	Ward Councillor response	x	

#### 4.1. Summary of objections / comments/ support received

The objections received may be summarised as follows (see **Annexure E**):

- The architectural style of the double storey addition is commercial and not residential, which is out of character for the area.
- The proposed double storey building will block the neighbour's view of the Bellville area and coastline.
- The proposed double storey would be more suitable as a single storey.
- The initial plans signed by the owner of Erf 3236 did not clearly convey that the double storey building will be located 0m on the said neighbour's common boundary.
- At present the proposal does not motivate why the local authority should deviate from its development regulations.
- The double storey building will obstruct natural light onto living space of the adjacent owner of Erf 3236.
- The proposal will devalue the surrounding properties.
- There is sufficient space on the subject property for the owner to undertake the proposed alterations without encroaching the property's restrictive building lines.

#### 4.2 Summary of applicant's response to public participation

The applicant's response to objections received (see **Annexure F**) may be summarised as follows:

- The proposed double storey addition with the garage on the ground storey level will not be located on the street boundary as stated by the objector, rather it will setback 1.5m from the street boundary.
- There will be no windows on the façade of the double storey building facing onto the street, which will allow the building not to have an industrial look.
- There are similar buildings already constructed in the neighbourhood.
- The current objector had originally signed the no objection and plan.
- The adjacent neighbour did not enjoy any side view as there was an existing tree which was since felled that already blocked the neighbour's view.
- The adjacent neighbour will still have sufficient sunlight coming into his living room, as there will still be adequate space between the proposed double storey and the neighbour's living room.

## 5. BACKGROUND TO PROPOSAL

### 5.1. Description of the area / surrounding land uses

The subject property is zoned Single Residential Zone 1 and is surrounded by similarly zoned properties. Residential group housing scheme developments located on General Residential Zone 1 even are located in close proximity towards the north and east of the subject property. The University of Stellenbosch Business School and Tygervalley precinct area are located further north east of the subject property.

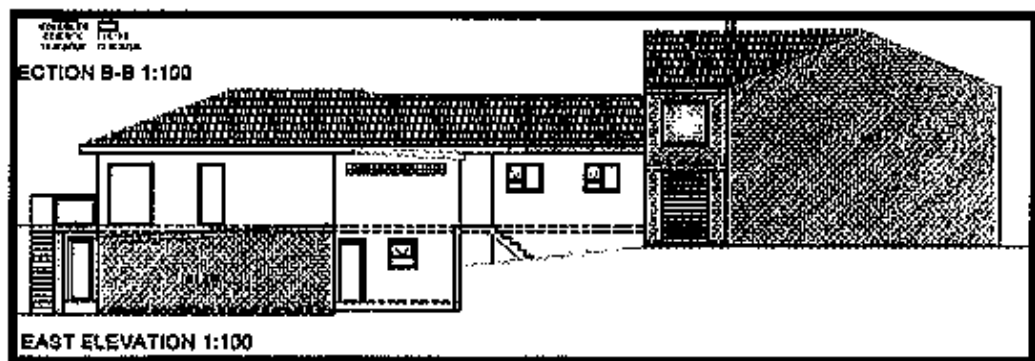
### 5.2. Property description

The subject property is 802m<sup>2</sup> in extent and developed with a double storey dwelling house, a double garage and a swimming pool. Access to the property is from Retzia Road on the southern edge of the subject property and there is also an existing carriageway crossing on the northern section of the property which provides access.

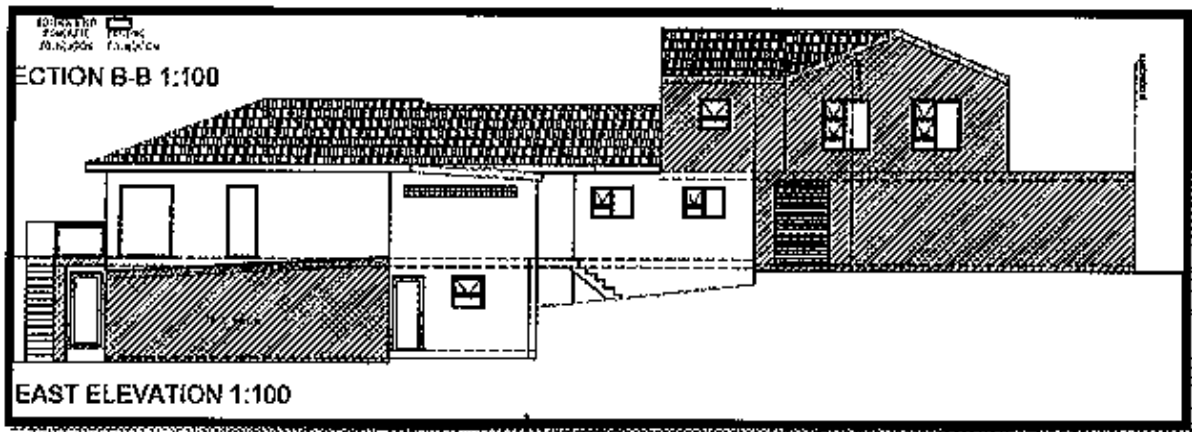
### 5.3. Proposed development

It is the intention of the applicant to make additions to the existing dwelling house, which will comprise of an extension of the existing double garage, the addition of a balcony on the first storey level and a double storey addition on the northern section of the existing dwelling house. The double storey addition shall comprise of a garage on the ground storey level and a gym/ family room on the first storey with balcony and bathroom.

The applicant has amended the proposal by complying with the common building line of 3.0m. This departure is no longer required and also a street departure has been amended for the proposed first floor to setback the building further from street boundary by 2.0m. These amendments were required to mitigate any potential impact from the adjacent neighbor and the plans are displayed in figure 1 and 2 below.



**Figure 1: Original proposal**



**Figure 2: Amended proposal**

## **6. PROPOSAL ASSESSMENT**

### **6.1.1 Consideration of criteria in terms of Section 99(1)**

- The application complies with the general requirements of the MPBL as the correct application has been made, and all the process and procedures, including public participation have been followed.
- There is no unauthorised land use or building work related to this application, no administrative penalty is required.

### **6.1.2 Compliance or consistence with the municipal development framework**

- The application is consistent with the Cape Town Municipal Spatial Development Framework as far as managing growth in urban area.

### **6.1.3 Consideration in terms of section 99(3) of the desirability of the following criteria:**

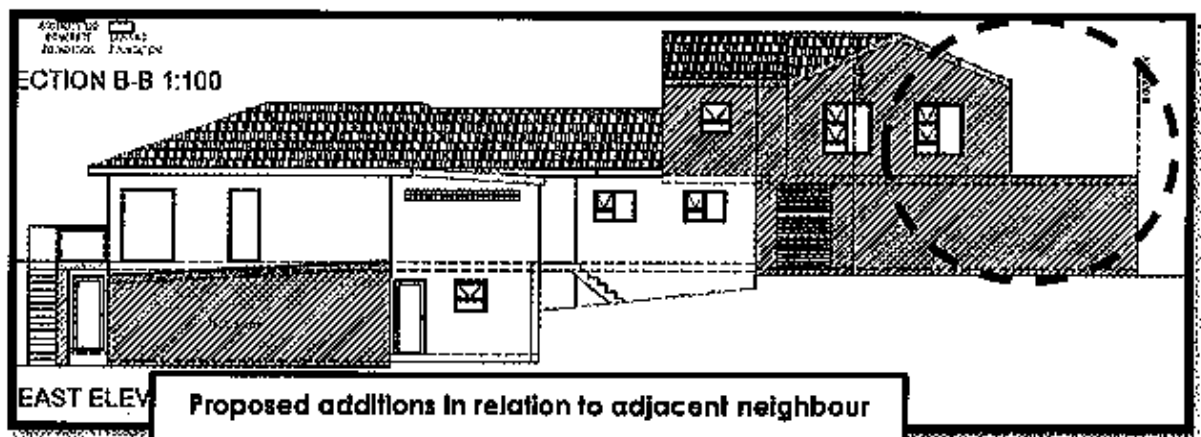
#### **a. Socio-economic impact.**

- The proposal will have no negative socio-economic impact.

#### **b. Compatibility with surrounding uses.**

- The subject property is zoned Single Residential Zone 1 and used for residential purposes and the land use will not change.
- The proposed additions will not have any impact on the character of the area, as the applicant has amended the plans and set the building away from common boundary so to mitigate any adverse impact on the surrounding owners. This departure of 0.0m from the objector's property Erf 3236 is no longer applicable due to the amendment from the applicant. The proposed garage on Retzia Road will be setback 1.5m away from the street boundary. Therefore no streetscape will be impacted by the proposal and the proposed first floor will be setback 2.0m away from the street boundary. While on other side of Retzia the additions are compliant with the requirements of the DMS.

- Furthermore, the proposal will not extend beyond the 11.0m Total height and is compliant as far as height concerned.
  - A garage is permitted as of right in the Single Residential (SR1) zone and is therefore considered compatible with the existing use of the subject property as well as that of surrounding properties. The proposal will not be out of character with the area, as the garage is proposed at ground floor of the property.
- c. Impact on the external engineering services.
- The proposal does not impact on external engineering services. The internal departmental branches support the proposal.
- d. Impact on safety, health and wellbeing of the surrounding community.
- The proposal will not impact on the safety, health and wellbeing of the surrounding community.
  - As per the illustration below, the windows or doors are inserted into this side of the common boundary at 3.0m away from the boundary and compliant with the requirements of the DMS. Therefore the proposal will not impact on the privacy of the objector's property.

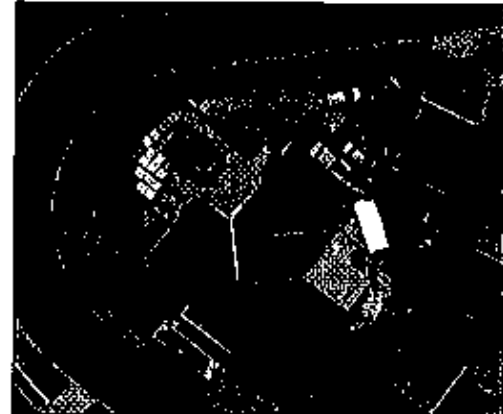
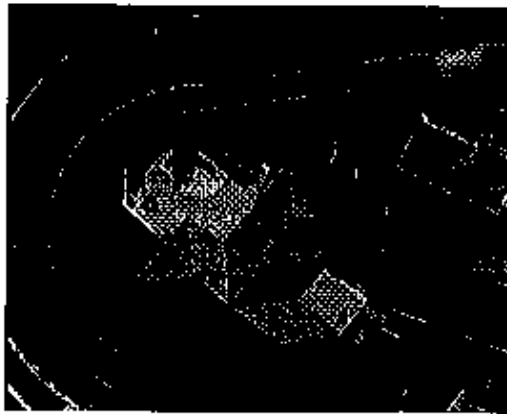


- e. Impact on heritage.
- There will be no negative impact on heritage.
- f. Impact on the biophysical environment.
- The proposal will have no impact on the biophysical environment. A tree that was located on the site for the proposed double storey addition has already been felled by the owner (see aerial images below).

2016

vs

2018



g. Traffic impacts, parking, access and other transport related considerations.

- There proposed garage is not likely to impact on the traffic flow noting that DMS permits the garages and carports on common boundary. The proposal will not impact on the road network or parking in the area.

h. Conditions that can mitigate an adverse impact of the proposed land use.

N/A

6.1.4 Would the approval of the application have the effect of granting the property development rules of the next subzone within a zone?

N/A

**I am satisfied that the decision making criteria in Section 99(1) have been complied with.**

**I am satisfied that the considerations in Section 99(3) have been assessed and that the proposed land use is desirable.**

**6.2 Consideration of criteria in terms of section 99(2)**

6.2.1 Any development framework

- The proposal is located in an area earmarked for urban development and is therefore consistent with the Northern District Plan and the Cape Town Spatial Development Framework.

6.2.2 Relevant criteria contemplated in the DMS

In terms of item 22(f) of the DMS, a garage, carport or outbuildings are permitted on the common boundary of a property, subject to compliance with the following:

- A maximum height of 3.5m from base level to top of a roof.
- Do not contain more than a double façade and
- **A maximum width of 6.5m**

The proposed width of the garage is proposed to be 7.0m and will exceed the permitted 6.5m width. Hence a departure application is made to permit the said garage at 0.0 m on common boundary and a street building line departure is also applied for.

#### 6.2.3 Applicable policy approved by the city

- The proposal is consistent with the City's Economic Growth Strategy, 2013 and Social Development Strategy in such that it creates job opportunities and supports economic growth and will alleviate poverty as people will be employed on construction of the proposal.

#### 6.2.4 Consideration in terms of section 99 (3) of the extent of desirability of the following criteria:

- See Section 6.1.3 above.

#### 6.2.5 Impacts on existing rights

- The proposal will not impact on existing rights.
- The proposed structures will be within the 3m building line from common boundary.

#### 6.2.6 Consideration of national and provincial legislation:

- In terms of the development principle of efficiency as set out in Section 7 of SPLUMA, the proposal, which involves building the family/ gym room on top of the proposed garage to reduce the financial impact of setting back the first floor, meets the principle of optimising the use of existing resources and efficient utilisation of available space on the subject property.

**I am satisfied that the decision making criteria in Section 99(2) have been complied with.**

### 6.3 Regarding the objection:

6.3.1 Some of the issues raised by the objector have been addressed above. However, a few additional points are dealt with below.

6.3.2 The proposal will not set a negative precedent in the area as there is a variety of building typologies in the area, which include double storey buildings. The proposal is considered compatible with the surrounding properties.

## 7. REASONS FOR DECISION

Reasons for the recommended departure decision for **approval** may be summarized as follows:

7.1.1 The proposal will not affect the character of the area.

- 7.1.2 The proposal is consistent with the Northern District Plan and the Cape Town Spatial Development Framework.
- 7.1.3 The proposal will have no negative socio- economic impact.
- 7.1.4 The proposal will have no impact on the biophysical environment.
- 7.1.5 The building line departures applied for ensures optimal utilization of property, and is further unlikely to adversely affect any neighbours' privacy, views, security or usage and enjoyment of any of their internal and external living spaces.
- 7.1.6 The proposed plans have been amended to mitigate adverse impact on adjacent neighbors.
- 7.1.7 The proposal is desirable and does not have a significant impact on existing rights.

## 8. RECOMMENDATION

In the view of the above, it is recommended that:

- 8.1 The application for a departure from street building line and common boundary on Erf 3235 Bellville **be approved** in terms of 98(b) of the Municipal Planning By-Law, 2015, subject to Annexure A.

## ANNEXURES

Annexure A	Proposed departures
Annexure B	Locality plan / public participation map
Annexure C	Site development plan
Annexure D	Applicant's motivation
Annexure E	Objection/ no objections
Annexure F	Applicant's response to objections
Annexure G	Internal comments received

  
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**Section Head**

Name: Sean Van Rensburg

Tel no: 021 444 1044

Date: 27/8/2018

  
\_\_\_\_\_

**District Manager**

Susanna Matthysen

021 444 1061

Date: 27 August 2018

**ANNEXURE A**

*In this Annexure*

*"Council" means the City of Cape Town,*

*"Owner" means the registered owner of the property,*

*"The property" means Erf 3235, Bellville 3 Retzia Road (Hohelzen)*

*"Bylaw" & "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015,*

*"Item" refers to the relevant section in the Development Management Scheme*

*"TDA Commissioner" means Executive Director: Transport and Development Authority*

**Application no: 70396599**

**1 DEPARTURES GRANTED IN TERMS OF SECTION 98 OF THE BY-LAW**

- 1.1 To permit the proposed outbuilding to be 2.0m in lieu of 3.5m from street boundary.
- 1.2 To permit the proposed garage to be 0.0m in lieu of 3.0m from common boundary (exceeding width).
- 1.3 Item 22 (f): To permit the proposed garage to be 1.5m in lieu of 5.0m from street boundary.

**2. CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MPBL:**

- 2.1 The roof are above the garage shall not be accessible or utilised as a balcony.

# Annexure

## B



**Overview**

Erf:

District:

Allotment:

Suburb:

Ward:

Sub Council:



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Notices Served



Support Received



Petition Signatory



Objections Received



Generated by:

Date: 20 March 2018

File Reference:



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

Making progress possible. Teso Thixo

# Annexure

# C





# Annexure

# D

Dear

The building of the garage and my family room /gym on top as a double story will have a positive effect towards the neighbours as well as the value of their properties and mine.

The building will be a face brick building that will match the existing house face bricks not be an odd building that can be seen as a separate building.

The value of the neighbours will increase as the look of my property will add a significant view to the area.

I had a lot of compliments already on the boundary wall that was approved to be build, that it's looking beautiful and good value.

Why will I build a building to have a negative impact? Not my intention.

Currently my vehicles are standing in the street and I want to prevent that. I notice in the neighbourhood a view houses with the same issue where vehicles are partially in the road hence I want to improve my near distance area to avoid my vehicles being in the street.

When the building is done the direct area will notice a positive facelift

Professional assistance will also be rendered to assist.

Br

S C Gouws

# Annexure

# E

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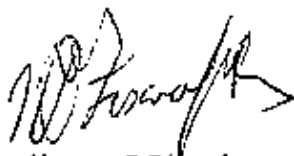
12 Retzia Road,  
Bellville,  
7530

14 May 2018

Good day,

Attached is my document detailing my objection to application number 70396599

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Norman D. Foxcroft', with a stylized flourish at the end.

Norman D. Foxcroft

Application number 70396599

**Objector's details:**

Norman Donald Foxcroft

12 Retzia Road, Hoheizen, Bellville, 7530 (stand number 13213)

Tel. 0219132731

I am the owner of stand number 13213

To be notified by post at the above address

**Reasons for objection to the proposed planning application**

1. The proposed plan shows a wide double story structure, placed on the boundary of the property and covering an extensive portion of the property. This will be directly facing our dining room and lounge. The rear of the proposed building facing 12 Retzia road has a commercial rather than a residential appearance and allowing it to be extended up to the boundary will aggravate this. The size of the structure being of double storey construction gives it a very commercial/industrial appearance which is totally out of character with the other properties in a residential neighbourhood.
2. The proposed double story building will dramatically obstruct our view of the Bellville area and coastline which I currently have. The view I currently have is a distinctive feature of my property and the loss of this view will adversely affect the resale value of my property. Furthermore allowing this large structure onto the boundary line brings the building closer to us which further exacerbates the problem.

If the proposed building were to be designed as a single storey structure, my objection to extending the building up to the boundary would fall away.

See additional page for photographs illustrating the above objection.



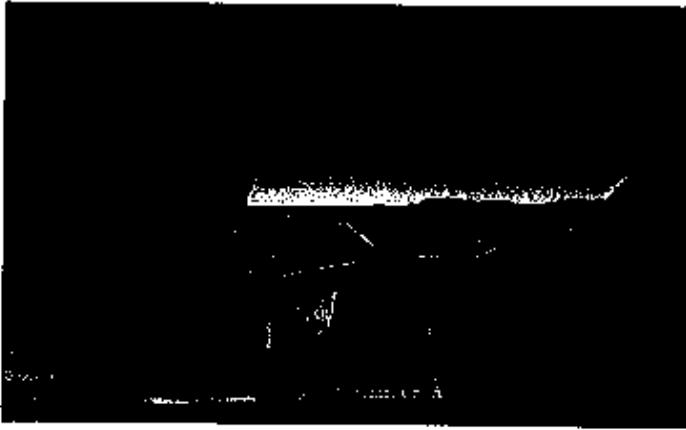


Image 1. Current view from 12 Retzia Road.

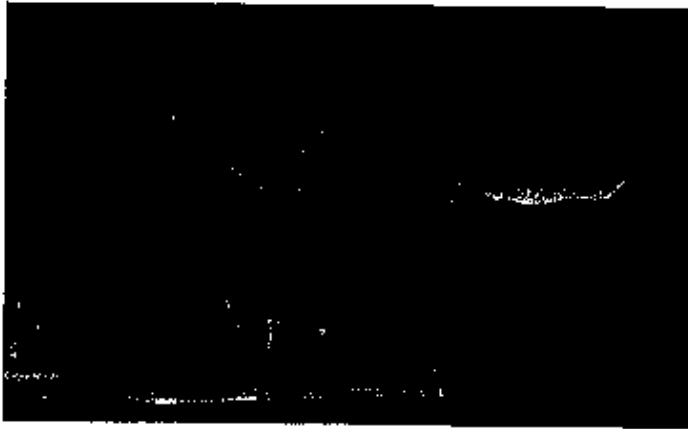


Image 2. View from 12 Retzia Road with proposed structure.

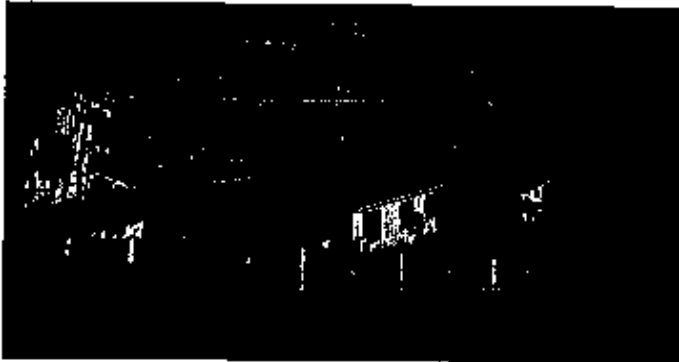


Image 3. Current view from 12 Retzia Road with approximate proposed structure outlined.



Image 4. Aerial view of proposed structure.



**TDA**  
CAPE TOWN

The City of Cape Town's Transport  
and Urban Development Authority

**DEVELOPMENT MANAGEMENT**

**SHHAAM SCHUTTER ISAACS**  
Senior Technical Officer

782

T: 021 444 1056 F: 0862029847  
E: SHHAAM.SCHUTTER@CAPETOWN.GOV.ZA  
Case ID: 70396599

BLUM010

06 April 2018

Dear Sir / Madam

**PROPOSED APPLICATION FOR DEPARTURES ON ERF 3235, BELLVILLE.**

The City of Cape Town has received the following planning application for consideration:

**Application number**  
70396599

**Applicant / Owner's details**  
Stephanus Cornelius Gouws

**Erf number or erven numbers**  
3235

**Description and physical address**

3 Retzia Road; Bellville (as shown on the attached locality plan)

**Purpose of the application**

Application for permanent departures in terms of section 42(b) of the Municipal Planning By-law 2015, in order to deviate from the following regulations:

- Departure from Item 22(d): To permit the dwelling extension to be setback 0.0 in lieu of 3.0m from the common boundary.
- Departure from Item 22(d): To permit the dwelling extension to be setback 1.5m in lieu of 3.5m from the street boundary.
- Departure from Item 22(d): To permit the garage extension to be setback 0.0m in lieu of 3.0m from the common boundary.

**Enquiries**

The application may be inspected at the office of the District Manager at Northern District, Brighton Road, Kraaifontein 08:00am – 14:30pm during office hours, Monday to Friday.

**Objections, comments or representations**

Any objection, comment or representation on the proposal, with reasons therefor, may be lodged at the following e-mail address: [comments\\_objections.northern@capetown.gov.za](mailto:comments_objections.northern@capetown.gov.za) (or submitted in writing to the office of the abovementioned District Manager) to be received before or on the closing date mentioned below.

**Further details to accompany any objection, comment or representation**

1) The application number and the following details of the person who is submitting the objection, comment or representation:

- full name;
- address, contact details and the method by which they may be notified;
- their interest in the application.

2) The reason for the objection, comment or representation, including at least –

KRAAIFONTEIN ADMINISTRATIVE BUILDING,  
BRIGHTON ROAD, KRAAIFONTEIN, 7570

- the effect that the application will have on a person or the area;
- any aspect of the application that is considered to be inconsistent with policy, and how.

#### Closing date for objections, comments or representations

**Closing Date: 14 May 2018**

No late comment or objection will be considered unless the City Manager has agreed thereto in writing.

#### Relevant legislation

This notice is given in terms of section 82 of the City of Cape Town Municipal Planning By-Law, 2015.

#### Request for oral submission

Section 120(11) of the MPBL provides that a person may request the Municipal Planning Tribunal (MPT) to make an oral submission. For such request to be considered it must comply with the following requirements:

1. Must be a written request emailed to the following address :  
[MPT.oralhearings@capetown.gov.za](mailto:MPT.oralhearings@capetown.gov.za)
2. Adequate reasons must be given for such request.
3. The request must be received at the above mentioned address at least 5 days before the MPT meeting that the application(s) will be considered, or closer to the meeting if good cause is shown.

To determine if you would like to make such request, you are directed to the following web link whereby the scheduled MPT meeting dates and the agendas are published:  
<http://www.capetown.gov.za/Family%20and%20home/meet-the-city/city-council/Meeting-calendar>.  
[Include the section above on a request for oral submission only if the application(s) is contained in Category 1 application types 1.1 to 1.13 in the City's categorisation of applications].

#### General

An objection, comment or representation which does not meet the requirements in this notice may be disregarded.

Objections, comments or representations form part of public documents and are forwarded to the applicant for response.

Any person who cannot write may come to the district office mentioned above during office hours where he or she will be assisted with transcribing any comment or objection and the reasons therefor.

If you wish further correspondence with the City to be by email, you need to specifically request it and provide the email address to be used.

Neem asseblief kennis dat ingevolge artikel 82(4) van die Stad Kaapstad se Verordening op Munisipale Beplanning, 2015, hierdie kennisgewing ook in Afrikaans of Xhosa beskikbaar is met 'n skriftelike versoek. Stuur die versoek na [comments\\_objections.northern@capetown.gov.za](mailto:comments_objections.northern@capetown.gov.za) binne sewe dae van die datum van hierdie kennisgewing.

Nceda ugaphela ukuba ngokungqinelana necandelo 82(4) loMthetho kaMasipala ongoCwangciso waseKapa, 2015, esi saziso siyafumaneka ngesiXhosa nangesibhulu ngesicelo esibhalwe phantsi. Eso sicelo masingenawe [comments\\_objections.northern@capetown.gov.za](mailto:comments_objections.northern@capetown.gov.za) kwiintsuku ezisixhenxe ukusuka kumhla wokukhutshwa kwesi saziso.

Yours faithfully

  
for DIRECTOR: DEVELOPMENT MANAGEMENT

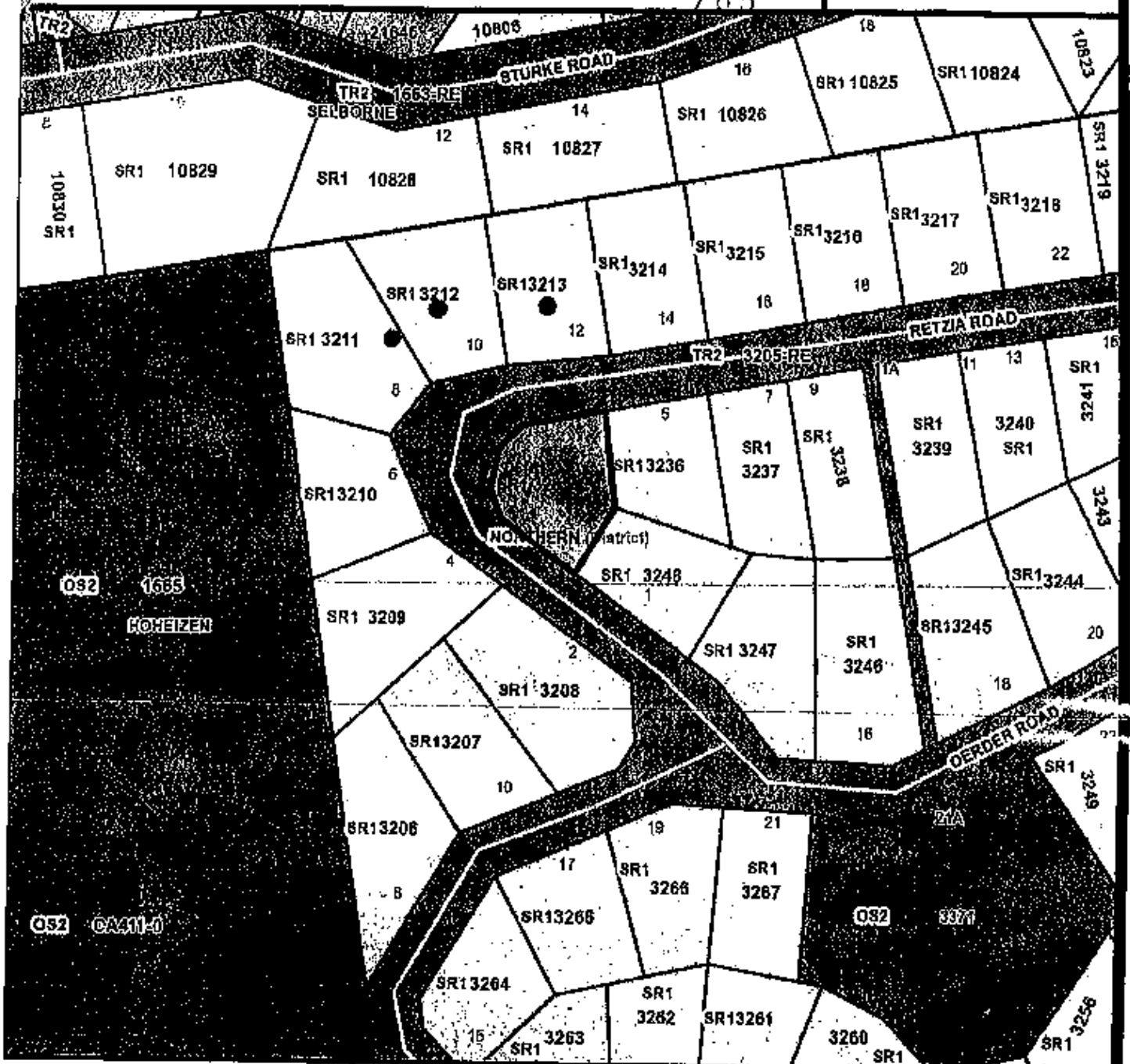
KRAAIFONTEIN ADMINISTRATIVE BUILDING,  
BRIGHTON ROAD, KRAAIFONTEIN, 7570



PLANNING AND BUILDING DEVELOPMENT MANAGEMENT  
**LOCALITY MAP**

**ANNEXURE :**

785



**Overview**



Erf: 3235

District: NORTHERN

Allotment: BELLVILLE

Suburb: HOEIZEN

Ward: 70

Sub Council: Subcouncil 3



1:1 364

Notices Served



Support Received



Petition Signatory



Objections Received



Generated by: S Schutter Isaacs

Date: April 2018



CITY OF CAPE TOWN  
 ISIXEKO SASERAPA  
 STAD KAAPSTAD

Dear Sir/Madam,

I would like to hereby lodge my objection to the application for departures on Erf 3235, Bellville.-

Application Number 70396599.

My details are as follows:

<b>Name</b>	GJ de Swardt
<b>Address</b>	5 Retzia Road, Hoheizen, Bellville, 7530
<b>Phone number</b>	0823747720
<b>Method to be notified</b>	E mail : dsw@mweb.co.za
<b>Interest in the application</b>	I am the owner of ERF 3236 (Retzia Road 5) which means I am the adjacent neighbour to the applicant

#### **BACKGROUND**

The applicant's wife showed the highly technical drawings to me a while ago but as I do not have proper knowledge of such drawings I failed to realize the full extent of the proposed new dwelling and also did not realise that the proposed building it will be right on the boundary opposite my living room. I was matter of fact informed that the approval of 8 people in the area were required because the erf is on a corner and the perimeter wall will be close the boundary.

It was not made clear to me that the purpose of the application is to also permit the dwelling extension to be setback 0.0 in lieu of 3.0m from the common boundary. I only became aware of this fact and how it will affect me on Thursday 11 May after I found a "proposed application for departures form" in my Post Box that specifically points out that the purpose of the application is to get permission to depart from the 3 meter offset. The full impact of this departure became even more clear to me after I had the opportunity to study a 3 dimensional model of the plans superimposed on a google earth image.

Your attention is invited to case law in this regard which stipulates that a building control officer is obliged in terms of section 6 (10 (a) of the National Building Act to provide a motivated motivation. If such a recommendation was indeed made kindly provide me with a copy of same. If no such a recommendation was as yet made I would like to have the opportunity to give input to the building Inspector before it is finalized and also expect such a person to do an onsite visit to my premises so that I can point out the impact.

Your attention is further invited to recent case law where the constitutional court held that by motivation of the provisions of section 39 of the Constitution, Section 7 of the National Act (no 103 of 1977) has to be construed in a purposive manner which takes into account the rights of owners of neighbouring properties which might be adversely affected by the erection of buildings in terms of plans which have been authorized. The court a quo stipulated that the interpretation afforded to section 7 above was understood to inter alia also mean...."that the building which was to be erected in terms

**thereof would not actually or probably disfigure the area or be unsightly or objectionable or devalue the value of neighbouring properties"**

I am fully aware that a property owner is entitled to the free use and enjoyment of his/her home and therefore has the right to convert his/her property. There is however the proviso that by doing so the property owner must stay within the limits of local authority regulations and should not interfere with the right of the neighbours to enjoy the full benefit of their properties in accordance with the same regulations. The current application under discussion/review fails to state clearly any reasons why the local authority should deviate from its own regulations regarding the 3 meter offset.

**FOLLOWING FROM THE ABOVE MY OBJECTIONS ARE AS FOLLOWS:**

**a. Unsightly building will disfigure the area**

Hoheizen is a residential neighborhood and the proposed dwelling will not fit in with the character of the area as it will be a huge structure with no windows on the street side. It will also be erected very close to the street boundary as well as right on the boundary of my property giving the area an "industrial" look. I am not aware of any other dwelling in this area of this type, height and size that is situated so close to a living room of an adjacent house while it also acts as the "wall" between the 2 boundaries.

Such an "industrial" looking building will not fit in with the area and I have no doubt that it will have a negative effect on the values of the houses in the immediate vicinity.

**b. Impact on Family/Sunroom and TV Room**

We have a sunroom/family room on top of our double garage. The room was specifically built for us at great cost so that we can enjoy the front as well as side views from it as well as the afternoon sun and natural light specifically during the winter months. The proposed double story dwelling will totally obstruct our side view and it will also deprive it from direct sunlight from the side **if the 3 meter setback regulation is relaxed**. In addition it will also partially take the front view from the family room as well as the side view/natural light of my TV room situated at floor level of my house away. **—Please note that if this 3 m regulation is not relaxed it will not be possible to obstruct the front view from the Family room as the said regulation will prohibit the dwelling to be extended in that area.**

My argument is therefore that the possible relaxation of the regulations in this instance will lower the quality of our life but that it can be prevented if the local authority enforces its own regulations.

**c. Dwelling will negatively affect value of adjacent properties.**

It is a fact that the view from a property adds to its value and is used as a selling point in the property market. As explained in (a) above my property will lose its full side view and a portion of its front view while Erf number 3213 will lose a large portion of its front view (Others such as 3214 might also be affected). In addition, the fact that the new building will be in such close proximity to my side windows will also create a "cramped" situation that will have a negative impact on potential buyers.

As a result of above the value of my and other properties in the close proximity will most likely be negatively impacted on by the extensions.

If necessary and to provide proof of this statement I can obtain valuations from a suitably qualified person in this regard that will show the "before" and "after" values.

As indicated before I am aware of fact that views are not an automatic right but as I also indicated my front view from the family room will only be affected if the municipality allows a departure from the 3 m offset as per its regulations.

**CONCLUSION**

I believe that any reasonable person in my position will object to such departures from the regulations.

Please note that I am not arguing that the applicant should not be entitled to convert his property. I am however of the opinion that there is sufficient space on his property to do these alterations in such a way that it does not disfigure the area and that it won't be necessary for the local authority to relax the 3 meter regulations with the resultant negative impact on myself and others as explained above.

I therefore expect the local authority to enforce its own regulations to ensure that we are not negatively impacted upon. If the departure from the regulations is allowed for some reason (s) I request to be informed of the full reasons for such a decision

I reserve my rights to take any further steps in this regard to protect the investment I made in my property.

Kind Regards

GJ de Swardt

14 May 2018

**From:** Shihaam Schutter  
**Sent:** 11 May 2018 01:51 PM  
**To:** 'dsw@mweb.co.za'; Asanda Solombela  
**Cc:** amandades61  
**Subject:** Erf 3235, Bellville Case ID 70396599

Good Day Sir/Madam,

Kindly note if you wish to submit an objection please do so by closing date & forward it to the respective email address as on the notice. Regarding request for extension of time you may take the matter further with the town planner for this application Ms Asanda Solombela or contact her on 021 4003455, thank you.

Kind regards,

**Shihaam Schutter Isaacs**  
Senior Technical Officer

*TRANSPORT & URBAN DEVELOPMENT AUTHORITY*  
Development Management  
Northern District.  
Brighton Road.  
Kraaifontein.  
T +27 21 444 1056  
[www.capetown.gov.za](http://www.capetown.gov.za)  
<http://planning.capetown.gov.za>



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**From:** [dsw@mweb.co.za](mailto:dsw@mweb.co.za) [mailto:[dsw@mweb.co.za](mailto:dsw@mweb.co.za)]  
**Sent:** Friday, May 11, 2018 1:22 PM  
**To:** Shihaam Schutter <[Shihaam.Schutter@capetown.gov.za](mailto:Shihaam.Schutter@capetown.gov.za)>  
**Cc:** amandades61 <[amandades61@gmail.com](mailto:amandades61@gmail.com)>; Comments\_Objections Northern  
<[Comments\\_Objections.Northern@capetown.gov.za](mailto:Comments_Objections.Northern@capetown.gov.za)>  
**Subject:** PROPOSED APPLICATION FOR DEPARTURES- EXTENSION OF CLOSING DATE

Dear Ms Isaacs,

I received a "proposed application for departures on erf 3235, Bellville" form dated 6 April 2018 in my mail box yesterday 11 May 2018. (Application number 70396599).

The aim of the form is to inform me of an application for departures on ERF 3235 providing me detail and giving me the opportunity to respond either by objecting or to comment or to make a representation.

As I am the owner of the adjacent property (erf 3236) this proposal will affect me directly and I want to provide proper input to the matter.

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The problem that I have is that the closing date for objections/comments or representations is 14 May 2018 and as the notice was only delivered in my mail box on 11 May 2018 (although dated 6 April 2018) I do not have enough time to address this issue and to respond properly and am therefore requesting you to extend the closing date for me with a week (Until 21 May 2018).

Will you please inform me via mail whether this is acceptable?

Kind regards

GJ de Swardt  
5 Retzia Road  
Hoheizen  
Belville  
7530

e mail: dsw@mweb.co.za  
cell: 0823747720



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**DEVELOPMENT MANAGEMENT**

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**NOTICE OF NO OBJECTION** (in terms of section 84 of the City of Cape Town's Municipal Planning By-Law, 2015 (MPBL))

Note to the person whose rights or legitimate expectations are likely to be materially and adversely affected  
Should you not be prepared to sign this notice of no objection, you may request the applicant to instruct the City to formally advertise the matter, in which case you'll be afforded a 30-day period to comment and/or object thereto. Your confirmation of no objection cannot be subject to any conditions. The completed form should be submitted to the local district planning office,

for the attention of **TDA: Development Management** Please call [ ] for further enquiries.

Note to applicant  
Should the person on which this notice is served not be prepared to sign this notice of no objection, you are advised to submit the application without their agreement so that the City can formally advertise the matter. Alternatively you may amend the proposal so that no application is required.

In the case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building/layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (i.e. both spouses), all parties must sign the notice and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3235** Allotment area **Belville** Case no [ ]

Physical address [ ]

Applicant/agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / land use proposal  
Departure from Item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
Departure from Item 22(d): To permit the dwelling extension to be setback 1.5m and lieu of 3.5m from the street boundary.  
Departure from Item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

NOTE: Please ensure that the plan no specified below corresponds with the plan shown to and signed by you. Don't sign this notice if the section for application details above is not properly completed. If signing on behalf of a company/trust, please attach written proof of authorisation to do so. In case of premises owned by more than one person (i.e. both spouses), all parties must sign.

I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **HOUSE COUWS**

with reference / plan / drawing no **PRO 17093 FW** dated **28 06 2017**

drawn by **PRO OCTO PLANS** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) ~~delete whichever not applicable~~, confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature [Signature] Date **02 02 2018**

Full name **RONALD MAYER** Company name [ ]

Erf no **3248** Street address **1 GETZIA STREET BELVILLE**

Postal address [ ]

[ ] Postal code [ ]

Contact no office [ ] Home [ ] Cell [ ]

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Date: 6 March 2018  
Our Ref: Retzia 3  
Direct Tel: 084 908 3445  
Your ref:

To Whom it may concern

Dear Sir/Madam

**RE: THE PARIS TRUST CONSENT TO BUILDING AT 3 RETZIA STREET, HOHEIZEN**

We hereby confirm that the Paris Trust, being the owner of the property situated at 1 Retzia Street, Hoheizen, does not have any concerns or reservations about the proposed building to take place at 3 Retzia Street, Hoheizen.

We trust that you find the above in order.

Yours faithfully  
**THE PARIS TRUST**



**RONALD MAYER  
TRUSTEE**



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DEVELOPMENT MANAGEMENT

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For the attention of **TDA: Development Management** Please call [ ] for further enquiries.

**Note to applicant**

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In the case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building/layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (i.e. both spouses), all parties must sign the notice and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no. **3235** Allotment area **Balvillia** Case no. [ ]

Physical address [ ]

Applicant/agent [ ] Contact no. [ ]

Owner, if different from the applicant [ ]

Application type: Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / land use proposal: Departure from Item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
Departure from Item 22(d): To permit the dwelling extension to be setback 1.5m and lieu of 3.5m from the street boundary.  
Departure from Item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

NOTE: Please ensure that the plan no specified below corresponds with the plan shown to and signed by you. Don't sign this notice if the section for application data above is not properly completed. If signing on behalf of a company/trust, please attach written proof of authorisation to do so. In case of premises owned by more than one person (i.e. both spouses), all parties must sign.

I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **House Plans**

with reference / plan / drawing no. **PRO 17093 FW** dated **28 06 2017**

drawn by **PRO CETO PLANS** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature [Signature] Date **13 07 2018**

Full name **NP Postman** Company name [ ]

Erf no. **3209** Street address [ ]

Postal address **6 PERZIA ST, HONDEBACH, BELLVILLE**

Postal code **7530**

Contact no office [ ] Home [ ] Cell **073 166 9360**



**NOTICE OF NO OBJECTION** (in terms of section 84 of the City of Cape Town's Municipal Planning By-Law, 2015 (MPBL))

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for the attention of **TDA: Development Management** Please call [ ] for further enquiries.

**Note to applicant**

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**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3295** Allotment area **Bellville** Case no [ ]

Physical address [ ]

Applicant/agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / (and use proposal) **Departure from Item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
Departure from Item 22(d): To permit the dwelling extension to be setback 1.5m and lieu of 3.5m from the street boundary.  
Departure from Item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.**

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

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I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **H156 EQUUS**

with reference / plan / drawing no **PRO/17/073/FW** dated **28 06 2017**

drawn by **PRO OCTO PLANS** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature **[Signature]** Date **30 11 2018**  
 Full name **G. de Swardt** Company name [ ]  
 Erf no **ER 13236** Street address **S. KETZIA RD**  
 Postal address **S. Ketzia Rd, Nubia, Bellville**  
 Postal code **7530**  
 Contact no office [ ] Home **021-9139677** Cell **0823767724**



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**NOTICE OF NO OBJECTION** (in terms of section 84 of the City of Cape Town's Municipal Planning By-Law, 2015 (MPBL))

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for the attention of **TDA: Development Management** Please call [ ] for further enquiries.

**Note to applicant**

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**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3295** Allotment area **Bellville** Case no [ ]

Physical address [ ]

Applicant/agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / (land use proposal) **Departure from Item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
Departure from Item 22(d): To permit the dwelling extension to be setback 1.5m and lieu of 3.5m from the street boundary.  
Departure from Item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.**

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

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I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **House Gouws**

with reference / plan / drawing no **PRO OCTO PLANS** dated **3 0 0 1 2 0 1 8**

drawn by **PRO 17 093 HW** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature **[Signature]** Date **3 0 0 1 2 0 1 8**

Full name **Y. Cooke L. Cooke** Company name [ ]

Erf no **3210** Street address [ ]

Postal address **6 Betsie Road, Anderson, Bellville**

Postal code **7530**

Contact no office [ ] Home [ ] Cell **0834696604**



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**DEVELOPMENT MANAGEMENT**

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**NOTICE OF NO OBJECTION** (In terms of section 84 of the City of Cape Town's Municipal Planning By-Law, 2015 (MPBL))

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**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3235** Allotment area **Belville** Case no [ ]

Physical address [ ]

Applicant/Agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / and use proposal

Departure from item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
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Departure from item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

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I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **HOUSE GOWNS**

with reference / plan / drawing no **PRO1110331W** dated **28 06 2017**

drawn by **PRO OCTO PLANS** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature [Signature] Date **03 02 2018**  
 Full name **Jacques Katsinger** Company name [ ]  
 Erf no **3211** Street address **8 Retrus Road, Hohenstein**  
 Postal address **8 Retrus Road, Hohenstein** Postal code **7530**  
 Contact no office [ ] Home [ ] Cell **0725783658**



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DEVELOPMENT MANAGEMENT

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for the attention of **TDA: Development Management** Please call [ ] for further enquiries.

**Note to applicant**

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**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3235** Allotment area **Belville** Case no [ ]

Physical address [ ]

Applicant/agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / land use proposal  
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Form completion checked by (Official name) [ ]

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I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **HOUSE EQUUS**

with reference / plan / drawing no **PRO117003FW** dated **28 06 2017**

drawn by **PRO OCTO PLANS** in respect of the aforementioned

application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature [Signature] Date **30 01 2018**  
 Full name **Wille van Zyl** Company name [ ]  
 Erf no **3212** Street address **10 Rezaia str**  
 Postal address **10 Rezaia str**  
**Hoboken, Belville** Postal code **7530**  
 Contact no office **021 460 4376** Home **021 951 2421** Cell **082 560 7144**



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DEVELOPMENT MANAGEMENT

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For the attention of **TDA: Development Management** Please call [ ] for further enquiries.

**Note to applicant**

Should the person on which this notice is served not be prepared to sign this notice of no objection, you are advised to submit the application without their agreement so that the City can formally advertise the matter. Alternatively you may amend the proposal so that no application is required.

In the case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building/layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (i.e. both spouses), all parties must sign the notice and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

**APPLICATION DETAILS**

Details of where application is available for inspection [ ]

Erf / erven / farm no **3235** Allotment area **Belville** Case no [ ]

Physical address [ ]

Applicant/agent [ ] Contact no [ ]

Owner, if different from the applicant [ ]

Application type Departure  Consent use  Extension of time period

Consent in terms of or relaxation of a restrictive conditions where provided for in the title deed conditions

Other (please specify) [ ]

Purpose of application / (and use proposal) **Departure from item 22(d): To permit the dwelling extension to be setback 0.0m and lieu of 3.0m from the common boundary.  
Departure from item 22(d): To permit the dwelling extension to be setback 1.5m and lieu of 3.5m from the street boundary.  
Departure from item 22(d): To permit the garage extension to be setback 0.0m and lieu of 3.0m from the common boundary.**

Form completion checked by (Official name) [ ]

**DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)**

NOTE: Please ensure that the plan no specified below corresponds with the plan shown to and signed by you. Don't sign this notice if the section for application details above is not properly completed. If signing on behalf of a company/trust, please attach written proof of authorisation to do so. In case of premises owned by more than one person (i.e. both spouses), all parties must sign.

I/we, registered owner(s) of the undermentioned premises, having been shown the following plan(s) **House Plans**

with reference / plan / drawing no **PEO 15 093 FW** dated **28 06 2017**

drawn by **PEO OCTO PLANS** In respect of the aforementioned

application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I/we understand that the proposal requires the application as set out above and confirm that I/we waive my/our rights to be further notified in accordance with section 82 of the City of Cape Town's Municipal Planning By-Law, 2015.

I/we are not adversely affected by the proposal and therefore have no objection thereto.

I/we wish the application to be formally advertised by the City.

Owner's signature **[Signature]** Date **03 02 2018**

Full name **NORMAN FOX CROFT** Company name [ ]

Erf no **3213** Street address **12 RETZIA RD**

Postal address **12 RETZIA ROAD, HOHEIZEN**

**BELVILLE** Postal code **7530**

Contact no office [ ] Home **021 913 2731** Call [ ]

# Annexure

# F

800

**3 Retzia Road  
Hoheizen  
Bellville  
7530**

**Date: 2018 -05 -21**

**ERF: 3235  
CASE ID: 70396599**

Dear Sir/Madam,

Hope this letter finds you well. Below please find my reason and motivation of building on my property as per address above.

### **Reasoning:**

I want to build the motor vehicle garage and family room/ Gym on top for the following reasons:

- A. My assets, motor vehicles trailer and caravan, are standing in the unforgiving sun and weather busy rusting and the paint fading. I want to cover these assets in a proper way to log last the value of these assets.
- B. With the stressful live I want to relax in the family room and with the gym also have some exercise to live a healthy and fit life in the vicinity of my safe home like my neighbour have already
- C. Also I want to improve on my properties value as well as the surrounding neighbours.

I have contacted an estate agent to get their professional opinion on the current value of the property and with the buildings being build afterwards. Also I received their opinion on the surrounding neighbour's property values. She said that my property value will definitely improve as well as the neighbouring properties.

They said no neighbouring property can decrease if my property increases. That's how it is.

I am going to build on the side of Nr 5's property and not in front or back of his property.

Nr 5 was approached by us and on numerous occasions while having a chat, over the precast wall, mentioned what my intensions were to build the building. He had no objections then.

On handing him the building plans to be signed as proof of no objections he signed the building plans and the form that was required by the council with no objections.

Nr 12 only had concerns about his property value when we approached him.

Nr 5 also said in his objections" views are not an automatic right"

Let's focus on Nr 5's objections.

801

I had a huge massive "sering tree" in the corner where I'm going to build a face brick, beautiful garage and family room/gym on top.

What I want to get to at is that the huge tree gave Nr5 limited view to what he claims, as can be seen by the photo's attached.

I'm building on the side of his property and not in front or back and in his objection he said I'm going to take away a portion of his front 's view away??? No, this is not the case.

Nr 5 mention unsightly building will disfigure the area. That will not be the case as he makes his own assumptions how the building is going to look and he said it' going to be an Industrial building. NO, NO, NO It's not an industrial building.

I'm not taking his sun or natural light away from his property that is clear.

Nr 12 objections:

As I mentioned there was a huge tree at the place I'm going to build and also nr 12 had limited view with that tree. I recently removed the tree in preparation of the building now they lay claim on the so called coastal view. With the vast amount of trees informant of nr 12's house you can only have some view if you stand at the front door. From the inside of the house the view are limited.

By reading the sections below please find the truth of the beautiful building I'm going to build. Definitely not a commercial or industrial building as Nr5 and Nr 12 like to discredit me.

## **Section 1**

### **Motivation**

I, the owner of 3 Retzia followed the correct procedures laid out by the council in getting the direct neighbour signatures and approvals to execute my proposed building plans as submitted to the council.

Out of the 8 neighbours only 1 neighbour nr 12 had some concerns as asked that the council must advertise the activity.

All other 7 didn't have any objections what so ever.

## **Feedback on Nr5 Retzia's comments**

802

Nr 5 Retzia did sign the building plans under no duress as well as the letter not objecting to my building plans, why the sudden change of heart?

To me the signature is binding and I therefore expect the local authority to enforce those documents as current and binding and the owner to be informed of the full reasons for such a binding contract decision that he signed.

### **Oppose Point A: Unsightly building will disfigure the area**

The concerns of number 5 Retzia I acknowledge but..... cannot be accepted because...

The building to be erected, facing the street side is not going to be on the border line as he states in his objection

According to council's advice on the first submission, rejected, of the plans I had to move the garage back 1.5m from the boundary line because of the round bend of the road which could be dangerous if cars come around the corner and we could be standing in the road to enter the property.

This was adhered to. Plans were changed and that's where we stand

The 2<sup>nd</sup> plans was submitted with the garage, building, moved back 1.5 meters from the boundary line.

The building plans didn't show windows on the street side, on the first plan as the artisan didn't include it initially, because of the on boundary line build .... That was before moving back 1.5m from the boundary,.... **regulation states no windows on street side if on the border line ( encroachment)**..... but there will be windows installed on the street side which will not give the so called **Industrial look** without windows.

I'm an upstanding citizen and must not be compared to be a person that will live in an industrial building.....

**There will be windows on the street side.**

The building will merely be a beautiful double garage which everyone has with a living room and gym on top of it. The same as Nr5 has. **Am I not allowed to have one as well?**

**NOTE:** No.5 was given the plans and explained to what was going to be done and did at the time sign the plans and had no objection.

if Nr 5 was uncertain about the proposed building why did he sign? Do you sign a contract and object to it afterwards?????

Why the sudden change of heart.

Pictures will also show that Nr5 didn't have a great view because of the huge tree I had in my yard and the windows are on the side of his house.

We are talking about a side view NOT the FRONT view

When I submitted the building plans, I started to remove the tree in preparation, if the plans were to be accepted. To verify this have a look at GOOGLE earth.

I don't know where the industrial look is coming from but regulation also state that you are not allowed to include windows on the neighbour side if on the border line. (Again encroachment)

If need be Glass bricks can be included to give a more "housesy" look if I can say that. Which I will do

Then it will not have this so called industrial look..... I can compromise in doing that then the industrial look will be not an issue.

If Nr5 is not aware of such dwelling he must drive around in the neighbourhood and Welgemoed and will find a lot of these building type HOUSES. Just 2 houses from him is a similar case.

#### **Oppose point B: Impact on Family/Sunroom and TV Room**

If I build within the building line or relaxed line the natural light will not be affected at all. There is still huge gap between my wall and his living room. Sun light and natural light will still be there. Nr5 will have direct sun light in anyway.

With the view being argued on the tree that was there didn't give Nr 5 limited view.

I cannot see any lowering of quality of live that will be impacted on Nr5. They will still have their front view and sun light and natural light. My quality of live though will be affected because I will not have a double garage and a living room with gym as he has.

#### **Oppose point C: Dwelling will negatively affect value of adjacent properties.**

There will be no negative impact and Nr5 **will not lose the front view at all** as stated. I'm building on at the back of my property Nr3, and side of Nr5 ... so .. in between.

The view on the side of his building has limited to none to do with his property value. An in any essence cannot be used as a valid selling point of the house. If I had left the tree there and planted more trees they wouldn't have had any view at all.

Nr 5 also acknowledge, as the owner state in his objection" views are not an automatic right" so he contradict himself.

If all the other neighbours approved how can Nr5 state that other properties value will be affected?

They know It is not the case that's why all approved.

Value will not be degraded at all and will only uplift the face of the neighbourhood with the prestigious house that will be turning visitor's heads.

**Conclusion:**

Strange that he would mention Nr12 as well in his objection. In my pictures submission I mentioned that I noticed them meeting and surveyed the area from Nr12's property on the 13<sup>th</sup> May.

I reserve my rights to improve and make investments in my property not to only improve my property but also the neighbourhood. I also want to sell my property one day for a profit as any.

I cannot see any valid reason for this objection but purely selfish.

The fact still stands Nr 5 signed and approved initially. If it hadn't been for the delays of Nr12 the building would've been built already.

I also see that Nr 5 is threatening the council with further steps..... But in all fairness and Nr 5's Initial approval I therefore expect the local authority to enforce its own regulations to ensure that the departure from the regulations is allowed and that I can continue with the plans as submitted.

**Section 2**

**Motivation**

I, the owner of 3Retzia followed the correct procedures laid out by the council in getting the direct neighbour signatures and approvals to execute my proposed building plans as submitted to the council.

Out of the 8 neighbours only 1 neighbour nr12 had some concerns as asked that the council must advertise the activity.

All other 7 didn't have any objections what so ever.

Note Nr 12 objections were left till the last day stretching the activities out. Objection Dated 14<sup>th</sup> May letter send to them 6<sup>th</sup> April.....

Never the less. We were aware of Nr12's concerns as he was the only one objecting.

With this motivation I can proof that none of the statements made can be validated.

**Opposed point Nr 1 & 2**

Any building erected will face somehow a dining room or some kind of room.

If I want to build extensive and is approved it's got nothing to do with whoever. Right?

Again the wording commercial comes up.....Nr 12 and Nr5 had a meeting about this and the objections seem to match ganging up against me

Again as motivated in Nr12th objection there will be windows in the wall facing the street which will have a Housy look definitely not commercial or "Industrial as Nr12 put it".

Also the out of character look is not the case. I'm not building a factory or Industrial building. It's a double garage with a living room/Gym on top..... Since when is a double garage with a double story an out of character commercial building???

Point 2. Nr 12'th property have a vast amount of trees and vegetation in front of their house as can be seen from the pictures on the 3<sup>rd</sup> section.

I learned today 2018-05-21 that they are clearing and cutting tree in front of their property.... Huh I wonder why???

Again with the huge tree I had and now removed Nr 12 had minimal view as what they stated.

The view to the so called coast line will only be half way obstructed but the rest of view will still be the same that will be down the road. Note from my pictures in the 3<sup>rd</sup> section. The pictures attach from Nr 12 is not clear and does not paint the real picture. The building they project in the picture is not even the real type of building I'm going to build. The unfocused picture with a barn like effect building does not project the correct image to the council and cannot be accepted also Image 4 does not project the correct image for the new building.

**Images Totally out of proportion to look ugly to put nr 3 in disadvantage position**

Please note clear pictures in my 3<sup>rd</sup> section with notes.

**Note** : the pictures taken is at the front door not inside the house.

Now the view and value of property also comes up same as Nr 5 . Their value will not go down and the council can go and have a look from a street point of view the house is hidden behind trees and vegetation. Note pictures in 3<sup>rd</sup> section.

If council go and have a look they must note that I removed the huge tree from the corner where the garage will be. That tree also obstructed the view for nr 12 as can be seen from Pictures in 3<sup>rd</sup> section. No they want to lay claim on view?

**Conclusion:**

Strange that Nr12 's objection diluted from Nr5's objections as well. In my pictures submission I mentioned that I noticed Nr5 and Nr12 meeting and surveyed the area from Nr12's property on the 13<sup>th</sup> May.

I'm not building on the borderllne as perceived by both Nr 12 and Nr 5 facing the street. And views are not an automatic right.

I reserve my rights to improve and make investments in my property not to only improve my property but also the neighbourhood. I also want to sell my property one day for a profit as any.

I cannot see any valid reason for this objection.

Pictures added is not a real reflection of the planned bulding that's going to be built. I'm not going to build a shack!!!

In all fairness I therefore expect the local authority to enforce its own regulations thus allow that I can continue with the plans as submitted. These neighbours are bsy cleaning up and clearing their properties to suddenly strengthen their objections. What is their motive?

I hope the council see the bullying and ungrounded objections been made.

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### 3<sup>rd</sup> Section Pictures

#### Motivation for approval of building plans

Aerial photo of 3 Retzia, applicant, and 12 Retzia oppose.



Image 1

In my property 3 Retzia I had a huge "Sering boom", mark "X" in the picture.

Nr 12 has a lot of trees in front of their house with limited view and with the huge tree no view at all.

I removed the tree around the time my building application was first submitted, in preparation to build.

If this tree was not removed yet they would still have limited view or none at all.

On the 16<sup>th</sup> May when enquiries were made by us to know if we can proceed it was mad known to us that Nr 12 and to our surprise Nr 5 objected because of their view.....

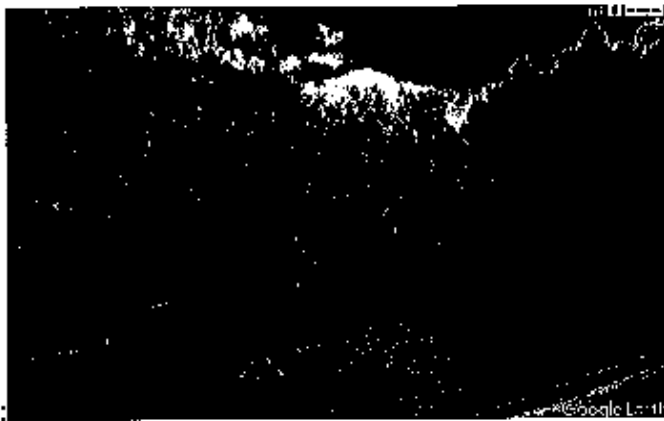
This is very weird because the same day ,2018-05-16 at 13:00 , suddenly, a tree felling company stopped at Nr12. For whatever reason their visit was I can only speculate ...was it to remove the trees in front of the house to validate the view objection issue???? I don't see that as a valid reason to prevent me to improve property value in the neighbourhood. Today 2018-05-21 Nr12 is busy cutting trees and clearing busses!!!!

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Below the street view at Nr12 Retzia front entrance,

The building I'm going to build will be at the back of this picture taken.



On Sunday the 13<sup>th</sup> May I notice no 12 Retzia's owner walk to No 5 Retzia's owner and they walked together to no 12 house. From my house I could see a discussion regarding my building.

Below no. 5 Retzia also didn't have any view with the huge tree I had? No 5 at the back of tree. Nr 5 side view.



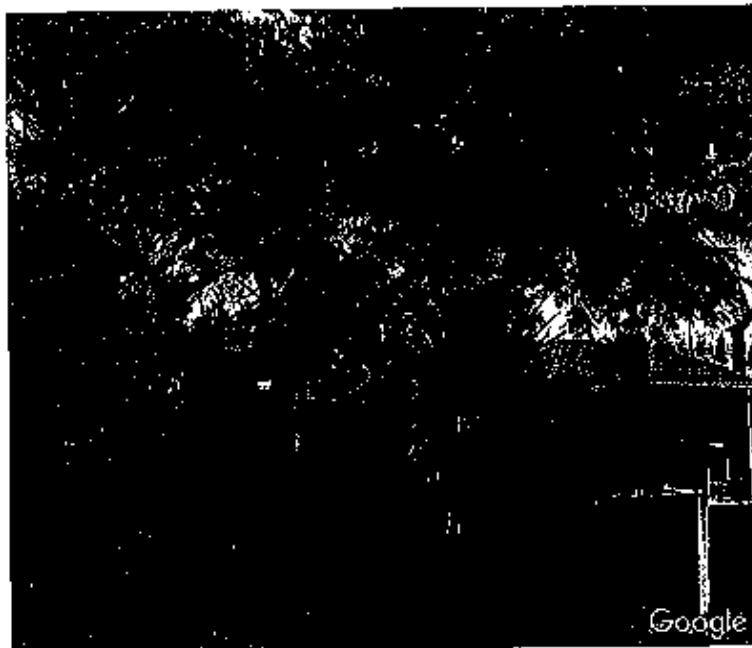
Initially discussions between us and owner of No5 Retzia was done the plans were shown to him and he signed on the plans with no objections what so ever....why now change his mind after talking to owner of No12 Retzia?

Below picture show that the building will merely replace the tree....just a more dense (building)

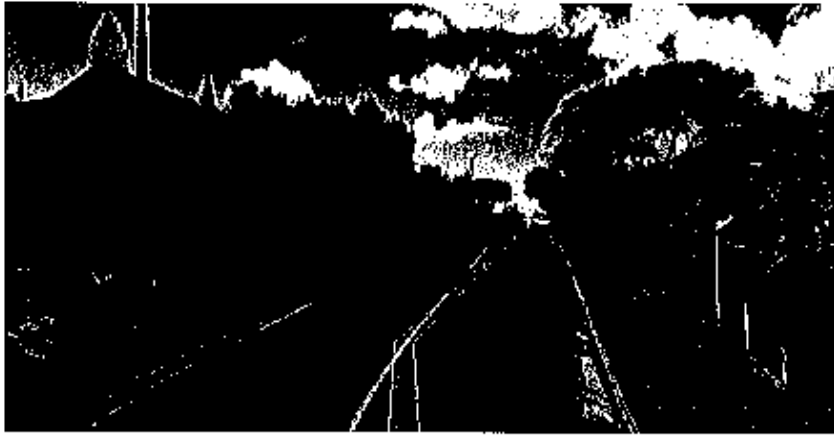


Excuse the drawing in red, I'm not an artist

Below Picture show from the road side, the building replaces the tree which from nr12 was the view they had before I removed the tree. Just it will now be a beautiful building to improve property value for both No12 and No 5 and myself at No3.



From lower down upwards view towards No12 and No5. Notice the restrictive views in below picture from Nr 12 side with the vast amount of bushes and trees



Below an aerial view. The 2 red circles indicating the trees and vegetation in front of nr 12 and the huge tree in my yard on the side of Nr 5 and the building will only be a benefit to the neighbourhood's value. It's only a small portion at my back yard I'm going to build.



Please consider my appeal for approval for my building plans so that I can improve. The objector prepare now after stating they had a view to get a view, really is that fair?

Thank you

Best Regards

S C Gouws

# Annexure

# G

# MEMORANDUM

**To:** Shihnam Schutter / Asanda Noluthando  
**From:** Nazier Samodien  
**Date:** 10 April 2018

**CASE NO 70396599 : PROPOSED APPLICATION FOR DEPARTURES : ERF 3235, BELLVILLE**

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## Application details:

Application for permanent departures in terms of Section 42(b) of the Municipal Planning By-Law 2015, in order to deviate from the following regulations:

- Departure from Item 22(d) : to permit the dwelling extension to be setback 0,0 in lieu of 3,0m from the common boundary.
- Departure from Item 22(d) : to permit the dwelling extension to be setback 1,5m in lieu of 3,5m from the street boundary.
- Departure from Item 22(d) : to permit the garage extension to be setback 0,0m in lieu of 3,0m from the common boundary.

## Comments on the application:

1. In terms of the System Delegations of the City Manager, the Director: Asset Management and Maintenance is responsible and delegated to comment on, and approve street building line encroachments.
2. Please refer to the delegations of the Commissioner: TDA in terms of the Roads Ordinance, No 19 of 1976 where all delegations "To exercise the powers, duties and functions vested in the Municipality", in terms of this act lies with the Director: Asset Management and Maintenance and Area Manager.
3. Item 17 of the Roads Ordinance, quoted below has reference:

**17. Erection of structures on or near public roads.**—(1) Notwithstanding the provisions of any other law no person shall erect or install or cause or permit to be erected or installed on land owned by him or under his management or control any structure the whole or any portion of which falls within—

- ( a ) the statutory width, or
- ( b ) five metres from the boundary of the statutory width

of any public road except with the permission of and in accordance with plans, standards and specifications approved by the road authority and, in the case of a road authority which is a council, of and by the Administrator.

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**Recommendations:**

In view of the above this department has **no comment** to the application.

Application to be circulated to Director: Asset Management and Maintenance for their comments.

Regards



**Nazler Samodien**

Senior Principal Officer

TIA and Development Control

**TDA: Asset Management and Maintenance**

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No objection, subject to the following condition:

1. That a workspermit be applied for and obtained from this office prior to any construction work within the road

reserve. Mrs. Bonita Foster at 021-444 4945 can be contacted regarding the permit.

Regards

Willie Liebenberg

**Reason for alternative: Provide Comments** 815

Dear reader (16 April 2018)

The application with case number 70396599 (Erf 3235) refers.

Herewith our recommendations for inclusion in the assessment of the above application.

The Catchment and Stormwater Management Branch (this Office) supports the application.

Please note that these comments are based on the information that has been received to date. Should any new information be provided to this office, then this office reserves the right to review the recommendations as deemed appropriate.

Kind Regards/Ngemibuliso/Vriendelike Groete

**CAPE TOWN IS AT LEVEL 5 WATER RESTRICTIONS – WE MUST COMPLY URGENTLY**

Johann Terblanche

Head: Catchment Planning: Region 4 (Northern Districts)

Informal Settlements, Water & Waste Directorate

Water and Sanitation Department

Catchment and Stormwater Management

17th Floor, Tower Block, Civic Centre

12 Hertzog Boulevard, Cape Town

8000

Tel: 021 400 3205

Cell: 084 812 4153

Johann.Terblanche@capetown.gov.za

www.capetown.gov.za

Accounts queries: 0860 103 089

accounts@capetown.gov.za

Corporate Call Centre

Hotline: 0860 103 089 (water option)

SMS: 31373

Water@capetown.gov.za

Water restriction queries & exemptions

Water.Restrictions@capetown.gov.za

Borehole & well-point registration