CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

# Case ID 1500151304

# Erf 763, 13 Marmion Road, Oranjezicht

## Development Management

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# ERF 763, ORANJEZICHT, CAPE TOWN

## MOTIVATION REPORT

## Application for Site Plan Approval to Permit The Submission of Building Plans




**DRAFT**

**10 September 2025**

**amended 5 December 2025**

**amended 27 February 2026**

**amended 20 May 2026**

**amended 30 September 2026**

CNdP Africa

URBAN DESIGN AND TOWN PLANNING

# ERF 763, ORANJEZICHT, CAPE TOWN

# MOTIVATION REPORT

## Application for Site Plan Approval to Permit The Submission of Building Plans

prepared for

The Owner
Erf 763, Oranjezicht,
City of Cape Town

by

CNdP africa
URBAN DESIGN AND TOWN PLANNING

**10 September 2025**

**amended 5 December 2025**

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## LIST OF ACRONYMS

| | |
|---|---|
| AMSL | Above Mean Sea Level |
| CBD | Central Business District |
| CoCT | City of Cape Town |
| DMS | Development Management Scheme |
| DSDF | District Spatial Development Framework |
| EGL | Existing Ground Level |
| HIA | Heritage Impact Assessment |
| HPOZ | Heritage Protection Overlay Zone |
| HRA | Heritage Resources Act |
| HWC | Heritage Western Cape |
| LUMS | Land Use Planning Management |
| LUPA | Land Use Planning Act |
| MPBL | Municipal Planning By-Law |
| MSDF | Metropolitan Spatial Development Framework |
| NID | Notice of Intent to Develop |
| PT | Public Transport |
| PT 1 | Public Transport 1 |
| PT 2 | Public Transport 2 |
| SAHRA | South African Heritage Resources Agency |
| SDP | Site Development Plan |
| SDF | Spatial Development Framework |
| SPLUMA | Spatial Planning Land Use Management Act |
| SR1 | Single Residential 1 |
| TIA | Traffic Impact Assessment |
| TOD | Transit Oriented Development |

# 1. EXECUTIVE SUMMARY

| | |
|---|---|
| **Property Description** | Erf 763, Oranjezicht (**Annexure D**) |
| **Registered Owner** | |
| **Applicant/Agent** | CNdP Africa (Pty) Ltd (see Power of Attorney, **Annexure C**) |
| **Title Deeds** | |
| **S.G Diagram** | A2055/1924 |
| **Area** | 540 m² |
| **Applicable Zoning Scheme** | MPBL 2020 |
| **Current Zoning** | Single Residential 1 |
| **Current land use** | Single Residential 1 |
| **Title Deed Restrictions** | See (**Annexure E**) |
| **Application Components/ Description (state briefly)** | i) Application for permanent departures in terms of section 42(b), namely,<br>a) Item 22(c)(ii): To permit portions of the building, beyond 12m from the street boundary within 3m of the southern common boundary, to be **7.72m** in lieu of 4m in height from existing ground level to top of roof.<br>b) Item 22(c)(ii) read with 22(c)(iii): To permit portions of the building, within 12m from the street boundary within 3m of the southern common boundary, to be **6.44m** in lieu of 4m in height from existing ground level to top of roof.<br>c) Item 22(c)(ii): To permit portions of the building, beyond 12m from the street boundary within 3m of the northern common boundary, to be **8.48m** in lieu of 4m in height from existing ground level to top of roof.<br>d) Item 22(c)(ii) read with 22(c)(iii): To permit portions of the building, within 12m from the street boundary within 3m of the northern common boundary, to be **7.53m** in lieu of 4m in height from existing ground level to top of roof.<br><br>Note: Due to the sloping nature of the site in two directions, all heights and any departures required are measured from the worst case in point.<br><br>e) Item 22(d) read with item 22(f)(ii): To permit a garage to be at 0m in lieu of 1.5m from the street boundary.<br>f) Item 22(e): To permit external windows and doors to be set back **1.077m** for a length of 11m in lieu of 1.5m from the southern common boundary for a minimum length of 3m.<br>g) Item 136 B(g)(bb): To permit the visual permeability of the existing approved street boundary wall to be 0% in lieu of 25%.<br><br>ii) Application for the removal of restrictive conditions in terms of section 42(g), namely: *"that he shall not erect any building on any lot of less value than R2000: such building must moreover be a dwelling house and no two or more dwelling houses shall be erected under one roof nor shall more than one dwelling be erected on any lot."* |
| **Submission date** | September 2025 |

| | |
|---|---|
| **Subject to HWC/SAHRA/EIA** | Yes – Heritage approval obtained ito sec 34, building older than 60 years, see Notice of Intent to Develop (NID), Annexure I: 25 July 2025 |
| **Special Conservation Area** | Not Applicable |
| **Any unauthorized work** | Not Applicable |
| **Policies/plans applicable** | City of Cape Town MSDF (2023); Table Bay District Spatial Development Framework, Sub-district 2 Cape Town CBD, Densification Policy, Economic Growth Strategy, Transit Oriented Strategic Framework, Social Development Strategy |

## 1.1 PURPOSE OF APPLICATION

The purpose of the application is to obtain approval to amend the existing building to create a second storey containing a dwelling unit on top of the existing building.

The Ashgrove Trust has appointed CNdP Africa (Pty) Ltd, see Annexure C, to prepare and submit the required land use application for approval to permit the submission of building plans.

## 1.2 BACKGROUND

The property is currently used as a dwelling house by the owner. Erf 763, Oranjezicht is a Single Residential 1 erf located in Oranjezicht in Cape Town, see Figure 1.1.

Oranjezicht is predominantly a Single Residential 1 suburb, see Figure 2.1.

It is improved with a single dwelling constructed in 1924, see Figure 2.2.

Oranjezicht is predominantly a Single Residential suburb with most properties zoned Single Residential sub-zone 1, see Figure 2.4.

The property was altered to create downstairs living accommodation, namely an ensuite bedroom with a store room, parking deck and swimming pool which building plans were approved on 28 January1997, Plan ref no 407856, and 29 October 1997 (Minor Works Permit) see Annexure J.

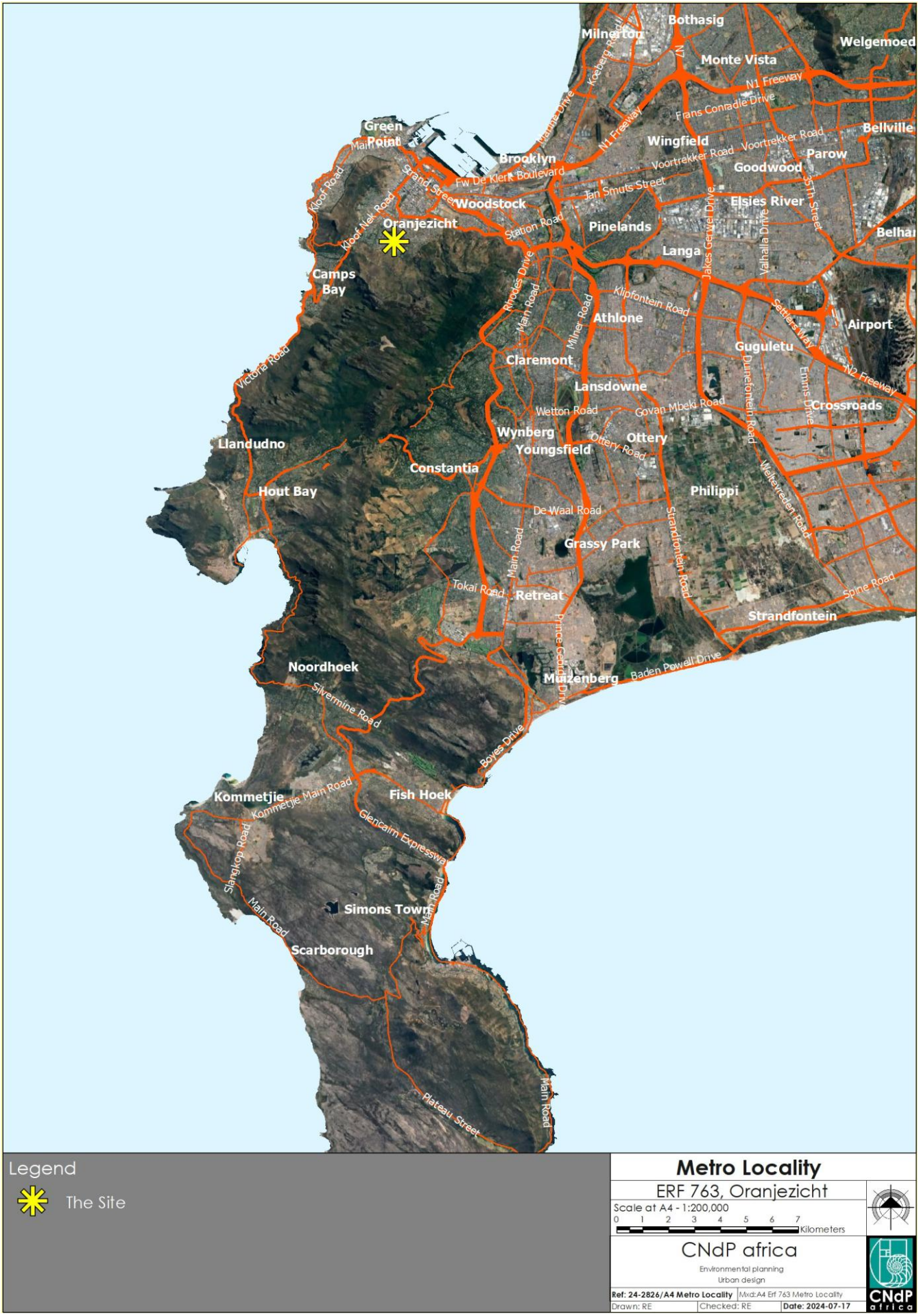



**Figure 1.1 Metropolitan Context**

# 2 SITE DESCRIPTION

This section focuses on the relationships between the site and its immediate local area and with the property concerned.

## 2.1 LOCATION

Erf 763, Oranjezicht is located on 13 Marmion Road opposite the Marmion Road and Roseberry Avenue intersection, see Figure 2.1 in the Upper Table Valley.

## 2.2 DESCRIPTION OF THE SITE

Erf 763 is a single residential erf of 538m² in area.

It falls fairly steeply from 151.5m amsl at the street boundary to 146.5m amsl at the rear boundary, and slopes approximately 500mm across the property from the southern side boundary to the northern side boundary.

It comprises a largely intact 1920s pavilion style residential building with a typical pyramid style Marseilles clay tile roof, characteristic of Oranjezicht, on one and half floors.

## 2.3 SURROUNDING LAND USE

The property concerned is surrounded by conventional housing, see Figure 2.3.

Many of these properties have experienced incremental land use intensification in line with the City's densification policy.

This has included the development of 2nd and 3rd dwellings, see Rem Erf 761 abutting the eastern boundary of the property concerned, Case ID 70605979, and in some cases, subdivisions, see Erf 2561, one block away at No 11 Forest Road, Case ID 001500006351.

However, all this development has remained compliant with the prevailing zoning, namely Single Residential sub-zone 1. It is intended to do the same with this property's improvements.

## 2.4 SURROUNDING OWNERSHIP

All the surrounding properties are privately owned, see Figure 2.4.

## 2.5 EXISTING AND SURROUNDING ZONING

All the surrounding properties are zoned Single Residential Sub-zone 1, see Figure 2.5.

## 2.6 PUBLIC TRANSPORT ZONES

The property concerned is located within a Public Transport 1 (PT1) zone, see Figure 2.6. This PT zone requires 1 parking bay per main dwelling and 1 parking bay each for 2nd and 3rd dwellings.

## 2.7 HERITAGE PROTECTION OVERLAY ZONES

The property concerned is located outside of the Upper Table Valley Heritage Protection Overlay Zone (HPOZ), see Figure 2.7. Therefore, its only heritage implications are to comply with Section 34 of the Heritage Resources Act (HRA), namely, a building which is older than 60 years. A heritage approval has been obtained and the LUMS site plans contained in this application are aligned with this approval, see Annexure I.




**Figure 2.1 Locality**




**Figure 2.2 The Site**

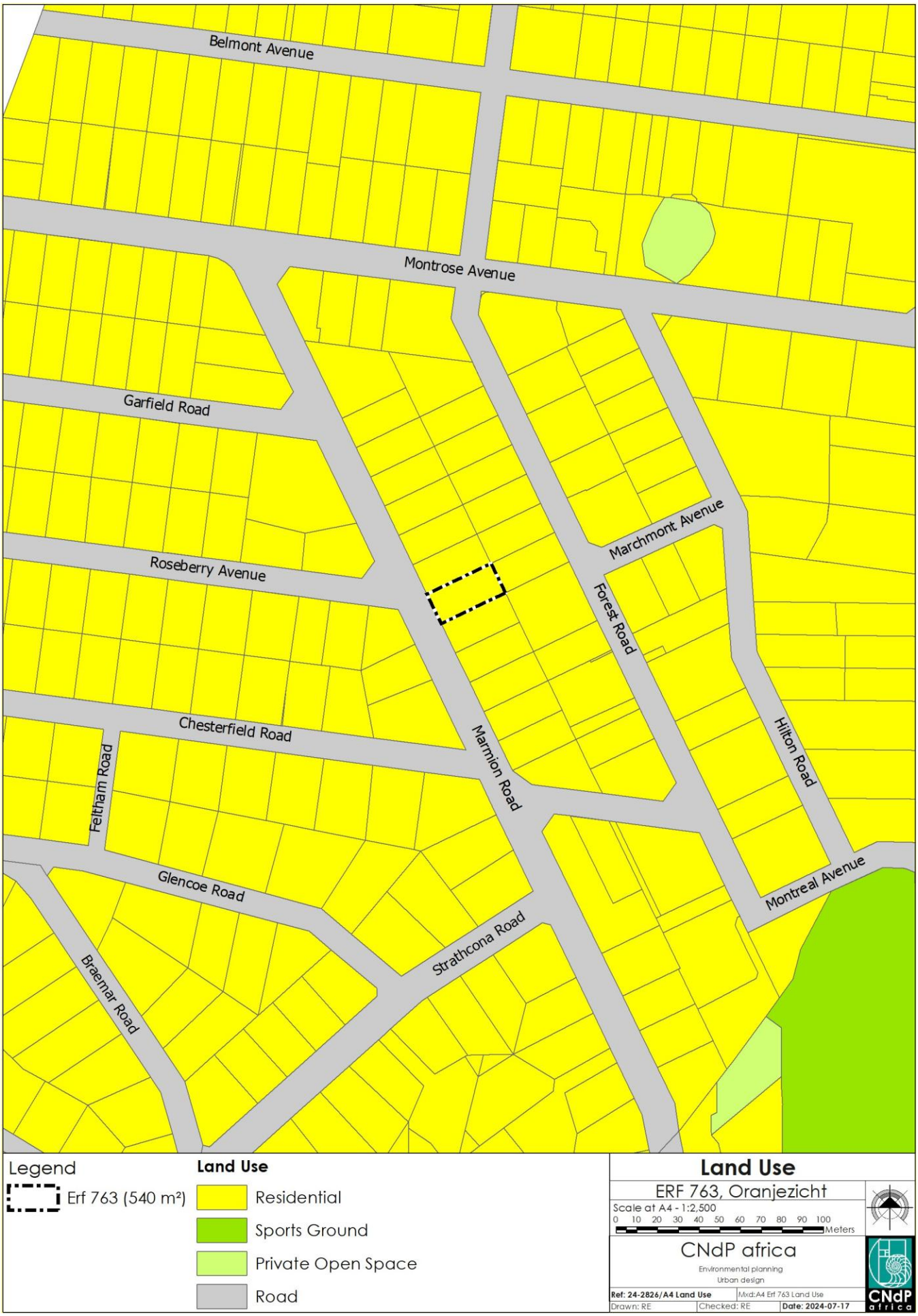



**Figure 2.3 Land Use**

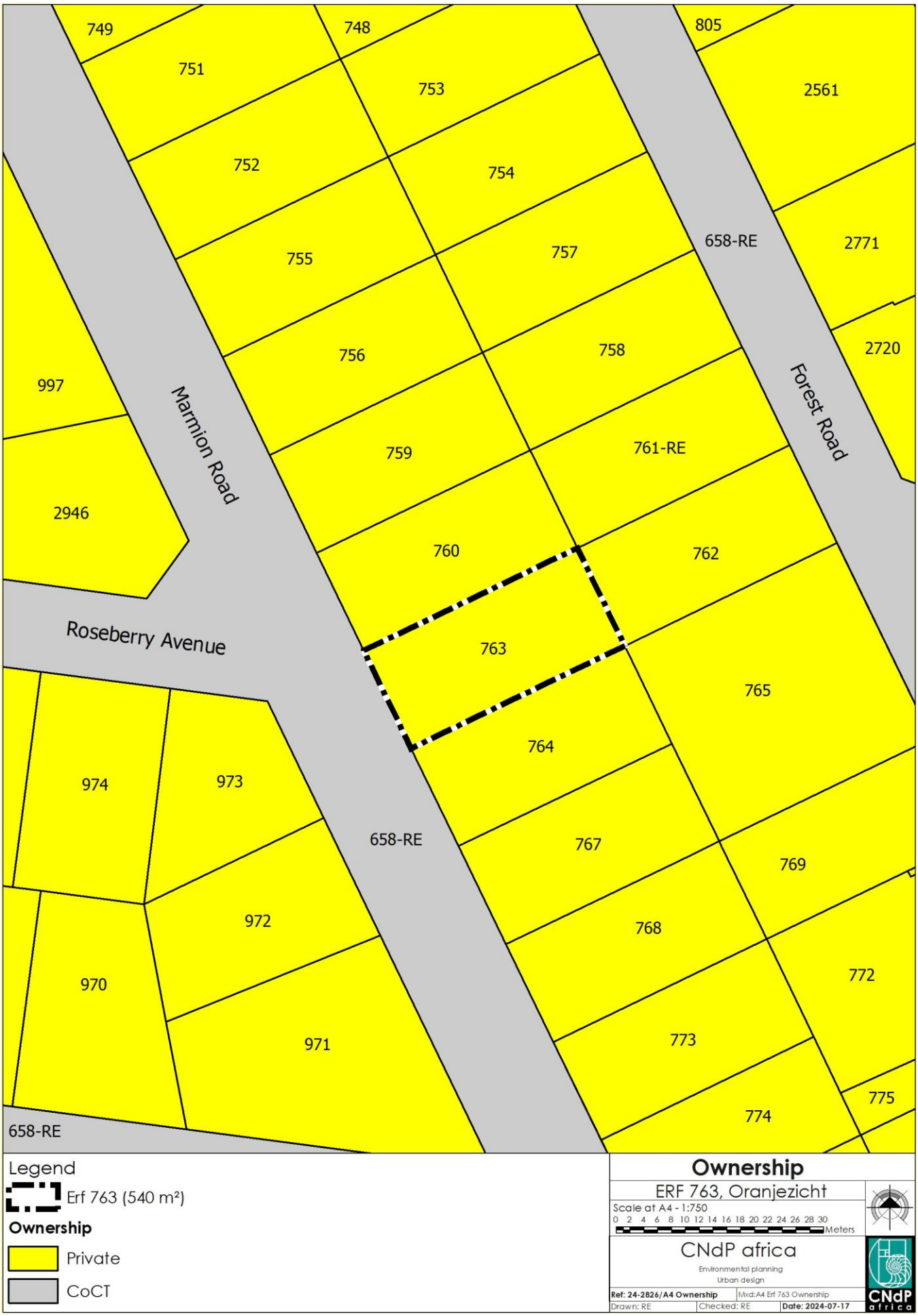



**Figure 2.4 Ownership**

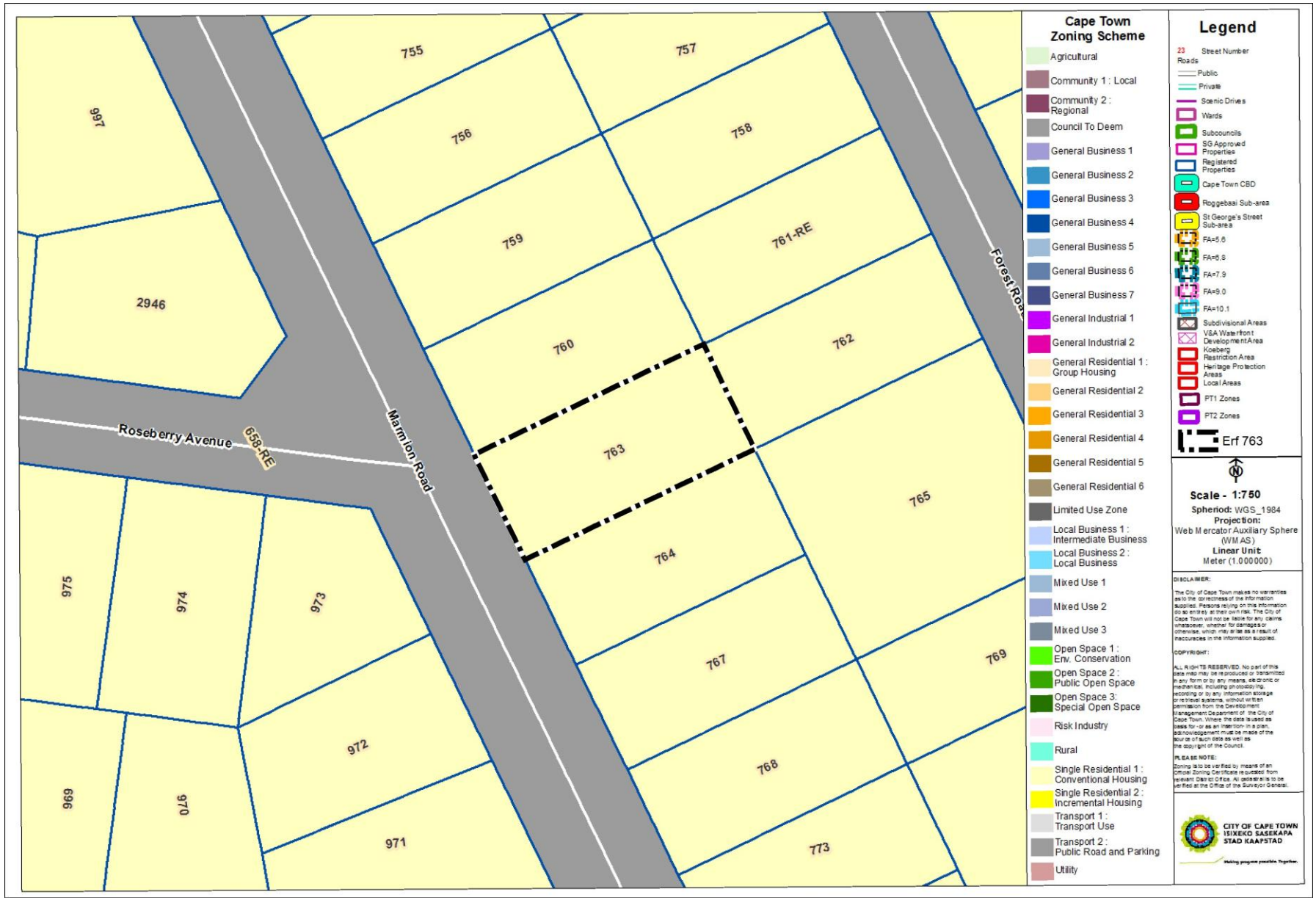



**Figure 2.5 Zoning**




**Figure 2.6 Parking Public Transport Zones**




**Figure 2.7 Upper Table Valley Heritage Protection Overlay Zone**

# 3 DEVELOPMENT PROPOSALS

## 3.1 PROPOSED SITE PLAN

A Site Plan approval is required for this application. The proposals are illustrated on Figures 3.1 to 3.13.

### 3.1.1 **Site Plan** (Figure 3.1)

As can be seen in Figure 3.1 there will be no increase in the footprint of the existing building.

### 3.1.2 **Ground Floor** (Figure 3.2)

This existing floor comprises an on-site bedroom, laundry and store.

### 3.1.3 **First Floor** (Figure 3.3)

This existing floor comprises the Main Dwelling and a parking area. It is intended to put a roof over the parking area creating a carport so a departure of 0m in lieu of 1.5m will be required.

### 3.1.4 **Proposed Second Floor** (Figure 3.4)

This comprises a two-bedroom unit with en-suite bathrooms with verandahs, living area and kitchen to the east. It takes access from the proposed stairway from the ground floor, see section 3.1.3 above.

### 3.1.5 **Roof Plan** (Figure 3.5)

As the proposed second floor addition will be constructed exactly on top of the existing building. There will be no change to the roof plan.

### 3.1.6 **Section A-A** (Figure 3.6)

Section A-A illustrates an east-west cross section through the proposed building. It indicates how the proposed top of roof and proposed wall plate heights remain inside their respective height restriction lines.

Note: although the end of the pergola beams on the eastern side of the proposed building may appear to encroach across the wall plate height restriction line it should be noted that this height is measured from the "lowest point of a longitudinal member" (see definitions in DMS). It can be seen on Figure 3.6 that the beams' lowest points do not encroach across the wall plate height restriction line at the worst case in point.

### 3.1.7 **Section B-B** (Figure 3.7)

Section B-B illustrates a cross section through the site from the south [left] to the north [right]. The existing building is set back 1.512m from the north common boundary and the building is 1.110m from the southern common boundary building line. As it is the intention to respect the footprint of the existing building and locate the new unit on top of the existing external walls, a departure will be required on both of these boundaries.

**4m height departure within common boundary building lines calculation:**
Figure 3.7 indicates that a height departure of 8.25m in lieu of 4m will be required along the southern common boundary building line, and of 8.86m in lieu of 4m along the northern boundary line.

Note: the EGL was determined using the City of Cape Town's Data Portal 2m Ground Level map, see Annexure K.

**60% linear length within common boundary building lines calculation:**
No departure is required for the linear extent of the building encroachment as it is within the 60% permitted linear distance footprint encroachment, see calculation below.

Total extent of property boundary within common boundary building lines 12m back from the street boundary =

North; 22,18m + South; 22,17m + East; 15.75m = 60,1m, see Figure 3.1.

x 60% = 36.06m

Total length of buildings encroaching in building lines:

| | |
|---|---|
| Existing Main building; south common boundary | 10,755m |
| North common boundary | 10,751m |
| Total | 21.506m |

21.506m is less than 35.305m, therefore, no linear departure is required.

### 3.1.8 **North Elevation** (Figure 3.8)

Figure 3.8 indicates the proposed north elevation.

It can be seen the additional unit has been carefully designed in keeping with the design and character of the existing building. Care has been taken with window placement and window design so that these echo the original design. Particular attention has been paid to the front [West] part of the building where the balustrade design refers to typical balustrade designs of this period found on many of the surrounding dwellings.

As this elevation is further than 1.5m from the north boundary, 1,512m to be exact, no departure from item 22(e) is required.

Note: the pergola members may appear to be encroaching on the wall plate height restriction line but this is because the height restriction lines have been drawn one metre from the northern common boundary whereas the EGL slopes upwards towards the south. As can be seen in Figure 3.7, cross section B-B, the building is set back from the northern common boundary at a higher level and, thus, the top of roof and wall plate height restriction lines are, in fact, not encroached.

### 3.1.9 **West Elevation** (Figure 3.9a and 3.9b)

The West elevation faces Marmion Road.

Once again, the positioning of doors and windows on the west elevation of the new unit echoes the placement of these elements in the existing elevation, thereby respecting the integrity of the historic building fabric. The new balcony balustrade will include typical details found in balustrades on nearby buildings from this era.

While the new staircase does change the appearance of the existing 1st floor elevation, figure 3.9b shows that this will not be visible from the street due to the existing boundary wall. This change was found acceptable by the heritage approval authorities, see Annexure I.

Figure 3.9b also illustrates how surveillance over the public street, Marmion Road, will be improved by the proposed unit as it will contain windows overlooking the street. This has hitherto not been possible because the ground floor of the existing building is significantly below street level.

As the approved boundary wall is not visually permeable it is intended to apply for a technical departure of 0% visually permeable in lieu of 25%, to bring this into line with the current DMS.

### 3.1.10 **South Elevation** (Figure 3.10)

The south elevation faces the adjoining property, Erf 764.

In this elevation the proposed top of roof and wall plate heights are significantly below the respective height restriction lines because of how the property falls from the south to the north.

Figure 3.10 also illustrates that section of the new unit for which a departure above 4m above the EGL, 12m back from the street boundary will be required.

The southern wall of the existing building is set back 1.1m from the common boundary.

Technically, all of the windows on this elevation require a departure from the 1.5m set back from a common boundary development rule in terms of Item 22(e), notwithstanding that the existing windows have been in place since 1924.

However, smaller windows, so as not to impact on the neighbours privacy are proposed.

A departure to permit the positioning of the windows along this elevation to continue to be 1.1m in lieu of 1.5m will be applied for.

### 3.1.11 **East Elevation** (Figure 3.11)

The extensions to the east elevation will be set back from the 1st floor kitchen whose roof will become a deck.

### 3.1.12 Notes and Specifications

The key figures relating to the existing and proposed building are as follows:

**Floor area:**

i. The permitted floor area is 540m² (floor factor 1.0 plot size: >350m² – 650m²)

ii. The existing floor area is as follows:

| | |
|---|---|
| • Ground floor | 71.7m² |
| • First floor | 172.48m² |
| • Balconies and decks > 2.5m width | 18.00m² |
| Total | 262.18m² |

iii. The proposed Second floor including both balconies >2.5m

| | |
|---|---|
| • Second floor | 101.06m² |
| • Balconies and decks > 2.5m width | 77.25m² |
| Total | 178.31m² |

iv. Grand Total 440.49m²

This floor area is less than that permitted in the DMS.

**Coverage:** If there are second and third dwellings on a property the total coverage may not exceed 75%. Coverage is defined in the DMS as the total area of land covered by only buildings. Buildings are defined as all roofed structures and external stairs.

The permitted coverage on the property including 2nd and 3rd dwelling units is 75% = 405m².

The total area of land covered by buildings including the proposed new unit on the property will be as follows:

| | |
|---|---|
| • Ground floor (completely under first floor) | 0.00m² |
| • First floor including proposed external stairs to second floor | 172.48m² |
| • Proposed 2nd floor unit – (completely on top of first floor) | 0.00m² |
| • Verandahs and balconies – completely on top of first floor | 0.00m² |
| Total | 172.48m² |

After the proposed extensions are completed there will be no increase in coverage as the proposed new unit is completely on top of and slightly smaller in area than the largest floor, namely the first.

After completion the proposed coverage will be the same as the existing coverage, namely 42% (172.48m² as a % of 405m²) and is far below the 75% permitted.

## 3.3 PROPOSED ENGINEERING SERVICES

### 3.3.1 Water

The existing street connections will continue to be utilised.

### 3.3.2 Sewer

The existing sewer which falls to the east to Forest Road via a Common Private Sewer will continue to be utilised.

### 3.3.3 Stormwater

The existing stormwater drainage which falls to the rear of the property will continue to be utilised. NO additional hardening of the property will occur as a result of the development as it is located on top of the existing building.

### 3.3.4 Roads

The current carriageway crossing will continue to be utilised, and no change is proposed to this access.

### 3.3.5 Electricity

The property has an existing 3 phase electricity supply which is more than adequate for the proposed additional unit.

### 3.3.6 Information Technology

The property has a fibre connection which will be more than sufficient for the proposed additional unit.

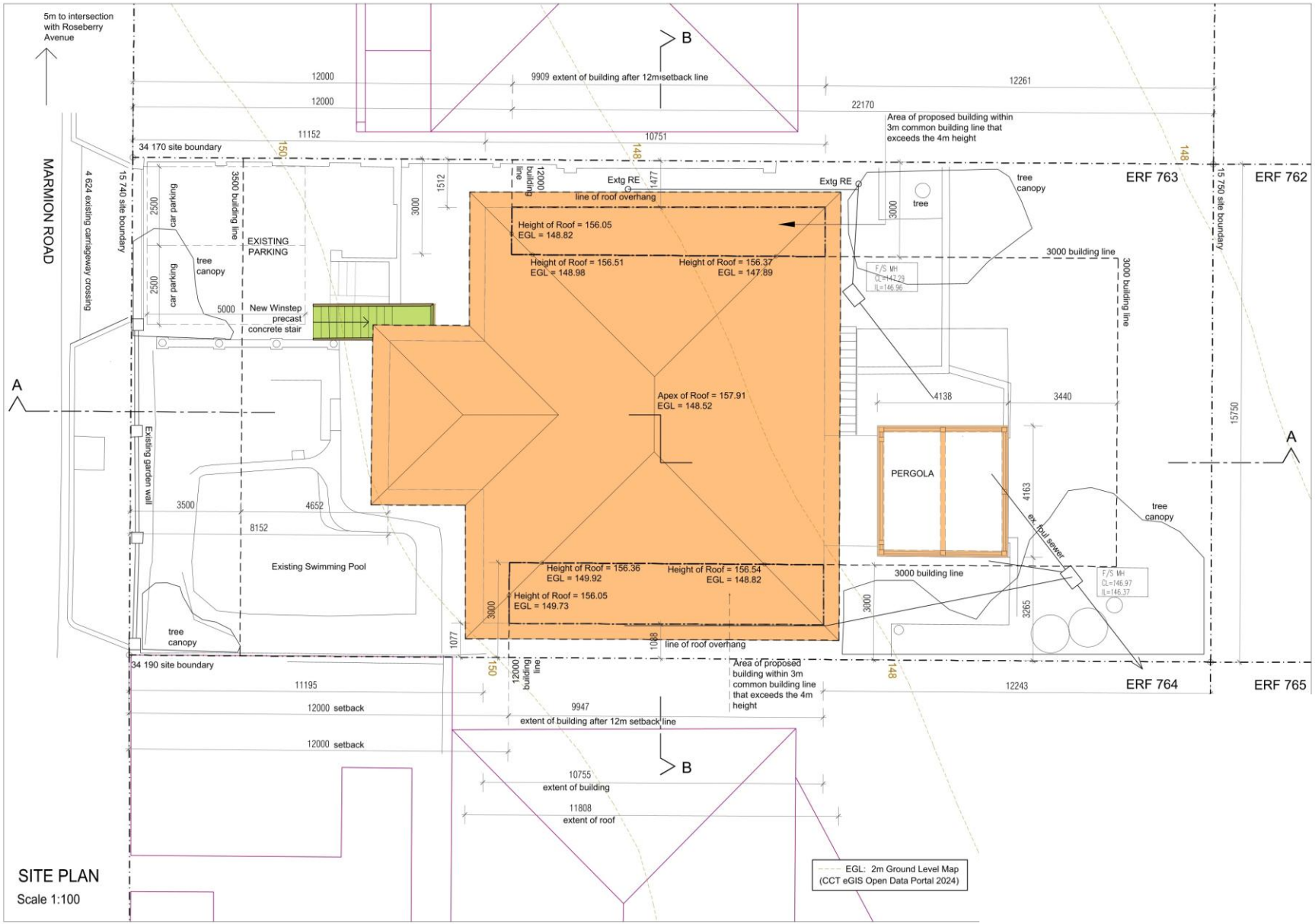



**Figure 3.1 Proposed Site Plan**

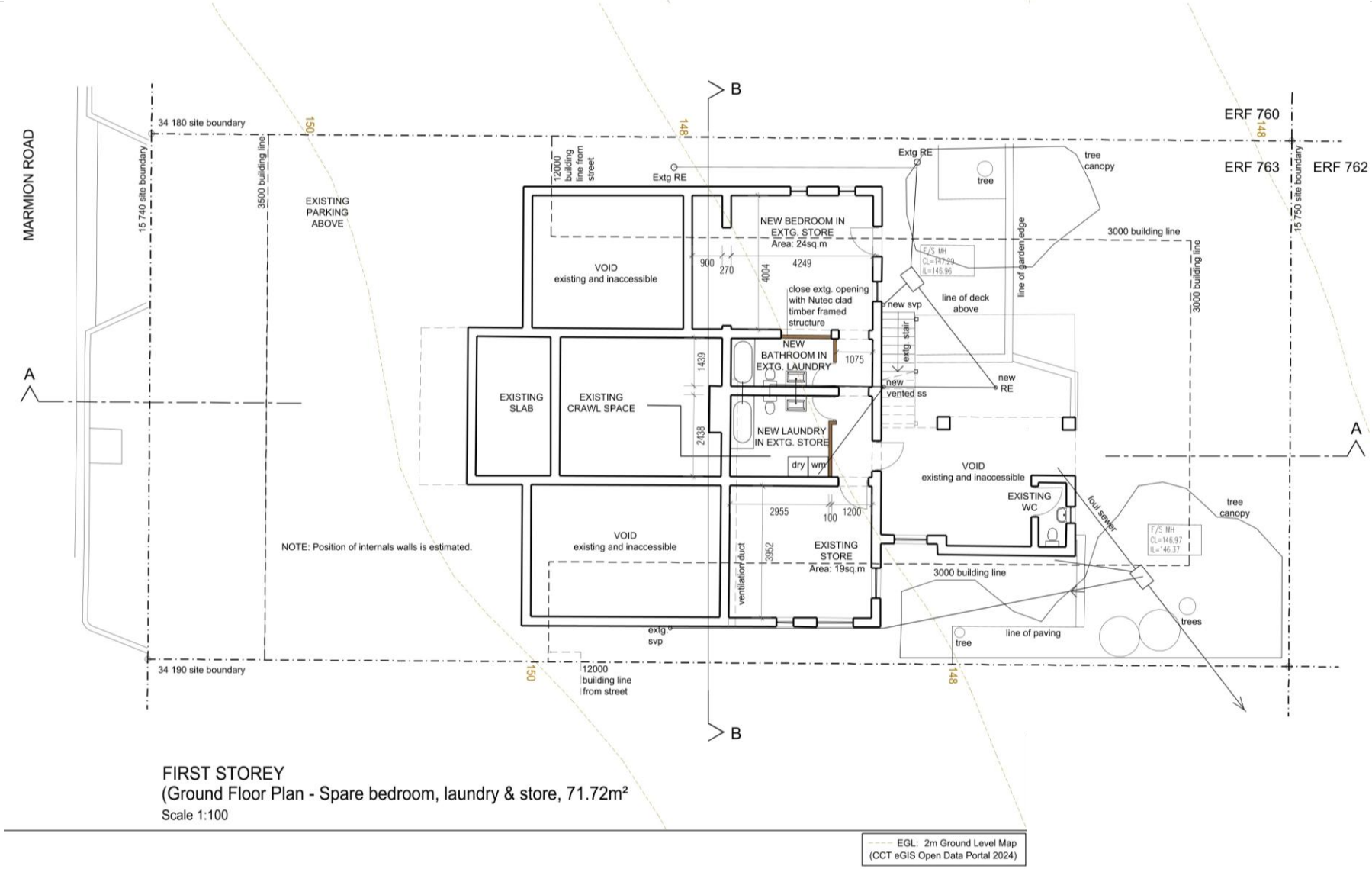



**Figure 3.2 First Storey (Ground Floor Plan)**

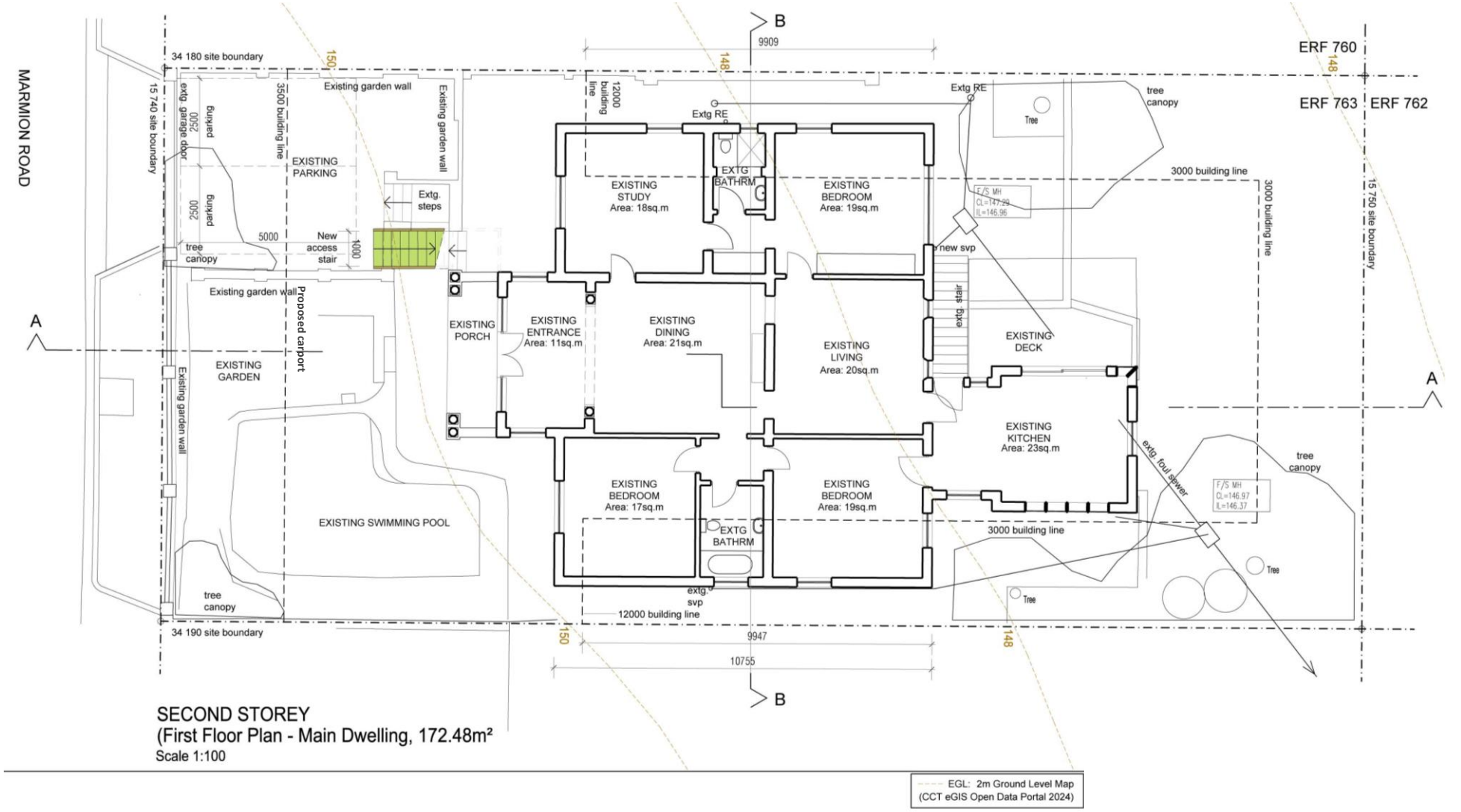



**Figure 3.3 Second Storey (First Floor Plan)**

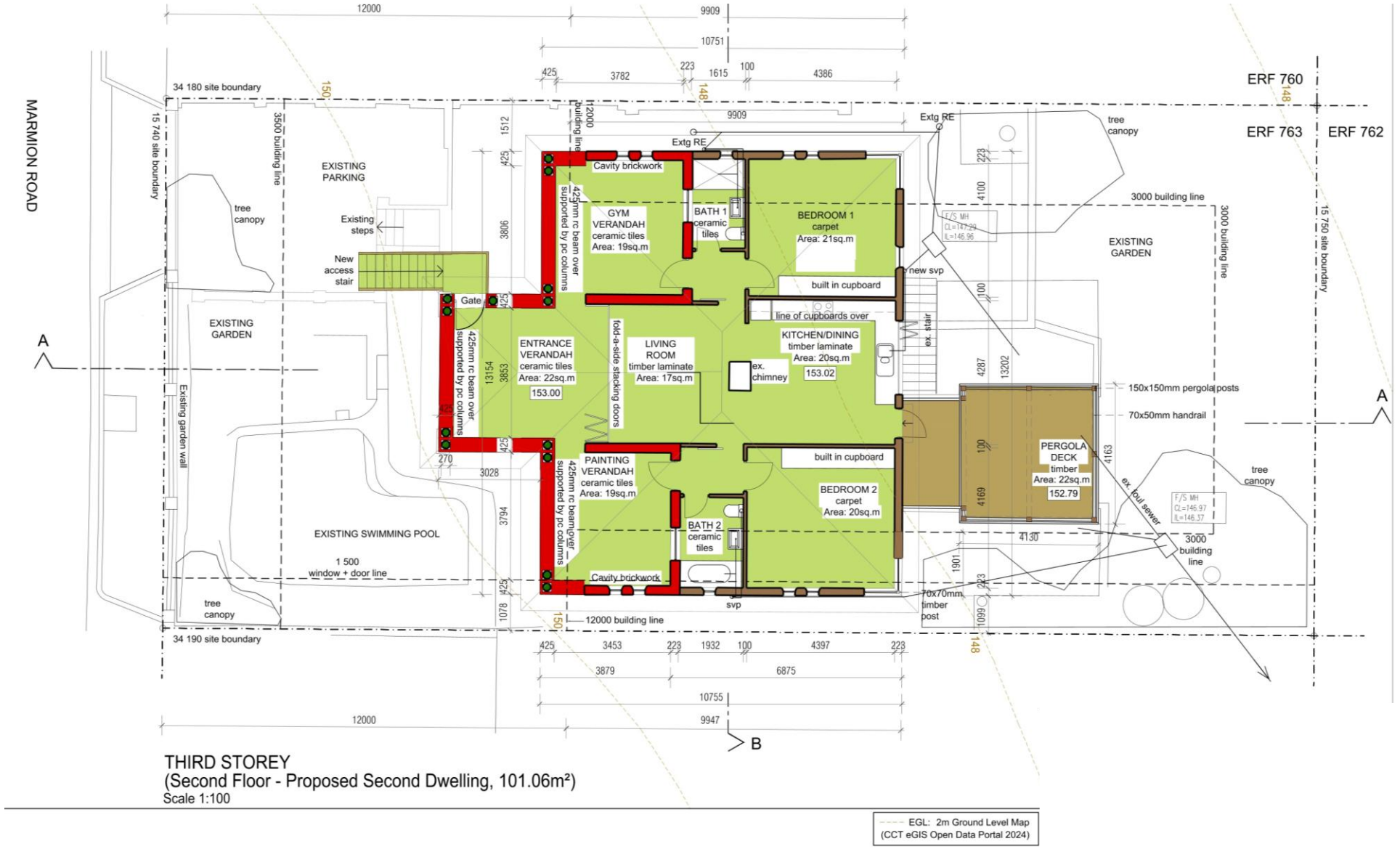



**Figure 3.4 Proposed Third Storey (Second Floor Plan)**

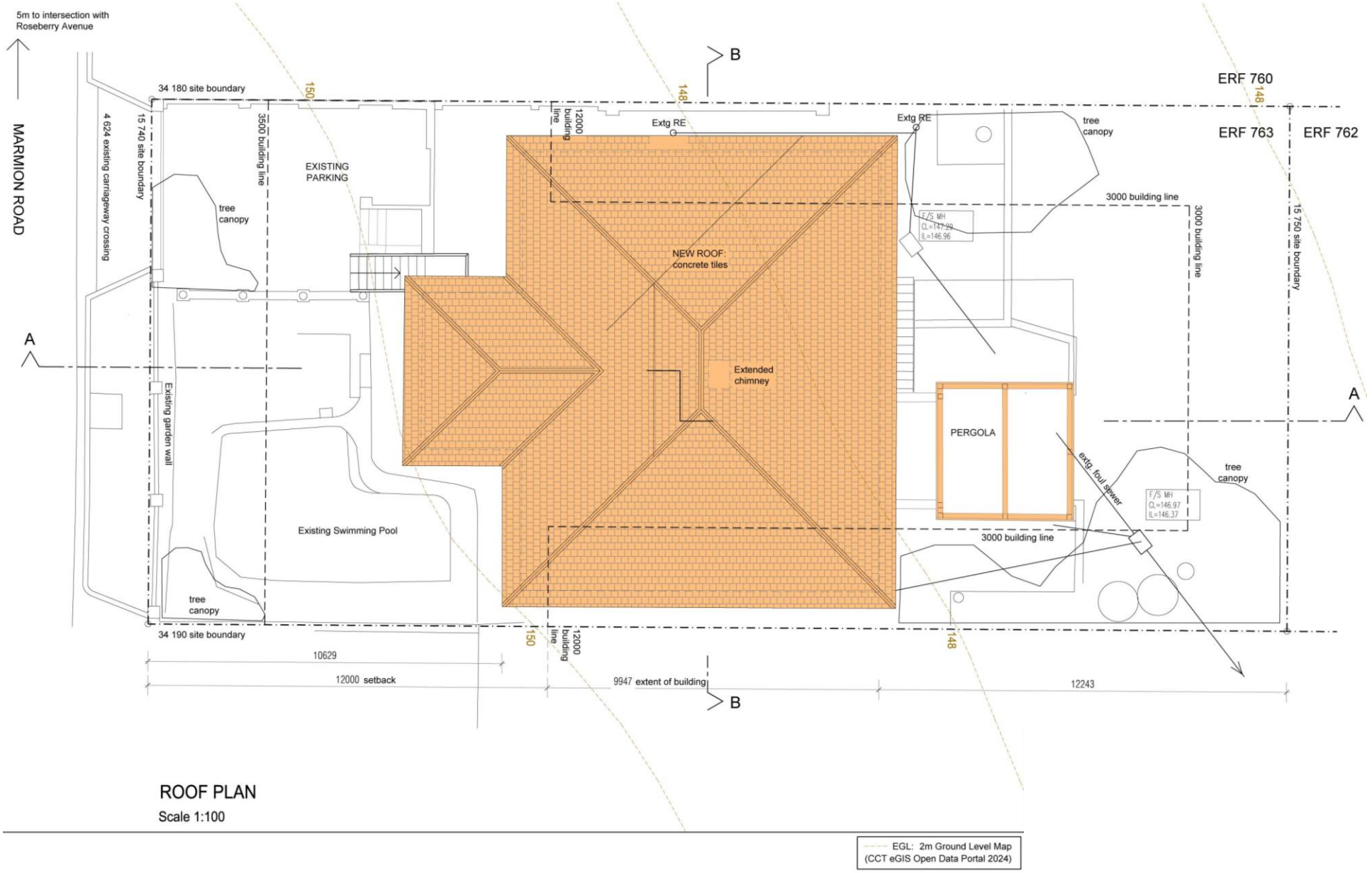
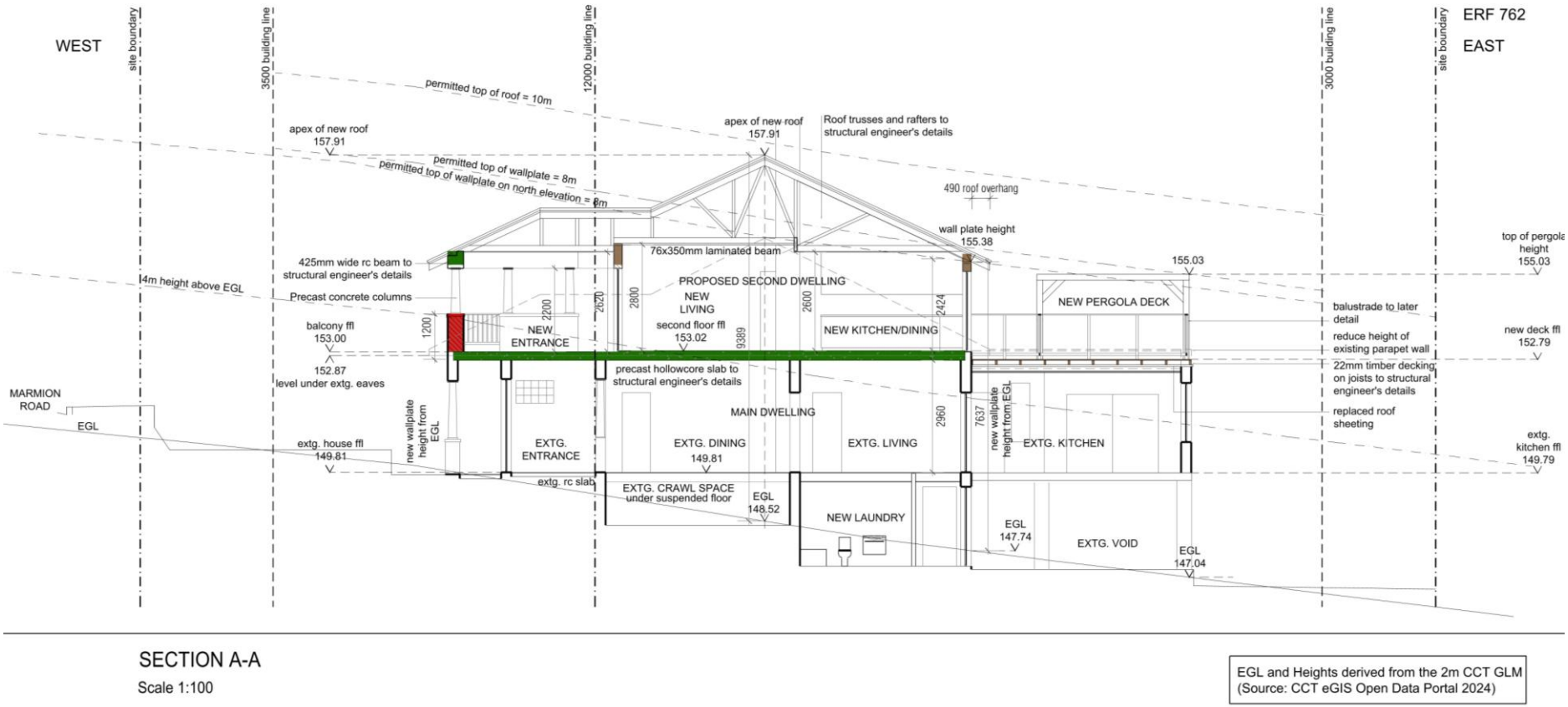



**Figure 3.5 Proposed Roof Plan**

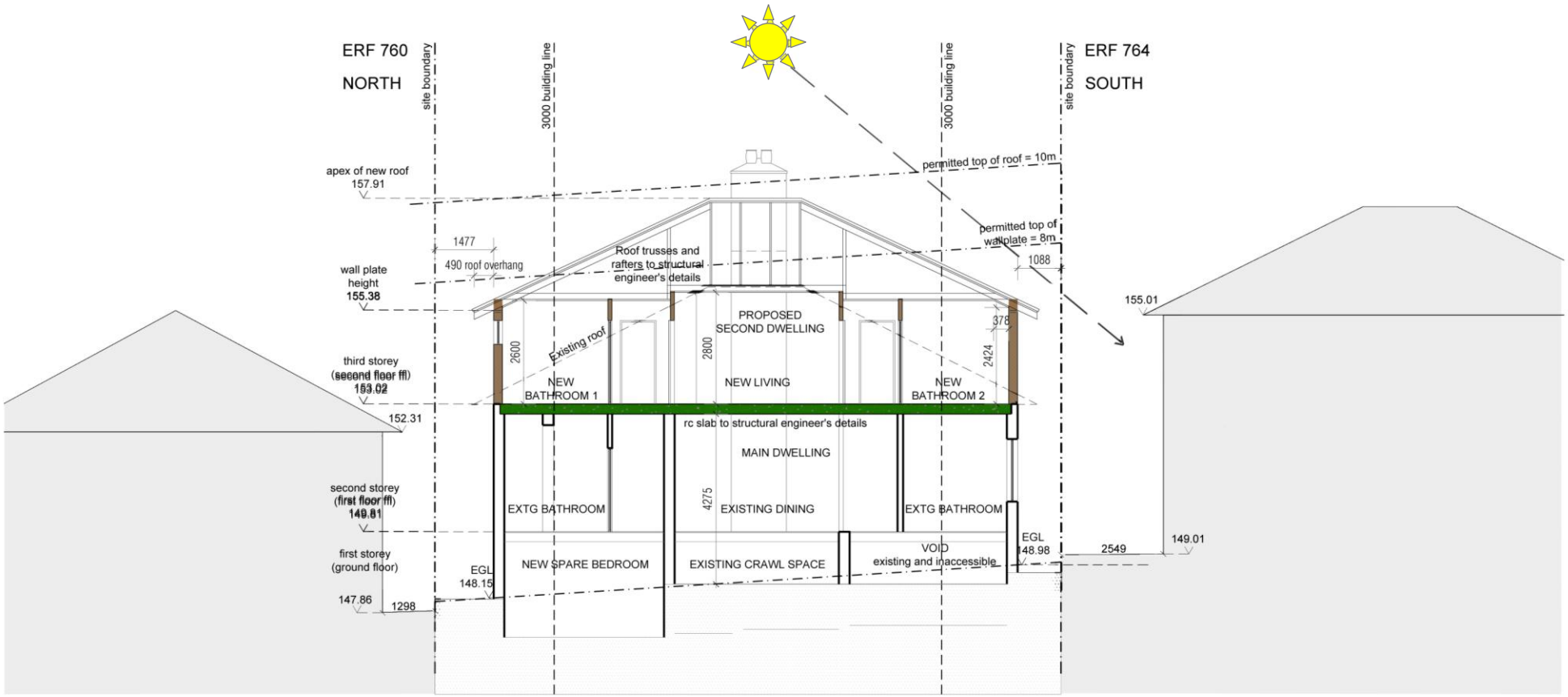



SECTION A-A

Scale 1:100

EGL and Heights derived from the 2m CCT GLM
(Source: CCT eGIS Open Data Portal 2024)

**Figure 3.6 Sections A-A**

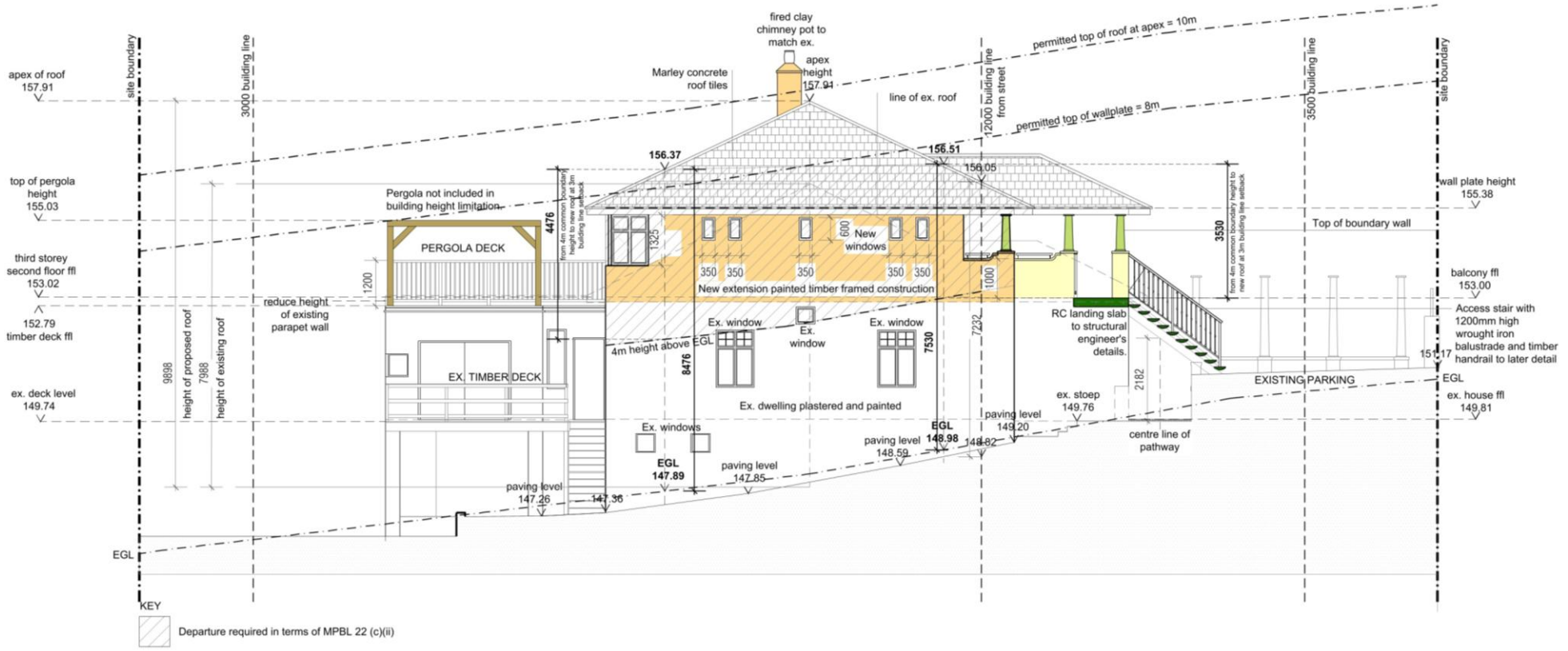



SECTION B-B

Scale 1:100

EGL and Heights derived from the 2m CCT GLM (Source: CCT eGIS Open Data Portal 2024)

**Figure 3.7 Section B-B**

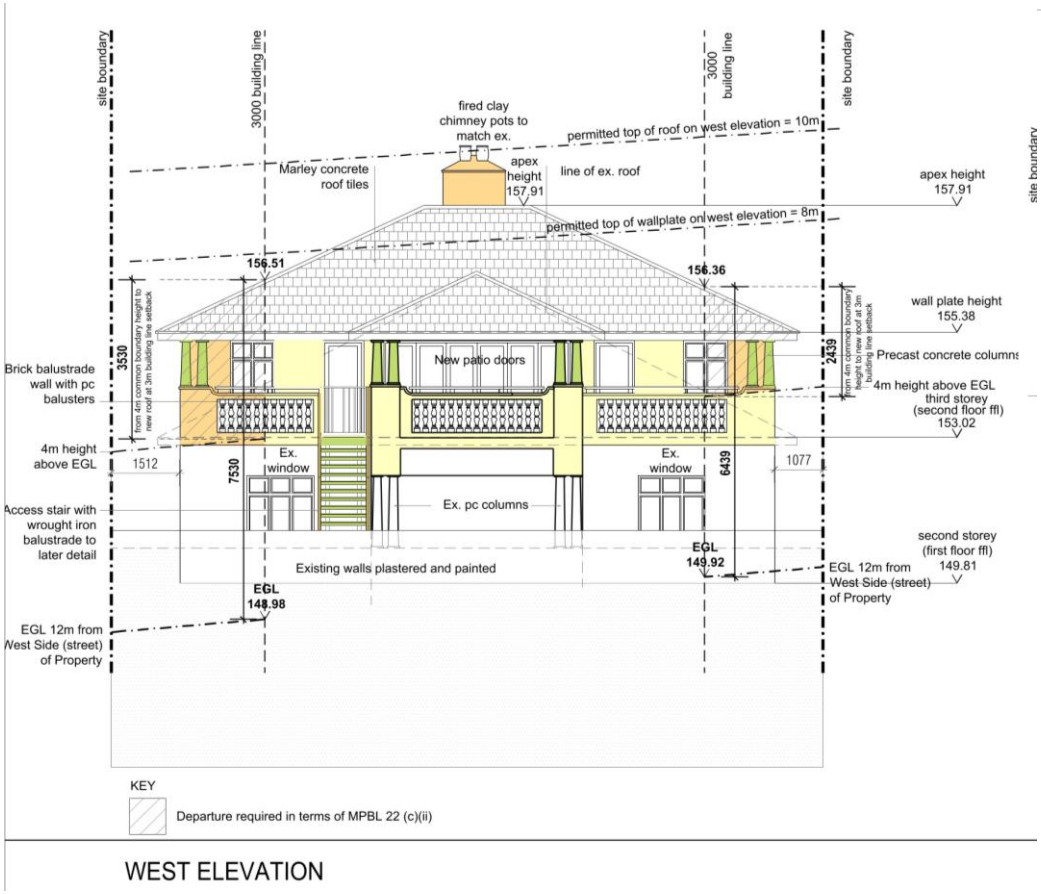



NORTH ELEVATION

Scale 1:100

EGL and Heights derived from the 2m CCT GLM
(Source: CCT eGIS Open Data Portal 2024)

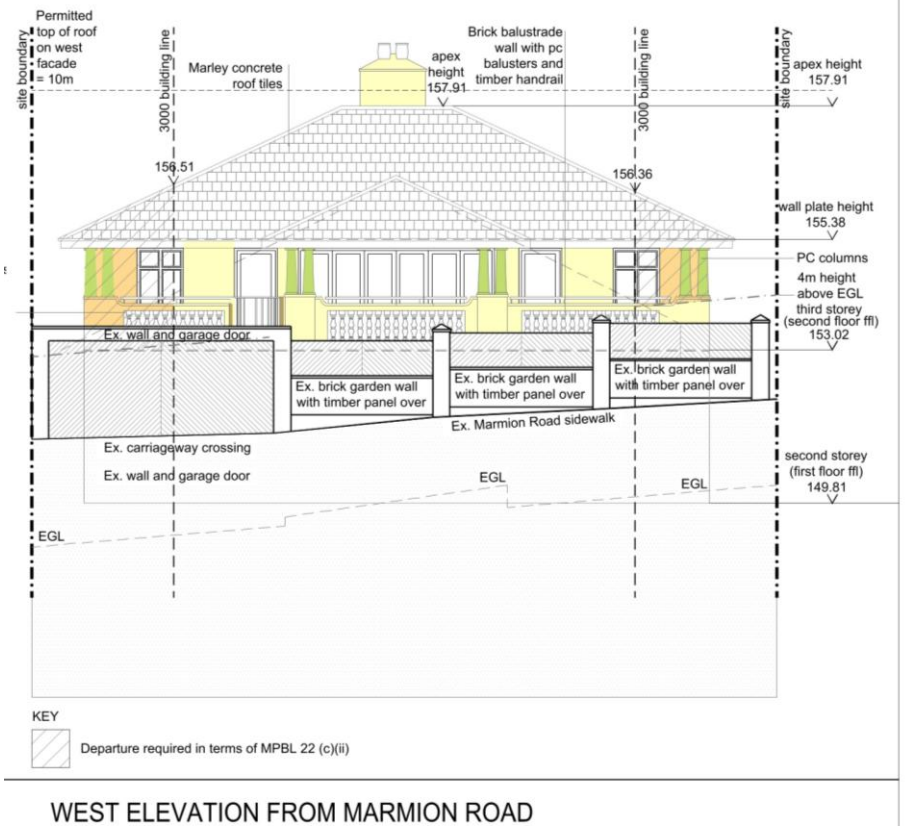
**Figure 3.8 North Elevation**




WEST ELEVATION

a)

EGL and Heights derived from the 2m CCT GLM
(Source: CCT eGIS Open Data Portal 2024)




WEST ELEVATION FROM MARMION ROAD

b)

**Figure 3.9 West Elevation**

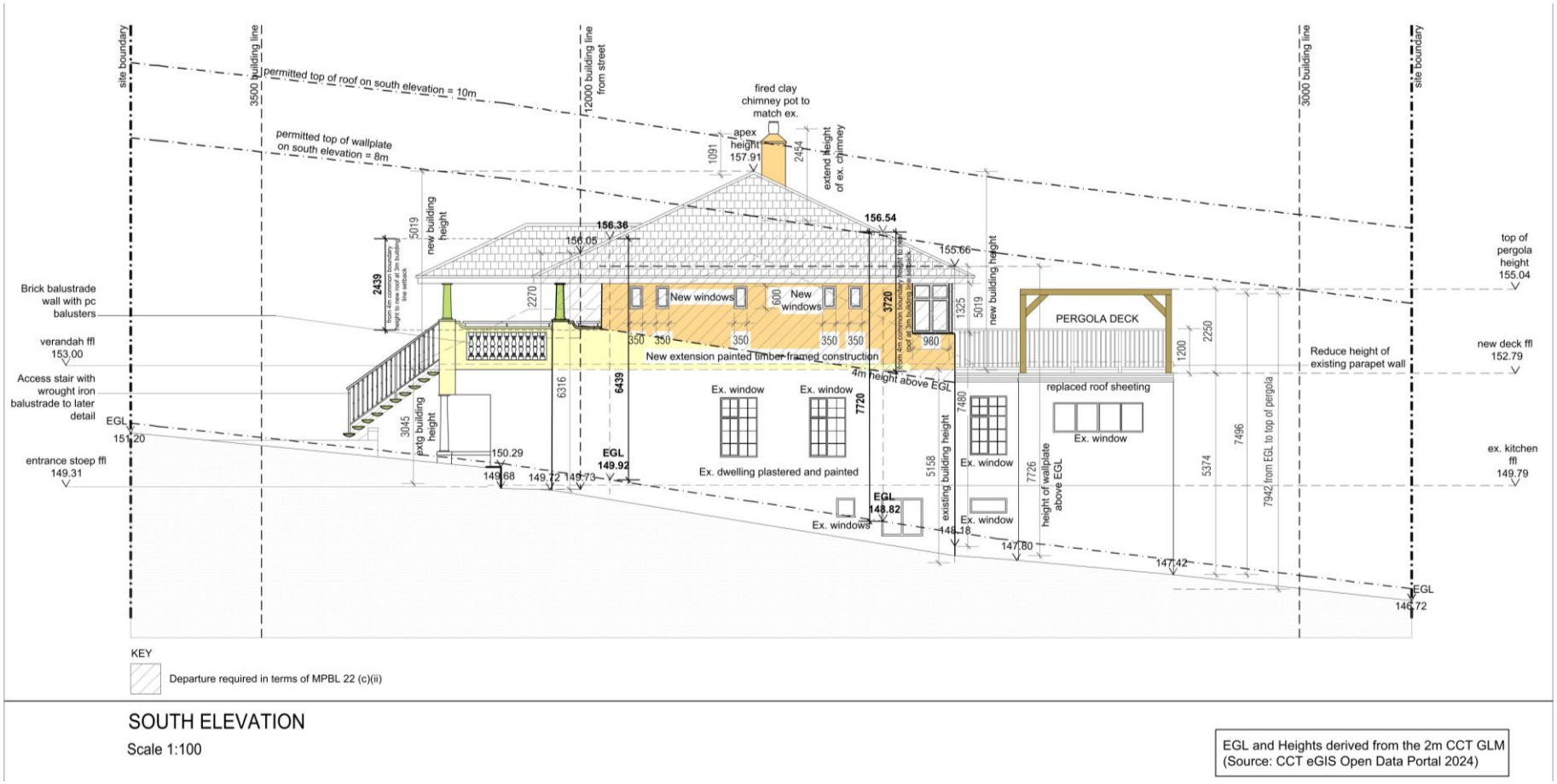
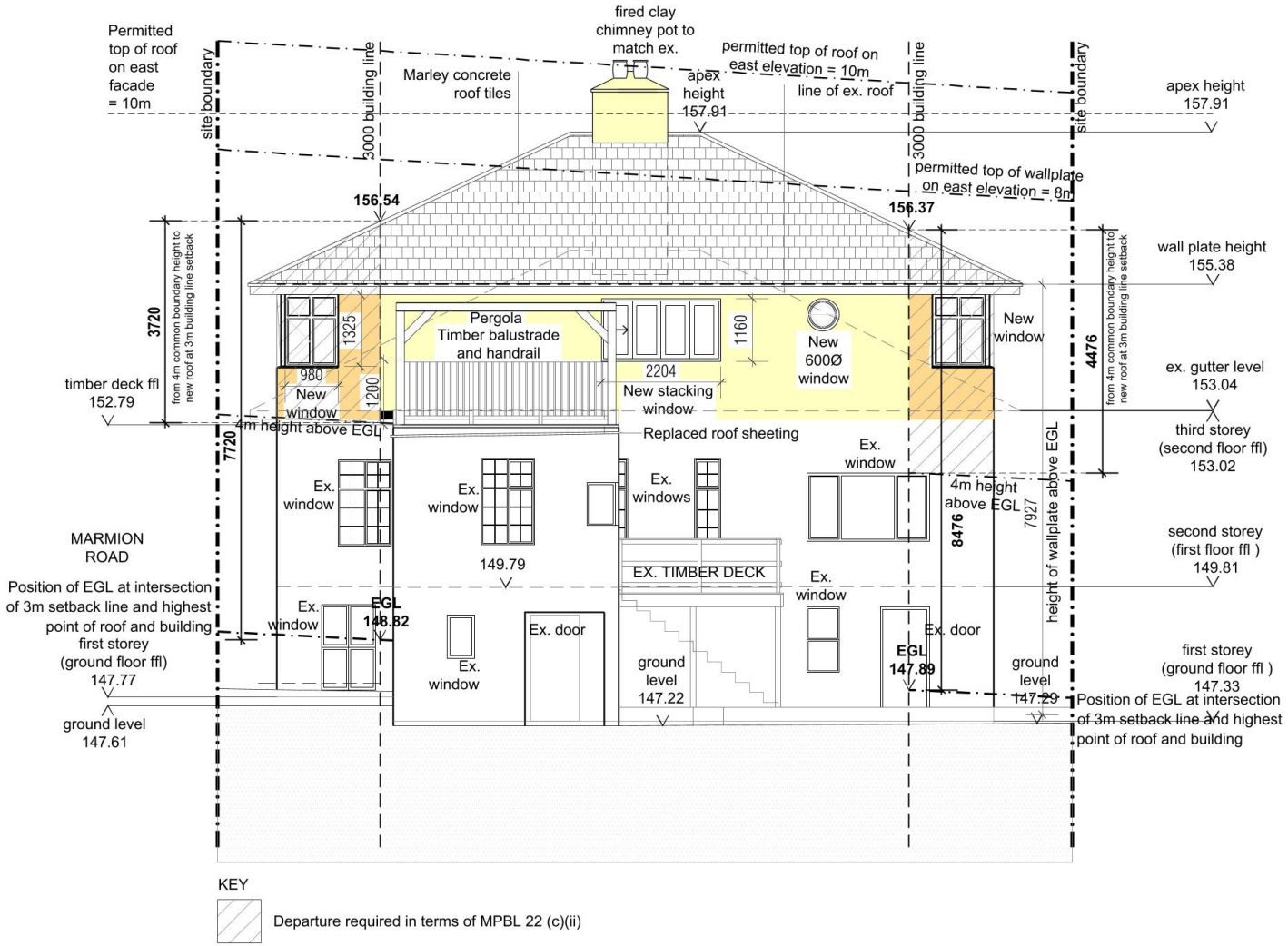



**Figure 3.10 South Elevation**




EAST ELEVATION

Scale 1:100

EGL and Heights derived from the 2m CCT GLM (Source: CCT eGIS Open Data Portal 2024)

**Figure 3.11 East Elevation**

| BUILDING AREA (m²) | | |
|---|---|---|
| | EXISTING | PROPOSED |
| Second Floor | Nil | 101.06 |
| First Floor | 172.48 | Nil |
| Ground Floor | 71.72 | Nil |
| Balconies, timber decks and stoeps | 21.28 | 77.25 |
| Total | 265.48 | 178.31 |
| **Total Area** | | **443.79** |

| SITE DATA | |
|---|---|
| Erf | 763 |
| Occupancy | H4 |
| Zoning | Single Residential 1 |
| Heritage | Not graded |

| LINEAR CALCULATIONS FOR BUILDING HEIGHT WITHIN 3m COMMON BOUNDARY | | |
|---|---|---|
| NB. All proposed building work is to be built on existing footprint (except stair) | | |
| BOUNDARY SIDE | Length of building extent that is built within 3m common boundary setback after 12m setback | Length of building extent after 12m setback that is proposed to extend above the 4m height restriction within the 3m common boundary |
| | EXISTING | PROPOSED |
| South West | 9.947 | 9.947 |
| North East | 9,909 | 9,909 |
| **TOTALS** | **19,856** | **19,856** |
| Total linear distance | 22,17 +15,75 + 22,19 = 60.11 | 22,17 +15,75 + 22,19 = 60.11 |
| % of linear distance | 33% | 33% |

| COMPLIANCE WITH DEVELOPMENT RULES (Item 22 of DMS) | | | | | |
|---|---|---|---|---|---|
| **Area of erf: 538m²** | | | | | |
| **Land Unit Area: >350 to 650m²** | | | | | |
| | **Ratio** | **Permitted rights** | **Proposed** | **Difference** | **Departure** |
| **Floor Factor – Item 22 (a)** | 1.0 | | | | |
| **Maximum Floor Space – Item 22 (b)** | | N/A | | | No |
| **Height – Item 22 (c) (i)** Maximum height above existing ground level: to wall plate | 8.0m | 8.0m | | | |
| **Height – Item 22 (c) (i)** Maximum height above existing ground level: to top of roof | 10.0m | 10.0m | 9.87m | 0.13m | No |
| **Height – Item 22 (c) (ii)** Height within 3m of a common boundary. | Where a building is permitted within 3m of a common boundary, the height will be limited to 4m measured from existing ground level to top of roof. | 4.0m | South Elevation: Varies from 6.44m to 7.72m (average:7.08m) | 2.44m to 3.72m (Average:3.08m) | Yes |
| | | | North Elevation: Varies from 7.53m to 8.48m (average:8.01m) | 3.53m to 4.48m (Average:4.01m) | Yes |
| **Building Lines – Item 22 (d)** Street boundary building line | 3.5m | 3.5m | 8.15m | 4.65m | No |
| **Building Lines – Item 22 (d)** Common boundary building line: North | 0,0m for first 12m. | N/A | | | |
| | 0,0m for 60% of remaining linear distance along all common boundaries. | 60.11m | 19.86m | 40.25m | No |
| | 3m for the remainder. | N/A | | | |
| **Building Lines – Item 22 (d)** Common boundary building line: South | 0,0m for first 12m. | N/A | | | |
| | 0,0m for 60% of remaining linear distance along all common boundaries. | 60.11m | 19.86m | 40.25m | No |
| | 3m for the remainder. | N/A | | | |
| **Coverage – Item 22 (h)** | | N/A | | | |

**Figure 3.20 Notes and Specifications**

## NOTES

The design on this drawing is copyright and is the property of Jackie James Architecture.
All work to be carried out in strict accordance with SABS 10400-M:2011 and relevant municipal regulations.
The requirements of SANS 204 and SANS 10400-XA have been met.
Quality of all materials and workmanship to comply with relevant S.A.B.S. & B.S.S. specifications.
All materials to be fixed or applied to manufacturer's specifications.
Contractor to check all dimensions and levels on site before commencement of work. Written dimensions to be used in preference to scaling drawings.
Where an item is covered by drawings to different scales, the largest scale drawing is to be worked to.
Floor levels refer to finished floor levels.
Any queries arising from the above must be reported to the Architect for clarification before any work is put in hand.

Roof Construction:
Existing:
Tiles, battens, rafters and web members of the trusses to be removed - tie beams, ceilings and brandering to remain - for methodology refer to structural engineer's details.
New:
MARLEY HOMESTEAD concrete roof tiles at 23 degree pitch with 100mm headlap on 38x38mm battens at 320mm centres on MARLEY undertile membrane on S.A. Pine Grade 6, H4 trusses at 760mm centres max. to structural engineer's details.
Fascia: 150x12mm Nutec fascia.

Rain Water Goods:
Seamless aluminium 125x85x0,6mm domestic OGEE gutters fixed to fascias with brackets at 600mm c/c.
100x75x0,6mm seamless aluminium downpipes.

Ceilings:
Existing:
All existing ceilings (together with brandering and tie beams to remain) to be made good and painted as per Paint Specification.
New:
6.4mm skimmed RHINOBOARD ceiling fixed to 50x50 brandering in both directions at 400mm c/c max.
45x19mm S.A.Pine shadow cornice.

Insulation:
135mm AEROLITE insulation to ceilings, laid directly above ceiling.
135mm AEROLITE insulation to walls, laid directly between studs.

Walls:
External Brick Walls:
Cavity brick construction for plastering and painting.
MPA

External Timber-framed Walls:
12mm NUTEC boards fixed to 38x50mm battens at 600mm centres on TYVEK Supra vapour-permeable wrap or similar approved, fixed and lapped to manufacture's instructions, fixed to 11mm orientated strand board, fixed to 150x50mm studs at 600mm centres, including head and base plates. 150x50mm noggins at 900mm centre vertically and at all horizontal joints in cladding.
12mm skimmed RHINOBOARD internal lining.

Internal Walls - First Floor:
12mm RHINOBOARD screw fixed at 220mm centres to 76x50mm studs at 600mm centres, including head and base plates. 76x50mm noggins at 900mm centres vertically and at all horizontal joints in cladding.
Board joints to be staggered, taped and skimmed.
Use 9mm NUTEC in lieu of Rhinoboard in showers.

Internal Walls - Ground Floor and Basement Bathrooms:
12mm RHINOBOARD screw fixed at 220mm centre to 114x38mm studs at 600mm centres, including head and base plates. ACOUTISORB insulation.
Use 9mm NUTEC in lieu of Rhinoboard in showers. Boards to be primed and waterproofed with FLINTCOTE prior to tiling.

| **DEPARTURES** | |
|---|---|
| 1. | Departure in terms of Section 42(b), Items 22 (c) (ii) and (iii):<br>1.1 To permit portions of the building, after the first 12m from the street boundary to be 7.2m on the north elevation in lieu of 4m from the Existing Ground Level (EGL) to the wall plate height.<br>1.2 To permit portions of the building, after the first 12m from the street boundary to be 6.3m on the south elevation in height in lieu of 4m from the EGL to the wall plate height.<br>1.3 To permit portions of the building to be 1.1m in lieu of 3.0m from the southern boundary. |
| 2. | Departure in terms of Section 42(b), Items 22 (e):<br>2.1 External windows and doors shall be set back 1.5m from common boundaries for a minimum length of 3m.<br>2.2 To permit external doors and windows facing the south common boundary to be set back 1.18m in lieu of 1.5m. |
| 3. | To permit portions of the building, after the first 12m from the street boundary to be 7.6m in height in lieu of 4m from the Existing Ground Level (EGL) to the wall plate and 1.0 m in lieu of 3.0m from the northern boundary. |

Wall tiles:
600x300mm Class A ceramic white tiles to 2000mm height in bathroom and between counters and top cupboards in kitchen.

Skirtings:
70x22mm S.A.Pine.

Cills:
150x50mm EVERITE NUTEC cills.

Doors & Windows:
Red Grandis or similar hardwood timber doors and windows as per later door and window schedules.
All to comply with Part O for the NBR.
Glazing to be factory fitted double glazing and to comply with Part N of the NBR.

Floor Construction:
160mm PORTLAND precast hollow core slabs with 50mm 25MPA concrete topping reinforced with ref.193 mesh - all to Structural Engineer's details.

Stairs:
WINSTEP prefabricated stairs to Structural Engineer's details.
Treads: 250mm min.
Risers: 200mm max.
Width: 750mm min. between handrails.
Handrail and balustrade 1200mm high.

Balustrade and handrail:
70x28mm handrail, 1200mm high
70x70mm posts
70x28mm rail, max. 100mm above floor deck
28x28mm balusters at 100mm centres max.

Pergola:
150x150mm S.A. Pine ring beam fixed to 150x150mm S.A. Pine posts. Posts to be positioned onto reduced parapet walls and secured to perimeter beams - all to structural engineer's details. 150x150mm cross bracing. All S.A. Pine to be Grade 6, H4.

**Figure 3.21 Notes and Specifications cont.**

# 4 IMPACT ASSESSMENTS

## 4.1 TRAFFIC IMPACT STATEMENT

Not applicable

## 4.2 ENVIRONMENTAL AUTHORIZATION

Not applicable

## 4.3 HERITAGE IMPACT STATEMENT (NID)

A heritage impact approval in terms of sec 34 of the National Heritage Resources Act has been obtained, see Annexure I.

# 5 POLICY ALIGNMENT

## 5.1 CITY OF CAPE TOWN MSDF (2023)

The site is located in the Upper Table Valley. The MSDF designates this area as Urban Inner Core Spatial Transformation Area, see Figure 5.1.

The main investment principle here is to "upscale land and building optimization and ensure inadequate infrastructure capacity".

This implies intensification and densification. Intensification refers to "the increased use of space, both horizontally and vertically. This should be accompanied by an increased number of units and/or population and accessible, high opportunity locations [densification]".

Densification is further defined as "the increased use of space, both horizontally and vertically, within existing residential areas... accompanied by an increased number of units and/or population threshold."

It can be seen that by creating an additional living unit on top of the property concerned this application is aligned with the MSDF proposals for properties within the Urban Inner Core.

## 5.2 TABLE BAY DISTRICT SPATIAL DEVELOPMENT FRAMEWORK (DSDF) (2023)

Figure 5.2 shows the Table Bay District Spatial Development Framework. Figure 5.3 shows the MSDF proposals in more detail as the District SDF level and the property concerned is clearly located within the Urban Inner Core. Thus, the proposal is also aligned with the DSDF.

### 5.2.1 Table Bay DSDF Sub-District 2: Cape Town CBD/Paarden Eiland Area

Figure 5.4 shows in more detail that the property is located in an area designated for Urban Development and hence the proposed land use amendment is aligned with the proposals.

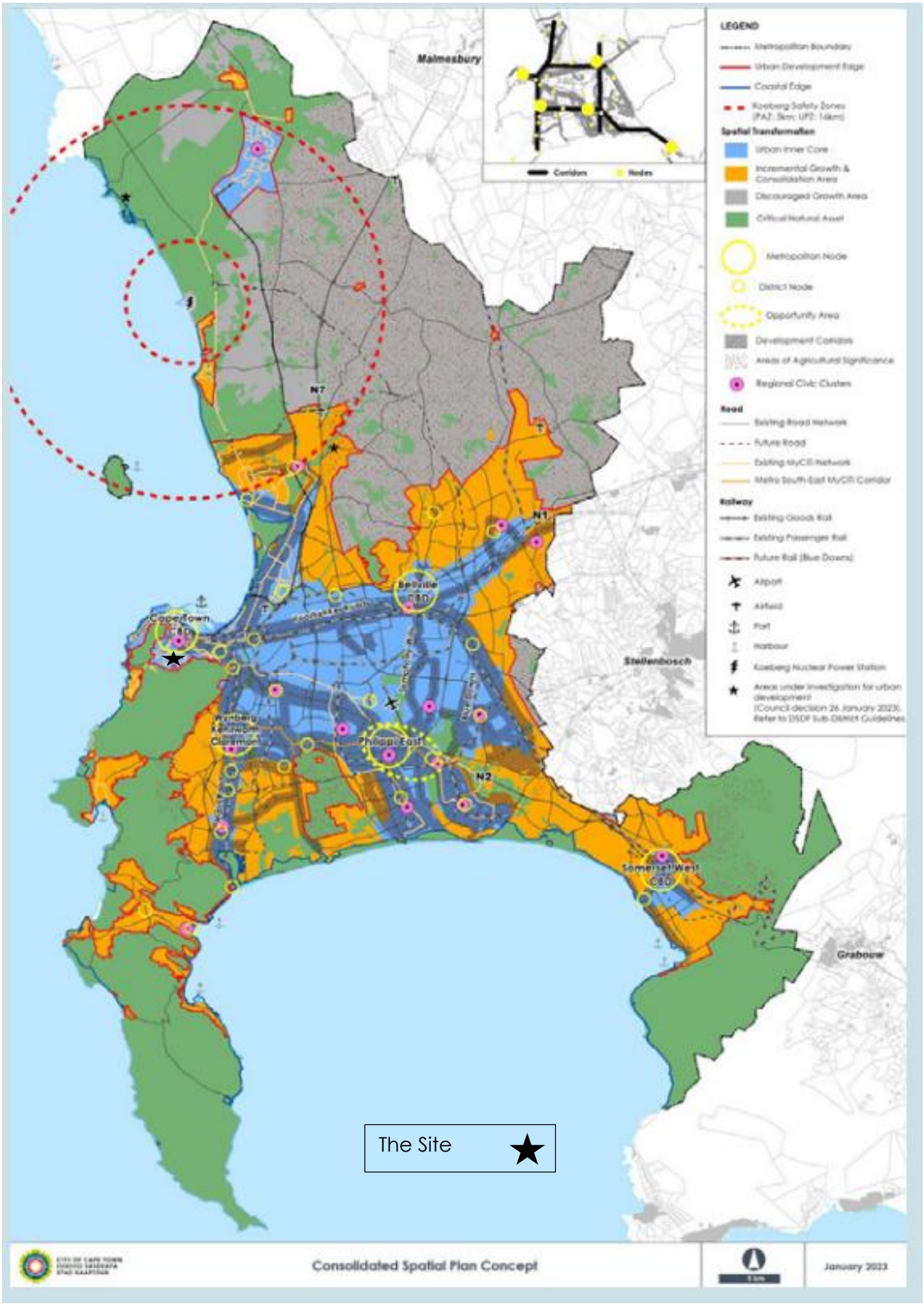



**Figure 5.1 Metropolitan Spatial Development Framework (Consolidated Spatial Plan Concept 2023)**

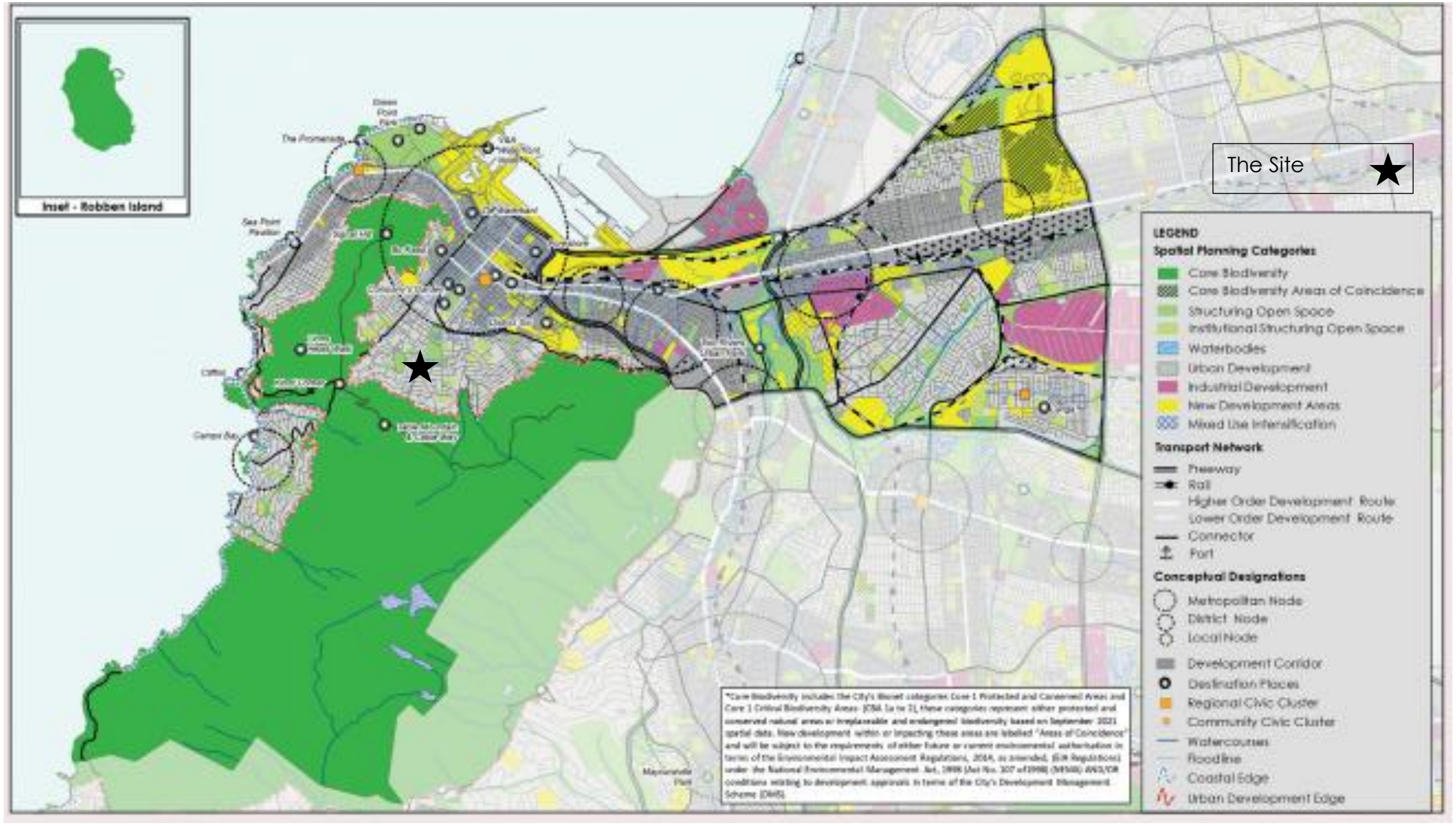



**Figure 5.2 Table Bay District Spatial Development Framework (2023)**

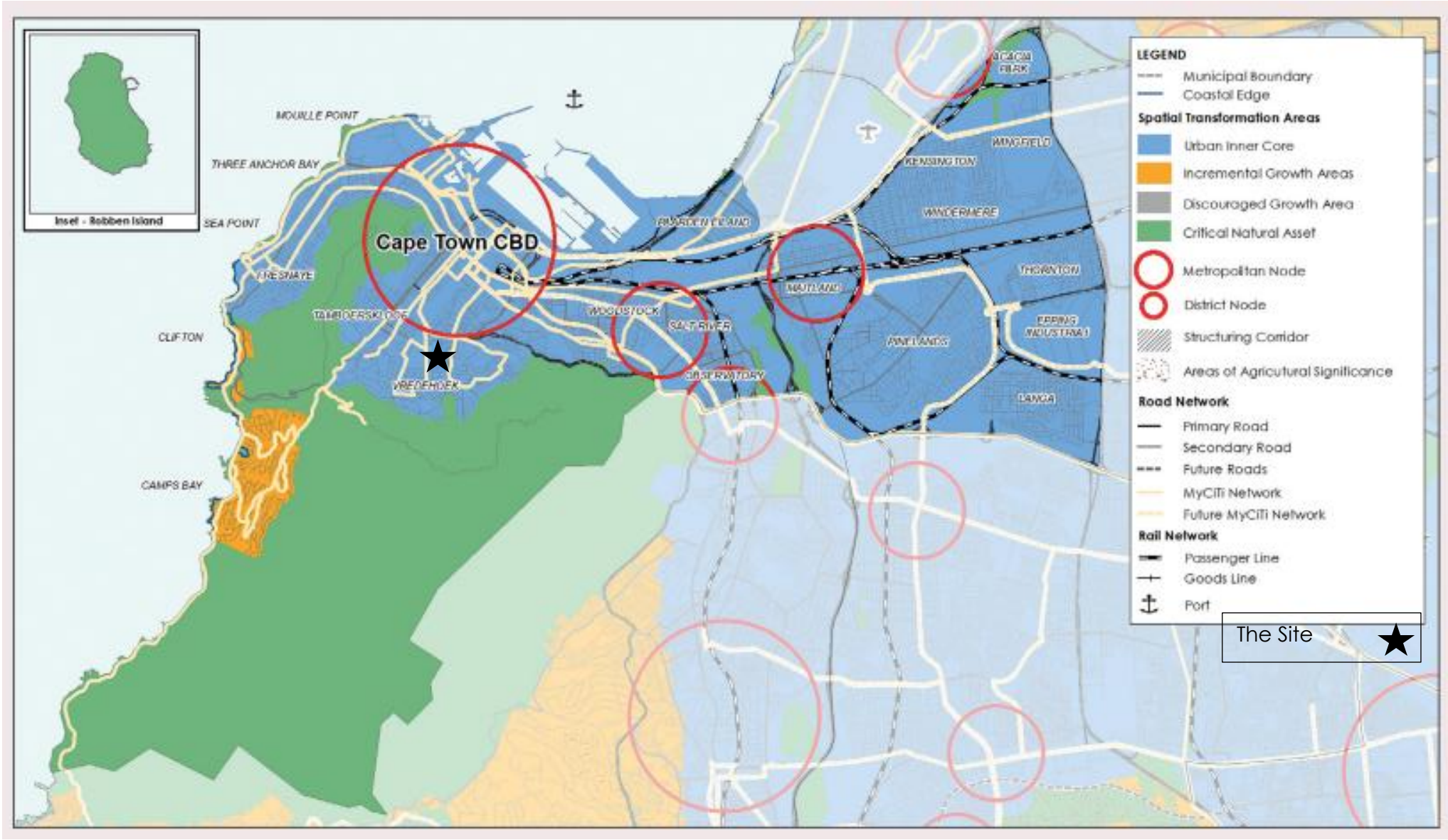



**Figure 5.3 Consolidated MSDF Concept (2023)**

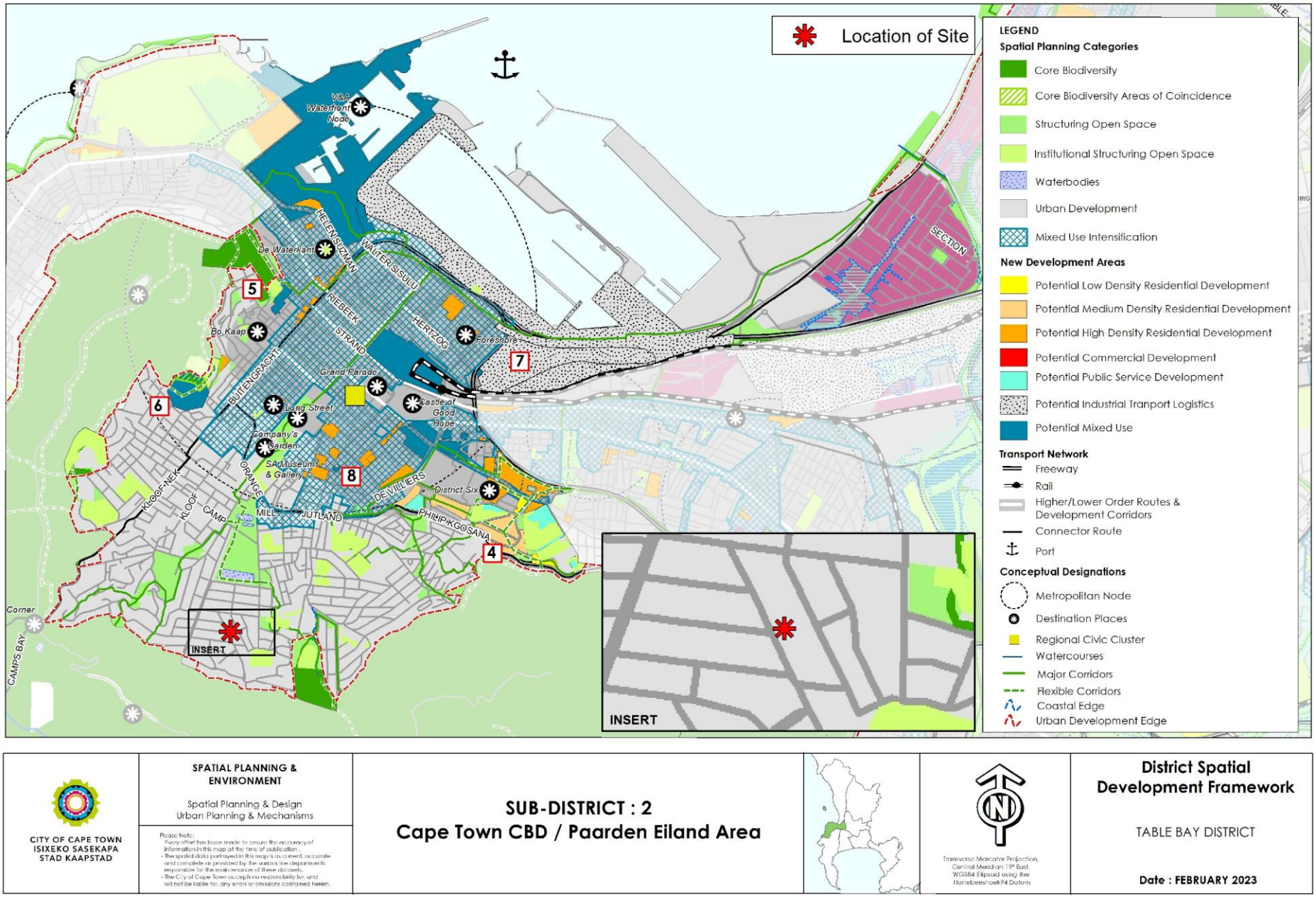



**Figure 5.4** **Table Bay DSDF: Sub-District 2: Cape Town CBD / Paarden Eiland Area (Table Bay DSDF, 2023)**

## 5.3 DENSIFICATION POLICY

This policy seeks to encourage the more intense and efficient use of land, particularly in well located areas.

Adding an additional dwelling unit to a property in the city bowl close to the CBD, Table Mountain National Park, and numerous nearby schools and community facilities within walking distance is consistent with this policy.

The proposed removal of the title deed restriction limiting the number of dwelling units to not more than two dwelling units under one roof and not more than one dwelling unit on a single property will enable three dwelling units to be built on the property concerned according to the conditions set out in the DMS. This will further enable compliance with the Densification Policy.

## 5.4 ECONOMIC GROWTH STRATEGY

The proposal Is aligned with the Economic Growth Strategy as follows:

First, by the value add and jobs created in the construction process;

Secondly through enabling more people to live and work in the well-located city bowl; and,

Thirdly, through the efficiencies created by reducing need for transport, in particular, due to the close proximity of work, shopping, social, educational and recreational facilities.

## 5.5 TRANSIT ORIENTED DEVELOPMENT STRATEGIC FRAMEWORK [TOD]

The property concerned is located on Marmion Road which carries the Upper Table Valley MyCiti feeder service. Thus, an additional unit has the potential to generate more ridership for the service. Furthermore, given the property concerned's location in the Upper Table Valley and its proximity to the high order land use activities in the city, the need to use private motor vehicle transport is diminished.

Thus, developing an additional unit in this location is aligned with the TOD aim of promoting development that supports public and non-motorised modes of transport.

## 5.6 SOCIAL DEVELOPMENT STRATEGY

The city's social development strategy seeks to improve and enhance the quality of life of all residents. The proposal supports this policy by providing an additional dwelling unit which will increase the number of people who can enjoy the amenities and proximity of this part of the city and thereby enhance their social development.

# 6 PUBLIC PARTICIPATION

Once the application has been submitted it is intended to contact the surrounding owners, advise them of the proposal and, if possible, obtain letters of no objection, particularly from abutting neighbours on common boundary building lines where departures are being applied for.

| Surrounding Owners No 13 Marmion Road (Erf 763) | |
|---|---|
| **Erf Number** | **Address (Erf Address)** |
| 764 | 15 Marmion Rd Oranjezcht |
| 765 | 18 Forest Rd Oranjezcht |
| 761-RE | 14 Forest Rd Oranjezcht |
| 762 | 16 Forest Rd Oranjezcht |
| 760 | 11 Marmion Rd Oranjezcht |
| 974 | 1 Roseberry Avenue Oranjezcht |
| 2946 | 2 Roseberry Avenue Oranjezcht |

A letter of No Objection has been obtained from No. 11 Marmion Road.

# 7 THE APPLICATION

## 7.1 COMPLIANCE WITH DEVELOPMENT RULES (ITEM 22 OF THE DMS)

The proposed building complies with the Development Rules, see Table 8.1 below as follows:

### 7.1.1 Use of the property

The property is currently used as a main dwelling on the first floor and part of the ground floor.

Therefore, its current primary use is Dwelling House. Thus, the use of the property complies with Item 21 (a) and (b) (i) and (ii).

The proposed new structure on the Second floor will be an additional unit and will be constructed as part of the current building. It will be compatible with the residential character of the area and the streetscape. The proposed new structure has recently received an HIA approval. The HIA approval process in effect rigorously tested all of the requirements of Item 21 (b) (v), and found that they were satisfactorily addressed, see Annexure I.

### 7.1.2 Floor Factor, Coverage and Height

| DMS Regulations<br>*Single Residential Sub-Zone 1*<br>*Erf Size: 538m²* | | Permitted Rights | Proposed | Difference | Departure | Comments |
|---|---|---|---|---|---|---|
| *1)* | ***Floor Factor - Item 22(a)(i)***<br>***Ratio: 1*** | | | | | |
| *2)* | ***Floor Space – Item 22(b)*** | | n/a | | No | |
| *3)* | ***Height - Item 22(c)(i)***<br>*To wall plate* | 8.0m | 7.99m | -100mm | No | |
| | *To top of roof* | 10.0m | 9.87m | 130mm | No | |
| *4)* | ***Height - Item 22(c)(ii)***<br>***Within 3m of a common boundary: south*** | 4.0m | South Elevation:<br>Varies from 6.44m to 7.72m | 2.44m to 3.72m<br>(average 3.08m) | Yes | |
| | | | North Elevation:<br>Varies from 7.53m to 8.48m | 3.53m to 4.48m<br>(average 4.01m) | Yes | |
| *5)* | ***Item 22(e)***<br>***Distance of windows from common boundary*** | 1.5m | South Elevation: 1.077m | -423mm | Yes | |
| | | | North elevation: 1,510 | +110mm | No | |
| *6)* | ***Building Lines - Item 22(d)***<br>*Street boundary building line* | 3.5m | 7.38m | 3.88m | No | |
| *7)* | ***Building Lines - Item 22(d)***<br>*Common boundary-building line: North*<br>*0.0m for first 12m* | n/a | | | | |
| | *0.0, for 60% of remaining linear distance along all common boundaries* | 36.06m | 21.506m | 14m | No | |
| | *3m for the remainder* | n/a | | | | |
| *8)* | ***Building Lines - Item 22(d)***<br>*Common boundary-building line: South* | | | | | |
| | *0.0m for 60% of remaining linear distance along all common boundaries* | 60.11m | 19.86m | 40.25m | No | |
| | *Carport* | 1.5m | 0m | -1.5m | Yes | |
| *9)* | ***Coverage – Item 22(h)*** | 75% | 42% | -33% | No | |
| *10)* | ***Second Dwelling Total Floor Space Item 25A(a)*** | <172.48m² | 101.06m² | -71.42m² | No | |

**Table 8.1 Compliance with Development Rules**

### Wall plate height

The worst-case wall plate height is 7.990m which is 100mm below the permitted 8m wall plate height.

Therefore, no departure is required.

**Top of roof height**

The worst-case top of roof height is 9.871m which is129mm below the maximum permitted 10m, see Figures 3.6 and 3.7.

Therefore, no departure is required.

**Set back lines**

As mentioned earlier it is proposed that the building extensions are positioned exactly on the external walls of the existing building. Therefore, the position of the existing building will determine the impact on the building set back lines.

**Street set back line**

- The current building is set back 7.2m from the street at its closest point.
- The proposed building extensions will be 9.76m from the street boundary
- The foot of the proposed external uncovered stairs will be 4.2m from the street boundary.

The DMS permits a street set back line of 3.5m so no departures are required from the street set back line.

**Cumulative permitted encroachments into the 3m common boundary building line**

- The total length of the property boundary within the 3m common boundary building lines is 36.06m ((north boundary 22.18m + east boundary 15.750m + south boundary 22.17m) x 60%).
- The total length of the buildings encroaching in the 3m common boundary building lines is 20.74m (8.738m southern wall of dwelling within 3m building line + garage 6.096m (south)+ 6.507m (east)).
- 21.34m = 35.5% of the total length of the property boundary within the 3m set back line.

Therefore, no departure is required.

**Northern common boundary set back line**

- The existing building.

Therefore, there is no need for a departure on the proposed addition of the building beyond 12m from the street and within 3.0m of the northern common boundary above 4.0m as this part of the building does not encroach on the northern common boundary 3m set back line.

**Eastern (rear) common boundary set back line**

- No buildings encroach within this setback line.

**Southern common boundary set back line**

- The existing building does encroach on the southern common boundary set back line by 1.9m, leaving a 1.1m set back.
- While this is permitted in terms of the 60% rule there is a height restriction of 4m for any buildings within the 3m set back line.
- However, the highest point of the roof, is 7.954m above the EGL at the 12m set back from the street boundary line.
- This exceeds the 4m height restriction by 3.954m.

**Parking**

The property concerned is located in a PT1 zone. This requires 1 parking bay per Main Dwelling and 1 parking bay each for a 2nd dwelling and 3rd dwelling. As only 2 dwellings are proposed and the existing parking area accommodates two vehicles no parking departure is required.

## 7.2 APPLICATION FOR PERMANENT DEPARTURES IN TERMS OF SECTION 42 (b)

This application is for the following permanent departures in terms of section 42(b).

### 7.2.1 Height - Items 22(c)(ii) and (iii) (southern boundary)

Two departures from the 4m height restriction on that portion of the building within a 3 m setback line from the south common boundary are being applied for under Item 22 (c).

(ii) To permit the building to be 7.72m high in lieu of 4m **beyond** the 12m street building set back line abutting the **southern** common boundary.

(iii) To permit the building to be 6.44m high in lieu of 4m **within** the 12m street building set back line abutting the **southern common** boundary.

Note:
the worst-case height points are used to determine the required departure.

**Motivation**

- While the area affected by these departures are complex due to the south-north fall of the EGL and south-north rise of the sloping roof, the worst-case situation, although only for a point, are at the east side of the property beyond the 12m street setback line.
- At this point the proposed roof will be 7.72m above the EGL hence the need for departure of 3.72m required at this point.
- As mentioned previously these are the worst-case situations and will only exist at a point.
- Below and away from these points the impact will be significantly reduced.
- This is because the wall plate height on a sloping roof, has a greater impact on the common boundary set back than the highest point on a sloping roof.
- This is because the walls are vertical at the wall plate point, whereas the pitched roof, where the highest point is found, slopes away.
- These highest points are not visible from the setback area.
- The building on Erf 764 is most affected by this departure: Mitigating factors are that:
  - This building is on a higher level than the property concerned.
  - It is set back 2.5m from the boundary.

  Thus, the impact of overshadowing is reduced.
- Furthermore, the south side departure's impact on the southern boundary and on overshadowing on the property next door is reduced as it is parallel to the sun's rays, see Figure 3.7 Section B-B.
- Therefore, it exceeds the 4m height restriction by only 2.82m, considerably less than the statutory required departure which exceeds the height restriction by 4.008m.

**Departure is necessary because it enables the existing form of the building to be respected**

- The departure is necessary because it is intended to respect the integrity and character of the building by keeping exactly to the external walls of the existing building with the proposed 2nd floor addition, thus complimenting the existing form and massing of the building.
- Cutting in to avoid the need for a departure along this section will create an asymmetrical and atypical building which would be jarring to the observer as it would be so out of character with the existing architectural style which this application intends to respect.
- This intention has been acknowledged with the approval of the HIA, see Annexure I.

**Heritage approval would not have been obtained**

- A building with a piece cut off it to conform with the zoning guidelines would not have received a heritage approval.
- Such a building would have exhibited the incoherence that often accompanies buildings solely designed to conform with the zoning scheme development rules putting aside architectural and heritage best practise.
- The building was set out in 1924 according to a completely different aesthetic and character currently embodied in the zoning scheme.
- This character is embodied in the pavilion style of by far the majority of residential buildings in Oranjezicht rather than that embodied in the zoning scheme development rules. These seek to promote a row house or terrace configuration with zero side boundaries for the first 12 metres from

the street and then severe 3m setbacks for the remainder of the common boundaries.

- While there is merit in such a setback scheme for de novo schemes this has a severe negative impact when seeking to retain the deferential pavilion style with pitched roofs of existing buildings in an historic area such as Oranjezicht.
- The neighbour on this boundary has provided a letter of no objection for this departure.

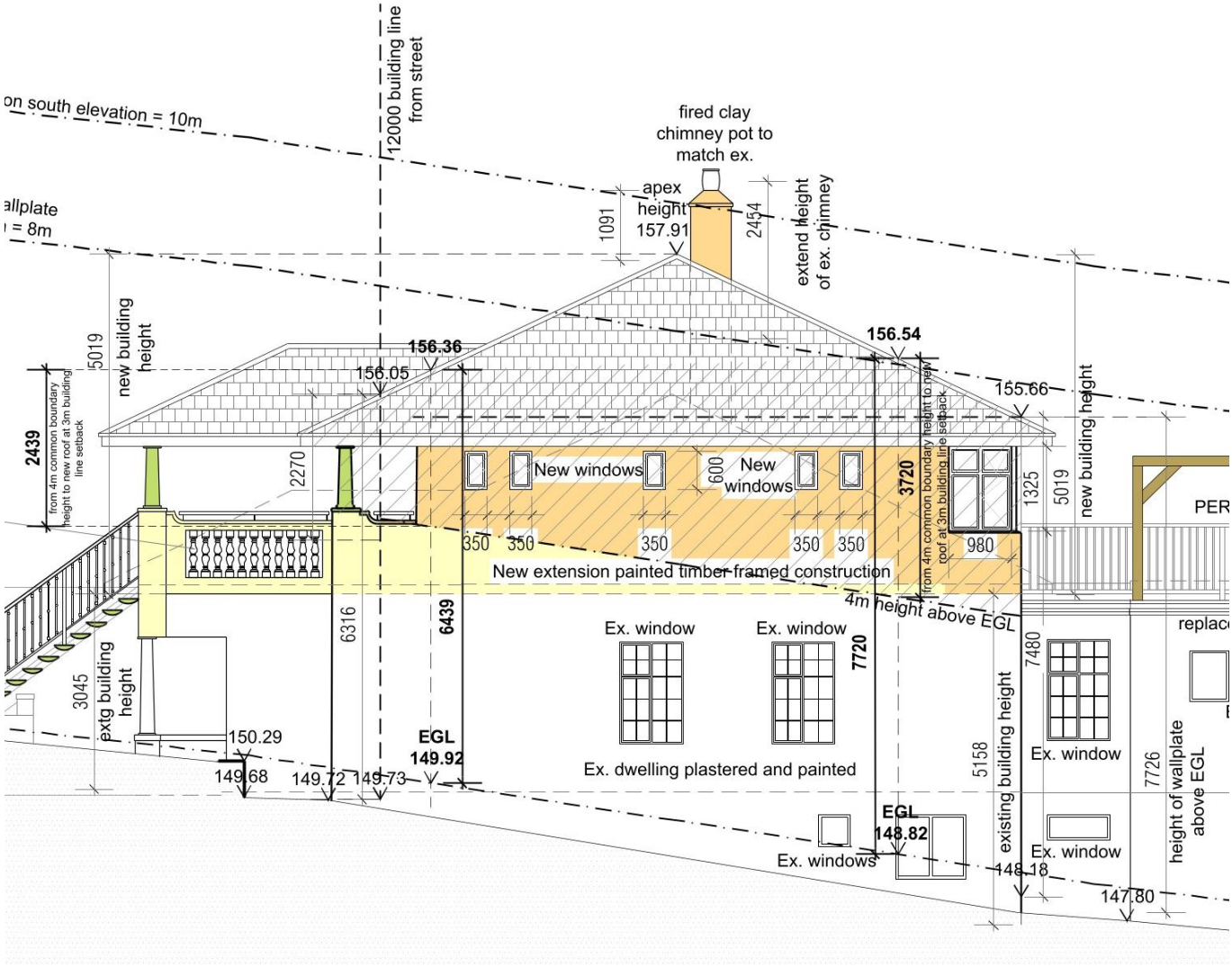



**Figure 7.1 a) Snippet showing departure for 12m setback line on the South Elevation**

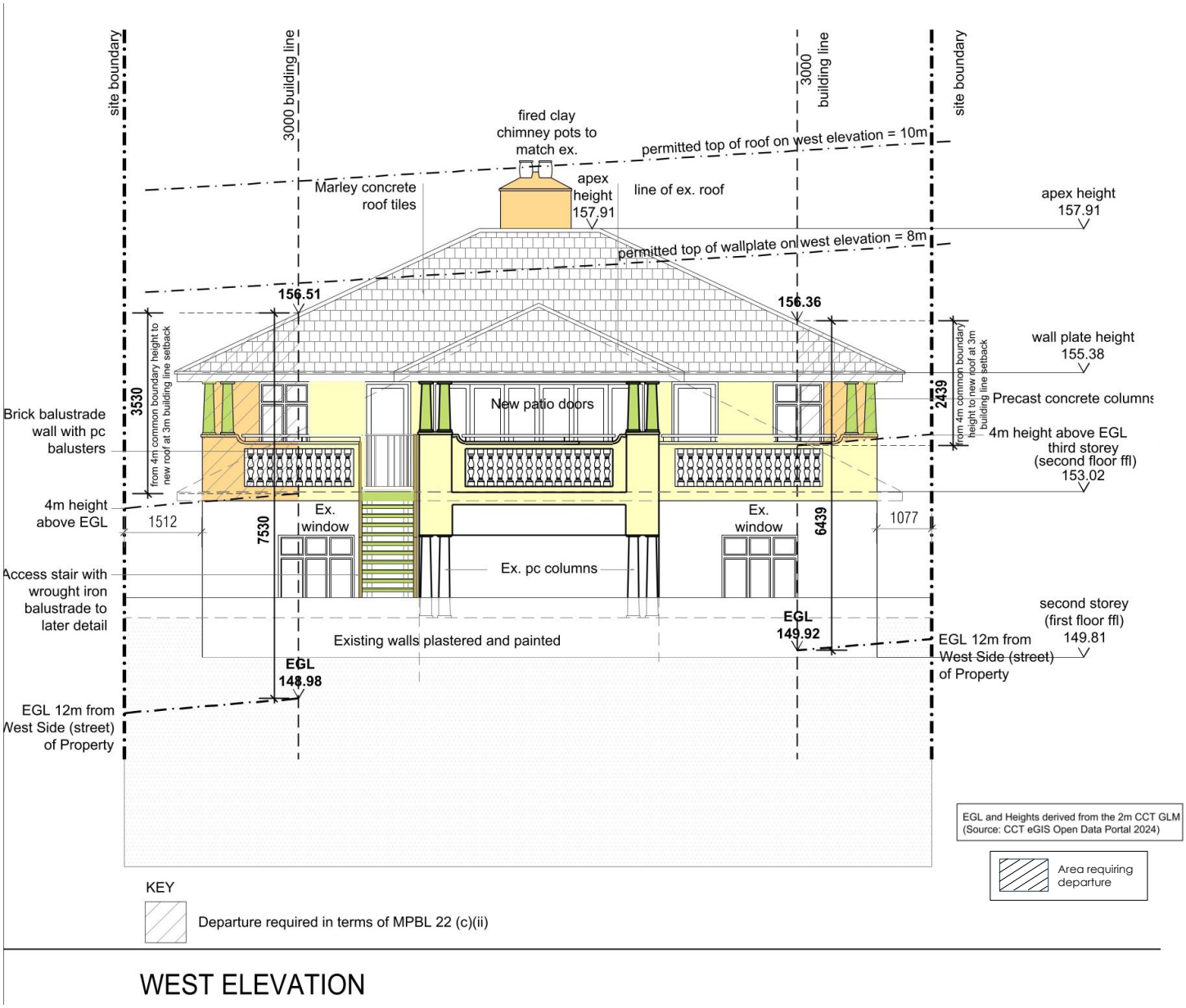



**Figure 7.1 b) Snippet showing departure inside 12m street setback line on West Elevation**

### 7.2.2 Height - Items 22(c)(ii) and (iii) (Northern boundary)

Two departures from the 4m height restriction on that portion of the building within a 3 m setback line from the south common boundary are being applied for under Item 22 (c).

a) To permit portions of the building, beyond 12m from the street boundary within 3m of the northern common boundary, to be 8.48m in lieu of 4m in height from existing ground level to top of roof.
b) To permit portions of the building, within 12m from the street boundary within 3m of the northern common boundary, to be 7.53m in lieu of 4m in height from existing ground level to top of roof.

Note:
The worst-case height points are used to determine the required departure.

**Motivation**

- This is the worst-case height departure scenario on the property due to the south-north fall of the EGL and south-north rise of the roof pitch.
- While the area affected by this departure is complex due the west-east fall of the EGL and south-north rise of the sloping roof, the worst-case situation, although only for a point, are at the east side of the property beyond the 12m street setback line.
- At this point the proposed roof will be 8.48m above the EGL hence the need for the departure in lieu of 4.0m required at this point.
- As mentioned previously this is the worst-case situation and will only exist at a point.
- Below and away from this point the impact will be significantly reduced.
- This is because the wall plate height on a sloping roof, has a greater impact on the common boundary set back than the highest point on a sloping roof.
- It is for this reason that the walls are vertical at the wall plate point, whereas the pitched roof, where the highest point is found, slopes away.
- This highest point is not visible from the setback area.

**Departure is necessary because it enables the existing form of the building to be respected**

- The departure is necessary because it is intended to respect the integrity and character of the building by keeping exactly to the external walls of the existing building with the proposed 2nd floor addition, thus complimenting the existing form and massing of the building.
- Cutting in to avoid the need for a departure along this section will create an asymmetrical and atypical building which would be jarring to the observer as it would be so out of character with the existing architectural style which this application intends to respect.
- This intention has been acknowledged with the approval of the HIA, see Annexure I.

**Heritage approval would not have been obtained**

- A building with a piece cut off it to conform with the zoning guidelines would not have received a heritage approval.
- Such a building would have exhibited the incoherence that often accompanies buildings solely designed to conform with the zoning scheme development rules putting aside architectural and heritage best practise.
- The building was set out in 1924 according to a completely different aesthetic and character currently embodied in the zoning scheme.
- This character is embodied in the pavilion style of by far the majority of residential buildings in Oranjezicht rather than that embodied in the zoning scheme development rules. These seek to promote a row house or terrace configuration with zero side boundaries for the first 12 metres from the street and then severe 3m setbacks for the remainder of the common boundaries.
- While there is merit in such a setback scheme for de novo schemes this has a severe negative impact when seeking to retain the deferential pavilion style with pitched roofs of existing buildings in an historic area such as Oranjezicht.
- The neighbour on this boundary has provided a letter of no objection for this departure, see Annexure M.

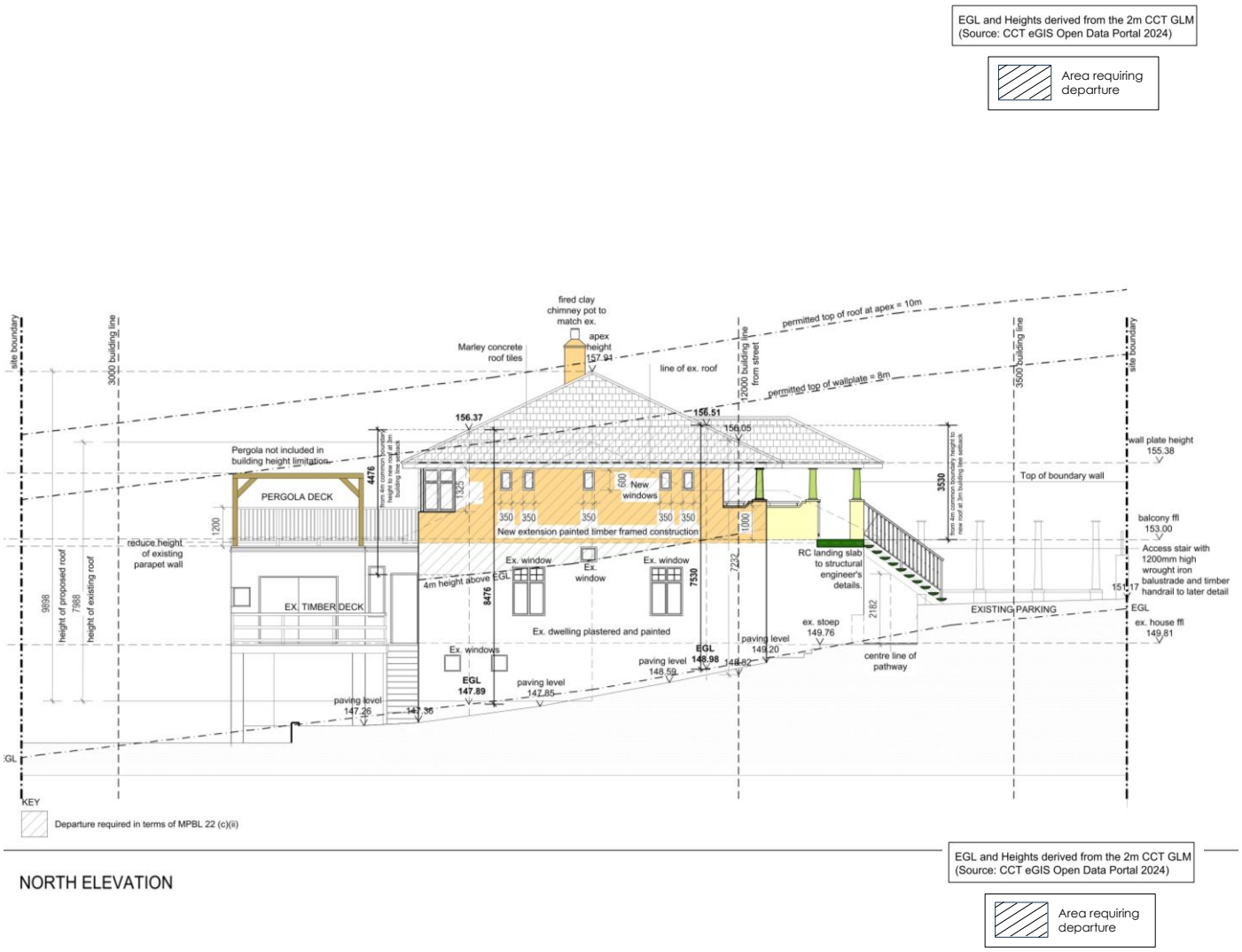



**Figure 7.2 Snippet showing departure for 12m setback line on the North Elevation**

### 7.2.3 Garage Setback

The following departure is being applied for in terms of item 22(f)(ii).

For land units greater than 350m² to 650m² a garage or car port is to be set back 0m in lieu of 1.5m.

**Motivation**

- The existing sliding gate to the parking area with a beam over is located 0m from the street boundary.
- It is intended to roof this parking area to create a carport in the future.
- There will be no change to the outward appearance of the front boundary from the street.
- Most garages in the street are on zero building lines.

### 7.2.4 Window and Door Placement Item 22(e)

External windows and doors shall be set back 1.5m from common boundaries for a minimum length of 3m.

Therefore, a departure is required to permit external doors and windows facing the south common boundary to be set back 1.077m in lieu of 1.5m, see Figures 7.3 to 7.6.

Note: The building is set back 1,508m from the northern common boundary and therefore a departure from item 22(e) is not required.

**Motivation**

The motivation for this approval is as follows:

- The new unit's external walls are to be built on top of the existing walls which are 1.1m from the boundary so as to preserve the architectural integrity of the building.
- There have been large casement windows opening into this side space since 1924 according to the approved building plans with no negative impacts.
- The neighbour on this boundary has provided a letter of no objection for this departure. (to follow)

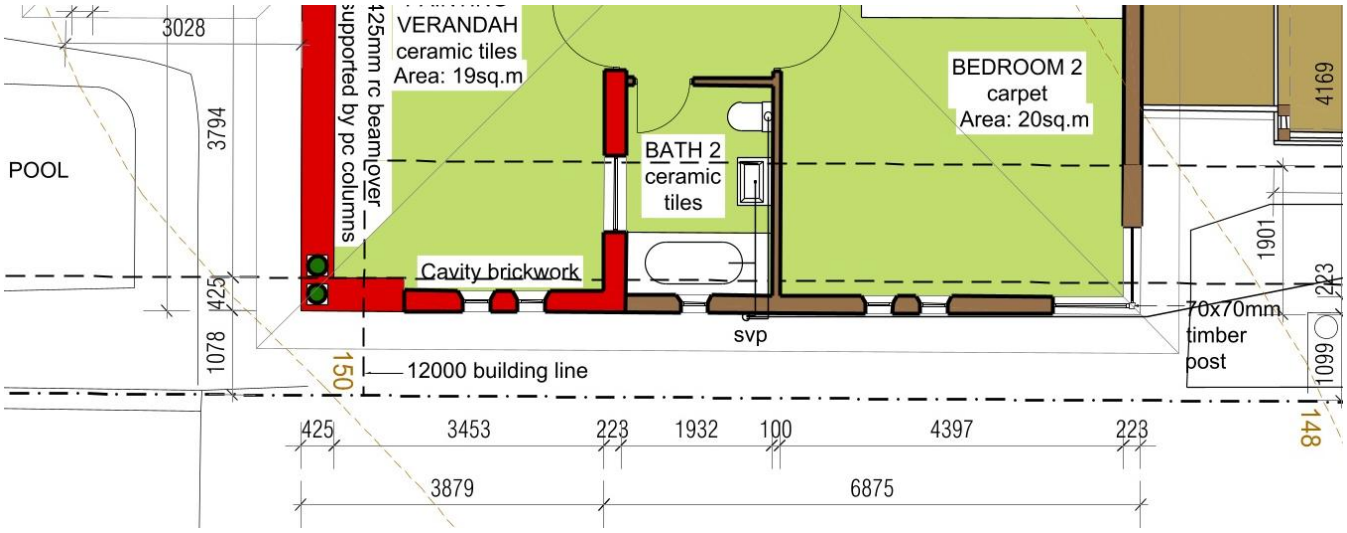



**Figure 7.3 Snippet showing requested Window and Door Placement departure inside 12m street setback line – 1.110m ilo 1.5m from southern common boundary**

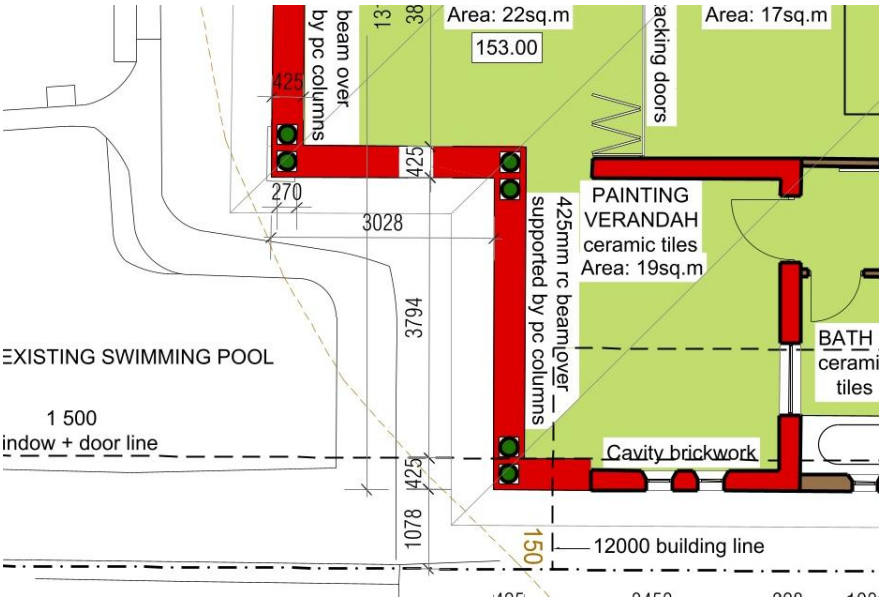



**Figure 7.4 Snippet showing requested Window and Door Placement departure outside 12m street setback line – 1.110m ilo 1.5m from southern common boundary**

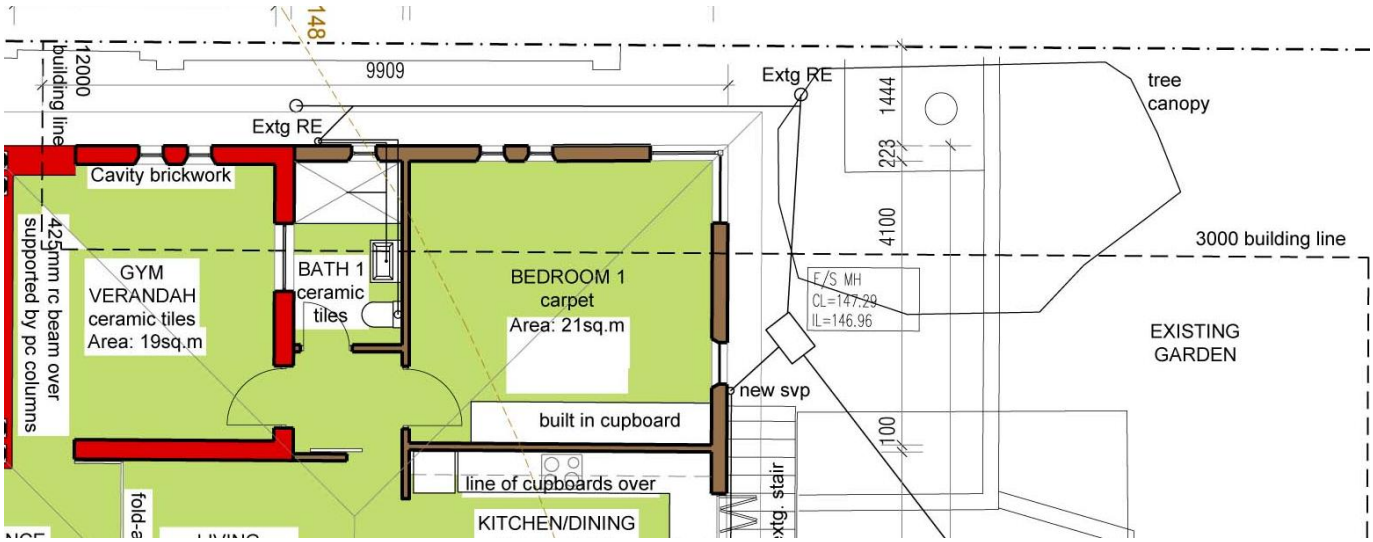



**Figure 7.5 Snippet showing requested Window and Door Placement departure inside 12m street setback line – 1.110m ilo 1.5m from eastern common boundary**

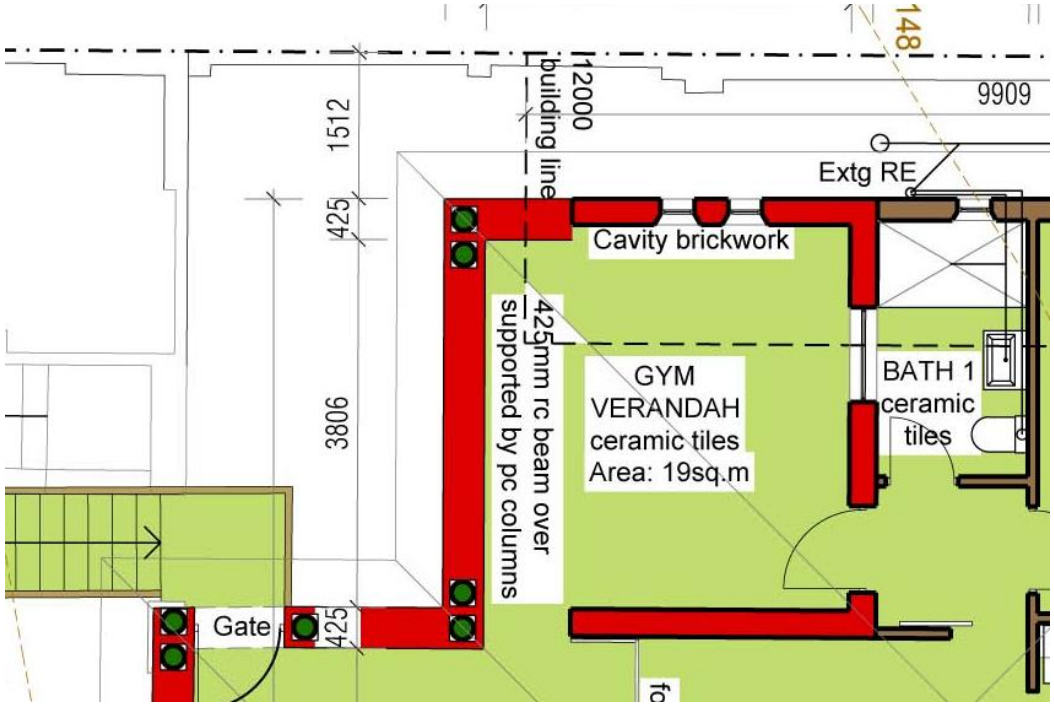



**Figure 7.6 Snippet showing requested Window and Door Placement departure outside 12m street setback line – 1.110m ilo 1.5m from eastern common boundary**

### 7.2.5 Boundary Walls 136B (bb)

0% in lieu of 25% of the existing approved boundary wall is to be visually permeable.

**Motivation**

- This is a technical departure to bring the boundary wall built to approved building plans in line with the DMS.
- This protects the visual privacy of residents using the pool in the front garden from onlookers passing along the street.

## 7.3 APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION IN TERMS OF SECTION 42(g)

This application seeks permission for the following restrictive condition of title to be removed:

iii) Application for the removal of the following restrictive condition in terms of section 42(g), namely: *"that he shall not erect any building on any lot of less value than R2000: such building must moreover be a dwelling house, and no two or more dwelling houses shall be erected under one roof nor shall more than one dwelling be erected on any lot."*

**S39(5) of LUPA requires that regard must be given to the following factors when considering the desirability of removing a title deed condition:**

**(a) Financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal to vest in the person as the owner of the dominant tenement.**

Note: This criterium refers to the financial or other rights enjoyed by the owners of the dominant tenement, i.e. surrounding property owners, in retaining the condition.

- Continuing to limit the number of dwelling units to one dwelling unit is not considered to be of financial value to surrounding neighbours as they themselves either already have additional dwelling units or will be seeking to do so in the future.
- Removing this condition paves the way to permitting the additional dwelling unit on top of the existing unit thus providing surveillance over the street, thereby making it safer.
- This is of financial benefit to the surrounding neighbours [owners of the dominant tenement] as a safer environment will contribute to higher property values.

**(b) The personal benefits which accrue to the holder of the rights in terms of the restrictive condition**

- The Restrictive condition, and by definition it's retention, is not considered to hold any benefit to the holder of the rights.

**(c) The personal benefits which will accrue to the person seeking the removal, suspension of the restrictive condition if it is removed, suspended or amended.**

- By removing the restriction concerned will result in an increase in the personal benefits of the property owner as they will be able to increase the overall value of the property and/or let the additional dwelling for income purposes.

**(d) The social benefit of the restrictive condition remaining in place in its existing form**

'Social" is defined as "of relating to society and its organisations". Thus, the question is what is the benefit of the right as it relates to society? "Society" comprises the neighbours, local residents and the broader society which includes future generations. This township character has already changed based on denser increased built footprint and additional units.

- There will be little social benefit in retaining the restrictive condition because this will prevent developing the additional unit and thereby not create the opportunity for a family who otherwise would not have the opportunity, to live in the well-located city bowl area.
- Retaining the condition will prevent the construction of the additional unit and there won't be the opportunity to create street facing windows looking onto the street which could have increased surveillance and thereby improved safety in the abutting public street.
- Therefore, retaining this condition will not be of benefit to society.

**(e) The social benefit of the removal, suspension or amendment of the restrictive condition**

The social benefits in removing the conditions are the following:

- Better utilisation of the property in terms of modern city development.
- Contribution to the prevention of urban sprawl.
- Improved efficiency of infrastructure provision and public transport provision.

- Alignment with various City policies which require a more efficient use of land and appropriate densification of land.
- Providing an additional housing opportunity in the well-located city bowl area.
- Increased vitality of the neighbourhood through the addition of a residential opportunity in a high amenity area in close proximity to urban opportunities.
- Increased security of the public realm through increased surveillance of the public realm.

The removal and amendment of the title deed conditions supports the development and land use planning principles set out in SPLUMA and LUPA. For example, the proposal will support the principles of spatial sustainability by creating a more efficient use of land within the constraints of existing infrastructure.

The social benefit of removing and deleting the restrictive conditions will lead to a more efficient and more sustainable built environment and this outweighs the social benefits of retaining such conditions in the title deed.

**(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all the rights enjoyed by the beneficiary or only some of those rights**

- The removal of the condition in the title deed will not completely remove all the rights of the property owners in this Township.
- They will still benefit from the remaining conditions in the title deed, as well as the rights conferred on them by the DMS.
- The DMS restricts the land use to residential and prescribes building lines and other built form restrictions including those specifically related to the number of units and building footprints and envelopes.

# 8 MOTIVATIONS IN TERMS OF SECTION 99 OF THE MPBL

**Section 99 Criteria for deciding the application.**

**(1) (a) The application must comply with the requirements of this by-law**

Yes, the application complies with all requirements of this bylaw, see Section 5 – Policy Alignment.

**(b) Proposed land use must comply with/will be consistent with the Municipal Spatial Development Framework.**

Yes, the proposed land uses comply with the approved MSDF (2023), see section 5.

**(c) Proposed land use must be desirable as contemplated in subsection (3) below**

Yes, the proposed land uses are desirable as they comply with items (a) to (j) in section (3) below.

**(d) In the case of an application for departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next sub zone within zone.**

No the proposed applications will not have the effect of granting development rights in the next sub-zone.

**(2) If an application is not refused under subsection (one), when deciding whether or not to approve the application, the decision-maker must consider all relevant considerations including where relevant, the following:**

**(a) Any applicable spatial development framework**

Compliant, see policy alignment section, see section 5.

**(b) Relevant criteria contemplated in the Development Management Scheme (MPBL)**

The application is compliant except for 3 items in the DMS for which departures are applied for, see Table 7.1 and section 7.2.

**(c) Any applicable policy or strategy approved by the city to guide decision-making:**

- **City of Cape Town (2023)**
  Compliant, see section 5.1
- **Table Bay District Spatial Development Framework (2023)**
  Compliant, see section 5.2
- **Densification Policy**,
  Compliant, see section 5.3
- **Economic growth strategy**
  Compliant, see section 5.4
- **Transit Oriented Development strategy**
  Compliant, see section 5.5
- **Social Development Strategy**
  Compliant, see section 5.6

**(d) The extent of desirability of the proposed land uses, as contemplated in subsection (3)**

The application is considered extremely desirable for the following reasons:

- The residential land use in the neighbourhood is being retained.
- The proposed additional dwelling unit will have the effect of intensifying residential activity.
- It comprises sensitively inserting an additional dwelling unit of over 100m² into a well-located area with a wide range of employment opportunities, schools, community facilities,

shopping and recreational areas, thereby providing an opportunity for an additional family to have access to these opportunities.
- The application only requires minor technical departures comprising height departures on one common boundary only and window setbacks as a result of the new unit being sensitively located above the current dwelling unit.
- The property can accommodate sufficient off-street parking as required by the DMS and so there will be no negative impacts in that regard.
- The proposed building will not encroach on any top of roof and wall plate height restriction lines thereby not negatively impacting on surrounding neighbours' rights.

**(e) Impact on existing rights (other than the right to be protected against trade competition);**

Compliant. There is no impact on existing rights. The abutting properties are used for residential purposes and no rights will be infringed on in any way. The application is for the approval of the site development plan and submission of building plans.

**(f) An application for the consolidation of land units:**

Not applicable.

**(g) Other considerations prescribed and relevant national provincial legislation, which includes the development principles as contained in section 7 of SPLUMA:**

The proposed application complies with the SPLUMA development principles as follows.

- **Spatial Justice**

Compliant: The additional unit will enable another household to live within walking distance of the CBD rather than having to find accommodation on the outskirts of the city with all of the attendant economic financial and social costs that this would entail.

- **Spatial Sustainability**

Compliant: The additional unit to be developed on top of an existing unit and a well-located part of the city will reduce the need for agricultural or environmentally sensitive land on the outskirts of the city to be converted to Urban Development. It will also reduce the need to use fossil fuels for transport as residents will be able to walk to work, the shops, and educational social and recreational facilities in the vicinity.

- **Spatial Efficiency**

Compliant. The proposal will help to make better use of existing infrastructure thereby reducing the costs for council, and ultimately the Ratepayers. It will also make a small contribution to increasing the ridership of public transport services in the vicinity including the MyCiti bus service which passes along Marmion Road.

- **Spatial Resilience**

Compliant. The cumulated effects of compliance with the above three SPLUMA principles will enable residents and the city to better cope with negative social and economic impacts and financial because of reduced reliance on the city's various infrastructure and financial resources.

- **Good Administration**

Compliant: The act of submitting this application is in itself an effort to promote good administration. Furthermore, the proposal is compliant with existing policies and laws as demonstrated in section 5. Furthermore, where these need to be amended this application seeks to do this through proper administrative process.

**(3) The following considerations are relevant to the assessment under subsection (1) (c) and under subsection (2) (d) (above) of the extent to which the proposed land use would be desirable:**

**(a) Socio-economic impact**

Compliant,

- The application will have a positive impact for the owner of the property through increasing its value.

- It will also have a positive social impact for the city as the rateable value of the property will increase thereby increasing revenue to cancel.
- The care that has been taken with the design of the proposed extension to the building to ensure that it fits in with the existing urban character but ensure that it will have no negative impact on surrounding property values and, indeed, will enhance them.

**(d) Compatibility with surrounding uses**

Compliant, The property will continue to be used for single dwelling residential purposes all those ancillary uses permitted within the Single Residential Zone in keeping with the permitted uses of all of the surrounding properties.

**(e) Impact on external engineering services**

Compliant:

- The impact on civil services will be minimal as only an additional two bathrooms and a kitchen are proposed.
- Increase in electrical energy demand will also be minimal due to the use of energy efficient lighting and appliances.
- A development charge will be levied on the additional unit to contribute to any increased demand in these services.

**(f) Impact on safety, health, and well-being of the surrounding community**

Compliant:

No impact is likely on the surrounding communities' safety and health as the extensions have been designed by a registered professional team to be compliant with all relevant standards guidelines policies and legislation.

- The well-being of the surrounding community will be enhanced as the additional height of the proposed unit enables overlooking features onto the street thereby increasing surveillance and improving safety in the public realm., see image on cover of this report.
- Care that has been taken with the design of the building so that it respects the typical architectural elements found in many of the surrounding buildings and are characteristic of the era in which the neighbourhood was originally constructed, namely the 1920s to 1940s.
- These attributes are found attractive and are well liked by residents and means that the proposed building will have a positive contribution to this aspect of the well-being the surrounding community.

**(g) Impact on heritage**

Compliant:

- As mentioned above considerable care has been taken to ensure that the proposed additional units design is in keeping with the built heritage of the surrounding area.
- Furthermore, a heritage approval for the proposed addition has been obtained in terms of section 34 of the Heritage Resources Act, see Annexure I.

**(h) Impact on the biophysical environment**

Compliant: The proposals will have no impact on the biophysical environment as the proposed additions are largely on top of the existing building. Demand on eco-system services will be extremely low as only one additional unit is being proposed.

**(i) Traffic impacts, parking, access and other transport -related considerations**

Compliant:

- The existing driveway access is being retained.
- The property is located in a PT1 parking zone.

- Furthermore, this particular property is fortunate compared to others in the neighbourhood in that is has a double garage and space for parking 3 or 4 cars in a parking area at the rear of the property, so there will be no demand for on-street parking.
- This off-street parking area can accommodate all the parking required in terms of chapter 15 of the DMS with regards to home occupation [1 Bay per 25 square metres] and dwelling units, [one bay per dwelling unit).
- The property is located on Marion Road which carries a MyCiti feeder route.
- There is an existing MyCiti bus stop a few metres away from the property.
- Thus, the additional proposed unit will have the potential for an increased positive impact on public transport services in the vicinity by increasing ridership.

**(j) Whether the imposition of conditions can mitigate an adverse impact of the proposed land use**

Compliant: It is considered unnecessary to impose any conditions on the proposal because, as has been demonstrated, its negative impacts are minimal and its positive benefits are significant in relation to its small scale, namely one additional dwelling unit.

**(4) An application in respect of existing unlawful construction work which is commenced in contravention of this by-law must be dealt with in terms of section 130**

Not applicable.

**(5) No decision required to be made in terms of this law may be delayed pending the creation of a policy to guide decision-making on that matter**

Noted.

# 9 CONCLUSION AND RECOMMENDATIONS

## 9.1 CONCLUSION

As this application demonstrates, the proposal for an additional unit on the property concerned is considered to be desirable and have the ability to bring significant benefits to the owner, neighbourhood and the city.

- Negative impacts are minimal in that the only departures required from the existing development rules are for small encroachments on the height restriction lines within the three-metre set back line on the northern and southern common boundaries and for windows closer than 1.5m on the southern common boundary.
- No existing top of roof nor wall plate height restrictions are being exceeded.
- Technical departures that will have no impact on the existing appearance of the property from the street are also being requested.
- The affected neighbour has provided a letter of no objection.
- All required parking can be accommodated off street in the existing parking area.
- The removal of the proposed title deed condition, while voluntary, has been applied for so as to bring the title deed conditions in line with council's bylaw as contained in the DMS.
- The proposed additional unit complies with all of the city's policies that are attempting to increase densities and residential opportunities in existing, well-located parts of the city.
- Given that only one additional unit is proposed the impact on the city services will be minimal.
- Furthermore, this minimal impact will be mitigated by the development charges that will be payable.

## 9.2 RECOMMENDATION

This motivation report has demonstrated how this application for a proposed additional dwelling unit on the property concerned is consistent with and complies with all of councils approved policy frameworks, strategies and legislation.

The proposed addition is considered to be sensitive and in keeping with the character of the surrounding neighbourhood.

It represents a desirable, sensitive and incremental form of the intensification of well-located land as encouraged and promoted by the City. The proposed extension is entirely compatible with the surrounding neighbourhood.

Therefore, it is considered most worthy of Council's **approval.**