CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500168421

Remainder Erf 2721 and Erf 3644, 26 and 24 Chesterfield Road, Oranjezicht

Development Management

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CoCT REF	*N/A*
BSTP REF	*2270 G Erf 3644 Oranjezicht, 24 Chesterfield Road*
DATE	*26 October 2026*

The Director: Development Management
City of Cape Town
Table Bay
Cape Town
8000

Attention: G September

Dear Sir / Madam,

APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS, SUBDIVISION, CONSOLIDATION AND PERMANENT DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERVEN 2721-RE & 3644 ORANJEZICHT, 26 & 24 CHESTERFIELD ROAD.

1. INTRODUCTION

The purpose of this application is to allow for (1) the regularisation of unauthorised building work, (2) new additions / alterations that require permanent departures, (3) the removal of two restrictive title conditions (both subject to voluntary removal) and (4) the amendment of property boundaries via subdivision (of Erf 2721-RE) and consolidation (with Erf 3644) related to the existing properties located at Erven 2721-RE & 3644 Oranjezicht, 26 & 24 Chesterfield Road, hereafter referred to as the subject property.

It must be noted that the relevant administrative penalty application has readily been submitted in order to allow for the regularisation of the unauthorised pergola located on the subject property (Case ID: 1500162013).

It should be also noted that the subject property is not located in a Heritage Protection Overlay Zone (HPOZ), bears no heritage grading although the existing building exceeds 60 years in age. Kindly note that the relevant Heritage Western Cape (HWC) application is submitted in conjunction with this application.

1.1. Planning Application / Proposal

As noted above, the proposal at hand entails the following:

1. The subdivision of Erf 2721-RE into two portions [the main property and a smaller subdivided portion (28m^2 in extent)].

2. he consolidation of the smaller subdivided portion (28m²) with Erf 3644 in order to create a single property (736m² in total extent).

3. The removal of two restrictive title conditions that are both subject to voluntary removal.

4. Permanent departures related to proposed building work (see Section 1.2 of this report).

5. The regularisation of unauthorised building work.

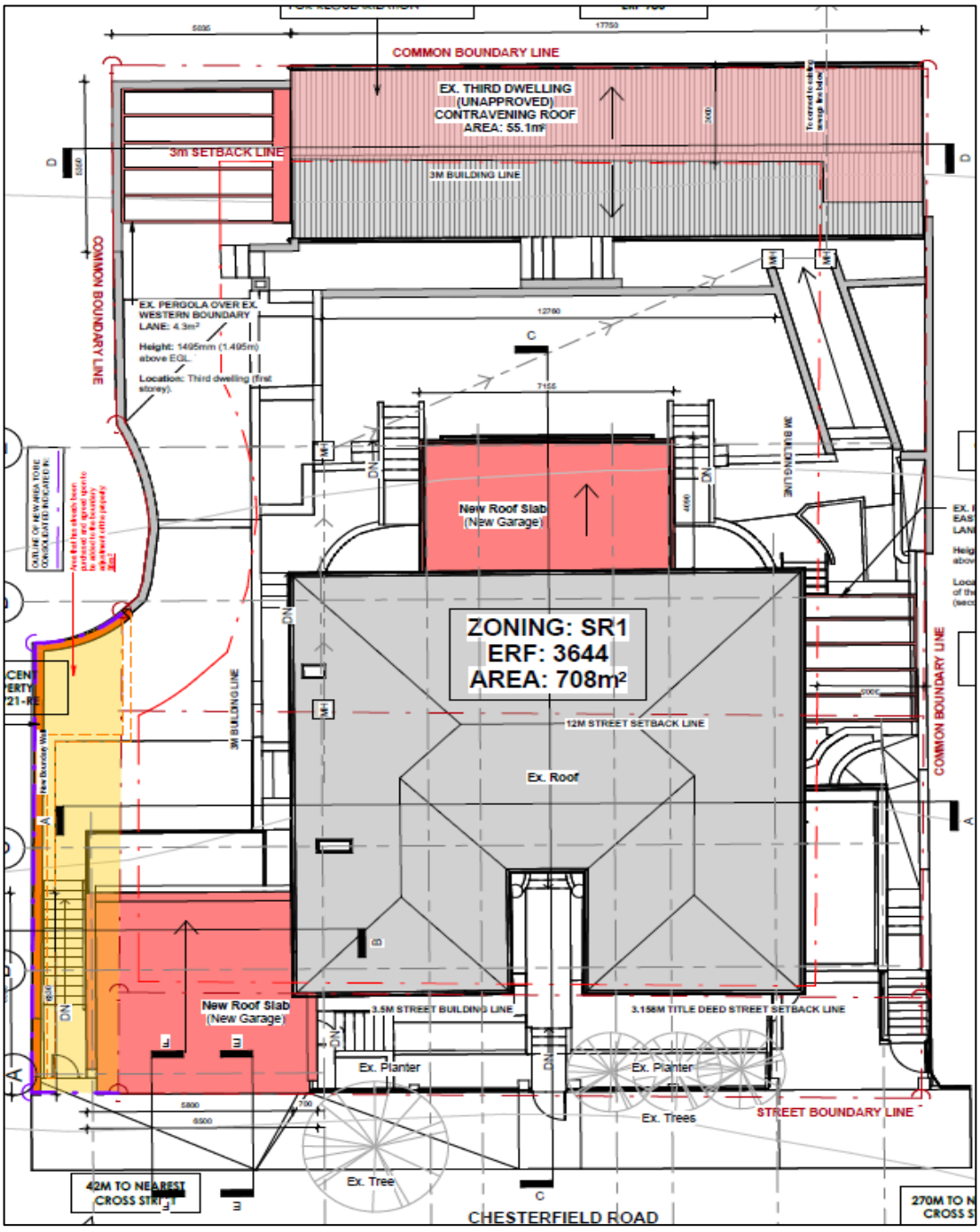

Figure 1: Proposed SDP.

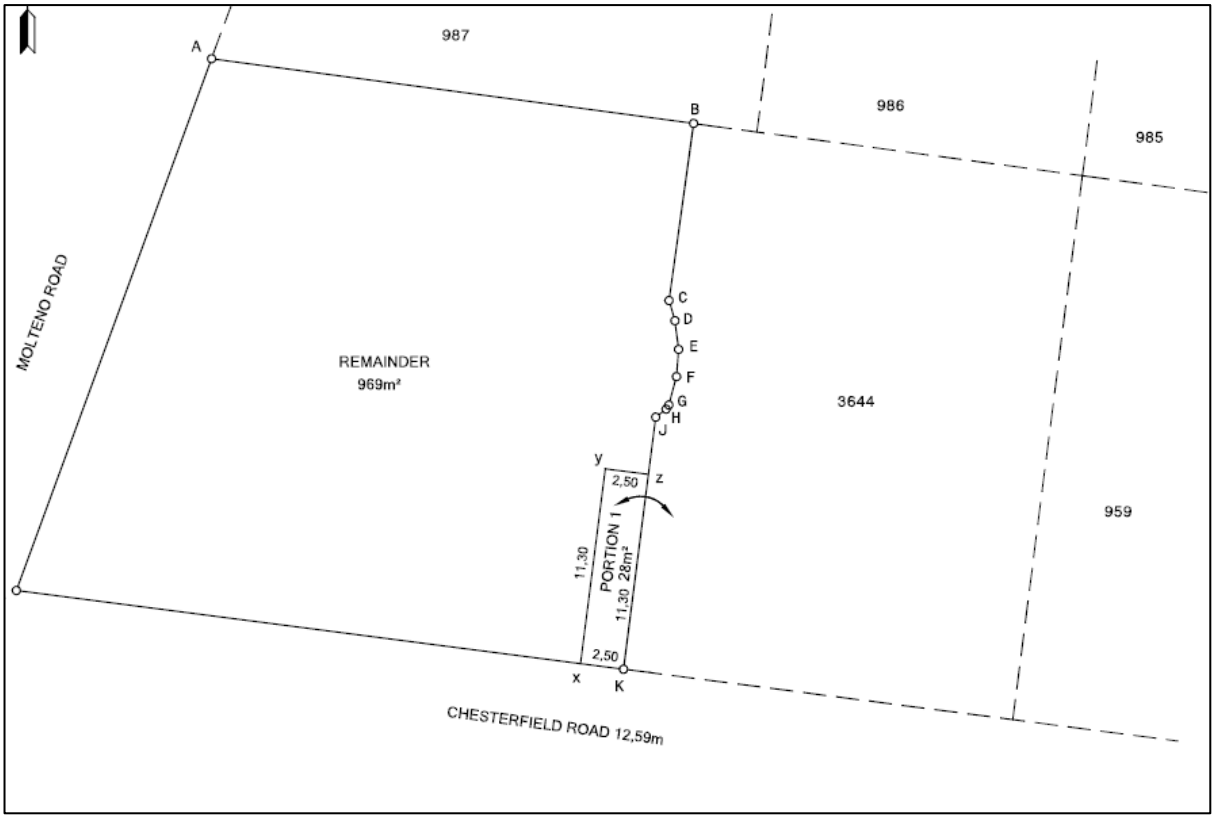

Figure 3: Proposed subdivision diagram.

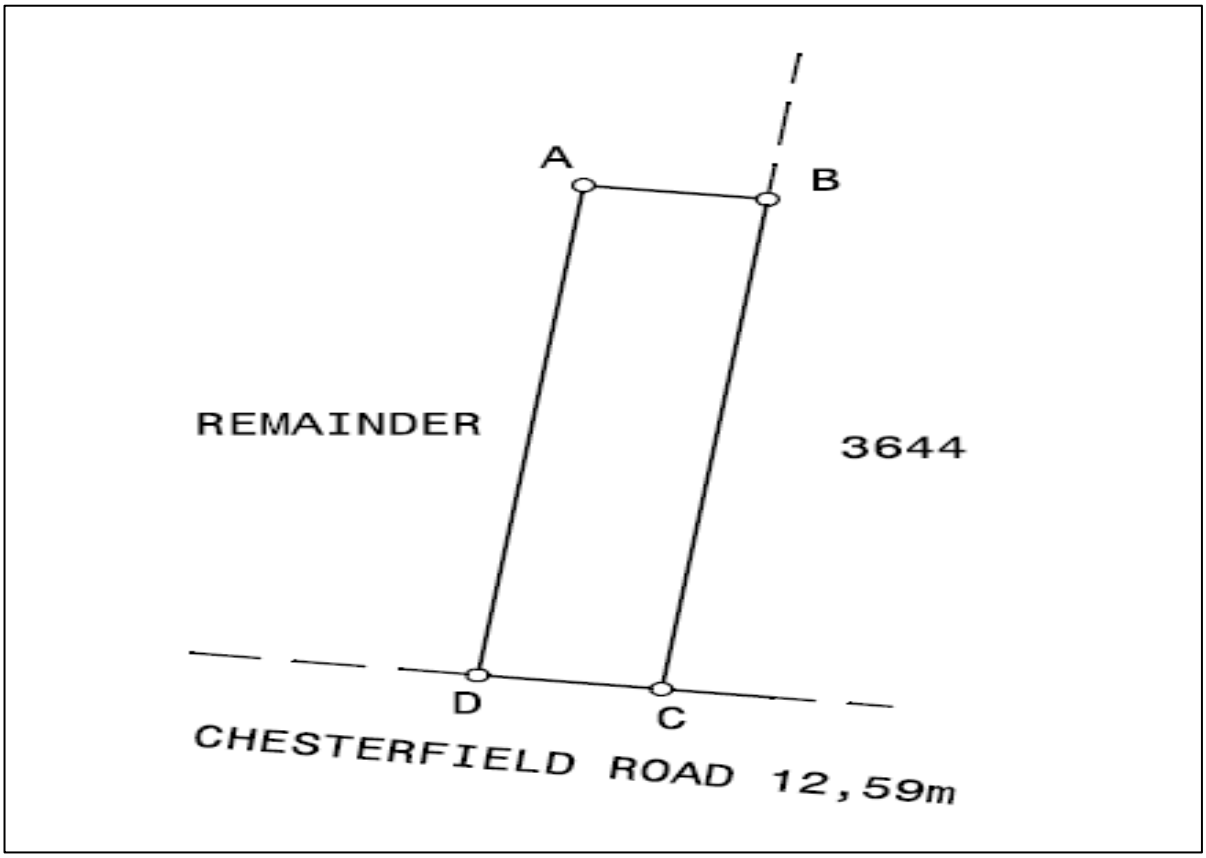

Figure 2: SG Diagram of the portion obtained from Erf 2721-RE.

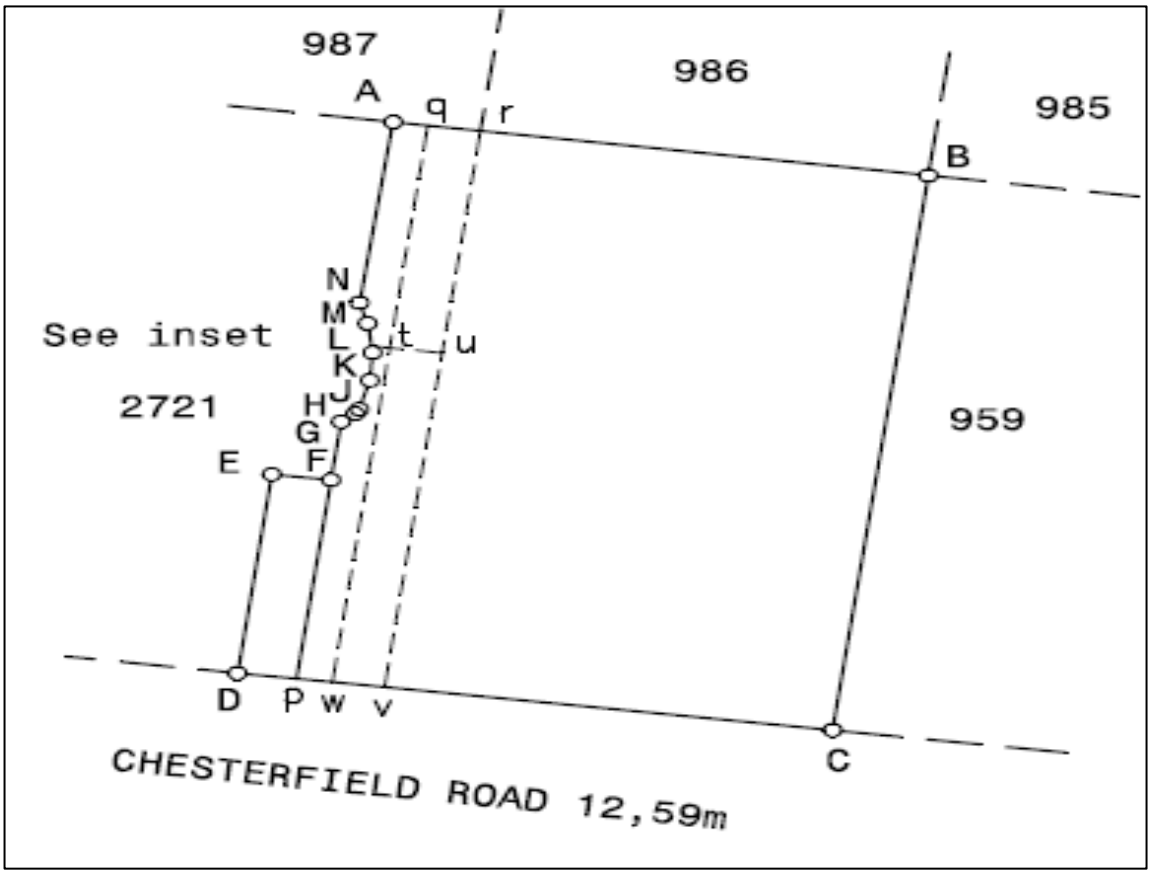

Figure 4: Proposed Consolidation Diagram - Portion + Erf 3644.

1.2. Planning Applications Required in terms of the Municipal Planning By-Law (MPBL)

Application is made in terms of Section 42 of the MPBL, 2015, amended 2019, for the following:

- **Section 42(d) – Subdivision** of Erf 2721-RE into two portions [the main property and a smaller subdivided portion (28m^2 in extent)].

- **Section 42(f) – Consolidation** of the subdivided portion (28m^2)with Erf 3644 in order to create a single (consolidated) property (736m^2 in total extent).

- **Section 42(b) – Permanent Departures:**

    - **Item 22(d)** To permit for building work to be at 0m in lieu of 3.5m from the street boundary (Chesterfield Road).

    - **Item 22(d):** To permit for a pergola to be at 0m in lieu of 3m from the Eastern common boundary.

    - **Item 22(d):** To permit an (unauthorised) 3rd dwelling to be set back at 0m in lieu of 3m from the Eastern common boundary.

- **Item 22(d):** To permit for external steps to be located at 0m in lieu of 3m along the Western common boundary.

- **Item 22(d):** To permit a portion of the building on the 2nd storey (new store) to be set back 1.42m in lieu of 3m from the Western common boundary.

- **Item 22(d):** To permit for a 3rd dwelling to be located at 0m in lieu of 3m along the Northern common boundary.

- **Item 22(d) read in line with Item 22(f)(iii):** To permit for a double garage to be located at 0m from the street boundary.

- **Item 121A:** To permit for an unscreened terrace to be at 1.42m in lieu of 2m from the Western common boundary.

- **Item 140(2)(a):** To permit for 2 carriageway crossings along the same street boundary.

- **Section 42(g) – Removal of a restrictive title condition** as contained in

  - **Condition I.C.6.(m).1.** relating to the total number of dwellings and built upon area which reads as follows: "*That not more than one dwelling be erecter on any Lot and that not more than one half of the any one lot be built upon*".

  - **Condition I.C.6.(m).2.** relating to street setbacks which reads as follows: "*That a space of not less than 12 feet be left in front of all lots fronting or abutting on Marmion Road and Molteno Road and a space of not less than 10 feet be left in front of all lots froing and abutting on Garfield Road and Roseberry Avenue, Chesterfield Road; such space may be utilised for gardens or forecourts*".

1.3. Property Description

The subject properties are located at 26 and 24 Chesterfield Road and are 1042m² and 708m² respectively in extent (pre subdivision and consolidation) as per their applicable title deeds and are both zoned Residential Zoning 1 (R1). Erf 3644 is currently developed with three existing dwellings, while Erf 2721-RE is developed with another multi-storey dwelling.

Although the existing buildings on the properties both exceed 60 years in age, neither bear any heritage gradings, nor are they located in a Heritage Protection Overlay Zone (HPOZ). It should be noted that the properties also contain vegetation along the street boundary, which are all to be retained and remain unaffected by the proposal. There are also no overlay zones applicable to either property.



Figure 5: Aerial View.



Figure 6: 1958 Aerial View – Buildings on the subject property appear to exceed 60 years in age.

Both pedestrian and vehicular access onto the subject properties is currently obtained via Chesterfield Road. The subject properties are also located in a Public Transport 1 (PT1) Zone where reduced parking requirements apply and are surrounded by a developed road network.

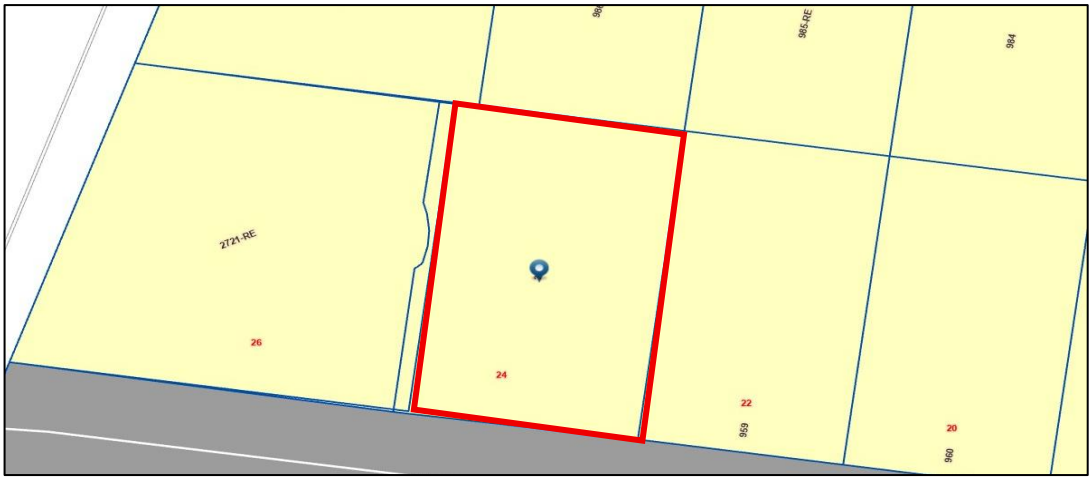

Figure 7: Zoning Extract.

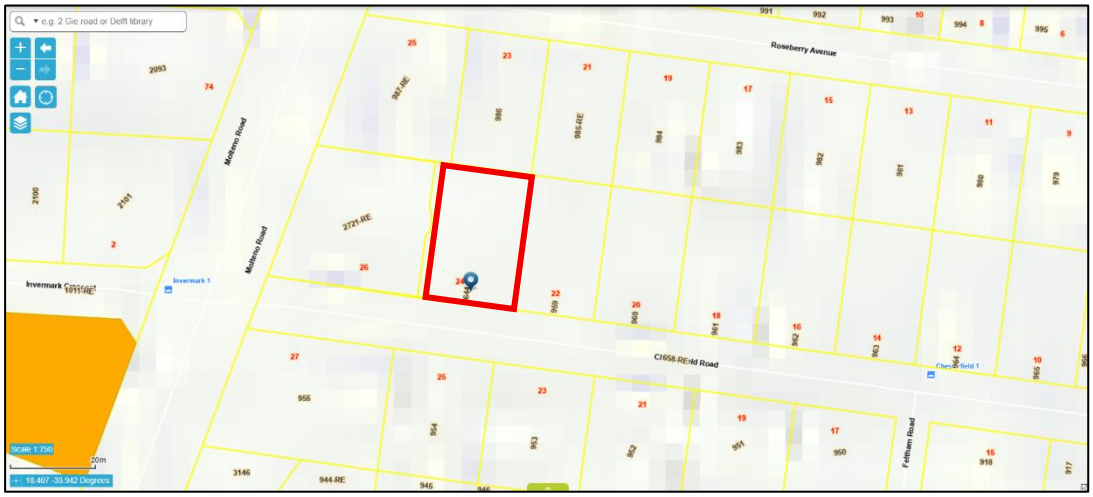

Figure 8: Heritage Extract.

1.4. Character of the Surrounding Area

The surrounding area, predominantly zoned R1, is characterised by large, multi-level residential developments. Multi-dwelling developments, guest houses, B&B establishments, home occupation uses, and recreational opportunities are also found in the area.

The area is developed predominantly with properties that bear very few bearing heritage gradings. While various buildings in close proximity have been altered / redeveloped at some point in time, the original character of the area is still very well legible, and emphasis is placed on maintaining this character.

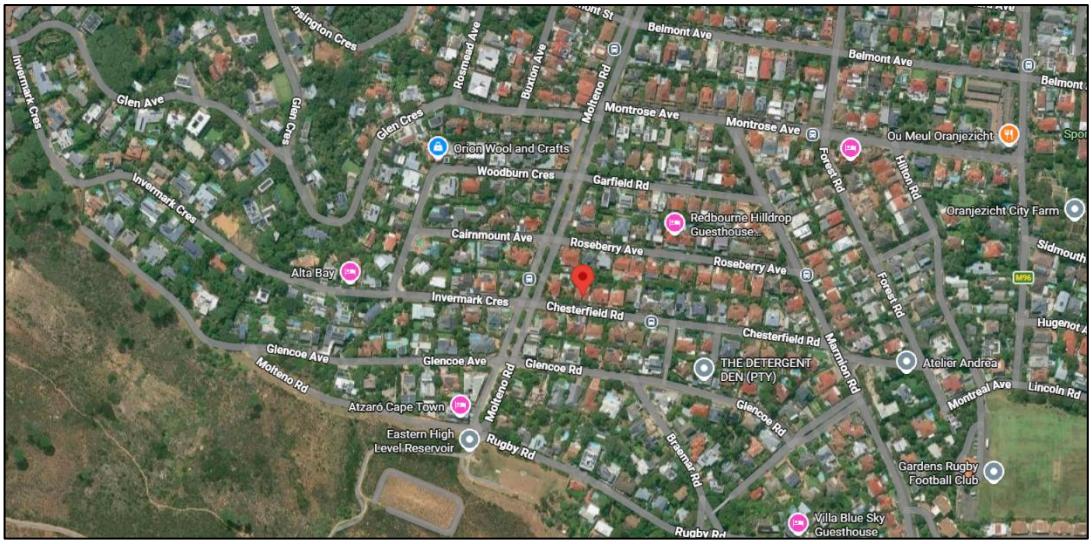

Figure 9: Character of the surrounding activities.

2. FURTHER INFORMATION

2.1. Applicant / Mandate

The registered owner of the properties, has duly appointed and authorised Black Square Town Planning to compile and submit an application on their behalf to the City of Cape Town for the application referred to in Section 1.2 of this report; and to act as the applicant in this and all other related matters.

2.2. Development Management Scheme

The properties are both zoned Residential Zoning 1 (R1) – Erf 3644 has an extent of 708m² (pre-consolidation), and Erf 2721-RE has an extent of 1042m². It should be noted, however, that as the application at hand includes the consolidation of Erf 3644 with the subdivided portion obtained from directly adjacent Erf 2721-RE. Therefore, the applicable development rules as contained in the DMS are as follows:

Table 1: R1 development rules applicable to properties > 650m² up to 1000m² (Erf 3644).

Development Criteria	Required / Allowed	Proposed / Existing
Floor space	1500m²	447.1m²
Max. height above EGL	To top of building: 10m	8.065m. Compliant.
	When 3m from the common boundary beyond the first 12m from the street: 4m	< 4m. Compliant.

Building lines	Street boundary: 3.5m	Min. 0m. Departure.
	Common boundary: 3m	W, N & E common boundaries: 0m. Departure.
Unscreened trafficable roof / balcony or terrace	Min. setback from any common boundary: 2m	W common boundary: 1.42m. Departure.
Swimming Pools	Min. 1m from any boundary.	No swimming pools proposed. Compliant
Garages / carports / outbuildings	Permitted at 0m from the common boundary subject to: • Max. 3.5m above EGL. • Max width of 6.5m.	6.5m wide. Compliant. 3.165m above EGL. Compliant.
	Street boundary: 3.5m	0m. Departure.
Earth banks / retaining structures / support structures / similar devices.	• The ground floor of a building may not be raised more than 1.5m above EGL. • May not exceed 2m above EGL. • May not exceed a cumilative height of more than 2.5m above EGL unless a 2m wide horizontal space is provided between successive structures for every 2m vertical raise.	Compliant.
Boundary Walls	Street Boundary: max. 2.1m above EGL and min. 25% visual permeability.	2.1m. Compliant. 43.82% permeability. Compliant.
	Common Boundary: max. 2.5m above EGL.	< 2.5m. Departure.
Parking (PT1)	1 bay per dwelling house: 3 bays	3 Bays. Compliant.
Carriageway crossings (cwc's)	Min. distance of 10m to intersection.	> 10m Compliant.

	One cwc per site per public street.	2 cwc's. Departure.
	If street boundary >30m long, additional cwc with min. distance between cwc's: 12m	Cwc's are 13.06m apart. Compliant. 2 cwc's. Departure.
	Cwc width: 2.4 – 8m.	New cwc = 4.93m wide. Compliant.

Table 2: R1 development rules applicable to properties > 1000m² up to 2000m² (Erf 2721-RE).

Development Criteria	Required / Allowed	Proposed / Existing
Floor space	1500m²	No changes proposed. Compliant.
Max. height above EGL	To top of building: 10m	No changes proposed. Compliant.
	When 3m from the common boundary beyond the first 12m from the street: 4m	No changes proposed. Compliant.
Building lines	Street boundary: 4.5m	No changes proposed. Compliant.
	Common boundary: 3m	No changes proposed. Compliant.
Unscreened trafficable roof / balcony or terrace	Min. setback from any common boundary: 2m	No changes proposed. Compliant.
Swimming Pools	Min. 1m from any boundary.	No changes proposed. Compliant.
Garages / carports / outbuildings	Permitted at 0m from the common boundary subject to: • Max. 3.5m above EGL. • Max width of 6.5m.	No changes proposed. Compliant.
	Street boundary: 5m	No changes proposed. Compliant.

Earth banks / retaining structures / support structures / similar devices.	• The ground floor of a building may not be raised more than 1.5m above EGL. • May not exceed 2m above EGL. • May not exceed a cumilative height of more than 2.5m above EGL unless a 2m wide horizontal space is provided between successive structures for every 2m vertical raise.	No changes proposed. Compliant.
Boundary Walls	Street Boundary: max. 2.1m above EGL and min. 25% visual permeability.	No changes proposed. Compliant.
	Common Boundary: max. 2.5m above EGL.	No changes proposed. Compliant.
Parking (PT1)	1 bay per dwelling house: 2 bays	No changes proposed. Compliant.
Carriageway crossings (cwc's)	Min. distance of 10m to intersection.	No changes proposed. Compliant.
	One cwc per site per public street.	No changes proposed. Compliant.
	If street boundary >30m long, additional cwc with min. distance between cwc's: 12m	No changes proposed. Compliant.
	Cwc width: 2.4 – 8m.	No changes proposed. Compliant.

It should be noted that the development rules of Erf 2721-RE will not be impacted by the proposal at hand. As such, the development opportunities applicable to Erf 2721-RE will not change as a result of the proposed subdivision and consolidation.

2.3. Existing Ground Level (EGL) Determination

Kindly note that the contours as per the City's 2m Ground Level Map (as available on CoCT GIS) were used to determine existing ground levels on site. Such reference is also reflected on the SDP submitted herewith.

2.4. Title Deeds:

It must be noted that neither erven's (Erf 2721-RE and Erf 3644) title deed contain any conditions related to the subdivision or consolidation of their respective properties. Therefore, the proposal at hand does not contravene the title deed conditions of either properties in this regard specifically. From this point on in this report, Erf 3644 will be referred to as the 'subject property' as this is the property who's title deed is to be affected by the proposal.

In terms of the City's Title Deed Standard Operating Procedure (SOP, 2017) and Section 49A of the MPBL:

- The City may not grant an application in conflict with a restrictive condition imposed by a government body in terms of Ordinance 33 of 1934 or LUPO. Application for the amendment / removal of such conditions is therefore mandatory and are to be made in terms of Section 42(g) and 42(j) of the MPBL. However, no such conditions are proposed for amendment / removal by the application at hand.
- The City may grant an application that would conflict with a restrictive condition or a servitude which is not a condition of approval imposed in terms of this By-Law (i.e. pre-1934 conditions), the Ordinance or the Townships Ordinance 33 of 1934. Removal / amendment of such conditions is therefore at the property owner's discretion and is accordingly subject to voluntary application and is to be done in terms of Section 42(g) of the MPBL. As such, application for the removal of conditions I.C.6.(m).1 and I.C.6.(m).2. is herewith made in terms of Section 42(g) of the MPBL.

As per T26285/2011, the following relevant conditions (as proposed for removal) are deemed to be developer's conditions and are subject to voluntary application:

- **I.C.6.(m).1:** relating to the total number of dwellings and total built up area.
- **I.C.6.(m).2:** relating to street setbacks.

In terms of General Plan A677/1923 (see below extract), the subject property is located in the Township of Oranjezicht. As per the Conveyancer's Certificate submitted herewith, the removal of title conditions would be subject to public participation to all owners in the Township of Oranjezicht.

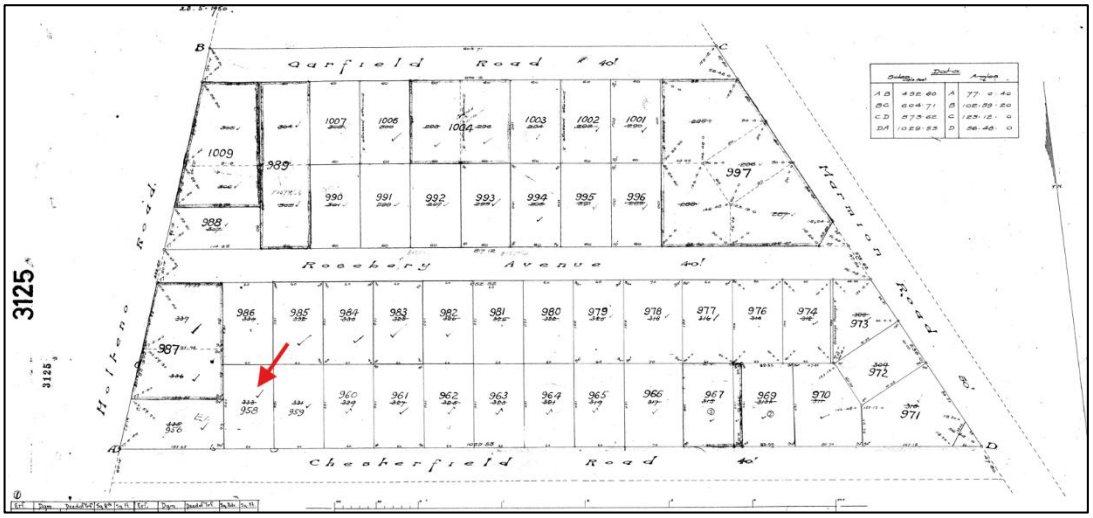

Figure 10: General Plan Extract.

3. REMOVAL / AMENDMENT / SUSPENSION OF RESTRICTIVE TITLE CONDITIONS

Application is made for the removal of two restrictive title conditions relating to the street setback [condition I.C.6.(m).2 subject to voluntary application]; and total number of dwellings and built upon area [condition I.C.6.(m).1 subject to voluntary application].

In light of the proposed removals, it should be noted that the surrounding area readily contains various similar examples to that proposed, noting that the majority of the surrounding properties had to have gotten the relevant (or similar) conditions removed / amended in order to accommodate (1) additional dwellings within their property boundaries and (2) allow for structures to be located within street setbacks along Chesterfield Road. In general, multi-level developments are often accompanied by additional dwelling units, with garages / other supporting structures along the street boundaries to support the increased on-site parking availability requirements and needs, thereby also resulting in increased built upon areas as levels are spread over the site – as is prevalent in the surrounding area.

It should also be noted that the proposed removals will not result in a change in permanent development rights in terms of the MPBL, as the City's DMS will still remain applicable to the subject property which, in the event of encroachment, will require a formal application to the City that is to be accompanied by a public participation process, similar to this one.

It is further noted that restrictive title conditions were originally imposed to create a certain character in townships. In this area, specifically, the relevant conditions were aimed at maintaining a medium-density residential character. However, as is noted from contextual development, the needs of residents have indeed changed from the time the said title conditions were originally imposed, which resulted in various forms of title deed amendments and / or the removal of restrictions in conjunction with departures from the DMS in order to create multiple

/ larger dwellings in the area. Such applications therefore resulted in a slightly more compact urban form along with multi-dwelling developments. One can therefore attribute these neighbourhood changes to a change in contemporary residential needs.

It is therefore important to highlight that while the needs of citizens have evolved over time, the sustainability of the evolving urban form remains a priority to the City in order to ensure efficient urban function and a responsible urban environment in terms of development. This, *inter alia*, includes allowing for land use applications (as per the MPBL) in urban areas to increase developable space on properties for more practical and sustainable reasons. It is also pointed out that the City is empowered by law, specifically in terms of Section 47(1) of SPLUMA, to remove / suspend / amend restrictive conditions via the MPBL where necessary and as reasonably required with appropriate motivation.

When considering removal / amendment of restrictive title conditions, Section 48(4) of the MPBL requires the City to have regard to the decision-making criteria in Section 99of the MPBL and Section 47 of the Spatial Planning and Land Use Management Act (SPLUMA). The relevant applications are therefore evaluated in terms of the criteria stipulated in the aforementioned legislation, which are as follows:

3.1. Whether the result would better align with the DMS

Erf 3544 is currently zoned R1 which allows for up to three dwellings as a primary right. Clause I.C.6.(m).1 currently limits the property to a single dwelling house and a 50% built upon area. This condition is considered to be impractical, as the DMS allows for an increased total number of dwelling houses on a property of similar zoning. Additionally, the 50% built upon restriction is also considered to be contradictory to the DMS, as the subject property does not have coverage or floor factor restrictions, but rather, only a maximum floor space restriction, which the proposal adheres to well (see Table 1). The removal of this clause will therefore better align with the provisions of the DMS in terms of current zoning allowances.

In terms of condition I.C.6.(m).2, the condition imposes building line setbacks that contradict the provisions made in the DMS regarding building lines. It must be noted that the proposal at hand aims to deviate from the DMS via the relevant applications and therefore also includes the removal of the relevant condition. As there are structures readily located within these setbacks (steps, walls and other features), it suggests that the applicability of this restrictive title conditions has become rather outdated and is no longer in accordance with contemporary and dynamic spatial planning policies such as the MPBL and DMS. The removal of this clause will therefore also better align with the provisions of the DMS in terms of current zoning allowances.

Also, kindly refer to Section 3.5 of this report.

3.2. Decision-making criteria in Section 99 of the MPBL.

Kindly refer to Section 4 of this report.

3.3. Section 42(1)(c) of SPLUMA

This section of SPLUMA requires consideration of the public interest and the constitutional transformation imperatives and related duties of the State. While the proposal enables the reasonable use and development of private property, the assessment in terms of this provision should extend beyond the interests of the applicant / property owner; and accordingly requires consideration of the broader planning benefits arising from the proposal.

The public interest is not limited to the preservation of development patterns (a "frozen" urban form) as originally intended via these conditions, nor should it be limited to the retention of historic development controls (which were imposed in the absence of more refined planning mechanisms like the MPBL and DMS). Rather, it requires an appropriate balance between protecting established neighbourhood qualities while simultaneously facilitating development that positively contributes towards the efficient, sustainable and responsible use of urban land; and this proposal achieves such a balance when taking note of the existing development trends and trajectories located along Chesterfield Road.

Firstly, the proposal makes more effective use of an existing residential property within the urban edge, supported by existing engineering services and infrastructure. The proposal to remove restrictive title conditions to facilitate this development therefore contributes towards the broader objective of accommodating residential growth within established urban areas instead of encouraging outward expansion. Noting that the proposal aligns with the development character of the surrounding area, it promotes the more efficient utilisation of well-located land without altering the predominantly residential-oriented character of the surrounding area.

As noted, the properties visually read as part of a different community along Chesterfield Road, consisting of a variety of residential developments (from single residences to flats), home occupation uses; and educational and community facilities (sport fields, parks, schools, etc). The removal of the relevant title deed restrictions will accordingly remove unnecessarily onerous residential limitations that no longer align with broader spatial planning objectives, noting that such objectives directly support the public interest via a more efficient and sustainable urban form. Nevertheless, residential functions, albeit slightly denser, are still the primary aim of the existing R1 zoning and will allow for a development typology that directly ties in with the mentioned character of the surrounding area, especially along Chesterfield Road.

The proposed removals will also allow for a brownfield development (the redevelopment of land that was previously developed); and the associated better utilisation of available land within the urban edge, in return also seeing to the better utilisation of existing services and infrastructure. Overall, better land utilisation is also a concept strongly encouraged in national, provincial and local legislation / policies in order to ensure a spatially efficient and

resilient urban form, thereby being to the public interest as a whole. Consequently, the proposal also advances efficient and sustainable development within the existing urban footprint, a benefit that extends far beyond the benefit of one property owner.

Furthermore, given the proximity of the proposal to a range of urban opportunities and amenities, the removal of the relevant clauses will see directly to more households benefitting from such established functions, thereby improving spatial efficiency whilst also seeing to a better range of residential opportunities in the area.

The proposal also remains fully subject to the processes outlined in the MPBL; and, importantly, the proposed removal of restrictive title conditions do not create unrestricted development rights, nor do they remove the City's ability to regulate future development on the property; and development will continue to be governed by the MPBL, DMS and remaining title deed restrictions. The public interest is therefore safeguarded in this regard.

The constitutional transformation imperatives referred to in Section 42(1)(c) further recognise that planning systems should facilitate spatial development that is fair, efficient, sustainable and responsive to changing societal needs, a matter that is directly addressed by this proposal. Restrictive title conditions should therefore not be retained solely because they have historically existed, particularly where contemporary planning legislation already provides appropriate mechanisms to regulate development in a transparent and publicly accountable manner.

Seeing that the proposal responds to both the changing needs of the City and the character of the surrounding area, it is submitted that the proposed removal of the restrictive title conditions appropriately serve the public interest and are consistent with the constitutional transformation imperatives and related duties of the State contemplated in Section 42(1)(c) of SPLUMA. Accordingly, the proposal satisfies the requirements of this statutory assessment. Kindly also refer to Section 4 of this report.

3.4. Section 47 of SPLUMA

A restrictive title condition may, with the approval of a Municipal Planning Tribunal and in the prescribed manner, be removed, amended or suspended. In this regard, the removal of two restrictive title conditions relating to total number of dwellings and area built upon (condition I.C.6.(m).1 subject to voluntary application); and street setbacks (condition I.C.6.(m).2, also subject to voluntary application) is included in this application. It is also again pointed out that all other conditions, as contained in the relevant title deed, will remain intact which includes limitations on subdivision, consolidation and use.

Section 47 of SPLUMA also makes specific reference to Section 25 of the Constitution which relates to the arbitrary deprivation of property and the rights associated therewith. It is pointed out in this regard, that the applicant has assessed the impact of the proposed removals of the said conditions

(refer to Section 3.1 of this report) and has reached the conclusion that the removals and amendment are well justified and that it will not negatively impact on the rights of surrounding property owners.

Accordingly, the proposed removals will also not result in the arbitrary deprivation of rights. The proposed removals are also not considered procedurally arbitrary as the relevant applications have been made in terms of the MPBL; and the application will be advertised to the relevant interested / affected parties which, in this case, includes all property owners in Gardens as per General Plan 3318 (refer to Section 2.4 of this report).

Insofar as Section 47(2) of SPLUMA is concerned, removals of restrictive title conditions must be:

- In accordance with Section 25 of the Constitution

  As noted above, the proposal adheres to this legislation. It is therefore also pointed out that interested / affected parties will receive formal advertisement / notice thereby providing them with the opportunity to comment on this application.

- With due regard to the respective rights of all those affected, and to the public interest

  Refer to Section 3.1 of this report. Moreover, the application also requires mandatory notice to interested / affected parties (in this case, all property owners in in the Township of Gardens), as outlined in the MPBL. Accordingly, the proposal satisfies this requirement.

- In the prescribed manner

  The application for removal is made in terms of the MPBL and follows the due processes as prescribed.

Accordingly, the proposed removals and amendment is in accordance with both Section 47 of SPLUMA and Section 25 of the Constitution as it will not result in the arbitrary deprivation of property or rights associated therewith.

3.5. Section 48(4)(a) of the MPBL:

As per the DMS, all properties are subject to a set of development rules as per the relevant zoning of the subject property. It must be noted that as the subject property is zoned Residential Zoning 1 (R1), Item 22 of the DMS is largely applicable.

As per the SDP, the proposal conforms to the development rules to a degree that does not (1) enable rights similar to that of the next subzone and (2) require a rezoning of the subject property. Further, it must be noted that the proposal is compliant with the remainder of DMS development rules, excluding the departure areas included in Section 1.2 of this report. As such,

it can be concluded that the proposal at hand conforms well to the parameters set out by the DMS as per the reasons above.

In terms of the subject property's relevant title deed, Clause I.C.6.(m).1 relates to total number of dwellings and area built upon (subject to voluntary application); and Clause I.C.6.(m).2, related to street setbacks (also subject to voluntary application). In light of the restrictions provided in the above clauses, the proposal at hand is indeed in contrast therewith, hence application for their removal is made herewith. However, three dwellings are permissible in terms of the DMS as they categorised as a 'primary right' in terms of the R1 zoning.

In light of the above, it can be concluded that the proposal at hand conforms well with the DMS despite being in contrast with the parameters set out by the subject property's applicable title deed. It can therefore be concluded that the proposal at hand satisfies the MPBL in terms of the above Section and is therefore compliant with the MPBL in this regard.

4. PLANNING MOTIVATION: SUBDIVISION, CONSOLIDATION, REGULARISATION AND PERMANENT DEPARTURES

It must be noted that the applications sought after are site-specific and it is not the intention of the proposal to inherently over-bulk the subject property, but to improve is practicality and amenity for the residents of the subject property.

A description of the applications applied for are detailed below:

- <u>Subdivision:</u>

  As noted above, the proposal at hand includes the subdivision of Erf 2721-RE into two portions, Erf 2721-RE and the subdivided portion (erf number tbc). As such, the portion of land is to be utilised by the directly adjoining property (Erf 3644) in order to create a larger single property.

  The purpose of the subdivision relates to the utilisation of the space as an additional pedestrian and vehicular entry point onto the subject property by accommodating the proposed double garage and pedestrian entrance along the Western common boundary. As such, it is considered that the application at hand proposes to have the new building work to act as functional structures that (1) allow for additional accessibility onto and from the subject property and (2) to allow for the alleviation of on-site parking availability requirements due to the total number of dwellings located on the subject property (3 dwellings).

  Structures located within the (proposed) subdivided portion on Erf 2721-RE relate to a set of external steps and a portion of the proposed double garage. It must therefore be noted that the structures located within this portion will not result in any material impact on the existing development

rights of Erf 2721-RE, therefore not being considered as being significant in its functional use for the property. The minor decrease in area of Erf 2721-RE translates to 2.7% of the total site area and is therefore not considered to be excessive in nature.

In light of the above, it is considered that the proposed subdivision of Erf 2721-RE is not excessive in nature and will not result in a substantial increase in development rules restrictions for the property. Similarly, the proposed consolidation will not result in a significant increase in development rules in relation to Erf 3644 – see section below.

- Consolidation:

  As previously noted, the application at hand includes the proposed consolidation of the subdivided portion of Erf 2721-RE with the subject property (Erf 3644). It is important to consider that, as previously noted, the nature of the structures proposed to be located within the additional erf space is linked to the residential functionality of the subject property and are not intrusive in nature.

  Further, it is also important to consider that as the additional erf space translates to only 28m^2 obtained from Erf 2721-RE. The total erf size of the subject property will therefore be increased from 708m^2 to 736m^2, which does not result in any additional development rights in terms of the DMS as the consolidated property's size still falls within the "larger than 650m^2 up to 1000m^2" category. As such, the 4% increase in erf size will note have a significant impact on the allowable development rights of the subject property upon consolidation and is therefore not considered to allow for development rules similar to that of the next subzone.

  It is also important to note that neither properties contain restrictive conditions that limit both subdivision and / or consolidation, therefore not creating a development standard that is inconsistent with the existing property extents exhibited by the surrounding area. Therefore, the proposed decrease and increased in property extents are considered to be negligible in extent, given the larger context of the surrounding area.

  In light of the above, it is considered that that proposed consolidation will not only aid in strengthening the residential character of the (consolidated) subject property but also aid in providing basic residential amenity to it by allowing for additional accessibility and parking restriction alleviation in terms of DMS requirements.

- Regularisation of unauthorised building work:

  As noted in the relevant administrative penalty application, the unauthorised building work relates to a pergola (15m^2 in extent) and existing 3rd dwelling located on the subject property, located along the

Eastern and Northern common boundaries of the subject property respectively.

It should also be noted that the subject property also contains another pergola located towards the North Western corner of the subject property that is also proposed for regularisation. It is important to consider, however, that the 2nd pergola does not contravene the DMS as per Item 121(1)(a)(xii) as it is less than 40m² in extent and located on the 'ground' floor as opposed to the aforementioned, since it is located on the 2nd storey (floor).

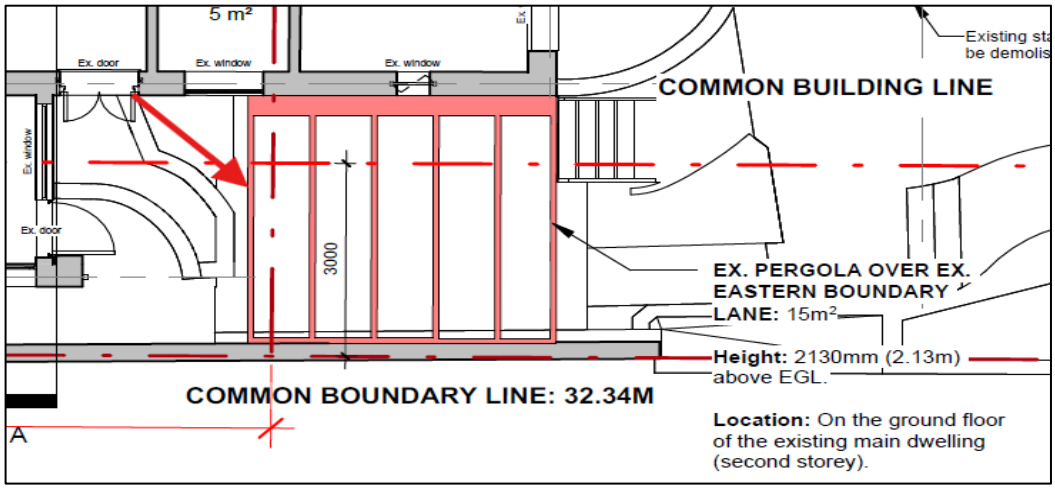

Figure 11: Existing pergola proposed for regularisation.

It is important to note that (as readily discussed in the administrative penalty application) the execution and erecting of this the existing 3rd dwelling had been the work of the previous property owner, who had not obtained formal approval prior to its construction. Therefore, the current property owners are not able to be held responsible for the unlawful erecting of the structure. The erecting of the pergola illustrated in Figure 11 is the only structure that had been erected unlawfully by the current owner and is therefore proposed for regularisation by the application at hand.

In light of the above, it is considered that the proposed regularisations are in order as the procedurally correct processes have been undertaken by the current owners in order to allow for these structures to persist in their existing locations on the subject property.

- Street Boundary:

As the proposal at hand includes a deviation from the DMS regarding street boundary building lines, it is therefore required that a departure application be submitted in order to permit the contravening structures to persist, thus included in this report.

As per Figure 12 below, it can be noted that the proposal aims to include structures to be located within prescribed street boundary building lines. It

should be noted, however, that the contravening structures relate to the set of external steps, terrace and proposed double garage on the 3rd storey and a new storeroom and patio on the 2nd storey of the subject property. It should further be noted that the contravening structures are linked to residential functionality, by providing the residents of the subject property with two additional on-site parking bays, an additional storage space and outdoor space across two storeys (terrace & patio).

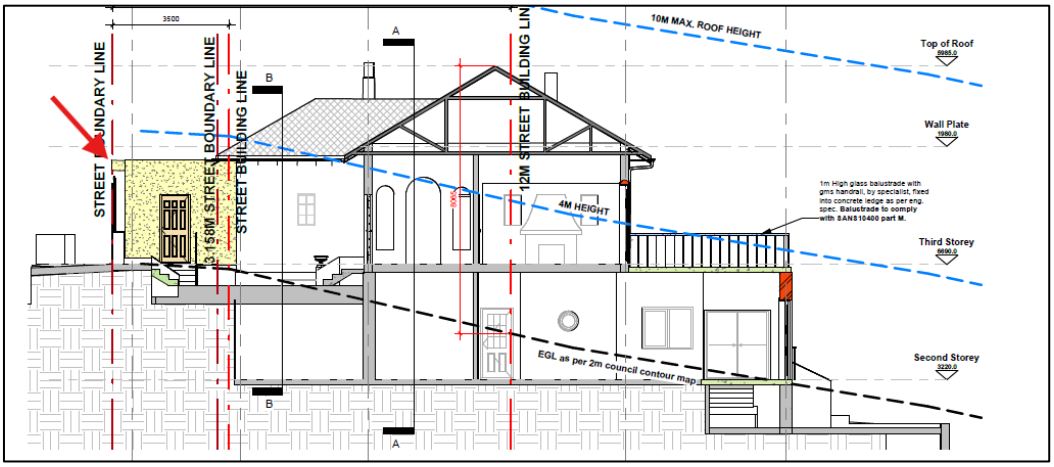

Figure 12: Section C-C - Structures located at a minimum of 0m along the street boundary building line.

In light of this, the contravening structures are considered to be linked to the residential amenity of the subject property, as it (1) promotes functionality on the subject property and (2) results in compliance with the DMS in terms of on-site parking availability requirements (refer to Item 138 of the DMS).

Further, it should be noted that multiple instances of similar developments readily exist in the near vicinity of the subject property (see Figure 13). Therefore, the proposal at hand considers that the general built form of the area must be maintained and enhanced upon commencement of a land use development similar to this one.

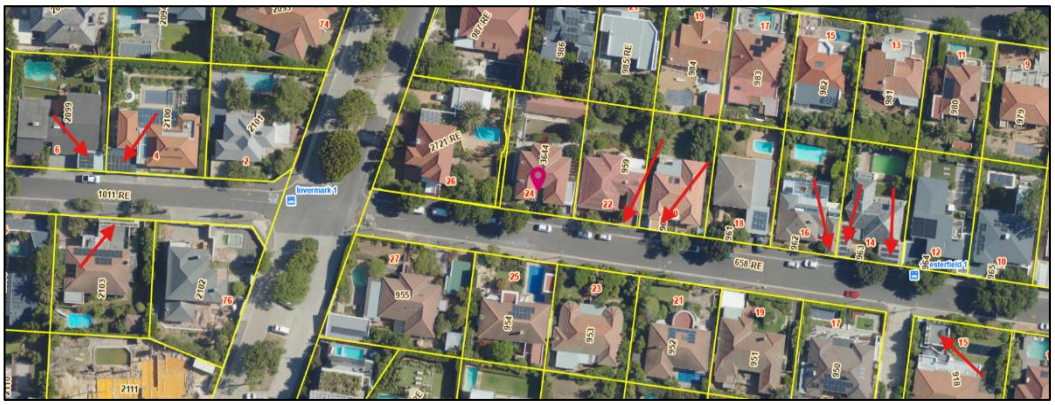

Figure 13: Properties located within close proximity to the subject property which include garages located within required setbacks.

The proposal therefore performs well in providing the subject property with a well compatible development style which considers the existing built form and character of the surrounding properties. Additionally, the existing development does not allow for development rules similar to that of the next subzone.

The proposed additions towards the street also do not result in a visual permeability concern as illustrated on the SDP, therefore not resulting in an instance whereby the street and subject property are 'closed off' from one another, thus allowing for an interactive streetscape, which also promotes pedestrian activity.

In light of the above, it is of the opinion that the contravening structures are not severe in nature and will positively contribute to the functionality of the subject property, therefore strengthening the residential character experienced in the area.

- <u>Proposed Garage Street Setback:</u>

The proposal at hand includes a deviation from the DMS regarding the proposed double garage's street setback, therefore requiring a departure application to be submitted in order to permit the contravening structure to persist in its proposed location, thus also included in this report.

As per Figure 14 below, the proposal aims to include a new double garage that is located within prescribed (garage & carport) street setbacks in terms of the DMS. As the DMS requires a garage to be set back at 3.5 from the street for properties of similar extents, the proposal contravenes the DMS in this regard.
It should be noted, however, that the proposed departure is technical in nature, as there is a street boundary building line departure readily

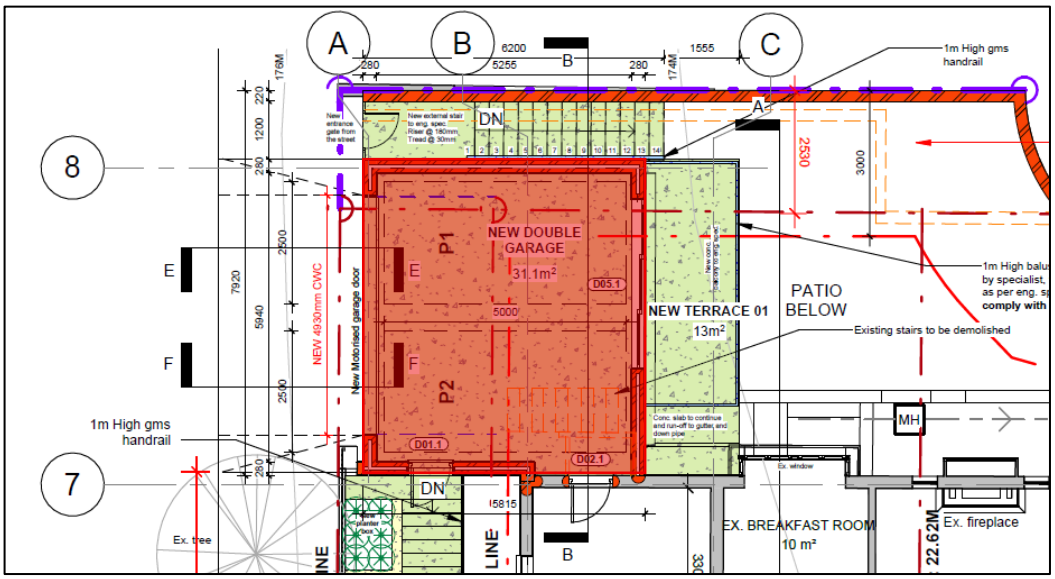

Figure 14: Third Storey Plan - Garage located within 3.5m setback and within the Western common boundary building line.

included in this report, although referring to the collective set of structures proposed to be located within the prescribed building lines. It should also be noted that there are multiple examples of garages being located within street setbacks along Chesterfield Road, therefore suggesting that the proposed departure is not expected to result in incompatible built form in respect of the existing development trends and styles related to developments of similar nature in the surrounding area (see Figure 13).

As such, approval of the departure is not expected to result in (1) inconsistent built form, (2) intrusive development opportunities and (3) compatibility issues regarding existing development styles – especially considering that the departures are considered to be technical in nature, given the aforementioned departure.

- <u>Common Boundaries:</u>

  As noted, the proposal at hand includes a deviation from the DMS regarding structures being located within prescribed common boundary building lines. Therefore, departure applications are required in order to allow for the structures to persist in their proposed (and readily existing) locations as shown in Figures 15 – 18.

  It should be noted, however, that some of the structures are readily existing as previously discussed and are therefore proposed for regularisation – specifically, the third dwelling on the 1st storey (see Figure 18) and the pergola on the 2nd storey (see Figure 17). Nevertheless, the only structures that are proposed (new) relate to the structures located within the South Western corner of the subject property and that contravene the building line restrictions linked to the Western common boundary of the subject property.

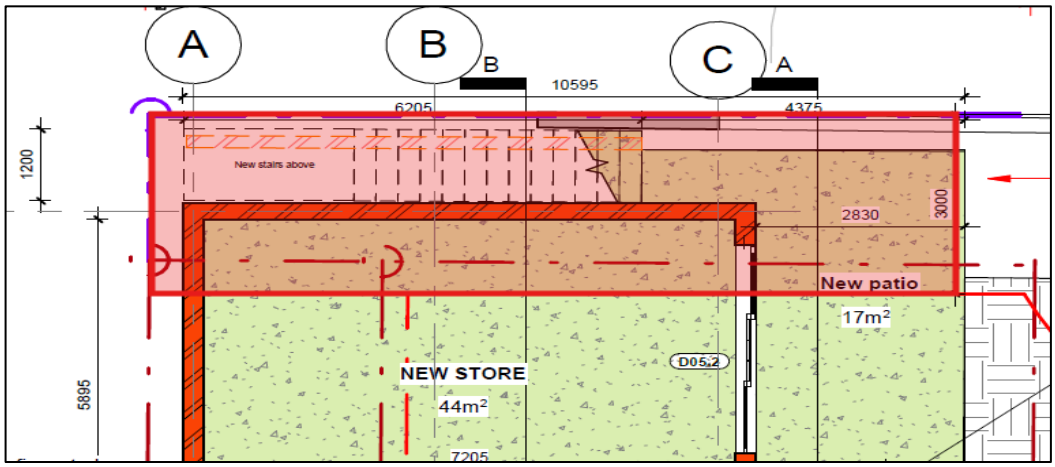

Figure 15: Structures located within prescribed building lines at a minimum of 0 along the Western common boundary on the 2nd storey.

Figure 15 shows the proposed building work on the 2nd storey and relates to a set of external stairs (0m), new store (1.42m) and patio (0m) to be located within the Western common boundary building line.

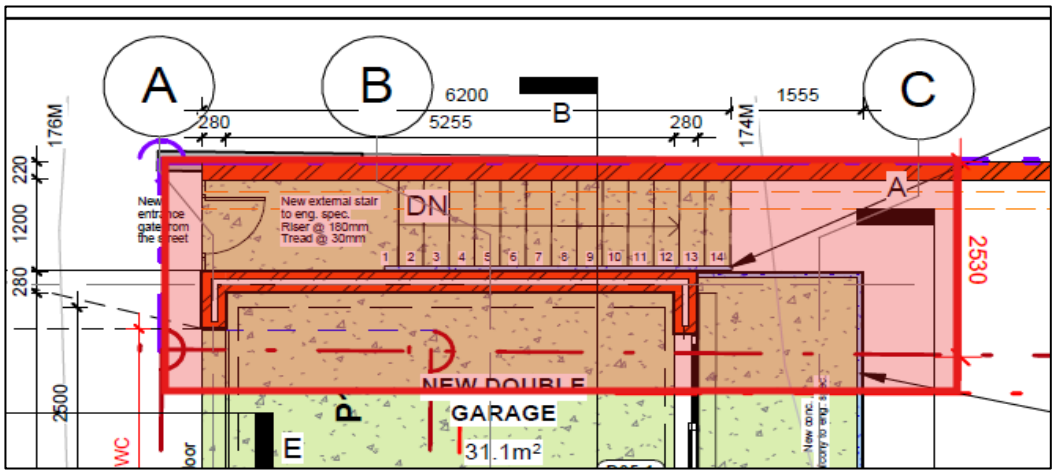

Figure 16: Structures located within prescribed building lines at a minimum of 1.42m along the Western common boundary on the 3rd storey.

Figure 16, however, shows the building work on the 3rd storey which are to be located within prescribed building lines at a minimum of 0m from the Western common boundary. These structures relate to a new double garage (1.42m), terrace (1.42m) and set of external steps (0m) to be located within prescribed building lines.

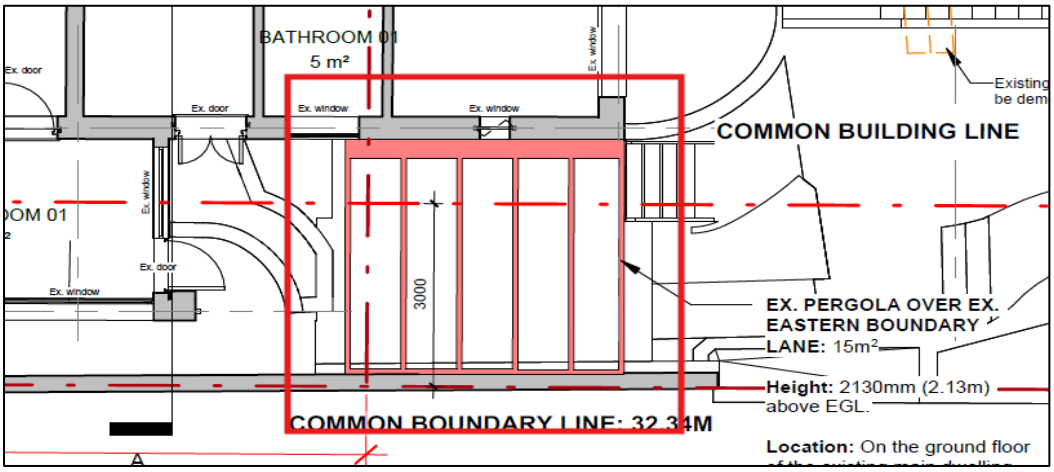

Figure 17: Pergola located at 0m along the Eastern common boundary. NOTE: The structure is readily existing and proposed for regularisation.

Figure 17 indicates a departure related to an existing pergola along the Eastern common boundary. It should be noted, however, that (1) the extent of the departure is minor (only 15m²) and (2) it is proposed for regularisation as it is readily existing.

Further, as per Figure 18, the proposal includes another departure related to a third dwelling being located at 0m in lieu of 3m from the Northern

common boundary. Again, it should be noted that the structure is readily existing and proposed for regularisation with this application.

It should be noted that none of the proposed (new) structures are inherently habitable and therefore only result in functional additions to the existing property and main building. Therefore, the proposed structures are considered to be linked to residential functionality, thus being linked to the residential amenity of the subject property, as it (1) improves the living experience on the subject property for its residents as well as (2) supports the residential character of the subject property and surrounding properties.

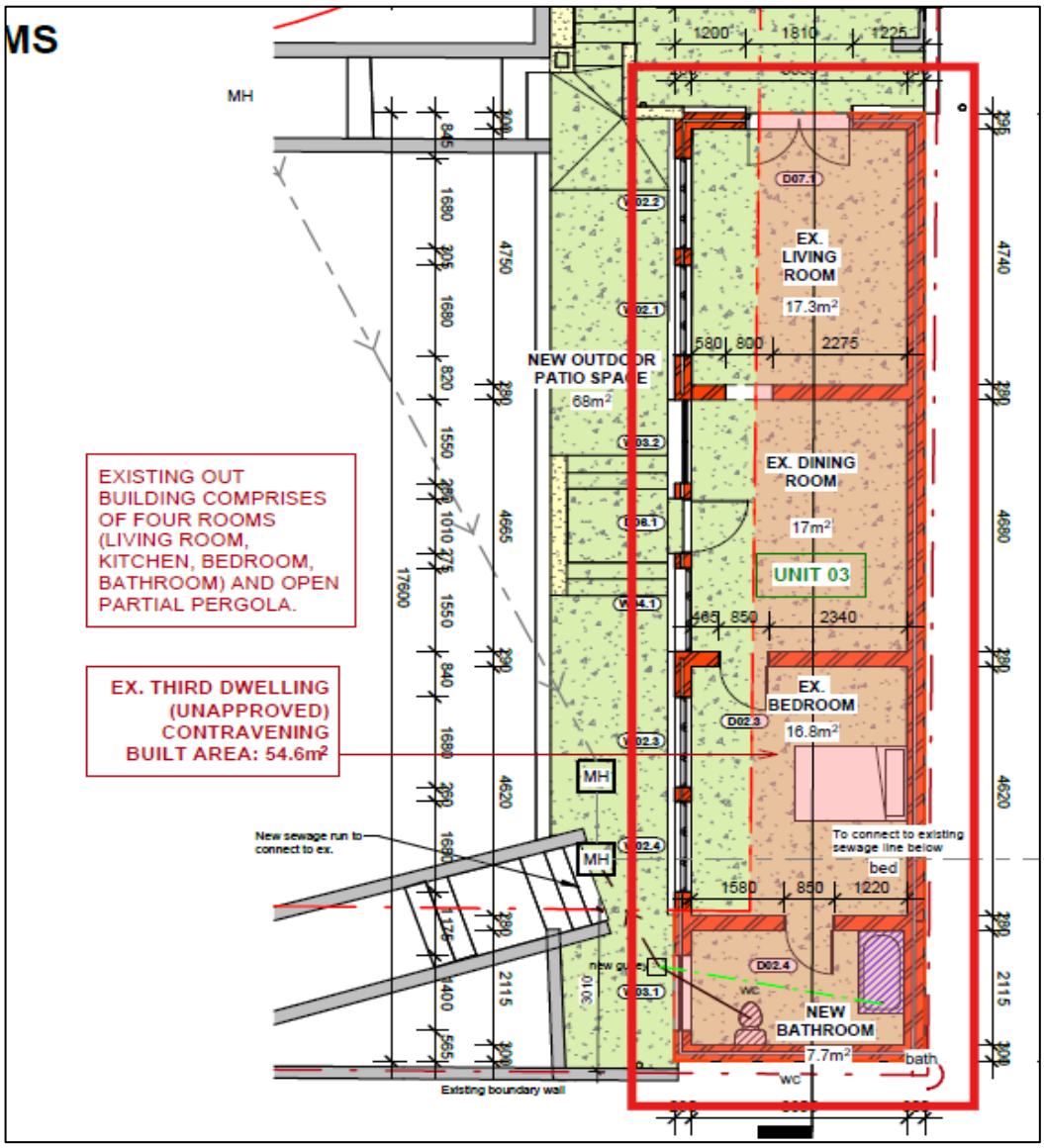

Figure 18: Third dwelling located within prescribed building lines along the Northern common boundary. NOTE: The structure is readily existing and proposed for regularisation.

Furthermore, it should be noted that common boundary building line contraventions are not an uncommon phenomenon in the surrounding area (see Figure 19 below), therefore indicating that the proposal is aligned with the existing residential trends and development trajectories of the surrounding neighbourhood.



Figure 19: Properties in the surrounding area which contain structures located within prescribed building lines.

As it is considered that the proposal at hand accounts for the general built form of the area, and it is concluded that the proposed departures (some being proposed for regularisation) are to be aimed at maintaining and enhancing the residential character of the surrounding area upon implementation. The proposal therefore performs well in providing the subject property with a well compatible development style which considers the existing built form and character of the surrounding properties. As such, it is of the opinion that the proposed building work are not intrusive in nature and will positively contribute to the residential character experienced in the surrounding area.

- <u>Unscreened Terrace:</u>

  The proposal also includes a deviation from the DMS regarding an unscreened terrace being located within the prescribed setback for similar structures in terms of DMS requirements. Therefore, the relevant departure is to be in included in an applicable land use application in order to allow for its existence upon implementation of the proposal – thus included in this report. As per Figure 20 below, the proposal aims to include an unscreened terrace to be located within prescribed common boundary setbacks in terms of the DMS.

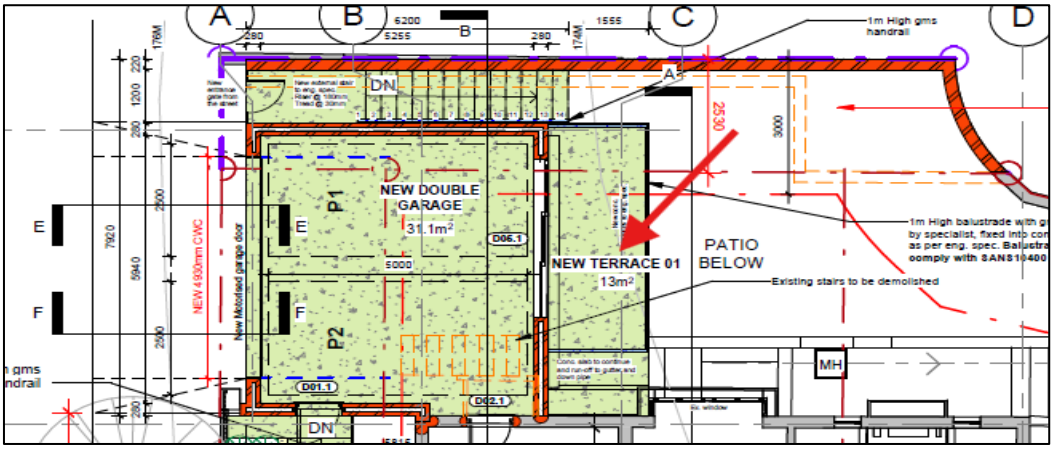

Figure 20: Unscreened terrace located within 2m setback from the Western common boundary.

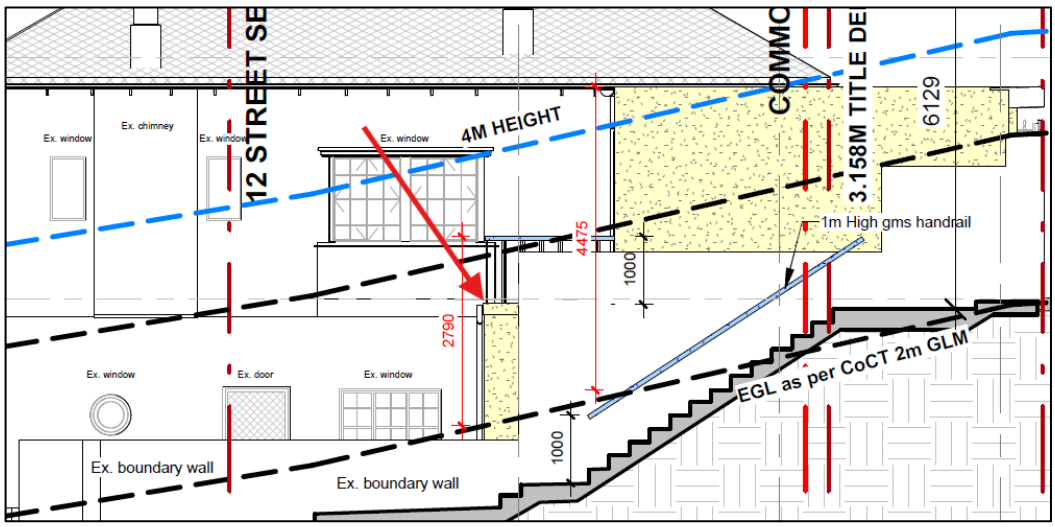

Figure 21: Western Elevation - Unscreened terrace located behind the proposed double garage on the 3rd storey.

As per Figure 21 above, it is clear that the unscreened terrace is not completely screened towards the Western common boundary shared with Erf 2721-RE. However, it is important to consider that the building located on Erf 2721-RE is not located near this shared boundary. As such, overlooking concerns are mitigated as no structures are able to be observed from Erf 3644 when stood on the proposed terrace. It is also

important to consider that there is existing vegetation located along the shared boundary at the point where the terrace is proposed, therefore further mitigating any potential overlooking and privacy concerns. As such, the privacy concerns associated with the directly adjacent property is considered to be well-managed and non-severe in this instance.

The structure is also considered to be linked with the residential amenity of the subject property, as it (1) improves the living experience on the subject property for its residents as well as (2) supports the residential character of the subject property and surrounding properties. It is therefore considered that the structure is not intrusive in nature in this regard. Additionally, the existing development does not allow for development rules similar to that of the next subzone.

In light of the above, it is of the opinion that the contravening structure will not result in (1) inconsistent built form, (2) intrusive development opportunities and (3) compatibility issues regarding existing development styles – especially considering that the departure is considered to be minor and directly linked to the enhancement of the existing residential amenity of the subject property and the surrounding area.

- <u>Number of CWC's:</u>

  As the proposal at hand includes a deviation from the DMS regarding the total number of carriageway crossings (cwc's) located on the subject property's street boundary, it is therefore required that an applicable departure application be submitted in order to permit the contravening structure to persist, thus included in this report.

  It should be noted that the nature of this departure is largely the result of the additional (proposed) double garage located towards the South Western corner of the subject property. As a cwc is required in order to obtain vehicular access onto the subject property, the inclusion of an additional cwc is the only logical way in which accessibility onto the subject property can be obtained and promoted.

  It should also be noted that the additional cwc is not located within 10m from an intersection as per Item 140(1)(b) of the DMS and that there is no garage located directly next to the proposed one on Erf 2721-RE. As such, it is of the opinion the proposed cwc will not result in a significant increase in congestion around this point of the larger street (Chesterfield Road).

  Additionally, the additional cwc is not expected to have a significant impact on the traffic levels experienced in this area as the proposed garage is able to accommodate additional vehicular traffic within the structure, therefore removing additional vehicular traffic from the road.

In light of the above, the departure is considered to be a functional addition to the proposal as the structure is located at the most logical point of the street boundary (the opposite end of the street boundary from the existing single garage on the subject property), and aids in alleviating vehicular traffic in the street via its relationship with the proposed double garage.

5. Municipal Spatial Development Framework (MSDF, 2022) and Table Bay District Plan, 2023

The MSDF is a strategic planning instrument which informs the spatial growth and development of the city and operates horizontally with the IDP. According to the MSDF, the subject property is located within the urban edge, near a metropolitan node, a regional and neighbourhood civic cluster and a development corridor.

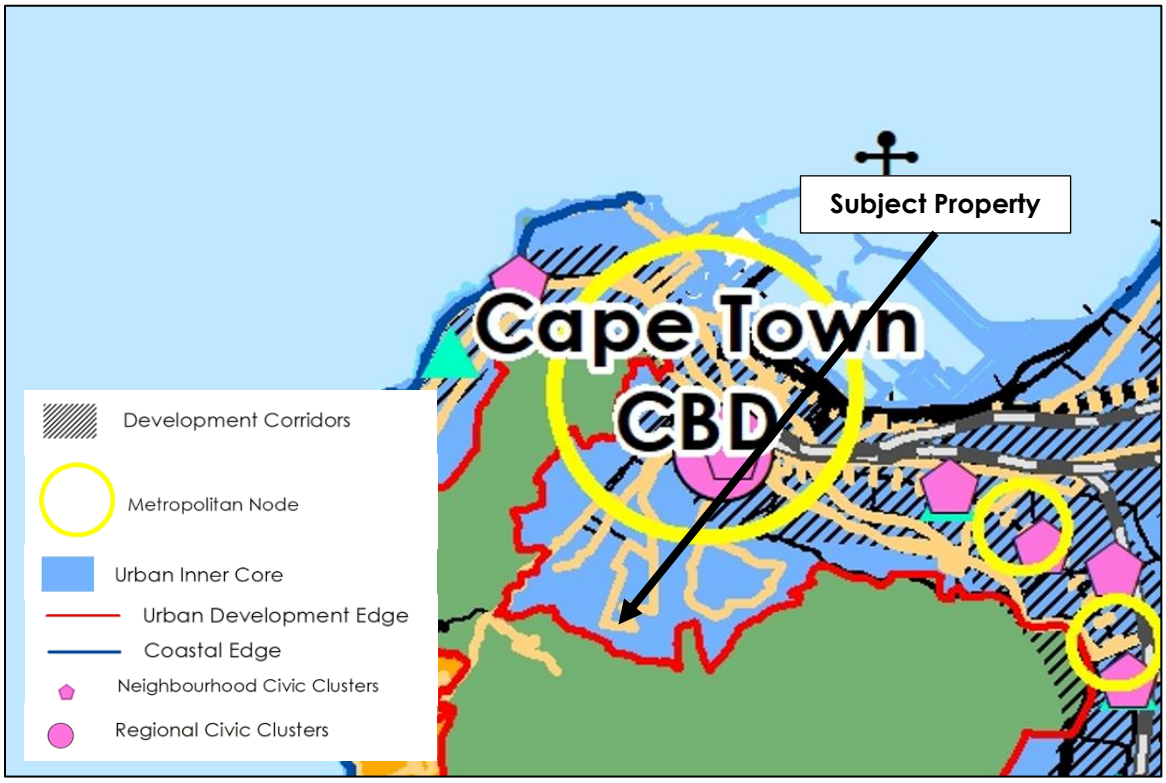

Figure 22: MSDF Extract.

The MSDF prioritises the above-mentioned areas for conventional development via, *inter alia*, promoting the better utilisation of land. While the proposal entails the removal of restrictive title conditions, the regularisation of unauthorised building work, the subdivision and consolidation of a land portion, as well as additional building work that require permanent departures, it can still be considered as a minor form of better land utilisation whilst also strengthening the existing residential use of the subject property within a predominantly residential area.

In terms of the MSDF, the subject property is located within the scope of the Table Bay District Plan, an area-specific component of the MSDF which provides conceptual proposals for the future development of the City's Southern District as well as guidelines for the assessment of development applications. More specifically, the subject property falls within Sub-district 2 of the Table Bay District Plan.

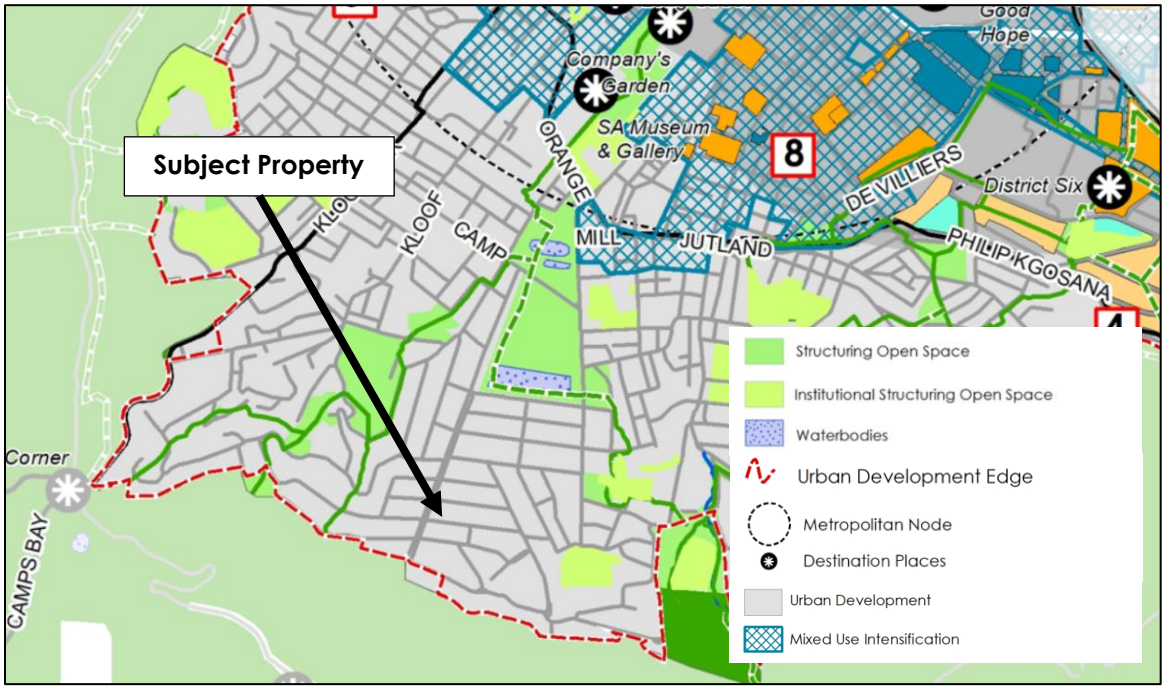

Figure 23: Table Bay District Plan Extract.

In terms of the Table Bay District Plan, the property is located within an urban development area, where conventional development is encouraged. The proposal adheres to the following spatial objectives as outlined in the Table Bay District Plan:

- Ensure appropriate built form and land use to achieve a quality environment.
- Encourage residential densification where possible and appropriate.
- Encourage land use intensification along public transport routes, along IRT routes and around stations.
- Manage parking to lessen its impact on the environment.

It is therefore concluded that the proposal wholly aligns with the objectives of the MSDF and the Table Bay District Plan. As such, the proposal is also considered to meet the minimum threshold requirements as stipulated in Section 99(1) of the MPBL.

5.1 Integrated Development Plan (IDP)

This document is a strategic planning instrument which informs planning and development. The MSDF is also fully aligned with this document and with the proposal being compliant with the MSDF, it is also considered compliant with the IDP. Like the MSDF and Table Bay District Plan, the IDP also promotes a more efficient and sustainable urban form which is promoted by the proposal via the better utilisation of available land, even though minor in nature. The proposal therefore also conforms to the principles of the IDP.

5.2 Inclusive Economic Growth Strategy

The IEGS is a short, medium and long-term plan for addressing the economic crisis facing Cape Town. The strategy recognises that inclusive economic growth can contribute to the alleviation of existing poverty and inequality. While the proposal at hand does not directly address this policy, it is pointed out that the proposal is considered to have a positive impact on socio-economic growth as will be discussed in Section 5.6 of this report.

The proposal will, however, (1) offer an improved living space to the residents on the subject property, in conjunction with improved amenity, thereby also contributing to the economic value of the property which is beneficial in this area considering the vicinity of surrounding urban opportunities and other amenities, and (2) contribute towards the availability of short-term employment opportunities during construction.

5.3 Social Development Strategy

One of the key focus points of this strategy is to build and promote safe households and communities. Part of this is ensuring healthy communities and citizens. As the proposal promotes the quality and amenity of the existing dwelling units and the strengthening of the existing residential fabric in an area with a variety of urban opportunities and amenities, it is concluded that the proposal will greatly benefit the wellbeing and socio-economic stance of the residents of both the subject property and the surrounding area, thereby also contributing towards the sustainability of townships in the City in terms of socio-economic factors.

5.4 SPLUMA and LUPA

In terms of the provisions of SPLUMA and LUPA, land development must be consistent with the principles of spatial efficiency, spatial sustainability, spatial justice, spatial resilience and good administration.

As the City's spatial development frameworks and policies are premised on the principles of **spatial sustainability** and **spatial efficiency**, it is argued that the proposal also complies with SPLUMA and LUPA insofar as it supports the better utilisation of available land (even though minor in nature) and the associated promotion of a more sustainable and efficient urban form. Consequently, it is the opinion that the development is consistent with the principles of spatial sustainability and efficiency.

The principle of **spatial justice** requires spatial planning mechanisms such as the MPBL and DMS to contain provisions which would enable access to land by disadvantaged communities and persons. In this regard, it is pointed out that neither the MPBL nor the DMS currently contains any such provisions. Similarly, no policy framework for the provision of affordable housing by the private sector currently exists.

The proposal supports **spatial resilience** insofar as it supports the strengthening of the existing surrounding residential fabric within the urban edge whilst still

largely respecting the character and visual appearance of the surrounding area. In return, the proposal also allows for a more sustainable urban form thereby contributing towards spatial resilience in general.

With regard to the principle of **good administration**, the application complies with the submission requirements of the MPBL, follows due process as prescribed, and has been motivated in terms of the decision-making criteria of the MPBL.

In view of the above it can be concluded that the proposal adheres to the development principles of SPLUMA and LUPA, thereby giving effect to the overarching goal of spatial transformation.

5.5 Impact on Existing Rights

The proposal is not requesting for an excessive increase in existing rights, especially considering that no change in zoning or use proposed. Accordingly, the current use of the property will remain for single residential purposes and will not negatively impact on the rights of surrounding property owners.

The relevant departures included in the application merely intend to provide additional parking and storage space for the residents of the subject property (via the encroachment of street- and common boundary building lines). However, the degree to which the proposal does this is not considered to be severe, as the proposal does not include structures that are inherently intrusive and incompatible with the surrounding built context. Therefore, the proposal is not expected have a negative impact on the existing development rights of the subject property and the surrounding properties.

As will be discussed in Section 5.7 of this report, the proposes subdivision and consolidation will not have a negative impact on existing development rights as the change is extent for both properties will not result in either property falling within different R1 classifications, which are subject to property extents. Additionally, neither property's relevant title deed contains any restrictive conditions related to subdivision or consolidation, therefore indicating an appetite for such developments to be able to occur. As such, the proposal is not expected to have a negative impact on this element of both properties.

In terms of the proposed title restriction removals, the proposal aims to remove two conditions which related to (1) the total number of dwellings, (2) the total area built upon (both included in the same conditions) and (3) street setbacks from Chesterfield Street. As the proposal includes structures that are in contrast with these conditions, application for their removal is required. The condition relating to street setbacks sees a new double garage, external steps and a storeroom be introduced within its parameters. As these structures are not inherently habitable and serve functional purposes on the subject property, the removal of the condition is not expected to be a severe deviation from the intended development trend of the surrounding area, as the DMS readily governs (more restrictive) street setbacks in the form of street boundary building lines. Furthermore, the proposal includes a total number of

dwellings and a 50% built upon restriction to be removed (contained as one single condition). It must be noted, however, that as the DMS readily provides a maximum of 3 dwellings on a R1-zoned property, the relevant title deed is considered to be outdated in this regard, especially as multi-level and multi-dwelling developments readily existing in the near vicinity of the subject property. Furthermore, the proposal includes a built upon area which is in excess of the 50% parameter set out by the title deed condition. It is important to note that the DMS lists a maximum floor space parameter of 1500m2, and as the proposal includes a total floor space which is much less than that, the condition contained in the title deed is considered to be outdated once more.

In light of the proposed removals, Section 3.1 – 3.3 of this report also discusses the dynamic and contemporary residential needs of the residents of the area, thereby noting that the conditions contained in the relevant title deed (those proposed for removal) are considered to be outdated, given the existing (and more restrictive) spatial planning legislation of Cape Town. As such, the removals are not expected to have a negative impact on the existing development rights of the subject and surrounding properties, especially as the proposed removals and departures relate to residential functionality.

Accordingly, the impact on existing rights applicable to the property is negligible; and the approval of the applications contained in Section 1.2 of this report will not grant rights similar to the next sub-zone. In addition, no change in use or zoning is proposed in relation to the subject property. As such, the proposal will not negatively impact on the rights and legitimate expectations of surrounding property owners, nor will this compromise their ability to exercise their rights in terms of the MPBL, DMS or any other property-related legislation. As elaborated in Section 3.7 below, the proposal is also considered to be well compatible with the surrounding residential fabric.

5.6 Desirability

- Socio-Economic Impact

  Whilst certainly improving and enhancing the amenity and functionality of the subject property, the proposal will also see to an increase in the fiscal value thereof, thereby also seeing to a slight increase in the rates and taxes collected by the City which funds is spent all over the City to the benefit of all residents.

  The proposal will also create short-term employment opportunities during construction, thereby having an indirect positive impact on socio-economic aspects. Accordingly, it can be concluded that approval of the proposal will have a positive socio-economic impact.

- Compatibility

  Noting that no change in use or zoning is proposed and the additions / alterations and existing unauthorised building work merely relate to residential amenity and functionality purposes, the proposal will not

negatively impact on the existing single residential nature of the subject property; nor will it negatively impact on the aesthetics of the existing building.

Furthermore, the proposed removals of restrictive title conditions have readily been addressed in relation to their compatibility with the surrounding built context and are therefore not expected to have a negative impact on the compatibility of the subject property with the surrounding area upon completion and implementation of the proposal at hand.

It should be noted that the proposed departures do not result in an intrusive streetscape and (as noted) will not allow for intrusive development styles that are incompatible with the existing development trends / trajectories of the surrounding area. As per the relevant district plan, the area is highlighted for conventional development, which can be observed directly in terms of the proposal at hand, therefore further highlighting the proposal's levels of compatibility with the existing spatial development frameworks.

Accordingly, the proposal will not negatively impact on the existing character or aesthetics of either the existing building or the surrounding area, will not result in an incompatible built form or use and will not negatively impact on the residential character of the area.

- Impact on Safety, Health and Wellbeing

  As noted, the proposal will not introduce any new or intrusive use within this residential area as the single residential status of the property will be maintained and enhanced.

  Accordingly, residents on both the subject property and surrounding properties would be able to continue enjoying the unique character and amenity offered by this residential area. It is therefore concluded that the proposal as a whole will not negatively impact on adjacent properties, their rights, the character of the surrounding residential area, experience or general amenity of the surrounding area, and that it will not impact negatively on the safety, health or wellbeing of the surrounding community.

- Traffic Impact and Parking

  Noting that the property will remain single residential in use and sufficient parking will be provided on site in terms of DMS requirements, it can be stated that the proposal is not expected to have a negative impact on parking-related concerns. As such, the proposal is also not expected to negatively impact on traffic-related concerns.

- Impact on External Engineering Services

  It can be noted that no new use or increase in dwelling units is proposed by the application at hand. As such, the subject property will retain its single residential nature, thus no additional service connections / usage is required.

- Impact on Biophysical Environment and Heritage

  It should be also noted that the subject property is not located in a Heritage Protection Overlay Zone (HPOZ), bears no heritage grading although the existing building exceeds 60 years in age. Kindly note that the relevant Heritage Western Cape (HWC) application is submitted in conjunction with this application. The subject property is also located within the urban edge, where conventional development is promoted. The proposal also does not intend to affect / remove existing vegetation in order to accommodate the unauthorised additions / alterations. Accordingly, no authorisation is required in terms of environmental legislation.

5.7 Scale, Massing and Impact of the Consolidation

As per Section 99(2)(f)(i)-(iii) of the MPBL, an application proposing consolidation is to consider the impact no scale and massing of the consolidated property. As such, it is noted that as the proposal includes the subdivision and consolidation of two erven, the section is applicable to the proposal. Noting that no change in zoning (R1) or use is proposed, the development rights applicable when comparing the individual properties with the consolidated extent is compared below:

Table 1: Development rule comparison

	Pre-consolidation Erf 2721-RE (1042m^2)	**Post-consolidation Erf 2721-RE** (1015m^2)	**Pre-consolidation Erf 3644** (708m^2)	**Post-consolidation Erf 3644** (736m^2)
Max. Floor Space	1500m^2	1500m^2	1500m^2	1500m^2
Max. Height	10m	10m	10m	10m
Street building line	4.5m	4.5m	3.5m	3.5m
Common building line	3m	3m	3m	3m

As such, the allowable development rights between the properties in their current form and after the implementation of the proposed subdivision and consolidation will not change and are the exact same; and will therefore not impact on the allowable scale and massing of possible development any more than what is currently applicable. Accordingly, the proposal is also not expected to have a negative impact on surrounding R1-zoned properties (noting that such properties have the same development rules as the subject property).

6. REASONS FOR SUPPORTING THE PROPOSAL

In terms of Section 99 of the MPBL, the following should be noted:

- The proposal complies substantially with the MSDF and Table Bay District Plan.
- Given the application made and its complete adherence to the legislation specified in this report, the application complies with the requirements of the MPBL.
- The proposal corresponds with the criteria and intent of the DMS, and approval of the applications will not have the effect of granting development rules similar to that of the next subzone.
- The proposal will not negatively influence the residential character and experience of the surrounding residential area; and will have not have any negative impact on surrounding properties.
- Given the assessment above and for the reasons provided, it can be concluded that the proposal is desirable in terms of the relevant consideration criteria of Section 99(3) of the MPBL.

7. CONCLUSION

In the light of the above, it is hereby respectfully requested that the application be approved in terms of Section 98 of the MPBL.

We trust that this application will receive your favourable consideration. Should you have any queries, please do not hesitate to contact us.

Kind regards,
Pieter-Jan Rossouw | BSTP

