



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Case ID 1500161091

Erf 97393, 11 Kent Road, Newlands

Development Management

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**APPLICATION FOR SUBDIVISION, THE REMOVAL OF A TITLE
DEED CONDITION, AND DEPARTURES IN TERMS OF THE
MUNICIPAL PLANNING BUILDING BY-LAW 2025.**

THE ERF 97393 No. 11 KENT ROAD NEWLANDS

Revision 1A (28/05/2026)

Revision 1B (22/06/2026)

Submitted by:

VROOM & ASSOCIATES

SURVEY CONSULTANTS

SINCE 1982

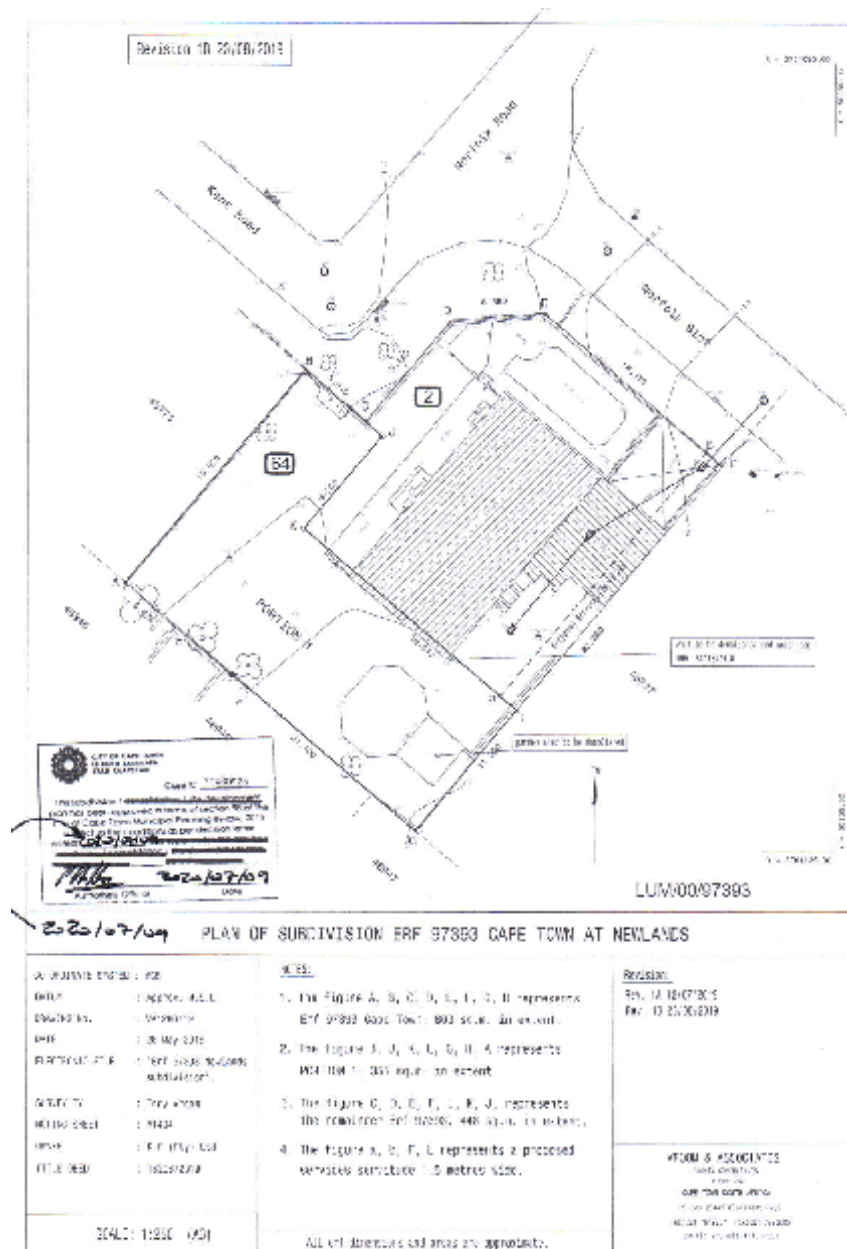
CAPE TOWN SOUTH AFRICA

Application Summary

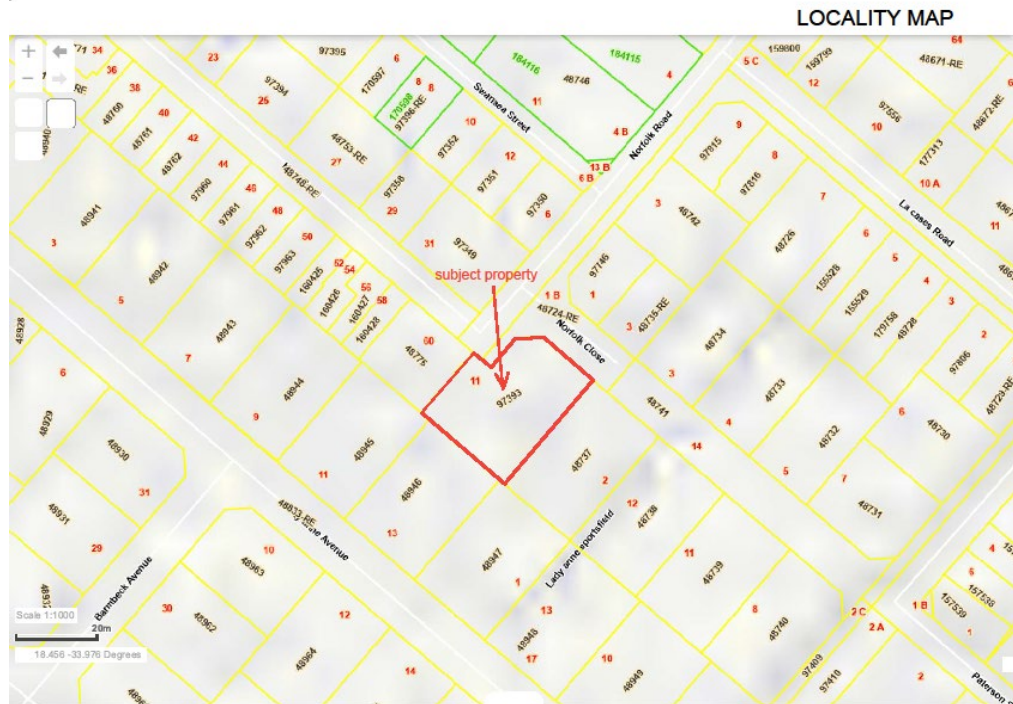
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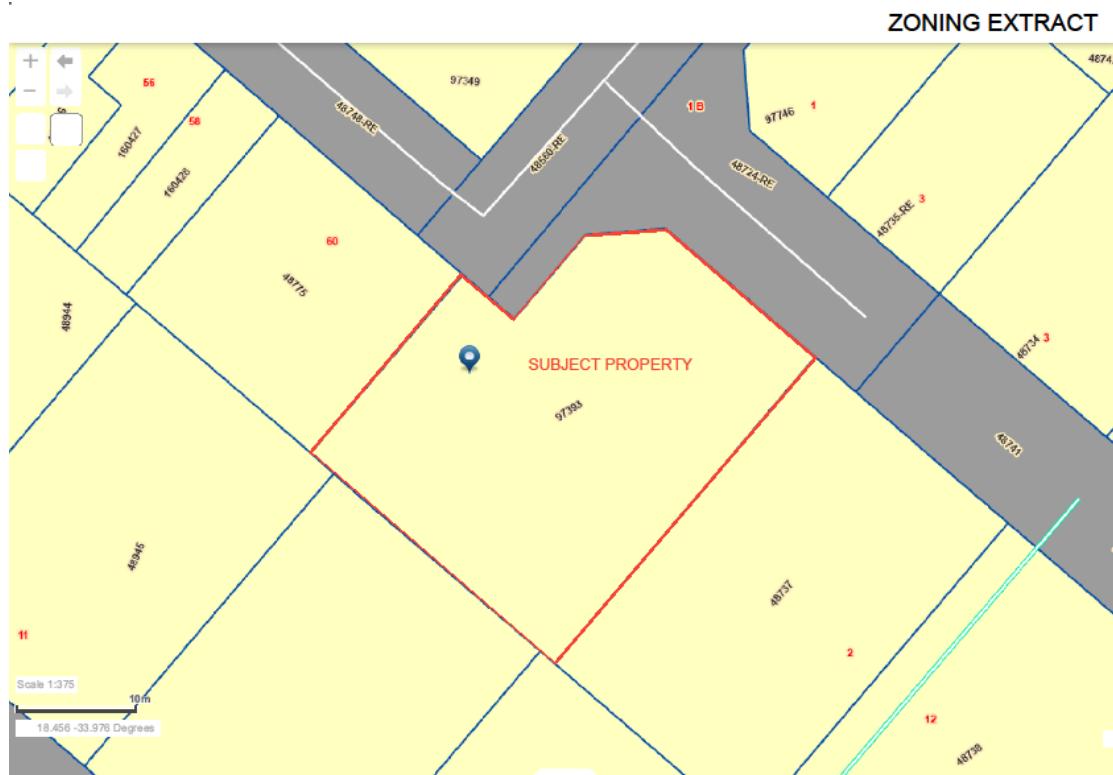
3. Locality Map:



4. The Applicant

has instructed Vroom & Associates Survey Consultants to submit the Land Use Management Application on behalf of the Company.

5. Zoning extract:



Erf 97393 Cape Town is zoned R1 (single residential).

Below is a copy of the table of the DMS rules for R1:

Table 1(a) Summary of land uses and development rules for Residential Zoning 1: Conventional Housing (R1)

LAND USES	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
						Street boundary	Common boundaries		
PRIMARY USES Dwelling house, private road, minor wind turbine, structure-mounted energy system and additional use rights	>2 000	N/a	1 500 m ²	N/a	10,0 m	6,0 m	6,0 m	N/a	Window and door placement, Garages, carports and outbuildings, Parking and access
	>1 000 up to 2 000	N/a	1 500 m ²	N/a	10,0 m	4,5 m	3,0 m		
ADDITIONAL USE RIGHTS Second dwelling third dwelling, Home occupation or bed and breakfast establishment or home childcare, filming (Items 21(b)(ii) and (iv) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m ²), place of instruction (with not more than 34 children)	>650 up to 1 000	N/a	1 500 m ²	N/a	10,0 m	3,5 m	3,0 m		Additional use rights: home occupation, bed and breakfast establishment, second dwelling, third dwelling, supplementary dwelling unit, affordable rental flat, small-scale wind turbine, place of instruction and home childcare
	>350 up to 650	1,0	N/a	75%	9,0 m	3,5 m	0,0 m (12,0 m from street and 80%) and 1,5 m rear		
CONSENT USES Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house, electric vehicle charging station, small-scale animal care centre, day-care, boarding house, ground-mounted energy system, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m ²), informal trading and veterinary practice	>200 up to 350	1,0	N/a	80%	9,0 m	1,5 m	0,0 m		
	≤200	1,0	N/a	80%	9,0 m	1,0 m	0,0 m		
		Refer to Item 22(a)	Refer to Item 22(b)	Refer to Item 22(h)	Refer to Item 22(c)	Refer to Item 22(d), 22(e) & 22(aA)	Refer to Item 22(d), 22(e) & 22(aA)		

6. The removal of title deed condition 2B(a)(2), title deed No. _____ imposed and in favour of the Council of the City of Cape Town in terms of Ordinance 33 of 1934.

Erf 97393 Cape Town - Title deed conditions to be removed:

Condition 2B(a)(2):

‘That any building shall be erected on this lot shall stand back from the boundary of the street on which the lot may front or abut not less than 4.57 metres. The space thus left may be used as gardens or forecourts but shall not be built upon.’

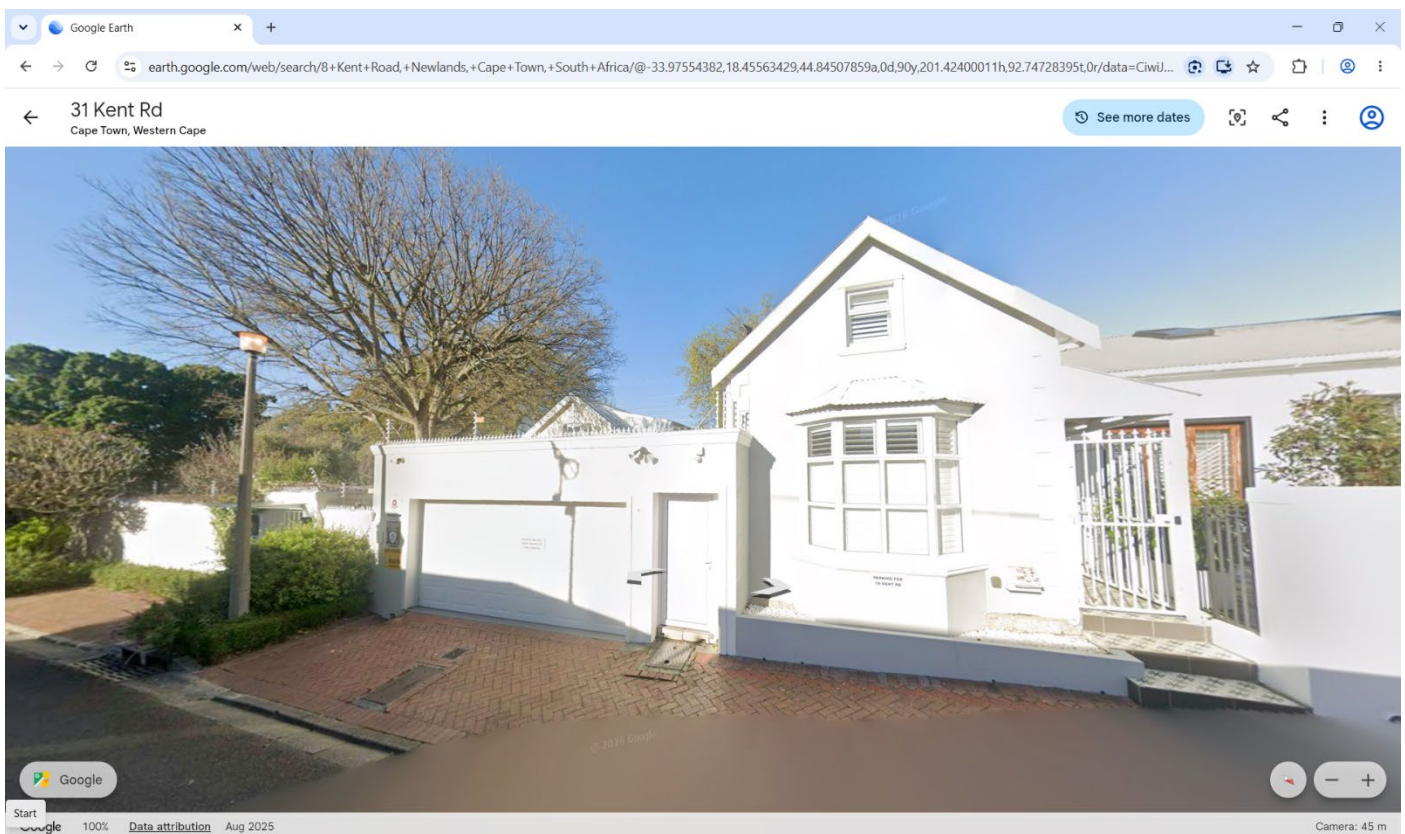
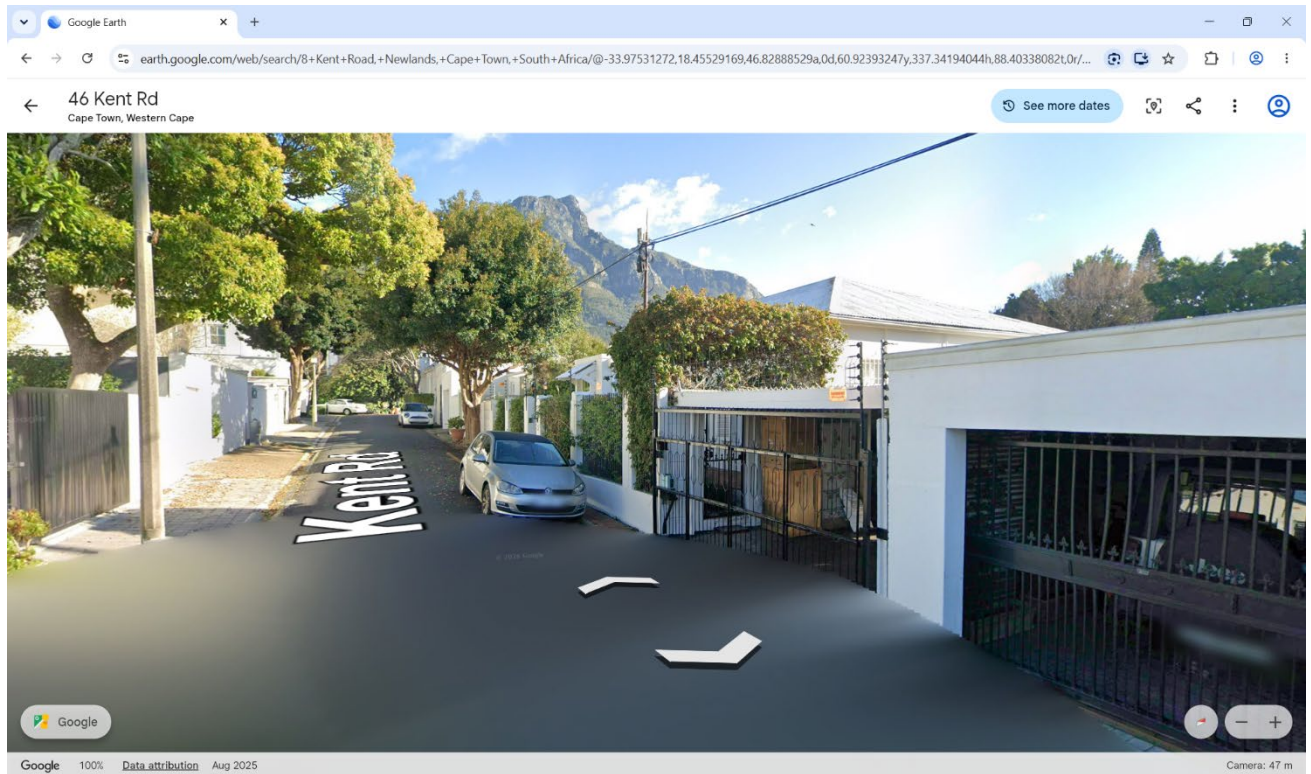
With respect to the removal of title deed conditions in terms of LUPA Section 39(5), the following should be noted;

Due regard to the respective rights of all those affected, and to the public interest:

The amendment or removal of the title deed restrictive conditions will not deprive any person of property as contemplated under section 25 of the Constitution. In terms of the general application of law the removal of the conditions will not deprive anybody of property.

The removal of the title deed restrictive condition, imposed by the City of Cape Town and in favour of the City of Cape Town, should no longer be relative to this area. Most properties in Kent Road have garages built on the street boundary line. That is evident in the image below.

The images below show how garages and structures have been built hard on the street boundary line.



In this case, it should have no effect on any of the beneficiaries of this condition.

Under Section 39(5) of LUPA the City must consider;

7(a) The financial value;

The removal of the title deed condition 2B(a)(2) should have no or little impact on the financial value of the surrounding properties.

There should be no impairment of the market value of houses in this area by removing the title deed right, imposed by the City of Cape Town, to build within the street boundary setback line of 4.57m. The strict implementation of this restriction, would have impeded the footprint of buildings and effected the value of the properties in this area. In a dense area of this nature it is important not to restrict building footprints by enforcing title deed conditions that deviate from the MPBL's DMS rules, which also affords departures.

7(b & c) Personal benefits accrue to the holder of rights.

The personal benefit accruing to the holders of the said title deed condition in the township, will not negatively impact on the broader holder of these rights. The character of this area of Newlands has changed entirely since the City of Cape Town imposed the condition in 1939 in terms of Ordinance 33 of 1934.

The new landscape that has evolved has benefited the owners financially, improved security, increased the economic opportunities and has seen an increase in community and social activities. This would have been difficult to achieve without relaxing certain title deed conditions.

It can be argued that the holder of the rights sees the condition as a form of security that the township will maintain its old character and that further expansion and densification does not occur. The removal of the title deed condition will align the subject property with the neighbouring landscape which no longer adheres to open areas of 4.57m between the street boundary line and structures. The properties along Kent Road are a clear indication of this.

The re-distribution of land within all communities should be of a high priority, and this can only happen if certain out dated restrictive title deed conditions are removed.

5(d & e) The Social benefit;

The social benefit of removing the title deed condition will be better utilisation of land within an urban structure, better use of existing infrastructure and increased safety and security within the community. There are no clear social benefits by enforcing the said restrictive title deed condition. Title deed conditions should be seen in their current relevance to the changing environment. One cannot stand in the way of progress and the ever-changing landscape of the social environment.

The removal of the title deed condition will align the property with the City's MPBL's development rules and spatial development framework policies, such as the MSDF 2023. Further opportunities will be unlocked enabling further infra-structure within an already limited opportunity area, close to schools, economic activities and recreational facilities.

The efficient use of land within existing services nodes, and remaining within the present visual residential landscape, is in line with the principles of SPLUMA and LUPA.

Removal of a restrictive title deed condition - SPLUMA Section 47

Section 25 of the Constitution says, 'No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property'.

Does the removal of the restrictive title deed condition adhere to the principle of Section 25?

It is clear that the removal of the title deed condition as applied for in this application will not deprive any person of property or property rights as contemplated in Section 25 of the Constitution. There is no forced removal of property placed on the beneficiaries of this Township and their rights to own property are still entrenched. The removal of the said title deed condition is to change the street boundary setback line from 4.57m to the MBPL's 2025 DMS rules. The City's development rules for an erf size 350 to 650sqm, has a street boundary building setback line of 3.5m, with further relaxations to garages.

In Summary:

This application is not setting a precedent, but seeks to follow the same rights afforded to other erven within this Township, that is the removal of the said title deed condition. Previous subdivisions and removal of title deed conditions have not changed the right to property, but has allowed development to keep pace with the changing demands of expanding population needs to access housing.

The removal of the title deed condition will not affect the health or wellbeing of the community, nor deprive any person of property as contemplated in Section 25 of the Constitution (The Bill of Rights). The proposed subdivision promotes justifiable economic and social development and is in line with the vision of densifying the inner City with reference to the City's densification policy 2012.

The City's vision is to expand the inner core of existing housing developments and to make use of existing service infra-structures to provide more housing opportunities.

Most Townships within the City of Cape have low density counts, when comparing the number of dwelling units per hectare. The City aims to reach a target of 25 dwelling units per hectare, City PSDF (2009) policy.

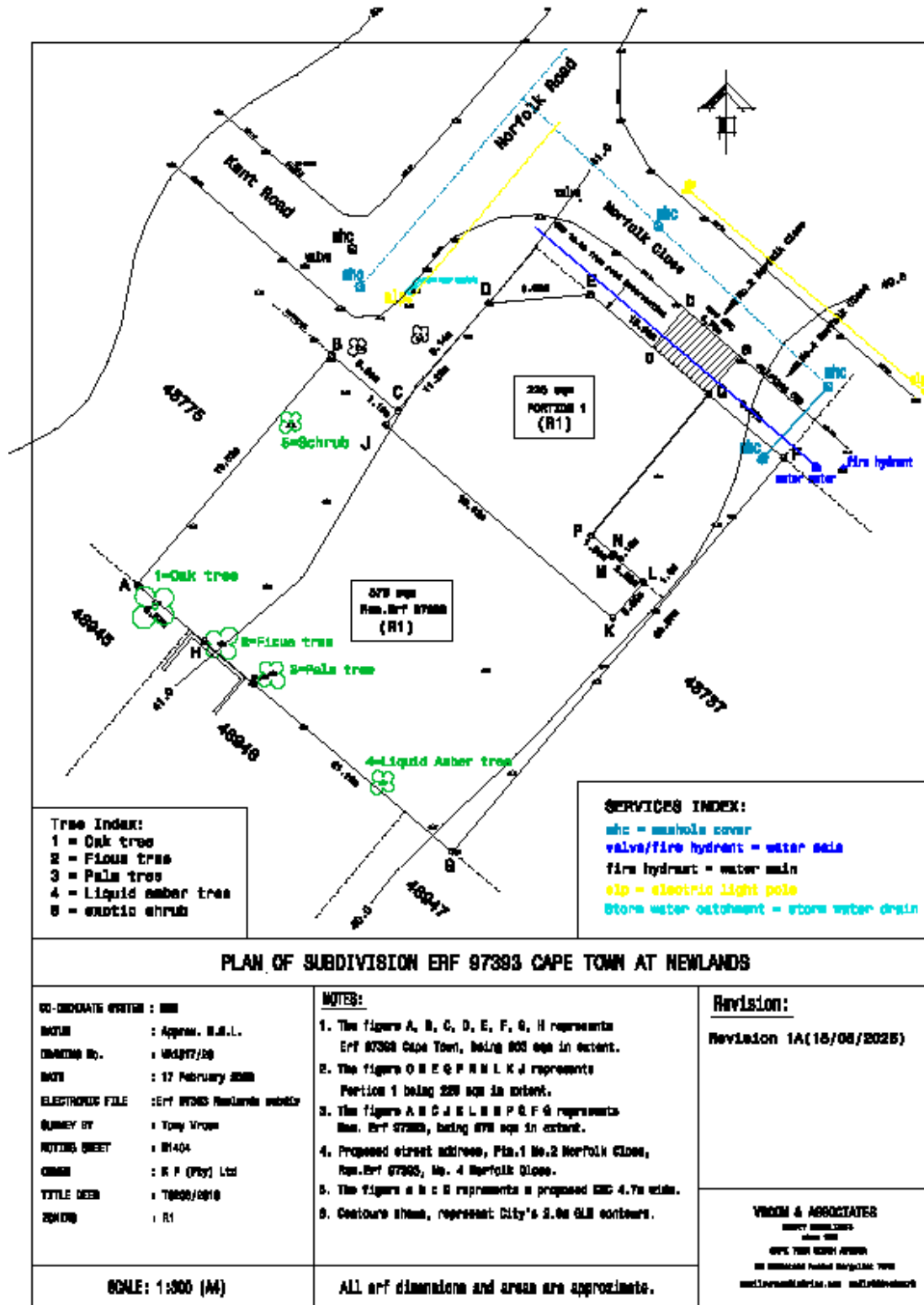
Other options include expanding the urban edge and changing the geophysical landscape, which comes with further complications regarding costly bulk service infrastructure and destroying the natural environment.

The removal of this title deed condition will not adversely affect the rights, security and the environment of the community or an individual.

Further to the removal of the title deed condition, the MBPL's 2025 DMS rules applicable to this development provides conditions under constructive Town Planning rules.

7. The Proposed Subdivision:

- In August 2020 The City of Cape Town approved a plan of subdivision and consent to remove a title deed condition T8208/2019.
- This proposal, being very similar to the previous approved one, is to subdivide Erf 97393 Cape Town into two portions. The extent of Erf 97393 Cape Town is 803sqm. The extent of Portion 1 will be 225sqm, the extent of the Remainder will be 578sqm.
- Portion 1 will require a new carriageway crossing, 4.7m in width.





- The nature of the subdivision allows for the development of new opportunities which will make use of the existing infrastructure such as services, transport and amenities.
- It is situated close to Newlands business hubs, schools, amenities, parks and hospitals.
- The additional traffic will have little, if any effect, on the existing traffic load. Off road parking, as per the MPBL's DMS rules, will be provided for vehicles for each proposed erf. The new proposed carriageway crossing complies with traffic regulations Section 140 of the MPBL's DMS rules.
- The subdivision of Erf 97393 Cape Town, should have no effect on the health and wellbeing of the existing surrounding community and should enhance the security of the area.
- This proposal, at a macro level, will contribute to addressing low densities in well located areas with good linkages to urban infrastructure and therefore contribute to viable development opportunities within the existing urban edge.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- There will be no effect on the biophysical environment, all mature trees will be protected.

9. Character of the area:

In terms of the possible impact of the subdivision on the character of the area, the following should be noted:

- Newlands is considered suitable for contextually appropriate densification as it is a sought-after area that already includes densification solutions relating mainly to subdivision and or second and third dwellings as per the MPBL's.
- The proposal is considered to add to the diversity and richness of the suburb, without negatively impacting on the streetscape and vegetation.
- It has been shown under paragraph 6 above, that similar erf sizes to the proposal exist in the area, which contributes to limiting any possible negative impact as a result of this proposal on the character of the area.
- Given the existing boundary conditions, specifically street frontage and DMS rules, it is clear that the proposal will not have a negative impact on the streetscape or character of the area.

Newlands Village:

- The subject property lies outside of the Newlands Village area, which is further north, that has a different character to this area.
- Building plans have already been approved for Erf 97393 Cape Town and the existing house has been demolished by authorised permits.

10. The City's Municipal Spatial Development Framework policy 2024:

The following objectives in MSDF 2024 are clearly supported by this application.

The City of Cape Town has limited land with regards to further development due to being locked in by the mountain and the sea. This development supports the strategy of inward growth by further developing inner core nodes of the City.

By redeveloping an existing land area that has available service links and shorter transport corridors, reduces the carbon emission.

The development helps the local economy grow.

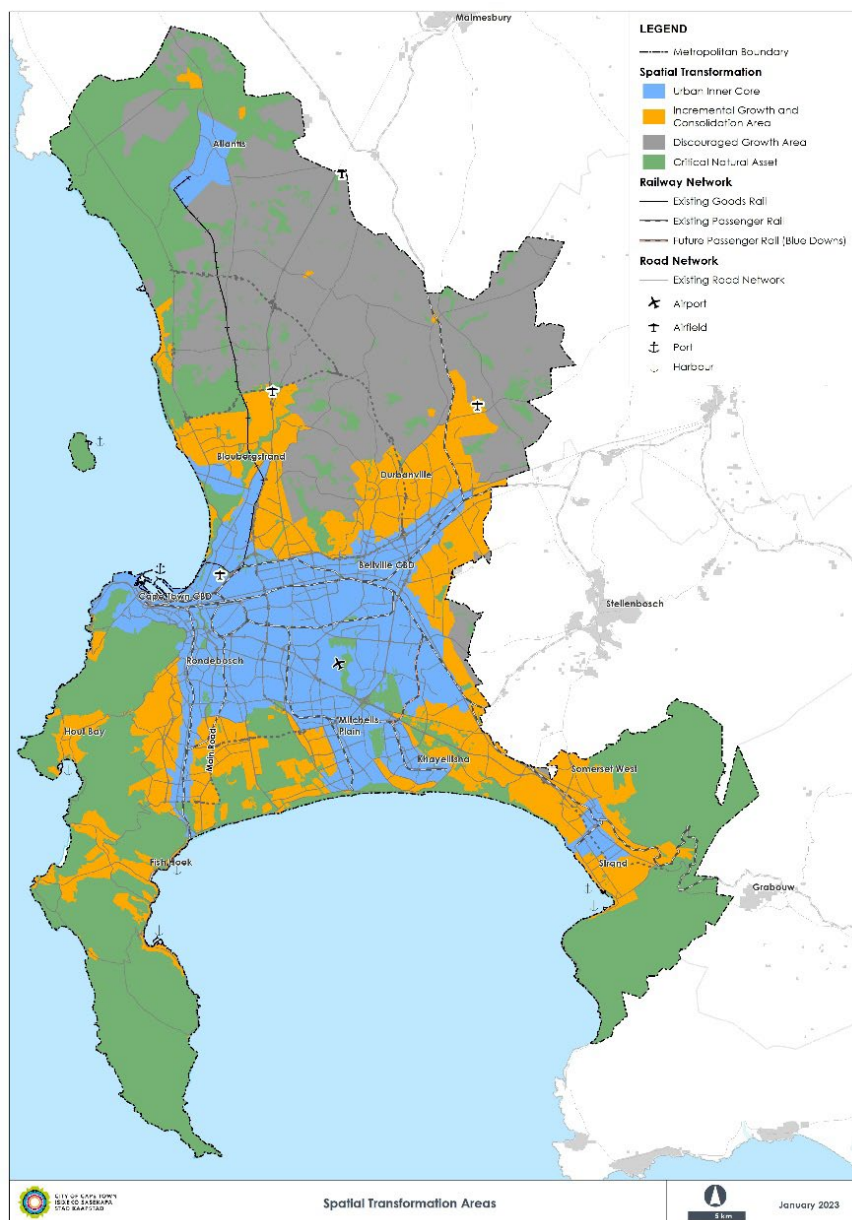
The City's map indicating spatial transformation areas highlights the City's inner core for upscaling urban densification. See the City's Spatial Transformation Area map below. The blue area indicates the urban inner circle.

In context of the MSDF Policy 2024 the following is relevant with respect to the proposed subdivision;

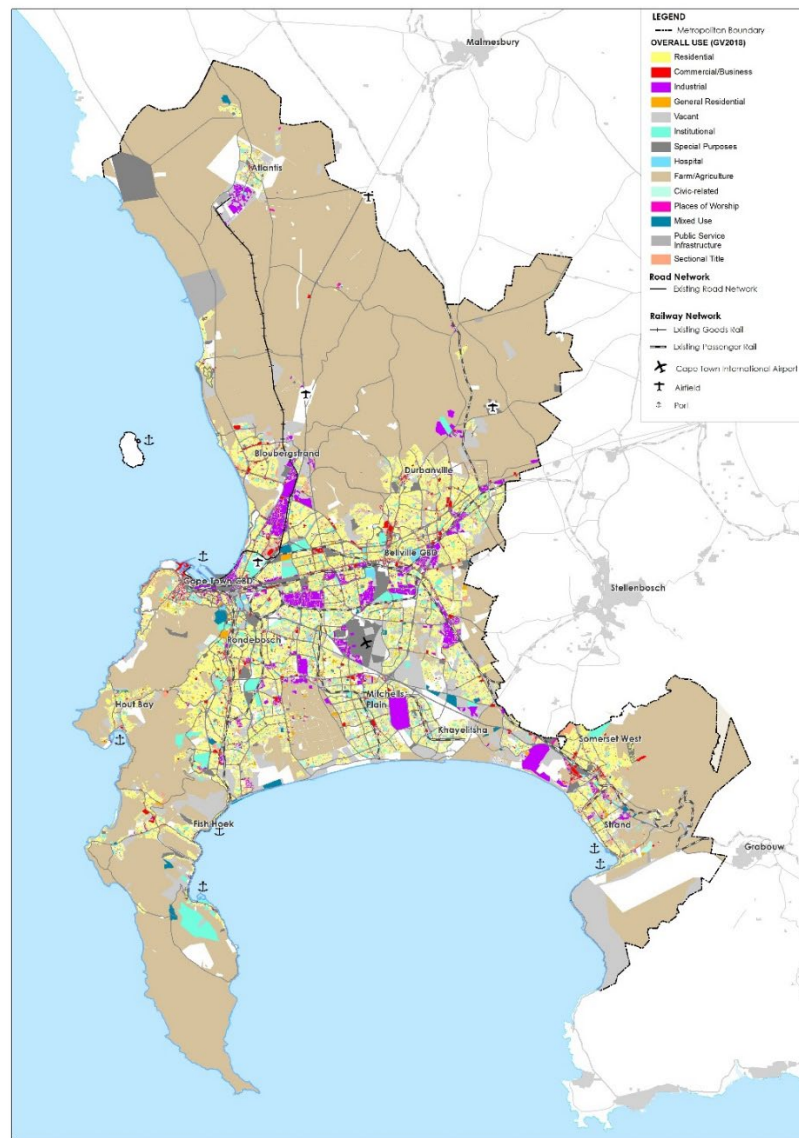
- Will the subdivision change the streetscape? Under paragraph 6 above we have inserted a plan showing that the proposed subdivision is in character with the surrounding erf sizes, aligning itself with Kent Road.
- The further densification of the subject property is in line with the City's densification policy, as mentioned in the Southern Structure guidelines, this area is marked for further densification.
- Newlands Village is protected by a heritage overlay zone. The subject property is however outside this overlay zone, and HWC issued a permit for the demolition of the house. The new build will be in character and align itself with the existing fabric.
- All existing mature trees will be retained and existing shrubs along the north western boundary will also be retained. Further planting of new species will be encouraged to increase the bio-diversity umbrella of the area.

- The permeable material will be similar as existed before. This is clear in the coverage of the development which will only be approximately 15sqm greater than before. The coverage area is also well below the allowable percentage as indicated in the DMS rules.
- As mentioned on page 10 the visual impact will be of a low order. The double storey dwelling will be well below the allowable height of 9.0m. Further, the subject property is at a low point in Kent Road, and the development has been set back to the south eastern boundary, thereby averting overlooking features.
- The infrastructure capacity in the area will have a minor load on the existing system as the housing units per hectare in this vicinity is at a low ratio. Access will be via Kent Close. Presently there is one existing CWC.

The spatial development plan below indicates that the area shaded in blue is the urban inner circle, identified for further infill density.



The proposal falls within a City desirable residential area. See City plan below.



The City's plan for encouraging more residential opportunities in a vertical and horizontal direction within the urban core is being supported by this application. This area is not zoned for high rise flats but has the potential for horizontal expansion. This means that single residential dwellings have the potential to carry out infill.

This development is close to existing public transport, economic hubs and social facilities.

This development is well situated within an area that has bulk services, thereby having little demand on the City's financial resources that can be better used in the more informal sector.

The proposed development is within the existing urban and coastal edge, thereby creating less stress on the biosphere.

This application supports the **Integrated Development Plan (IDP)(2022-2027)** for the following reasons.

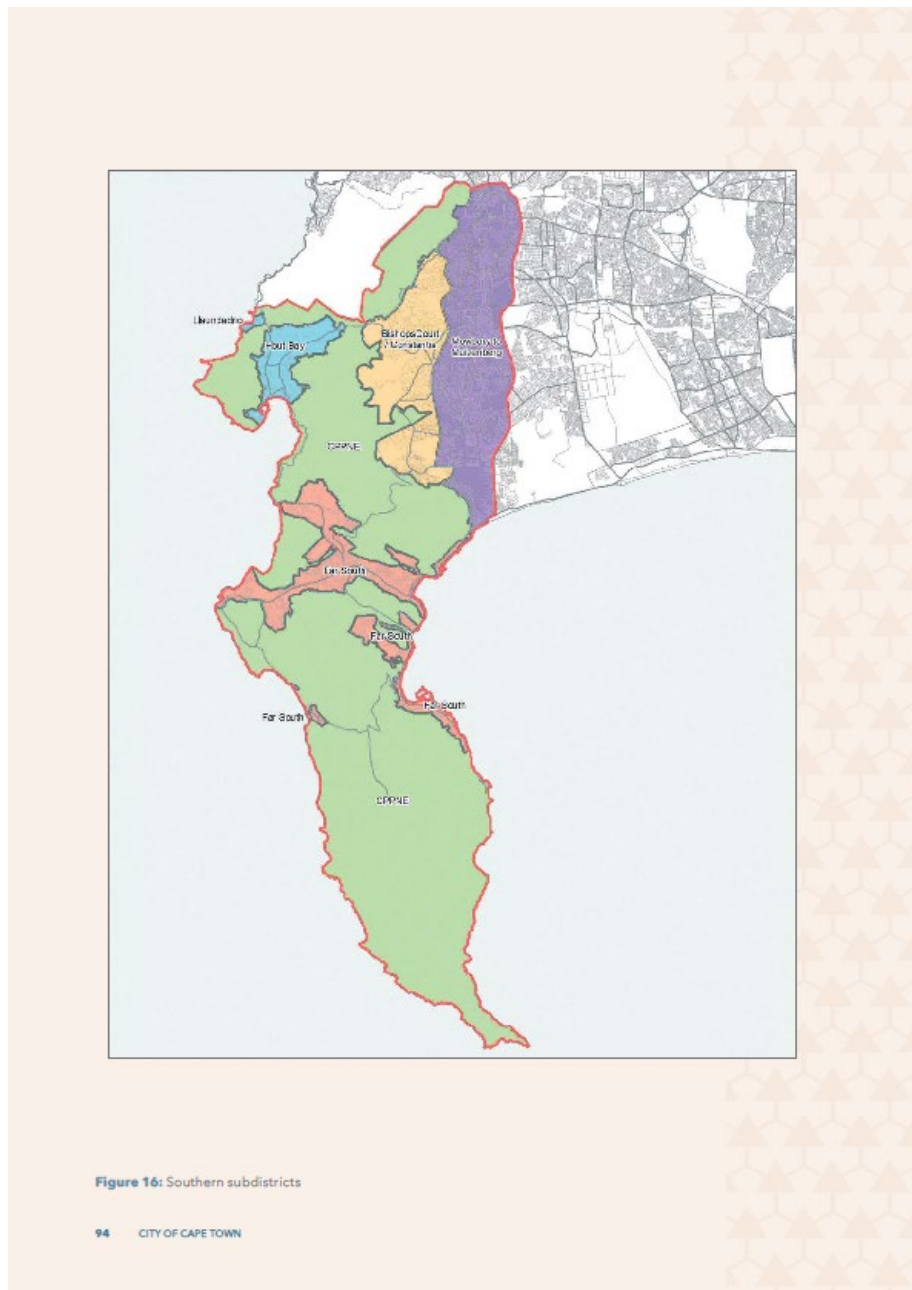
This development is in line with the City's vision of a prosperous, inclusive and healthy City. Economic growth is therefore an essential component of this vision. One of the important aspects of this vision is one of housing needs. The lack of adequate housing is an urgent concern that affects the City's health and well-being. Proposed developments like this application, support and accelerate the building of additional homes. The development will also accelerate jobs.

This application is in clear support of The Southern District Plan by supporting the intensification of development in infill sites within the existing urban inner core. This proposed development facilitates opportunities within an existing area where large properties can be re-developed, reducing the demand for housing.

The proposed development will be designed within the MPBL's DMS rules incorporating appropriate architectural design. The architectural design will endeavour to incorporate measures to help reach zero carbon goals by reducing demand on water and electrical energy. The sites green aspect will be maintained thereby having very little effect on the biosphere. The development will not displace any existing jobs from functioning economic areas which is in line with the vision of The Southern District Plan.

This proposed development aligns itself with the vision of the **Southern District Plan Substructures.**

This development falls with the corridor Mowbray to Muizenberg (area coloured in magenta), see City plan below.



This development must be seen in a context of a minor housing infill, and not a large development that requires multiple development guidelines that affect the environment, biodiversity, Transport, Services loading, social upliftment and housing for the formerly displaced.

The development falls within a subdistrict corridor, in this case Mowbray to Muizenberg and falls within a further subarea with different characteristics. In this case Newlands Village. Erf 97393 Cape Town however, falls out of the demarcated area high lighting Newlands Village and its characteristic environment.

In support of the subdistrict corridor the following must be noted;

- This area is highly developed, which favours further housing infill.
- This area is highly accessible for all communities, with its interlinking social, economic and environmental dynamics.
- This area has been marked for increase in development with low impact housing. This is what this development is providing.
- This area is within 500m to 1000m of integrated transport systems, economic hubs and outdoor facilities.
- This area falls outside the 'Newlands Village', and HWC has provided a permit to demolish the existing house being of a different character.
- The development is of a low impact nature, being similar to surrounding housing, and the height and footprint have been kept well within the MPBL's 2025 DMS rules, to significantly lower visual impact.
- The double storey dwelling will have a minor incursion on overlooking views. However, the subject property is at a low point in Kent Road and is on a downward slope, thereby mitigating the effect of invading existing privacy.
- All mature trees on the subject property will be retained.
- The access points will be via the original CWC, and an abutting widening of this CWC will be required. Only 2 other houses face Kent Close and the traffic impact will be minor to none at all.

The above comments clearly indicate that the development meets the criteria of the Southern District Plan substructure guidelines.

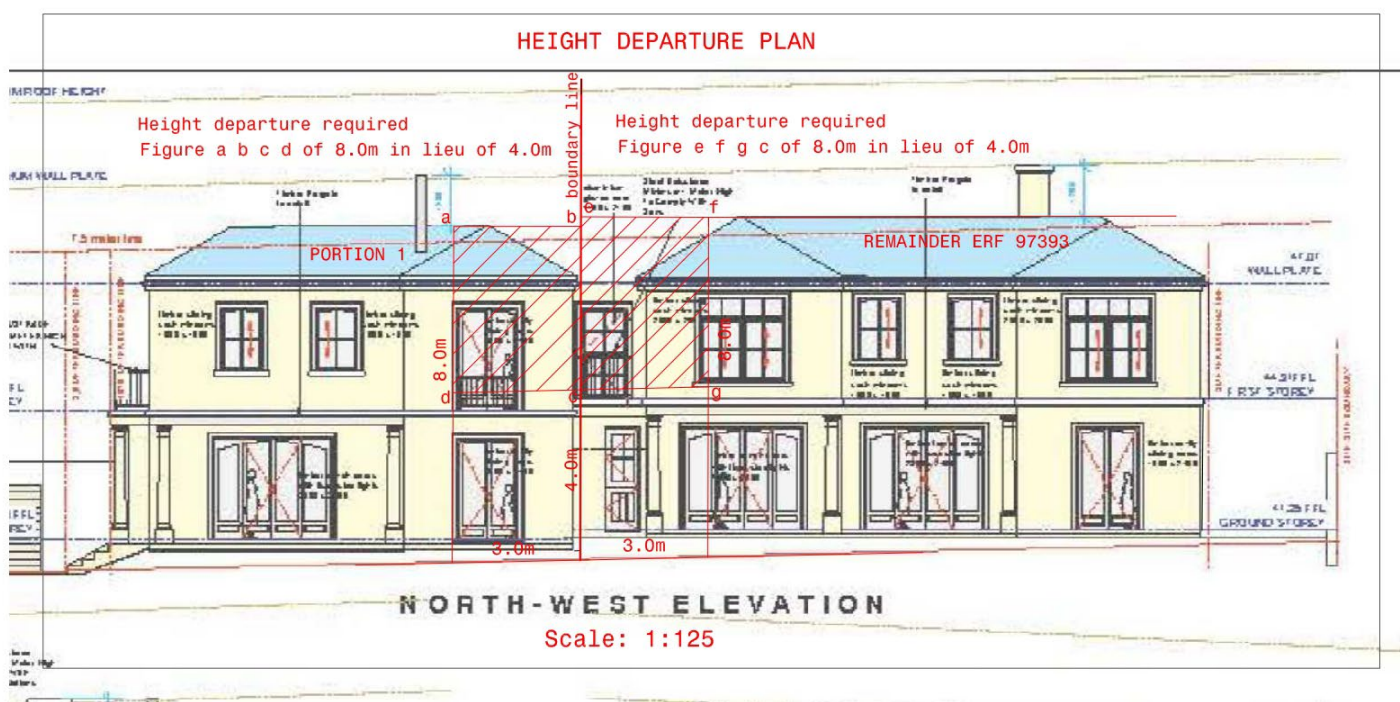
This application supports the **City's Densification Policy document 2013**, for appropriate densification across the City in order to promote longer-term sustainability of Cape Town's natural, urban and rural environments. With reference to the policy document the proposed development clearly follows the City's densification policy by;

- Making economic use of valuable non-renewable resources.
- Supporting the existing public transport system.
- Making the City more equitable.
- Facilitating economic opportunities.
- Improving housing patterns and choice of house type.
- Contributing to urban place-making and improving safety.

11. Departures:

In terms of the MPBL's 2025 DMS rules;

A height departure in terms of rule 22c(ii) of the development rules is required of 8.0m in lieu of 4.0m for both Portion 1 and the Remainder of Erf 97393 Cape Twon.



The impact of this departure is minimal. The high density that exists in this area of double storey buildings does not make this exceptional or unusual in this area. It will also not deviate much from the existing visual impact. The image is a clear view of the prevailing houses in Kent Road.

Architectural site plan of a property at 1291 NORFOLK CLOSE. The plan shows a large rectangular building with a 'STORE' section and a 'YARD' area. A red line indicates the 'Street building setback line departure of 1.291m in lieu of 3.5m'. The plan includes various dimensions, room labels like 'GUEST WC', 'SCULLERY', and 'ENTRANCE', and features like 'EXISTING M.H.', 'GARAGE DOOR BY OTHER', and 'MUNICIPAL LINE'. A large red 'The' is overlaid on the plan.

The street building setback line departure should have little or no effect on the neighbouring properties, as many properties already have built garages on the street boundary setback line. It therefore follows previous departures granted.

12. Impact on Existing Rights:

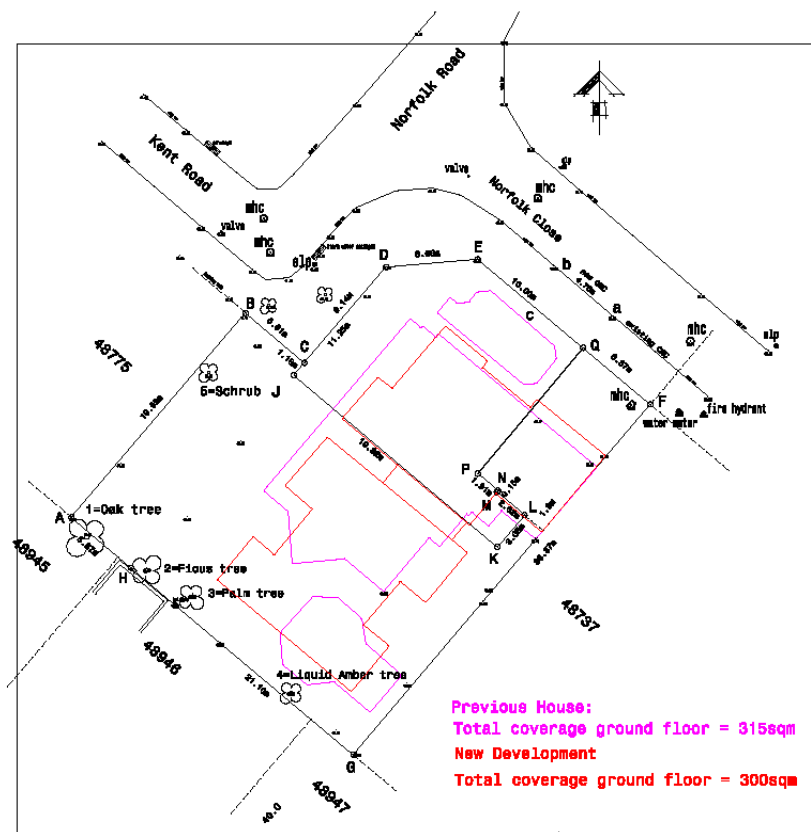
Erf 97393 Cape Town is not situated within a minimum erf size overlay plan. Given the support and clarification under paragraph 9, this proposal will have a limited, if any impact on the existing rights of the surrounding property owners. It is essential that this proposal and required planning application be seen in context of the subject properties existing rights, and considering these rights, the minor impact of the planning applications required.

It is therefore believed that this proposal will have a positive impact on the area and the surrounding property owners, as well as positively contributing to fulfilling the aims of the Council's Densification Policy.

The subject property area of 803sqm, had one dwelling on it, which is in strong contrast to the neighbouring erven where dwellings mainly exist on approximately 200sqm erven. Creating further bulk on the subject property is in no way detracting from the existing fabric, but will exist in harmony within it.

The new build is well below the allowable height of 9m, reaching just below 8.0m.

The following must be considered, what impact may the development of the new dwelling have when compared to the previous dwelling (now demolished). The previous building built upon envelope occupied a similar area to the new development. As can be seen from the plan below, the previous area was approx. 315sqm and the new development area is approx. 300sqm. This does not include uncovered paved areas. The impact of the new development can therefore be considered to be of minor change in existing circumstances.



The new dwelling will in no way take away the right to property or access to housing. Surrounding properties are governed by the MPBL's DMS rules, which are in essence the prevailing existing rights, from which this development does not deviate. With reference to the MPBL's 2025 DMS rules the new development is completely within regulation. The following land use development rules are all within required limits;
Floor factor, is $1.0 \times \text{erf area } 225 = 180\text{sqm}$ and $1.0 \times \text{erf area } 578 = 434\text{sqm}$.

Maximum floor space is not applicable

Coverage, erf area 225 = 180sqm, as-built = 128sqm (57%) allowable 80%.

erf area 578 = 434sqm, as-built 242sqm (42%) allowable 75%.

maximum height is 9.0m, as built 7.8m.

and building setback lines are 3.5m and 3.0m which buildings comply with.

The rights of neighbouring properties in terms of the MBPL's 2025 are therefore not being inhibited in any way.

Table 1(a) Summary of land uses and development rules for Residential Zoning 1: Conventional Housing (R1)

LAND USES	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
						Street boundary	Common boundaries		
PRIMARY USES Dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights	>2 000	N/a	1 500 m ²	N/a	10,0 m	6,0 m	6,0 m	N/a	Window and door placement, Garages, carports and outbuildings, Parking and access
	>1 000 up to 2 000	N/a	1 500 m ²	N/a	10,0 m	4,5 m	3,0 m		
ADDITIONAL USE RIGHTS Second dwelling third dwelling; Home occupation or bed and breakfast establishment or home childcare, filming (Items 21(b)(ii) and (vi) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m ²), place of instruction (with not more than 34 children)	>650 up to 1 000	N/a	1 500 m ²	N/a	10,0 m	3,5 m	3,0 m		Additional use rights: home occupation, bed and breakfast establishment, second dwelling, third dwelling, supplementary dwelling unit, affordable rental flat, small-scale wind turbine, place of instruction and home childcare
	>350 up to 650	1,0	N/a	75%	9,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 1,5 m rear		
CONSENT USES Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house, electric vehicle charging station, small-scale animal care centre, chancery, boarding house, ground-mounted energy system, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m ²), informal trading and veterinary practice	>200 up to 350	1,0	N/a	80%	9,0 m	1,5 m	0,0 m		
	≤200	1,0	N/a	80%	9,0 m	1,0 m	0,0 m		
		Refer to Item 22(a)	Refer to Item 22(b)	Refer to Item 22(h)	Refer to Item 22(c)	Refer to Item 22(d), 22(e) & 22(eA)	Refer to Item 22(d), 22(e) & 22(eA)		

The following comments are in support of the existing rights:

- This development supports the strategy of inward growth by further developing inner core nodes of the City.
- This area is not zoned for high rise flats but has the potential for horizontal expansion.
- The proposal is considered to add to the diversity and richness of the suburb, without negatively impacting on the streetscape and vegetation.
- It can be argued that the neighbourhood will maintain its old character within the new build, the existing house that was demolished was not in character with the historic architecture of the area.

- It has been shown under paragraph 6 above, that similar erf sizes to the proposal exist in the area, which contributes to limiting any possible negative impact as a result of this proposal on the character of the area.

The aerial view below is a clear indication that the proposed subdivision and development is in harmony with the existing and surrounding township development.



13. Servitudes:

There are no requirements for servitudes.

14. Engineering Services:

Erf 97393 Cape Town has existing connections to the City's fresh water supply, electricity and sewerage lines. The proposed development will comply with the City Engineers Department criteria regarding all new connections in order to service the development and be subject to the DC levy. To this effect we reference the approved building plan for this site (approval number 0028764).

15. Vegetation & Storm Water Drainage:

There are very few trees and vegetation on this site. The trees are marked on the proposed plan of subdivision. The following trees exist on site, 1 x Ficus tree, 1x Palm tree and 1x Liquid Amber tree. A large old Oak tree is situated in the neighbour's property, however the bulk of the umbrella of the Oak tree protrudes across the subject property. The remaining north western boundary has a covering of medium size shrubs. The existing biosphere will remain and further planting could enhance the greening of the site. See aerial view extract below.

The additional stormwater runoff will be of a manageable volume, and can also be maintained on the properties, by using water saving devices.



16. Solid Waste:

Solid waste will be disposed of in the normal manner. The increase in solid waste should have no effect on the present service capacity.

17. Access (ingress and egress) for the proposed subdivision:

A new carriageway crossing 4.7m wide is required for Portion 1. Access for the Remainder of Erf 97393 Cape Town, will also be via Norfolk Close by using an existing CWC. All carriageway crossings will comply with Section 140 of the MPBL's.

18. Traffic Impact:

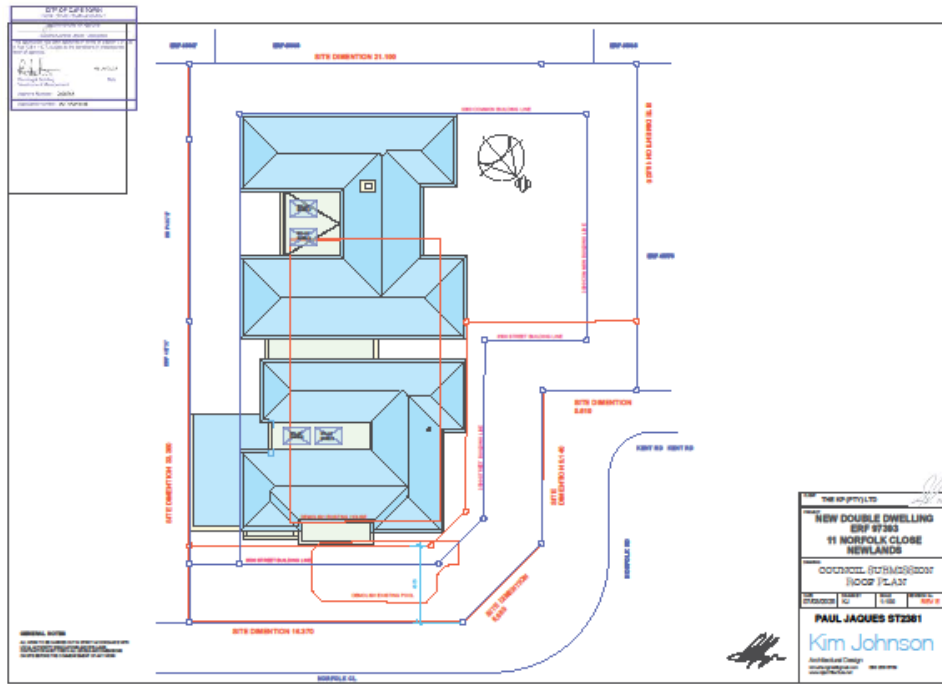
Access to good fast transport facilities is a problem facing the City of Cape. However, the problem is less of a priority within the formal housing sector nodes. Access to economic hubs from the subject property is easily accessible. The increased traffic impact on Kent and Norfolk Road, will add a low level of increased load bearing on the existing traffic in this area. Off street parking will be provided as per Section 137 of the of the MPBL's DMS rules.

19. Proposed street address:

The following street address is proposed;
Portion 1 will be No.2 Norfolk Close.
The Remainder will be No.4 Norfolk Close.

20. Site Development Plan (SDP):

The approved Architects building plan (No.0028764), application number 001700549188, dated 8 July 2025 is attached to this application. The approved architects plan clearly complies with Building Development Management regulations.



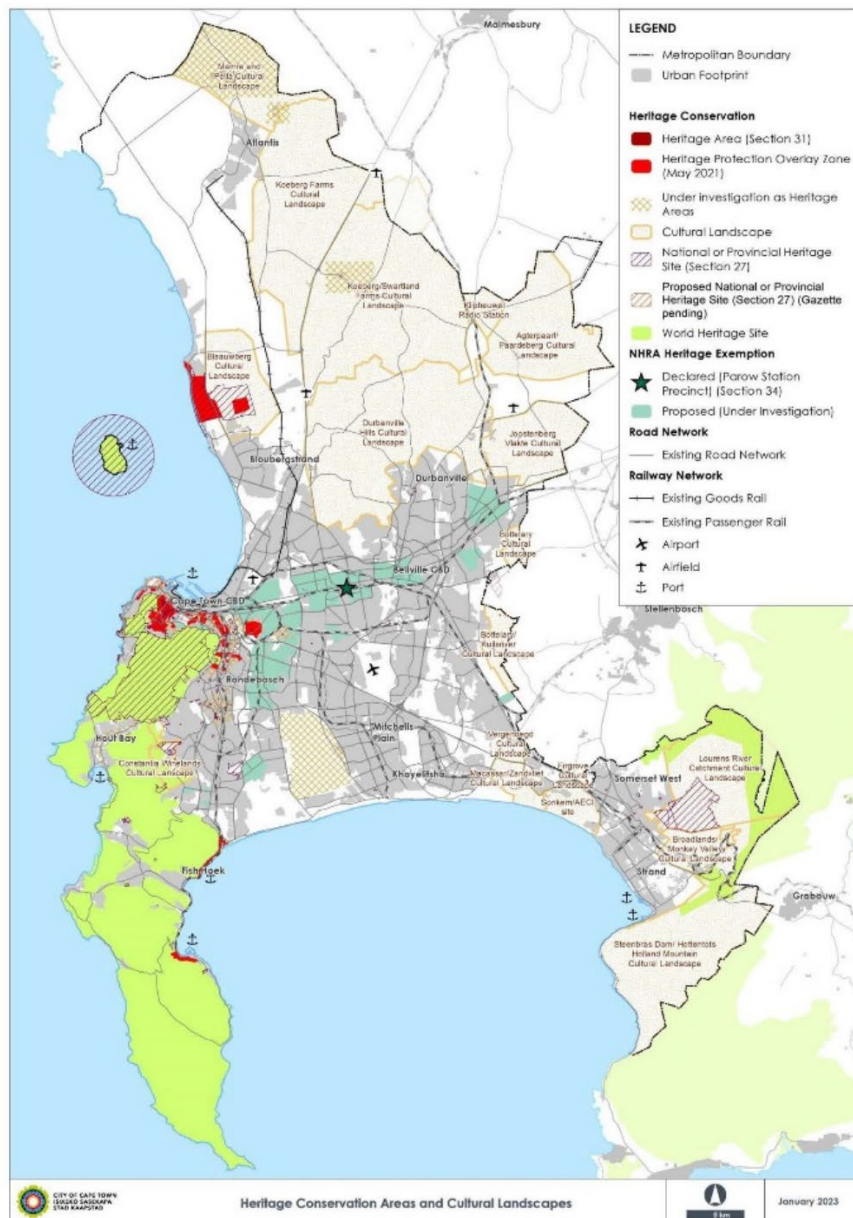
Both new dwellings comply with the building height of 10,0m above existing ground level (egl) to top of building, being approximately 7.8m above egl. See the extract of the approved building plan below.



21. Heritage:

There is no heritage overlay plan with regards to this area of Newlands where the subject property is located. It falls just outside the area referred to as 'Newlands Village', which has its own characteristics. HWC issued a permit for the demolition of the existing dwelling (already demolished). The previous dwelling had its own characteristics that did not meet the criteria of the quaint Newlands Cottages nearby.

Map 5f: Heritage considerations (conservation areas and cultural landscapes)



The City of Cape Town's Heritage conservation areas and cultural landscapes plan indicates existing heritage overlay zones.

Heritage Western Cape approved the total demolition of all the existing buildings, see permit under paragraph 18.

22. Demolition:

The existing buildings have been demolished.

Below is the demolition permit from the City of Cape Town and Heritage Western Cape. The buildings were demolished within the stated timeframe.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT

To the Applicant

3 July 2025

Dear Sir/Madam

APPLICATION TO DEMOLISH THE BUILDING(S) APPROVAL OF BUILDING PLAN NO: 1700586634 on ERF: 97393 AT 11 KENT ROAD, NEWLANDS

You are hereby advised that permission to demolish the building(s) at the above premises is granted in terms of Regulation E1 of the National Building Regulations and Building Standards Act, No 103 of 1977, subject to the following conditions:

1. The provisions of Regulations F1: Protection of the Public; F2 Damage to Council's Property; F6: Control of Dust and Noise; F9: Cleaning of Site and F10: Builders Sheds and F11: Sanitary Facilities are to be strictly complied with.
2. With regard to Regulation F1, should a hoarding be required around the site for the protection of the public, a hoarding permit must be obtained prior to the commencement of the demolition.
3. With regard to Regulation F6 the noise levels prescribed in the Regulations set out in Provincial Notice No 627 of 1998 must be complied with.
4. With regard to Regulation F9 any spillage of debris onto the footway or roadway is to be cleaned up immediately.
5. Your own arrangements are to be with the respective Service branches with regard to the disconnection of water, electricity and the sealing of the sewer lines.
6. You are responsible for maintaining the safe flow of traffic, both pedestrian and vehicular, past the site to the satisfaction of the Chief Traffic Officer.
7. This permit is only for the demolition work and it does not permit any building work nor any excavations.
8. This permit is valid for a period of **six (6) months** from the date of issue.
9. No work may commence on site until the requirements of the Occupational Health and Safety Act (Act 85 of 1993) and Section 141(1) of the Municipal Ordinance have been complied with.
10. **This permit does not relate to overall clearing of site / trees and should be considered as a separate application.**

Any conditions imposed by Heritage Western Cape and by the Environment Resource Management branch are deemed to form part of this permit and are to be read in conjunction with the above conditions

Please note that, if found necessary, further conditions can be imposed in terms of Regulation F1(5).

Kindly note that, in terms of Regulation A22, no work in connection with the demolition may commence unless written notice of intention to commence with the demolition has been given to Council. Such notice shall be given at least 10 days (exclusive of a Saturday, Sunday or public holiday) prior to any such demolition commencing. (Demolition intention notice attached).

Please note that the Building Inspector must be notified when the demolition work is completed and he must be provided with proof of all weighbridge certificates as per the approved Integrated Waste Management Plan.

Yours faithfully,

Robert Batha...
for DIRECTOR DEVELOPMENT MANAGEMENT.

Our Ref: HW/CAPE TOWN METROPOLITAN/NEWLANDS/ERF 97393
Case No.: HWC24111918XM1121
Enquiries: Xola Mwandile
E-mail:
Tel:

Heritage Western Cape
ILibho leMveli iNtshona Kelaoni
Eriyisi We-Kapa
Heritage Western Cape

Claire Abrahamse | Wale Street Chambers, 38 Wale Street, Cape Town 8001

PERMIT
CASE NUMBER: HWC24111918XM1121
Issued in terms of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2008)
This permit is valid for three years from the date of issue

Proposed Action: Total Demolition
Site: Erf 97393, 11 Norfolk Road, Newlands
Graded: Not Conservation Worthy

Permit issued in accordance with drawings:
No: Unnumbered_Rev A
Dated: January 2025
Drawings prepared by: Kim Johnson Architectural Design

APPROVED
24 January 2025

Conditions applicable to this permit:
1. Work to be done in strict accordance with the HWC stamped drawings.

NOTE:

- This decision is subject to an appeal period of 14 working days. Kindly note that the appeal period is calculated from the date indicated on the HWC date stamp, which is the date the appeal is sent, and not the date of signature.
- Appeals to HWC are to be submitted to HWC.Appeals@westerncape.gov.za
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the applicant to confirm that the appeal has been received within the appeal period.
- Work may NOT be initiated during this 14 day appeal period.
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- An HWC STAMPED PLAN must be present on the site at all times and must be produced on demand by any heritage inspector, building control official, or any person duly authorized to do so.
- A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.

Should you have any further queries, please contact the official above and quote the case number.

[Signature]
Waseefa Chanany
Assistant Director: Professional Services

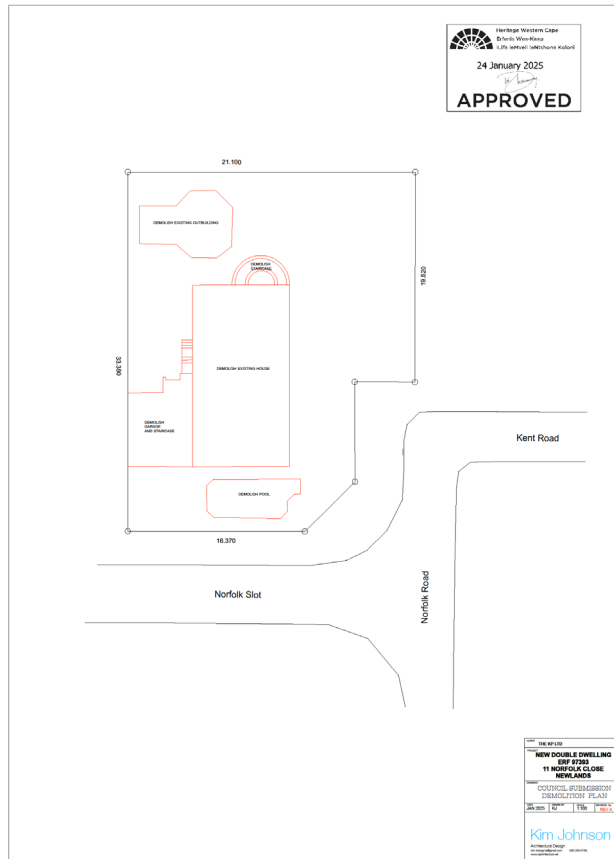
www.westerncape.gov.za/erf

Street Address: Erf 97393, 11 Norfolk Road, Newlands, Cape Town 8001 • Postal Address: P.O. Box 2055, Cape Town, 8001
Tel: +27 (0)21 462 1111 • Email: erf@westerncape.gov.za • Fax: +27 (0)21 462 1112

Transmitters: Under conservation status: Conservation Category: Grade 1 (C1) • Antiquities: None • Archaeological: None • Cultural: None • Historical: None • Scientific: None • Social: None • Spiritual: None • Other: None

Other: Heritage Western Cape is a member of the South African Heritage Resources Council (SAHRC) and is a member of the International Council on Monuments and Sites (ICOMOS).

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23. Requirements in terms of Section 99(2) of the MPBL's2025:

The application must be considered for approval for the reasons set out below.

- MSDF 2024 guidelines are clearly supported by this application, including the guidelines of the Sothern District Plan, IDP (2022-2027) and the Densification Policy 2013. See under paragraph 7.
- The application complies with relevant criteria contemplated in the DMS. All necessary documents as required by the City are submitted with the application and the proposal should be considered desirable when assessed in terms of the adjudication criteria.
- In terms of applicable policies and strategies:
The proposal follows the City's approved Densification Policy 2013. 'Densification is considered a necessary step to sustain and improve the valuable natural, urban and rural environments of Cape Town. This development must be assessed with a view to the general land use character of the area and how it fits into the surrounding environment. The terrain is of a flat nature and by the DMS height rule views will be of a similar nature without impeding on each other and neighbouring properties. The proposal is situated near to the Newlands & Claremont business district and all its available amenities, such as the business centre, schools, hospitals and entertainment facilities.
The proposal is consistent with the Economic Growth Strategy as it ensures that growth is environmentally sustainable in the long term by densifying not only existing urban areas, but areas such as the subject property.
- The proposed development is considered desirable in terms of paragraph 6.
- Impact on existing rights.

This application will not impact negatively on the existing rights of the public or the surrounding property owners, for the following reasons;

- The subdivision of Erf 97393 Cape Town, which was previously approved, is not introducing a new proposal but is in keeping with the previous application which has lapsed.
 - The property is well located in terms of access to good economic, institutional, social and recreational facilities and a major transport infrastructure.
 - It will provide much needed housing opportunities for the greater community.
 - There is reliable existing municipal engineering infrastructure.
 - Densification facilitates the gradual restructuring of the City which is vital in terms of social, economic and environmental sustainability.
 - Developing available land and providing more residential opportunities is in the interest of the general public and the City of Cape Town.
 - The subject property does not form part of an overlay zone which prescribes a minimum erf size for the area. The proposed erf sizes are in keeping with other erf sizes in the area.
- (f) The scale and design of the proposed subdivision is in harmony with the existing environment.
- As can be seen from the approved building plan the building massing will clearly not overwhelm the neighbouring houses.
- The impact of the development is clearly in partition with the existing environment.
- (g) Section 7 SPLUMA principles.
- The proposal provides equitable access to land opportunities.
 - The proposal makes use of efficient land use, is environmentally responsible limiting urban sprawl.
 - The proposal makes optimal use of land, existing infrastructure and resources.
 - The proposal is able to adapt to possible climate change, economic shifts and is removed from disaster areas.
 - This application adheres to the requirements of the MPBL's 2025 and should be considered for approval.

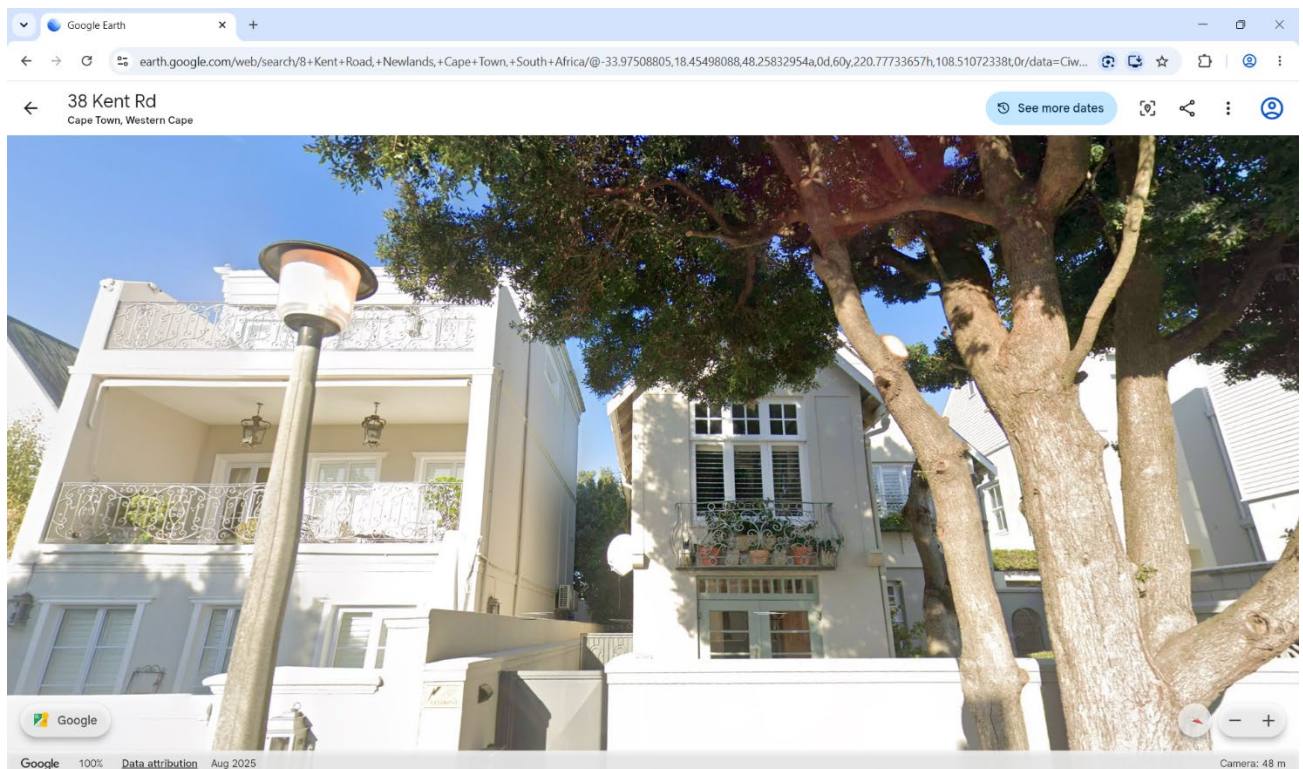
24. Requirements in term of Section 99(3) of the MPBL's 2025:

- (a) **The socio-economic impact** will be positive. The proposal will enable residential densification and land use intensification which will enable the more efficient use of the land. Land for development has become a scarce resource throughout the City. This development will enable more families to reside in this area, and enjoy the existing infrastructure, whether it be the environment, the recreational lifestyle or the available facilities.
- (b) **Compatibility.** The proposal is compatible with the surrounding uses. Most of the properties in this area are zoned R1 (Single Residential). The proposed erf sizes are also in line with the average sizes found in the area.
- (c) **External engineering services.** There will be a minor impact on the existing external engineering services. The application will be circulated to the relevant services branches for comment. The developer will be issued with a DC levy in line with the City's engineering requirements for this development.
- (d) **Impact on safety & health.** There will be a positive impact on the safety, health and wellbeing of the surrounding community. Sensitive densification will enable more people to reside in the area which will increase safety by surveillance. This in turn will reflect on people's health and wellbeing.
- (e) **Impact on heritage.** The subject property does not fall within a heritage overlay area.

- (f) **Impact on biophysical environment.** There will be no negative impact on the biophysical environment. The activity does not trigger any approvals required in terms of the National Environmental Management Act.
- (g) **Traffic, parking and access impact.** There should be no negative impact on traffic, parking and access. There is enough capacity to deal with the additional traffic load. All new access points and off-street parking requirements will adhere to the City's MPBL's Section 137 of DMS rules.

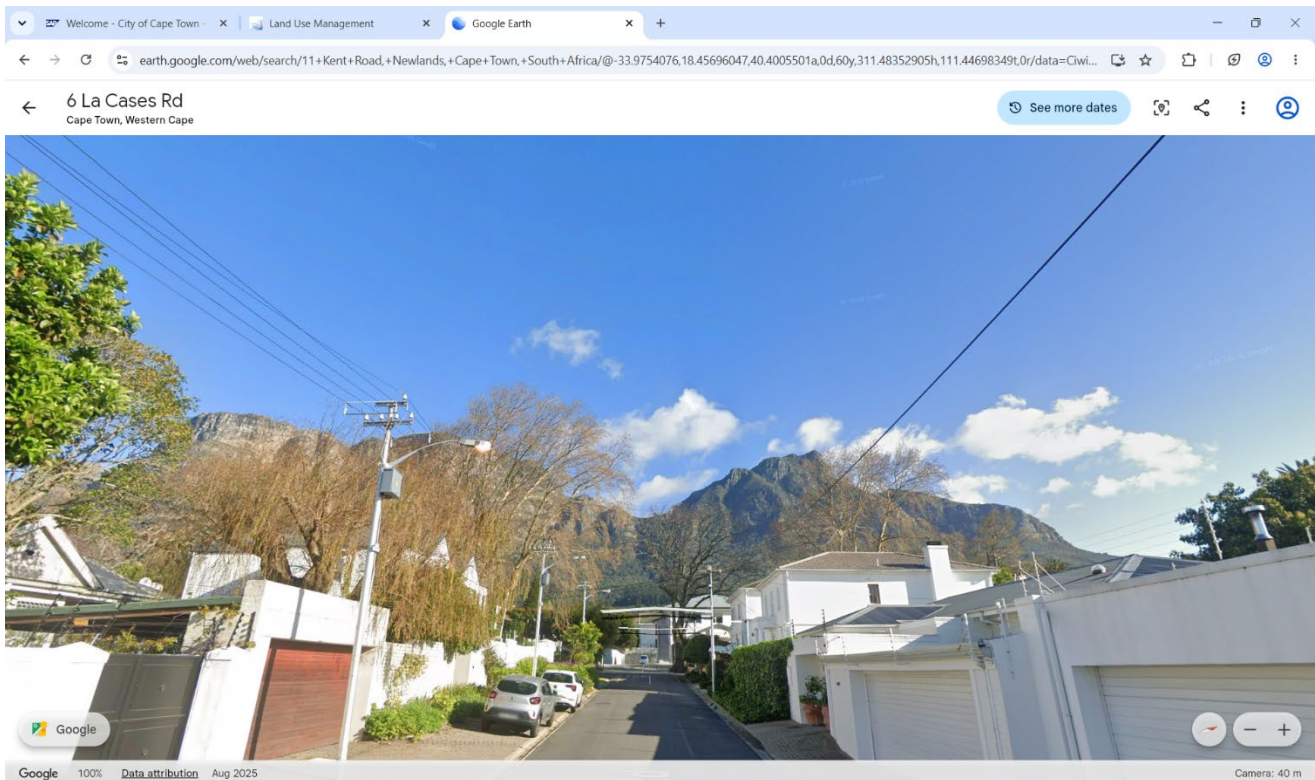
25. Visual impact:

With reference to whether this development will impact on the visual aspect on surrounding properties, the image below clearly indicates that most of the properties in Kent Road are double storey.



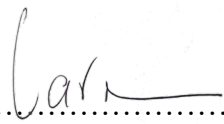
The proposed structure will have an effect on the property abutting on the North West boundary. However, the proposed development has been setback to the rear of the subject property thereby limiting the overlooking structure. See the attached approved building plan. The South Eastern boundary has an open field facing it, being used by Grove Primary School as a sports field.

From the image below it can be seen that similar properties have the same visual impact, if not worse on the area.



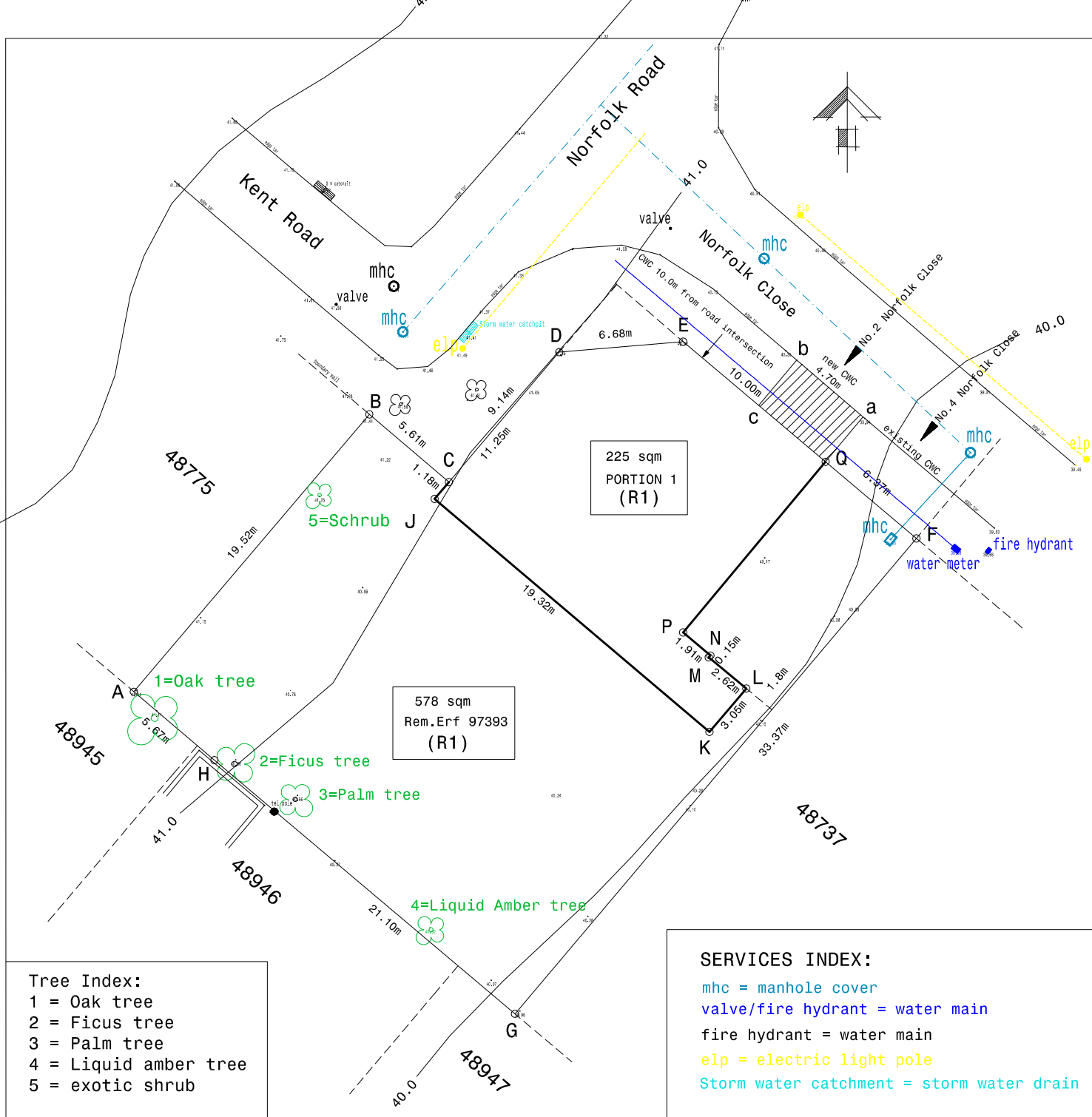
26. In Summary:

- The proposed subdivision of Erf 97393 Cape Town, will not negatively impact on the existing rights, health and safety of surrounding properties.
- The proposal will have a low level of impact on the existing road and traffic network.
- The proposed subdivision will improve the use of existing land and make further residential opportunities available leading to better spatial development.
- The proposed subdivision will have no financial implications or loss to any other party.
- The proposed development falls within the densification plan for the City.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- The proposal does not fall within a minimum erf size or heritage overlay zone.
- This application satisfies criteria for Section 99 of the MPBL's 2025.
- This proposal is compliant with the principles of SPLUMA.
- The subject property already has an approved building plan.
- The removal of the title deed condition has been reviewed in terms of LUPA & SPLUMA in this motivation.
- The departures requested will have a minor impact on the socio & economic environment.
- The visual impact is of a minor nature and aligns itself with similar properties in Kent Road.
- As per the application submitted and motivation provided, the proposal complies with the requirements of the Municipal Planning By-Law's 2025 and amendments.

Leo Anton Vroom 

23/06/2026

(Registered Surveyor GTgES0638)



PLAN OF SUBDIVISION ERF 97393 CAPE TOWN AT NEWLANDS		
CO-ORDINATE SYSTEM : WGS DATUM : Approx. M.S.L. DRAWING No. : VA1517/26 DATE : 17 February 2026 ELECTRONIC FILE : Erf 97393 Newlands subdiv SURVEY BY : Tony Vroom NOTING SHEET : M1404 OWNER : TITLE DEED : ZONING : R1	NOTES: 1. The figure A, B, C, D, E, F, G, H represents Erf 97393 Cape Town, being 803 sqm in extent. 2. The figure C D E Q P N M L K J represents Portion 1 being 225 sqm in extent. 3. The figure A B C J K L M N P Q F G represents Rem. Erf 97393, being 578 sqm in extent. 4. Proposed street address, Ptn.1 No.2 Norfolk Close, Rem.Erf 97393, No. 4 Norfolk Close. 5. The figure a b c Q represents a proposed CWC 4.7m wide. 6. Contours shown, represent City's 2.0m GLM contours.	Revision: Revision 1A(18/05/2026)
		VROOM & ASSOCIATES SURVEY CONSULTANTS since 1982 CAPE TOWN SOUTH AFRICA
SCALE: 1:300 (A4)	All erf dimensions and areas are approximate.	