



CITY OF CAPE TOWN
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STAD KAAPSTAD

Case ID 1500166915

**Erf 188, 29 Plettenberg Street,
Monte Vista, Goodwod**

Development Management

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**CONSOLIDATED LAND USE APPLICATION REPORT
SUBMITTED IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL
PLANNING BY-LAWS 2025 amended**

**ERF 188 – 29 Plettenberg Street Monte Vista Goodwood
for owners**

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PROPERTY DESCRIPTION: Erf 188 29 Plettenberg Street Monte Vista, Goodwood

REGIONAL AREA : Goodwood

ZONING CATEGORY: Single Residential 1 (R1)

TOTAL SITE AREA : 694 Square Metres

FOOTPRINT : 346 Square Metres

Represents site (49.86% Total Built Coverage)

(Development Rule (R1) - 1500 square meters floor space maximum)

INTRODUCTION, BACKGROUND AND OBJECTIVE OF THE PROPOSAL

The property is currently subject to conditions referred to in Certificate of Registered Title No. _____ and further conditions imposed by the Administrator in terms of Townships Ordinance No. 33 of 1934, as contained in Deed of Transfer No. _____.

The registered property owners of Erf 188, Goodwood, hereby submits this comprehensive, consolidated land use application to unlock the modern development potential of the property.

The site measures 694 m² in extent and is currently restricted by a series of historical covenants.

The applicant seeks to regularize a modern residential layout featuring a total built footprint (existing and as-built (proposed) as depicted on the Site Development Plan) a total area of 346 m².

To successfully execute this site design, the application explicitly requests the simultaneous removal of three obsolete restrictive title conditions under Section 42(g) of the Municipal Planning By-Law (MPBL), as well as the approval of permanent building line departures under Section 42(b) of the MPBL and Restrictive Title Deed Condition Deletions /Section 42(g) and 42(j).

Precedent in Goodwood:

Most properties across Goodwood have already had these restrictive clauses removed to allow for modern multi-generational living and property upgrades.

There are numerous erven with buildings on common boundaries, carports and garages on street boundaries, second and third dwellings built on properties zoned residential R1.

Note that the existing garage building plans were approved in the year 2003 as the Municipal Town Planning Scheme permitted many such uses although the title deed conditions existed.

**DELETION OF RESTRICTIVE CONDITIONS:
EXTRACT FROM TITLE DEED – ITEM (B)**

(c): That not more than one third of the area of this erf be built upon.

(d): That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 metres the lateral boundary common to any adjoining erf.

**1. RESTRICTIVE TITLE DEED CONDITION DELETIONS -Title Deed 31025/2002
dated 29 April 2002 (Section 42(g) and 42(j))**

Conditions contained in Deed of Transfer No. _____ imposed by the
Administrator in terms of Townships Ordinance No. 33 of 1934

(I) Removal of Condition B. (c)

This condition restricts the total built coverage on the property to one-third (33.33% / 231.33 m²). The proposed footprint requires a modern, optimized coverage of (49.86%/ 346 m²)

(II) Removal of Condition B. (d)

This condition mandates a rigid, historical street setback line of 4.72 metres and mandates lateral and rear common setbacks of 1.52 metres.

The MPBL 2025 as amended allows for common building lines of 0.0 and 3.0 metres respectively and a street building line of 3.5 metres. This allows the proposed development with approved departures.

2. SPLUMA Section 42(1) (c): Integrated Development Plan (IDP) & Spatial Development Frameworks (SDF)

Compliance with Spatial Development Frameworks and Strategic Policy

In terms of Section 42(1) (c) of SPLUMA, a decision-maker must consider the extent to which the proposed land use or departure aligns with municipal planning policy, specifically the **City of Cape Town Integrated Development Plan (IDP)** and the relevant **Spatial Development Framework (SDF)**.

Alignment with the Municipal Spatial Development Framework (MSDF) & District Spatial Development Framework (DSDF):

2.1 Infill & Urban Optimization:

Both the MSDF and the District SDF prioritize contextually appropriate residential infill, spatial efficiency, and the optimal use of existing infrastructure over urban sprawl. By enclosing and integrating previously underutilized boundary areas into the main residential footprint, the proposal optimizes the existing property within a recognized residential area without altering the spatial integrity of the neighbourhood.

2.2 Scale and Character:

The proposal maintains the underlying Single Residential 1 (R1) land use and single-family dwelling character. The minor encroaching structures do not alter the broader built environment or conflict with local precinct objectives.

2.3 Alignment with the Integrated Development Plan (IDP):

a) Inclusive Economic Growth & Asset Improvement:

The City's IDP promotes sustainable property investment, upgrading of home infrastructure, and improving living quality within established suburbs. The addition of functional internal living/entertainment space modernizes the home and protects long-term property values in the area.

b) Efficient Infrastructure Usage:

Because the proposed extension and additions relies entirely on existing civil and electricity connections within private property limits, it supports the IDP's objective of sustainable, cost-effective spatial management that does not overburden municipal resources.

2.4 Conclusion on Policy Alignment:

The proposed permanent departures are fully consistent with the overarching principles of SPLUMA, the MSDF, and the City's IDP. It represents a modest, contextually sensitive enhancement to the existing residential property that supports spatial efficiency while respecting neighboring amenities.

3. MOTIVATION FOR THE REMOVAL OF CONDITIONS IN TERMS OF SECTION 47 OF SPLUMA

In terms of Section 47 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the removal of restrictive title deed conditions must be thoroughly assessed against the benchmarks of public interest, social value, and individual spatial rights.

3.1. Obsolescence of Title Deed Covenants

The 1.57 m, 4.72 m, and 1/3 coverage and setback dimensions are remnants of historic planning regulations.

These parameters were inserted by private township developers decades ago as a temporary zoning mechanism because no municipal framework existed at the time. Today, the City of Cape Town operates under the Development Management Scheme (DMS), which provides a dynamic, legally robust, and scientifically calculated framework to regulate neighbourhood scale, fire safety, and infrastructure capacity. The MPBL, spatial planning frameworks and formal town planning schemes now heavily regulate land use.

Archaic title deed conditions often conflict with or are made redundant by updated urban density policies.

3.2. Public Interest vs. Arbitrary Deprivation

The preservation of these specific clauses serves no modern public interest, protects no unique environmental assets, and adds no social or heritage value to the Goodwood suburb. Enforcing these outdated rules creates an artificial, inequitable developmental ceiling, effectively depriving the property owner of the right to make standard, safe use of a 694 m² residential plot. Deleting these clauses does not strip neighbouring property owners of any vested spatial rights, as the property remains bound by the modern density parameters of the municipal DMS.

3.3 Notice & Consultation

The application is advertised to the affected surrounding owners/beneficiaries in terms of statutory requirements.

3.4 Deprivation of Rights

The removal does not unjustifiably infringe upon or deprive any party of real rights without due administrative process (PAJA).

4. MOTIVATION FOR PERMANENT DEPARTURES SECTION 42(b)

Introduction:

This consolidated application demonstrates a high degree of structural and urban planning desirability when evaluated against the strict evaluation criteria set out in Section 99 of the City of Cape Town MPBL:

4.1. PERMANENT DEPARTURES FROM THE DMS (Section 42(b)) :

a) Departure from Item 22(d) of the DMS:

To permit a lightweight, open-sided carport structure to be set back 0.82 metres from the street boundary in lieu of the standard 3.5-metre municipal street building line and a length from 6.5 metres to 8.24metres.

b) Departure from Item 22(d) of the DMS:

To permit single-storey ancillary lifestyle structures—specifically a Braai Room, a Pool House, and a Covered Verandah with a 0.2 and 0.0 metre setback setbacks respectively in lieu of the 3.0 metre building lines along all three common boundaries (lateral and rear).The carport setback of 3.5 metres to 0.86 metres. The MPBL development rules for R1 this erf building lines is 3.0 metres for common boundaries and 3.5 metres for the street boundary.

While the total footprint of 346 m² fully respects the modern 1 500 m² built floor space limit set out by the City of Cape Town for Single Residential (R1) erven of this size, it cannot be executed without clearing the historical 1/3 coverage limit and the overlapping building lines. This unified application addresses both regulatory layers.

4.2. Alignment with Municipal Spatial Policy

The expansion directly mirrors the core objectives of the City of Cape Town's Municipal Spatial Development Framework (MSDF) and the Tygerberg District Plan. These policy documents strongly advocate for context-appropriate residential densification and the optimization of property within established urban footprints. This strategy maximizes the value of existing public infrastructure, counters the negative environmental impacts of urban sprawl, and allows for flexible, multi-generational family living spaces.

4.3. Justification for the 0.86 Metre Carport Street Setback

The carport is positioned 0.86 metres inwards from the front boundary wall. It is an engineered lightweight, open-sided structure, its visual massing is negligible. The placement ensures that motorist sightlines are entirely preserved when navigating the street, and there is zero encroachment onto municipal pavements or underground

utility lines. This design provides secure, essential on-site parking while keeping the primary residential living spaces set back responsibly.

The prescribed setback distance requirement for the street boundary is a minimum of 3.5 metres. In this instance the street boundary setback is now 0.86 metres and the length from 6.5 metres to 8.24 metres to accommodate two light motor vehicles for the owner's two children.

The carport shields the vehicles from harsh weather conditions and provides secure, covered access from the vehicles to the dwelling.

The materials used is aesthetically pleasing, blends in seamlessly with the existing dwelling and aligns visually with the existing garages flat roof. This is an open-sided structure with minimal visual impact to neighbor's properties.

The building area is the only viable piece of the erf suited for this use as the carport position is close to the existing driveway opening for easy ingress and egress.

Attached are the four vehicle registration documents and a current street picture of the dwelling.

4.4. Justification for the 0.2 Metre Covered Verandah on the North East Common Boundary

The structure encroaches the building line from 3.0 metres to 0.2 metres with a height of 3 476 mm from the existing ground level to the top of roof.

This outdoor verandah provides essential shade for outdoor relaxation, reducing UV exposure while seamlessly integrating the existing swimming pool, pool house and with the dwellings living areas.

Drop down canvas sheets are provided on all four sides for privacy and sun control. See attached photos.

4.5. Justification for the 0-Metre Ancillary Buildings on the Common Boundary

The placement of the **Braai Room and Pool House** directly on the three common boundary lines represents a highly efficient lifestyle layout that actively protects the spatial amenities of the neighbourhood:

- Height Mitigation:

All three ancillary structures are limited to a maximum height of 3.5 metres to the top of the roof. This single-storey profiles keeps the structures low and prevents them from appearing overbearing to adjacent properties.

- Shadowing and Sunlight:

Due to the 3.5m height restriction and the orientation of the property, these structures will not cast problematic shadows or strip neighbouring yards of natural daylight or cross-ventilation.

- Privacy Preservation:

These single storey structures contain no elevated decks or overlooking windows oriented toward the boundary lines, ensuring that the absolute visual privacy of adjacent properties is maintained.

- Storm water Control:

Rainwater runoff from the 346 m² footprint will be captured entirely by custom internal guttering and downpipes, discharging directly into the applicant's internal drainage system to ensure zero runoff onto adjacent erven.

4.6. Justification for the 3.0 Metre building line encroachment -Entertainment Room on the North West and South West Boundaries.

The proposed departure involves minor encroachments into the standard 3.0 m common boundary building lines to accommodate a portion of the main dwelling's entertainment area.

The affected boundary areas previously consisted of narrow, underutilized spatial pockets that offered minimal functional value to the property.

Integrating these redundant spaces into the internal footprint allows for a more cohesive, functional floor plan without impacting the primary living areas.

Furthermore, given the modest depth of the encroachments, the development maintains appropriate scale, preserves spatial flow, and results in no adverse impact on neighbouring privacy and daylight access.

The entertainment room brings family activities indoors, which actually helps contain noise and prevents disruption to neighbours compared to outdoor gathering spaces.

The owners and their family are to use this room for watching sport on television, play billiards and dining area interleading from the main dwelling.

The 0.83 metres and 0.58 metres minor encroachments respectively is to make the room large enough for their entertainment lifestyle needs.

4.7. Impact on Public Infrastructure and Local Amenities

The underlying low-density residential use of the site remains completely unaltered. The addition of a standard recreational room places zero unbudgeted or abnormal stress on municipal water mains, electrical grids, or sewerage networks. Furthermore, because 348 m² (50.14%) of the erf remains entirely open and unbuilt, the property preserves ample permeable soil for natural storm water infiltration and residential soft and hard landscaping.

MOTIVATION IN TERMS OF SECTION 99 OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW (MPBL)

5. Section 99 (1) Minimum Threshold Criteria

The proposed application satisfies all administrative, legal, and spatial policy threshold requirements in terms of Section 99(1):

(a) – Compliance with By-Law Requirements:

The application has complied with all procedural and administrative requirements set out in the MPBL, including the submission of all required application forms, Site Development Plans (SDPs), title deeds, conveyancer's certificates, and supporting documentation via DAMS.

(b) – Consistency with the Municipal Spatial Development Framework (MSDF):

The subject property falls within an established residential area designated for urban development. The application seeks minor departures and title deed restriction removals to accommodate standard domestic extensions and additions that align with the residential character of the area without conflicting with the urban structure or spatial objectives of the City's MSDF.

(c) – Compliance with Floor Space & Height Thresholds:

The application does not exceed or bypass maximum floor space or building height parameters that would require a major land use amendment beyond permissible departures. The additions/alterations remain within acceptable development intensity thresholds for the area.

(d) – Compliance with Overlay Zones & Development Management Scheme (DMS) Limits:

The proposed departures do not conflict with or attempt to circumvent specific provisions or restrictions set out under the applicable DMS development rules. All variations are explicitly applied for understanding the departure mechanisms provided for in the By-Law.

SECTION 99 (2) GENERAL DECISION-MAKING CONSIDERATIONS

(a) - Spatial Development Frameworks (MSDF & District Plan):

The proposal complies with both the Cape Town MSDF and the relevant District Spatial Development Framework. The proposal supports the efficient use of land within an existing residential footprint, encouraging incremental urban development without sprawling or negatively altering the spatial framework of the district.

(b) – Development Management Scheme (DMS) Provisions:

The subject property is appropriately zoned for residential use. The application seeks departures specifically to optimize the functional space of the residence while maintaining standard residential uses as permitted by the DMS.

(c) – Relevant Approved City Policies & Guidelines:

The development aligns with key City policy objectives, including urban consolidation and the guidelines for land use management and restriction removals (including relevant DMI Guidelines). The physical additions/departures are designed to maintain an acceptable urban density and streetscape appearance.

(d) – Desirability of the Proposal:

As comprehensively motivated under **Section 99(3)**, the proposed development is desirable in terms of socio-economic impact, scale, character compatibility, infrastructure capacity, traffic, safety, and environmental impact.

(e) – Impact on Existing Rights:

i) Scale and Massing: The scale and overall height of the proposed alterations are compatible with the surrounding residential context and built form.

ii) Privacy & Overshadowing: The positioning of the departures and structures has been planned to minimize privacy intrusion, overlooking features or undue overshadowing onto adjacent properties.

iii) Property Values: The proposed improvements enhance the quality and value of the subject property, positively impacting the surrounding neighbourhood.

(f) – Public Comments & Objections:

All comments, objections, or responses received during the public participation process (if applicable) will be addressed constructively to ensure minimal disruption to adjacent owners.

Section 99 (3) DESIRABILITY ASSESSMENT

(a) Economic Impact

The proposed development represents a positive economic investment into the subject property and the immediate neighbourhood. In the short term, the construction phase will generate local employment opportunities for skilled and unskilled building contractors and tradespeople, as well as business for local building material suppliers. In the long term, optimizing the property's residential utility enhances the overall capital value of the asset and protects property values in the surrounding Goodwood area without placing any financial burden on the municipality.

(d) Compatibility with Surrounding Uses

The proposed alterations and extensions remain strictly residential in scale, character, and design. The surrounding context of Monte Vista / Goodwood is predominantly characterized by single-residential dwellings of similar height, footprint, and architectural style. The proposal maintains standard residential building heights and massing, ensuring that the overall streetscape and low-density suburban character of the area are preserved.

(e) Impact on the External Engineering Services

The proposed development will utilize existing municipal services connections for water, sanitation, electricity, and refuse removal. Given the minor, incremental nature of the residential extensions, the change in demand on external bulk engineering infrastructure is negligible and well within the design capacities of the existing reticulation networks serving the area.

(f) Impact on Safety, Health, and Wellbeing of the Surrounding Community

The application will have no adverse impact on the safety, health, or wellbeing of nearby property owners. The extensions adhere to safe construction practices under the National Building Regulations (NBR). Furthermore, the spatial orientation and height of the additions ensure that standard levels of sunlight, ventilation, and privacy are maintained for neighbouring properties, with no significant issues regarding overshadowing or loss of privacy.

(g) Impact on Heritage

The structures on Erf 188 Goodwood are less than 60 years old and carry no formal heritage grading, nor is the property located within a Heritage Protection Overlay Zone (HPOZ). Consequently, no historical fabric or cultural heritage resources will be altered or impacted, and no formal approval under Section 34 of the National Heritage Resources Act (NHRA) is triggered.

(h) Impact on the Biophysical Environment

The layout is situated entirely on a fully developed and transformed urban site within an established suburb. The proposed construction does not require the removal of significant indigenous trees, nor does it affect sensitive biomes, wetlands, or natural watercourses. On-site storm water management will adhere to standard municipal guidelines.

(i) Traffic Impacts, Parking, Access and Other Transport-Related Considerations

Vehicular access to Erf 188 Goodwood will remain safely accommodated via the existing street ingress and egress point. The required on-site parking spaces are fully provided within the property boundaries in compliance with the Development Management Scheme (DMS). Due to the single-residential nature of the development, no additional traffic generation or surrounding road network congestion will occur.

(j) Whether the Imposition of Conditions Can Mitigate an Adverse Impact of the Proposed Use or Development of Land

No significant adverse land-use or environmental impacts have been identified. However, standard statutory conditions of approval—such as submitting detailed building plans for approval prior to commencement of work, adhering to allowable operating/construction hours, and controlling site dust and noise—will sufficiently mitigate any minor, temporary construction-related disturbances.

Section 99(4): Extent of Compliance and Mitigation Measures

The applicant has actively incorporated mitigation measures to minimize any potential adverse impacts:

a) Architectural Integration & Design Mitigation:

The scale, materials, and placement of the additions are designed to integrate seamlessly with the main residential building and the existing streetscape.

b) On-Site Spatial Management:

Land use on the site is optimized to ensure adequate open space, visual screening where necessary, and appropriate setback distances where possible.

c) Services & Access:

No additional burden is placed on municipal infrastructure or vehicular traffic flows, as existing access and parking configurations are maintained.

6) LUPA Section 39 (5) Assessment: Removal / Amendment of Restrictive Conditions

(a) Financial or Other Value of the Rights in terms of the Restrictive Condition to the Beneficiaries

The restrictive condition in question does not confer a direct, measurable financial value or exclusive personal right on any specific neighbouring beneficiary. The removal of the conditions to align with standard Single Residential Zoning (R1) parameters will not reduce or diminish the monetary value of surrounding properties in Monte Vista / Goodwood, as the existing single-residential use and low-density footprint remain preserved.

(b) Financial or Other Obligations Binding the Beneficiaries associated with the Rights

There are no financial or other obligations imposed on, or binding upon, surrounding property owners or beneficiaries associated with this title condition. Consequently, the removal or amendment of the condition imposes no additional financial, administrative, or operational burden on any third party or neighbouring landowners.

(c) Direct or Indirect Financial or Other Benefit for the Beneficiaries if the Restrictive Condition is removed

Removing the restrictive condition provides an indirect community benefit by modernizing land use controls in the neighbourhood. It allows property owners to responsibly upgrade and optimize private residential land in line with modern standards, supporting broader neighbourhood renewal, enhancing overall local property aesthetics, and upholding property values across the area.

(d) Spatial and Other Benefits to the Area if the Restrictive Condition is removed

Removing obsolete title conditions supports spatial optimization within the existing urban edge. It promotes incremental, low-impact urban intensification and enables efficient utilization of existing municipal services and infrastructure in Goodwood and Monte Vista without contributing to urban sprawl.

(e) Social Benefit of the Removal, Suspension or Amendment of the Restrictive Condition

The removal yields social benefits by allowing the property owner to adapt their primary residence to meet contemporary family living needs and safety standards. Furthermore, the short-term construction activity generates local employment and

trade opportunities for contractors and suppliers within the City of Cape Town municipality.

(f) Social Impact of the Restrictive Condition Remaining in Place

If the restrictive condition remains in place, it would impose an undue spatial constraint on the property owner, preventing reasonable improvements to the dwelling. Retaining outdated provisions—which have been superseded by the Cape Town Development Management Scheme (DMS)—serves no modern planning purpose and results in inefficient land utilization without offering any tangible social or spatial benefit to the surrounding area.

7) CONCLUSION

The combined removal of the restrictive title conditions and the granting of the building line departures represent a well-considered, contextually appropriate spatial configuration.

The design respects neighbouring privacy, secures infrastructure safety and matches the evolving built form of Goodwood.

The applicant respectfully requests that the Municipal Planning Tribunal grant approval under **Section 42(1) (c) of the City of Cape Town Municipal Planning By-law** for the deletion of the Title Condition B. (c) and (d) in Title Deed dated 29 April 2002 and departures enabling the execution of the land use application for Erf 188 Goodwood.