



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9814

Our File Reference Number: Erf 1197 Stellenbosch

Your Reference Number:

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Sir / Madam

## **APPLICATION FOR A SPECIAL DEVELOPMENT AND VARIOUS DEPARTURES RELATING TO ERF 1197, STELLENBOSCH.**

1. This Municipality's decision letter dated 25 August 2020, refers. This letter is the final letter after the appeal process.
2. The Appeal Authority resolved on 13 August 2021 that the appeal submitted against the refusal of the subject application by the Authorised Decision maker on 25 August 2020, BE DISMISSED and that the subject decision BE CONFIRMED in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch, namely:
  - 3.1 **Special development** in terms of Section 15(2)(o) of the said bylaw for the utilization of a portion of the dwelling house for purposes of a **home-enterprise of ±45,1m<sup>2</sup>** (medical consulting rooms),

3.2 The **departure** in terms Section 15(2)(b) of the said Bylaw to:

- a) permit a portion of the building to be 3 storeys in lieu of 2 storeys,
- b) permit a floor factor of 0.65 in lieu of 0.63

**NOT BE APPROVED** in terms of Section 60 of the said Bylaw,

4. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch, namely:

4.1 **Removal of the restrictive title deed condition** (Section 15)(2)(f) Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates *"that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-attached"*.

4.2 special development in terms of Section 15(2)(o) of the said bylaw to allow for:

- a) The extension to the existing guest house by adding four **additional guest house bedrooms** to the exiting guest house (total of 9 bedrooms).
- b) The construction of an **additional dwelling unit (±103,3m<sup>2</sup>)**

**BE APPROVED** in terms of Section 60 of the said Bylaw,

5. The approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

5.1 The approval applies only to the proposal as indicated above, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

5.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;

- 5.3 A revised site development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approved land uses (extension to guest house and additional dwelling unit) only. The proposal must adhere to the building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme;
- 5.4 Development contributions are payable before the approval of building plans and which amount will be calculated in accordance with the council tariffs in force at the time of payment;
- 5.5 The existing water and sewer connections must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department;
- 5.6 No guests may be allowed to park in the road reserve (off-site) and the operation of the guest house facility must under no circumstances lead to a parking demand in excess of the parking bays provided on the property;
- 5.7 The owner or his agent must stay on the property to manage the guest house;
- 5.8 No name or advertising sign shall be erected on the property, except one which complies with Council's approved policy on outdoor advertising and signage;
- 5.9 The electrical consulting engineer responsible for the development shall schedule an appointment with the Manager: Electricity Services (Engineering Services) before commencing with the construction of the development (as well as to discuss new power requirements if required);
- 5.10 The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval i.e
  - a) The design of the electrical distribution system;
  - b) The location of substations(s) and related equipment.
- 5.11 A separate distribution board/s shall be provided for municipal switchgear and metering (shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings;
- 5.12 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services (on street boundary);
- 5.13 Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity, should

damage occur, the applicant will be liable for the cost involved for repairing damages.

- 5.14 On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection;
- 5.15 No electricity supply will be switched on (energised) if the development contributions, take-over inspection and certificate(s) of compliance are outstanding;
- 5.16 All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
- a) Solar water heating or heat pumps in dwellings;
  - b) Energy efficient lighting systems;
  - c) Roof insulation with right R-value calculations:
    - i) In large building developments;
    - ii) Control air condition equipment tied to alternative efficiency systems;
    - iii) Preheat at least 50% of hot water with alternative energy saving sources;
    - iv) All hot water pipes to be clad with insulation with R-value of 1
    - v) Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
- 5.17 After the publication of a notice in the Provincial gazette the applicant must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions;
- 5.18 An experienced conservation architect be appointed by the applicant to redesign the new building so far as to improve alignment with the architectural guidelines contained in the Conservation Strategy but also based on best practise to the satisfaction of the Director: Planning and Economic Development;
- 5.19 The same architect to be appointed ensure that the public interface, on-site parking and fencing around the property be designed in an appropriate manner in order to ensure that the character of the area be taken into account.
- 5.20 Building plans to be submitted to the Municipality for approval.

6. The above decision was made for the following reason(s) in terms of section 81(7)(c) of the said By-law:
  - 6.1 The proposed development (home-enterprise) does not conform to all the special conditions listed in the zoning scheme for special developments of this nature as the medical consulting rooms will not only be operated by the owner/resident of the property.
  - 6.2 The use of the property for medical consultation rooms, which is not operated by the owner, is best suited on a property which is zoned for business purposes.
  - 6.3 The proposed activity will have a detrimental impact on the character of the surrounding area as patients/clients will be parked in the street due to the fact that no sufficient parking will be available on the subject property.
  - 6.4 The height restriction of buildings on single residential zone properties is two storeys (ground floor plus first floor) only and the applicant failed to motivate the need for a third storey.
  - 6.5 The departure for the increase in height and total floor area, as well as the home-enterprise, represents an overdevelopment of a single residential zone property which will have a detrimental impact on the character of the area (overspill of parking in the street).
  - 6.6 Such use does not fall within the ambit of a home occupation but rather office use and such scale of use will also result in parking requirements which can readily not be accommodated on the site.
  - 6.7 It is thus held that the original municipal assessment in respect of these grounds of appeal was accurate and rational and that the appeal does not provide compelling grounds to review this decision.
7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



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**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

**DATE:** 16-08-2021

**Copies**

Stellenbosch Interest Group

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