



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15250 (TP241/2022)

Our File Reference Number: Erf 5583, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION IN TERMS OF SECTIONS 15(2)(O) AND 15(2)(B) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW AND PERMISSION I.T.O THE TITLE DEED: ERF 5583, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law 2023 on Erf 5583, Stellenbosch, namely;
 - 2.1.1 Application in terms of Section 15(2)(o) of the said By-law for consent use to permit a proposed second dwelling unit exceeding the development parameters,
 - 2.1.2 Application in terms of Section 15(2)(b) of the said By-law for permanent departure for the following:
 - a) To relax the 4.5m street building line (adjacent to Van Reede Street) to 1.07m in order to accommodate the proposed ground floor storey extensions to the existing building consisting of a proposed second dwelling unit,
 - b) To relax the 2.5m common building line (adjacent to Erf 5582) to 2.3m in order to accommodate the proposed ground floor storey extensions to the existing building consisting of a proposed second dwelling unit,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. That the application for Administrator's Consent required in terms of restricted title deed condition Clause C.6.(b) on Page 4 of the Title Deed No.17535/96, for the relaxation of the 4.6m street building line (adjacent to Van Reede Street) to 1.07m in order to accommodate the proposed ground floor storey extensions to the existing building consisting of a proposed second dwelling unit on Erf 5583, Stellenbosch,

BE GRANTED subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 4.1 The approval only applies to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.
 - 4.2 A site plan must be submitted to the municipality for approval in accordance with this approval prior to the submission and approval of any building plans.
 - 4.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.
 - 4.4 The conditions imposed by the Directorate: Infrastructure Services (Electrical) as contained in their comment dated 29/04/2024, attached as **Annexure E**, be complied with.
5. That the application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law 2023 for permanent departure on Erf 5583, Stellenbosch for the following:
 - a) To relax the 4.5m street building line (adjacent to Van Reede Street) to 1.07m in order to accommodate the proposed first floor storey extensions to the existing building consisting of a study and external staircase,
 - b) To relax the 2.5m common building line (adjacent to Erf 5582) to 1.3m in order to accommodate the proposed external staircase,

BE REFUSED in terms of Section 60 of the said By-law.

6. That the application for Administrator's Consent required in terms of restricted title deed condition Clause C.6.(b) on Page 4 of the Title Deed No.17535/96, for the relaxation of the

4.6m street building line (adjacent to Van Reede Street) to 1.07m in order to accommodate the proposed first floor storey extensions to the existing building consisting of a study and external staircase and the relaxation of the 2.3m lateral building line (adjacent to Erf 5582) to 1.3m in order to accommodate the proposed external staircase on Erf 5583, Stellenbosch,

NOT BE GRANTED.

7. The reasons for the above decisions are as follow:

7.1 The proposal for a second dwelling unit is consistent with the Municipal Spatial Development Framework as it promotes context sensitive and appropriate densification.

7.2 The minor relaxation of the applicable building lines to accommodate the second dwelling unit as a ground floor storey will not undermine the character of the surrounding residential area.

7.3 The use of the proposed first floor storey as study and the fact that the storey will not be interleading with either the existing or proposed dwelling unit renders the proposal not compliant with the Zoning Scheme By-law definition of a dwelling unit.

7.4 The aesthetic appearance of an imposing new double storey structure with a noninteractive street façade 1m from the Van Reede Street boundary will have a detrimental visual impact on the streetscape to the said street.

8. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

9. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

- a. The personal particulars of the Appellant, including:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)

- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

Reference to this correspondence and the relevant property details on which the appeal is submitted.

10. The grounds of the appeal which may include the following grounds:

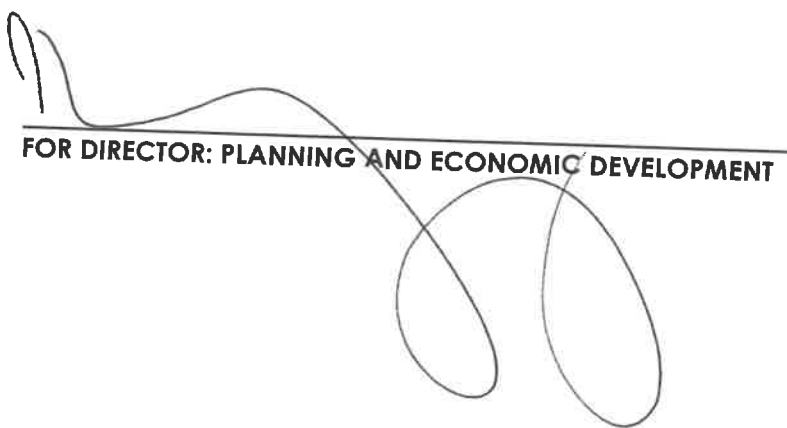
- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - b) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - c) Whether the appeal is lodged against the whole decision or a part of the decision.
- 10.1 If the appeal is lodged against a part of the decision, a description of the part.
- 10.2 If the appeal is lodged against a condition of approval, a description of the condition.
- 10.3 The factual or legal findings that the appellant relies on. The relief sought by the appellant.
- 10.4 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 10.5 That the appeal includes the following declaration by the Appellant:
- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - b) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

11. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address:
landuse.appeals@ Stellenbosch.gov.za

12. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

13. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za
14. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
15. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
16. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT


20/6/2024
DATE



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ANNEXURE E

COMMENT FROM DEPARTMENTS

Erf 5583, Stellenbosch (LU/15250)

1. No Objection

CONDITIONS:

2. 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 repairing damages.
3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

Date.....29/4/2024.....



Signature