PIETERHUIZEN
PLANNING

Your Refence:	**LU/18907 (TP1118/2025)**
Our Reference:	**J129**
Date:	**3 Julie 2024**

To whom it may concern,

APPLICATION FOR REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE ON ERF 2226, STELLENBOSCH

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw refers:

Application Property Address:	**124 Merriman Avenue**
Application Property Number:	**Erf 2226 Stellenbosch**
Applicant:	**Pieterhuizen Planning (Pty) Ltd (wilhelm@pieterhuizen.co.za)**
Owner:	**Terra Nova Trust, +27 82 734 1064**
Application Reference:	**LU/18907 (TP1118/2025)**

Description of land development proposal:

Application has been made in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning Bylaw, for the removal and suspension of the following restrictive conditions in Title Deed No. T124562/2004:

a) Remove Clause G.IV.(b) to allow for the construction of a second dwelling.

b) Remove Clause H.F. to allow the use of IBR roof sheeting.

c) Suspend Clause G.IV.(d) to relax the following restrictive title deed building lines:

   i) The building line adjacent to Erven 2228 and 2229 from 3.15 to 1m for the proposed garage on the ground floor.

   ii) The building line adjacent to Erven 2228 and 2229 from 3.15 to 2.5m for the proposed bedroom on the ground floor.

   iii) The building line adjacent to Erven 2228 and 2229 from 3.15 to 2.85m for the proposed bathroom on the ground floor.

   iv) The building line adjacent to Erven 2228 and 2229 from 3.15 to 3.07m for the proposed lounge on the ground floor.

   v) The building line adjacent to Erf 2225 from 3.15 to 2.5m for the proposed braai patio, dining room, and kitchen on the ground floor.

   vi) The building line adjacent to Erf 2225 from 3.15 to 2.5m for the proposed balcony on the first floor.

Application has been made in terms of Section 15(2)(o) of the Stellenbosch Land Use Planning Bylaw, for a consent use to allow for a second dwelling that exceed the threshold of an additional use.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Wilhelm Esterhuizen (wilhelm@pieterhuizen.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 4 August 2025.

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at +27 83 262 4843 during normal office hours.

Yours faithfully

PIETERHUIZEN PLANNING

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PLANNING

Your Refence:	**LU/18907 (TP1118/2025)**
Our Reference:	**J127**
Date:	**3 Julie 2024**

Aan wie dit mag aangaan,

AANSOEK OM VERWYDERING EN OPSKORTING VAN BEPERKENDE TITELVOORWAARDES, EN VEGUNNINGS GEBRUIK: ERF 2226 STELLENBOSCH

Die volgende grondgebruik aansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning verwys:

Adres van aansoek eiendom:	**124 Merriman Laan**
Aansoek eiendom beskrywing:	**Erf 2226 Stellenbosch**
Aansoeker:	**Pieterhuizen Planning (Edms) Bpk (wilhelm@pieterhuizen.co.za)**
Eienaar:	**Terra Nova Trust, +27 82 734 1064**
Aansoek Verwysing:	**LU/18907 (TP1118/2025)**

Besonderhede van die grondgebruik aansoek:

Aansoek is ingevolge Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Grondgebruiksbeplanning Verordening gedoen vir die verwydering en opskorting van die volgende beperkende voorwaardes in Titelakte Nr. T124562/2004:

a) Klousule G.IV.(b) te verwyder om die bou van 'n tweede woning toe te laat.

b) Klousule H.F te verwyder om die gebruik van IBR-dakplate toe te laat.

c) Klousule G.IV.(d) op te skort om die volgende beperkende titelakte-boulyne te verslap:

   i) Die boulyn aangrensend aan Erwe 2228 en 2229 van 3.15 na 1m vir die voorgestelde motorhuis op die grondvloer.

   ii) Die boulyn aangrensend aan Erwe 2228 en 2229 van 3.15 tot 2.5m vir die voorgestelde slaapkamer op die grondvloer.

   iii) Die boulyn aangrensend aan Erwe 2228 en 2229 van 3.15 tot 2.85m vir die voorgestelde badkamer op die grondvloer.

   iv) Die boulyn aangrensend aan Erwe 2228 en 2229 van 3.15 tot 3.07m vir die voorgestelde sitkamer op die grondvloer.

   v) Die boulyn aangrensend aan Erf 2225 van 3.15 tot 2.5m vir die voorgestelde braai-area, eetkamer en kombuis op die grondvloer.

   vi) Die boulyn aangrensend aan Erf 2225 van 3.15 tot 2.5m vir die voorgestelde balkon op die eerste verdieping.

Aansoek is ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Grondgebruiksbeplanning Verordening gedoen vir 'n vergunnings gebruik om 'n tweede woning toe te laat wat die drempel van 'n addisionele gebruik oorskry.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, moet die Aansoeker versoek word om ‘n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Wilhelm Esterhuizen (wilhelm@pieterhuizen.co.za). Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 4 Augustus 2025.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by +27 83 262 4843 gedurende normale kantoor ure.

Die uwe

PIETERHUIZEN PLANNING

Notes:

Rev No	Revision note	Date

ERF 2226 STELLENBOSCH: LOCALITY MAP

Drawn by:	Checked by:	Approved date:	Job No:	Date:	Scale:
PW Esterhuizen	PW Esterhuizen	N/A	J129	19/02/2025	1:5 000

PIETERHUIZEN
PLANNING

PAGE 1: 1:5000 LOCALITY MAP

Edition:	Sheet:
Revision 2	A3

Notes:

Rev No	Revision note	Date

ERF 2226 STELLENBOSCH: LOCALITY MAP

Drawn by:	Checked by:	Approved date:	Job No:	Date:	Scale:
PW Esterhuizen	PW Esterhuizen	N/A	J129	19/02/2025	1:200

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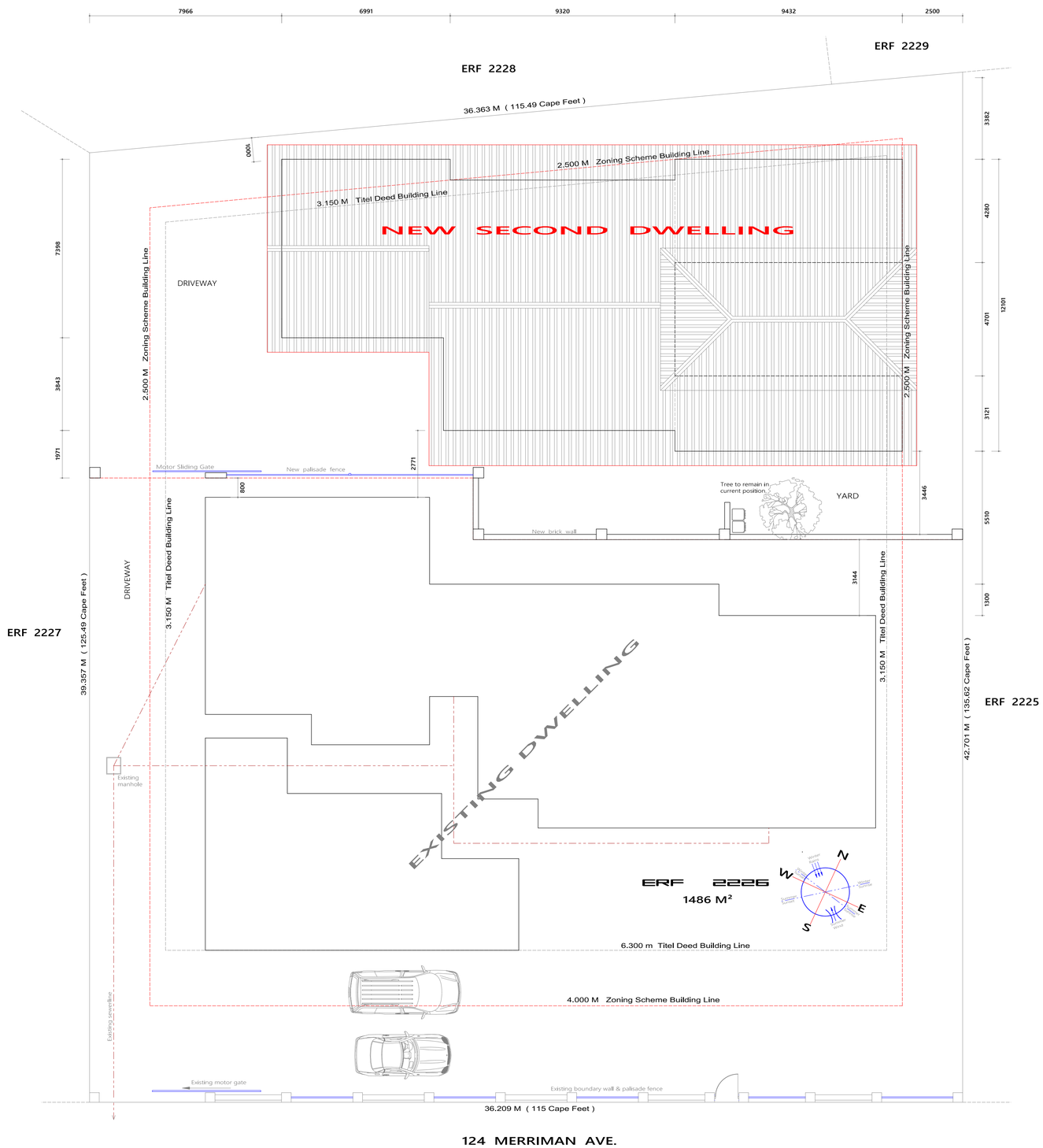
PLANNING

PAGE 2: 1:200 AERIAL PHOTO

Edition:	Sheet:
Revision 2	A3



124 MERRIMAN AVE.

1 : 100 SITE + ROOF PLAN

SKETCH DRAWING

NOTES :

COVERAGE :
ERF SIZE = 1486 M²
EXISTING DWELLING & OUT BUILDINGS = 338 M²
EXISTING OPEN PATIO = 4 M²
GROUND FLOOR SECOND DWELLING = 264 M²
MEZZANINE FLOOR SECOND DWELLING = 44 M²
TOTAL UNDER COVER AREA = 602 M²
COVERAGE = 41%

No.	Date	Revision	Initial
008-B	18.03.25	Alter titel deed building lines	DLR

BUILDING DESIGNS
project management
architectural drawings

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Office : 021 - 887 8852
E - Mail : dlrbd@mweb.co.za
SACAP No. ST 2541
SAIAT No 32979

P O Box 12519
Die Boord
Stellenbosch
7613

Project

PROPOSED NEW SECOND DWELLING ON ERF 2226 , 124 MERRIMAN AVE. , STELLENBOSCH.

Client

TERRA NOVA TRUST

Sign : _____

Drawing

SITE & ROOF PLAN

Scale **1 : 100** Drawn **DLR**

Revision : **008 - B** Date **18 / 03 / 2025**

Drawing No.

2025 / 03 / 008 - B-1

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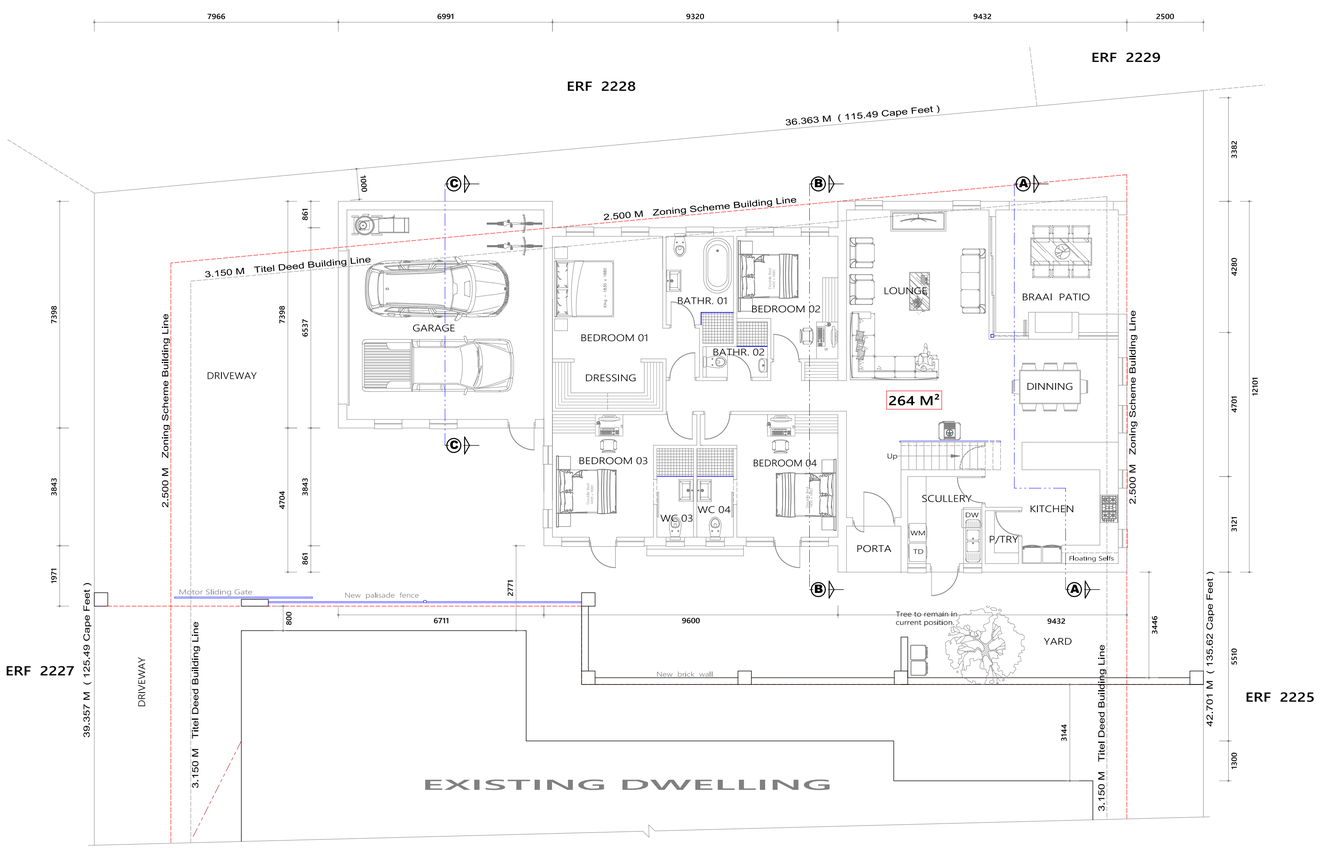
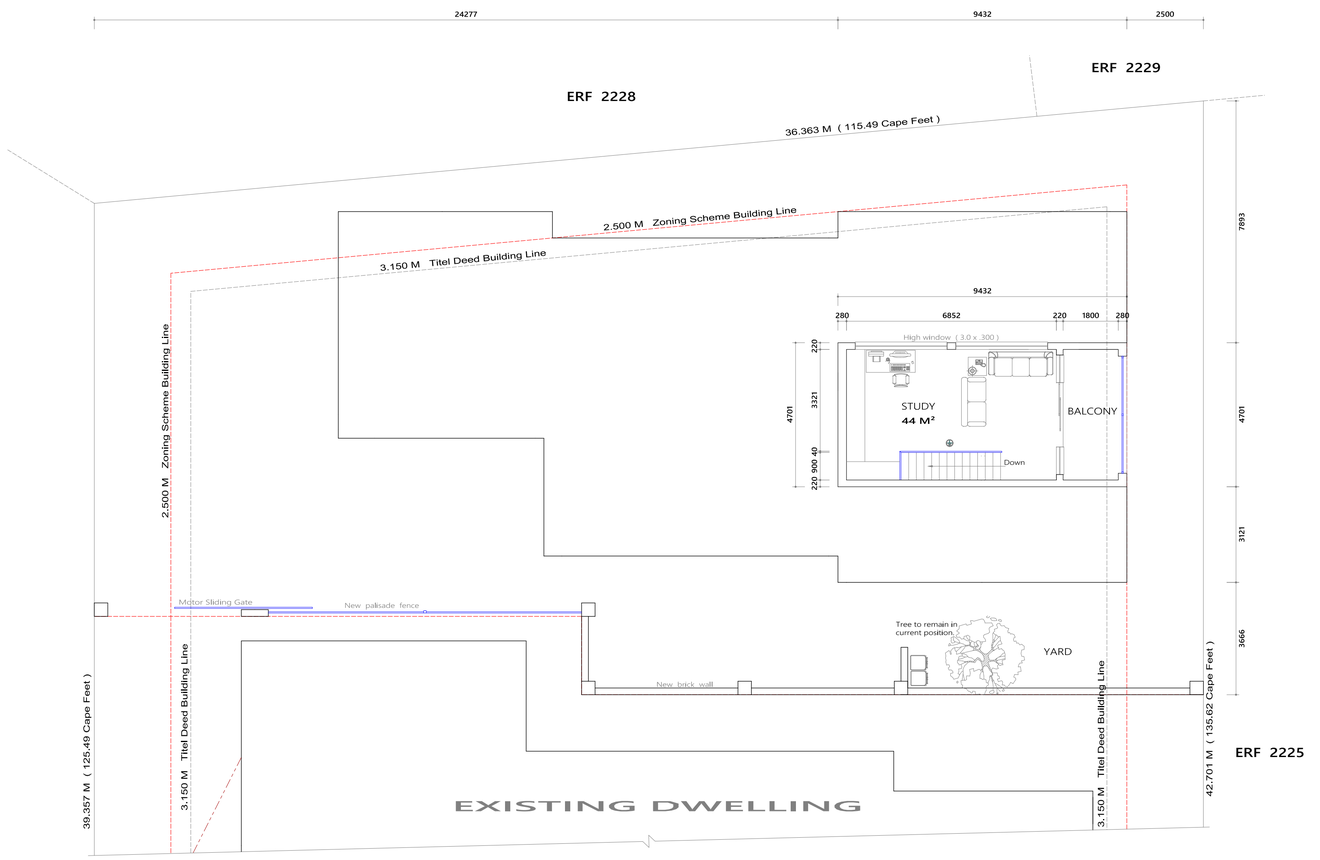


1 : 100 GROUND FLOOR PLAN



1 : 100 MEZZANINE FLOOR

SKETCH DRAWING

NOTES :

No.	Date	Revision	Initial
008-B	18.03.25	Alter titel deed building lines	DLR

BUILDING DESIGNS
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PROPOSED NEW SECOND DWELLING ON ERF 2226 , 124 MERRIMAN AVE. , STELLENBOSCH.

Client

TERRA NOVA TRUST

Sign : _____

Drawing

GROUND FLOOR PLAN

MEZZANINE FLOOR PLAN

Scale **1 : 100** Drawn **DLR**

Revision : **008 - B** Date **18 / 03 / 2025**

Drawing No.

2025 / 03 / 008 - B - 3

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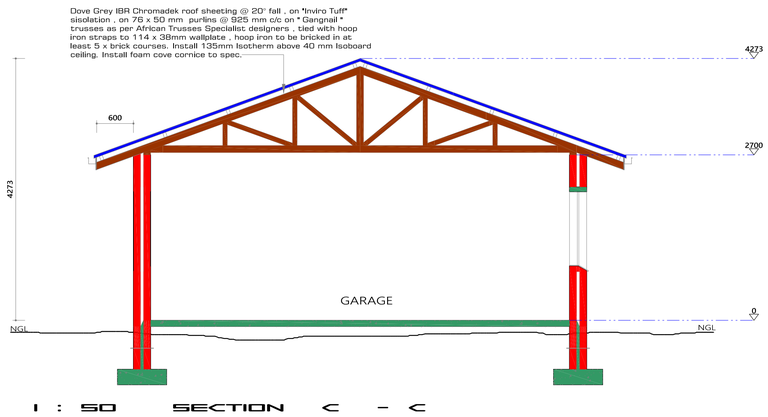
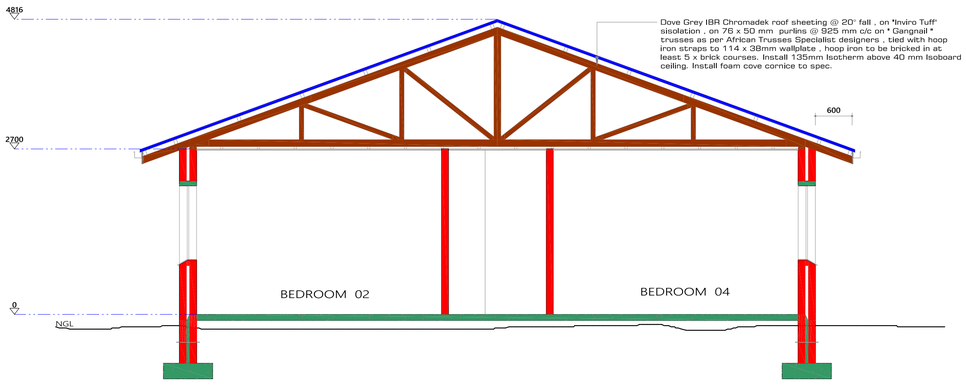
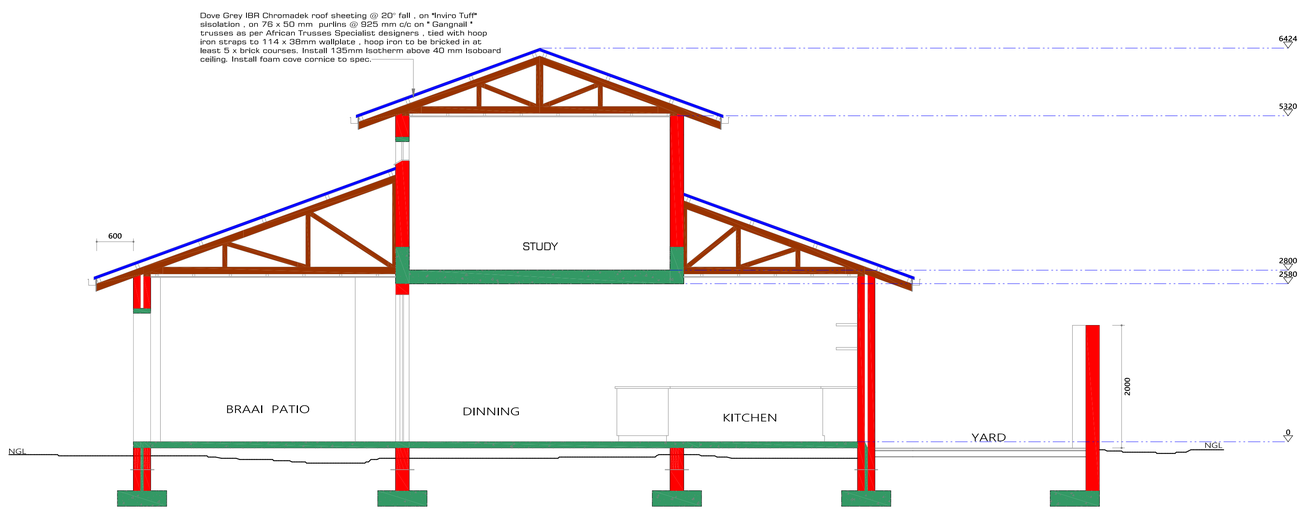


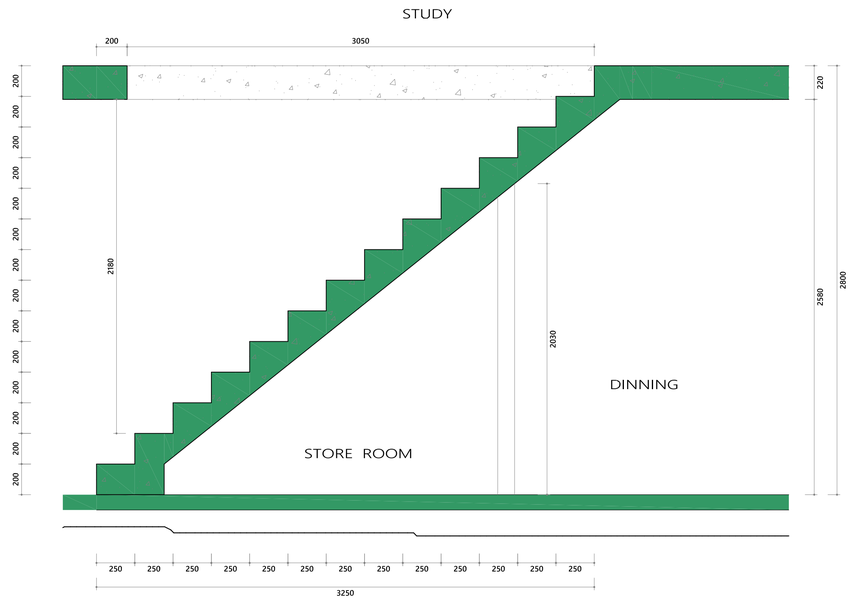
1 : 50 SECTION C - C



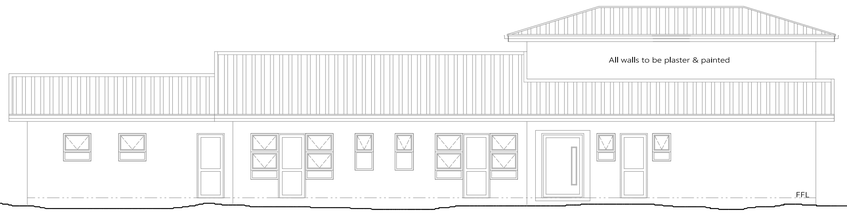
1 : 50 SECTION B - B



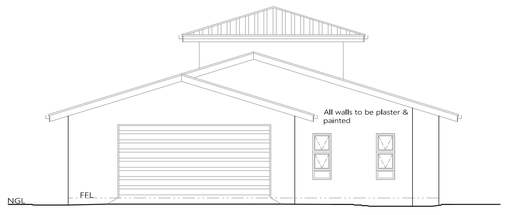
1 : 50 SECTION A - A



1 : 20 SECTION B , STAIRS



1 : 100 SOUTH ELEVATION



1 : 100 WEST ELEVATION

SKETCH DRAWING

NOTES :

No.	Date	Revision	Initial
008-B	18.03.25	Alter titel deed building lines	DLR

BUILDING DESIGNS
project management
architectural drawings

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SAIAT No 32979

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Project

PROPOSED NEW SECOND DWELLING ON ERF 2226 , 124 MERRIMAN AVE. , STELLENBOSCH.

Client

TERRA NOVA TRUST

Sign : _____

Drawing

SECTIONS A , B , C

ELEVATIONS

STAIR DETAIL

Scale **1 : 50 , 1 : 100** Drawn **DLR**

Revision : **008 - B** Date **18 / 03 / 2025**

Drawing No.

2025 / 03 / 008 - B -2

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PIETERHUIZEN
PLANNING

Your Refence:	**LU/18907 (TP1118/2025)**
Our Reference:	**J129**
Date:	**3 July 2025**

To Whom it may concern,

EXECUTIVE SUMMARY: APPLICATION FOR THE REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE FOR A SECOND DWELLING ON ERF 2226 STELLENBOSCH AT 124 MERRIMAN AVENUE

1. Introduction

The purpose of this report is to motivate the land use applications required to allow for the addition of a second dwelling on the northern portion of Erf 2226 Stellenbosch (hereafter referred to as "the property").

2. Summary

Property Description	Erf 2226 Stellenbosch
Property Address	124 Merriman Avenue, Stellenbosch, 7600
Property Extent	1 486m^2
Registered Owner	Terra Nova Trust
Title Deed Number	T. 124562/2004
S.G. Document Numbers	General Plan: 7550/1954 | Noting Sheet: M2780
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law, 2024
Current Zoning	Conventional Residential Zone
Current Land Use	Dwelling House
Proposal	Addition of a second dwelling on the northern portion Erf 2226 Stellenbosch.
Applications Required	Consent Use to allow for a second dwelling on the property. Removal of restrictive title deed condition G.IV.(b) to allow for a second dwelling on the property. Removal of restrictive title deed conditions H.F. to allow for the use of IBR roof sheets for the second dwelling roof. Suspension of restrictive title deed condition G.IV.(d) to allow for the following structures within the prescribed 3.15m northern common boundary building line (abutting Erven 2228 and 2229):

	• The proposed second dwelling garage on the ground floor to be 1m in 3.15m • The proposed second dwelling bedroom 01 to be 2.5m in lieu of 3.15m • The proposed second dwelling bathroom 01 to be 2.85m in lieu of 3.15m • The proposed second dwelling lounge on the ground floor to be 3.07m in lieu of 3.15m Suspension of restrictive title deed condition G.IV.(d) to allow for the following structures within the prescribed 3.15m eastern common boundary building line (abutting Erf 2225): • The proposed second dwelling braai patio, dining room, and kitchen on the ground floor to be 2.5m in lieu of 3.15m • The proposed second dwelling balcony on the first floor to be 2.5m in lieu of 3.15m

Table 1: Executive Summary

3. The Property

3.1 Zoning

The zoning of properties situated in the Stellenbosch Municipal Area is regulated in terms of the Stellenbosch Zoning Scheme By-Law, 2019 as amended 2024 (hereafter referred to as "the zoning scheme").

Figure 1, below, is an extract of the Stellenbosch Municipality's Zoning Map, indicating the property zoned Conventional Residential Zone.

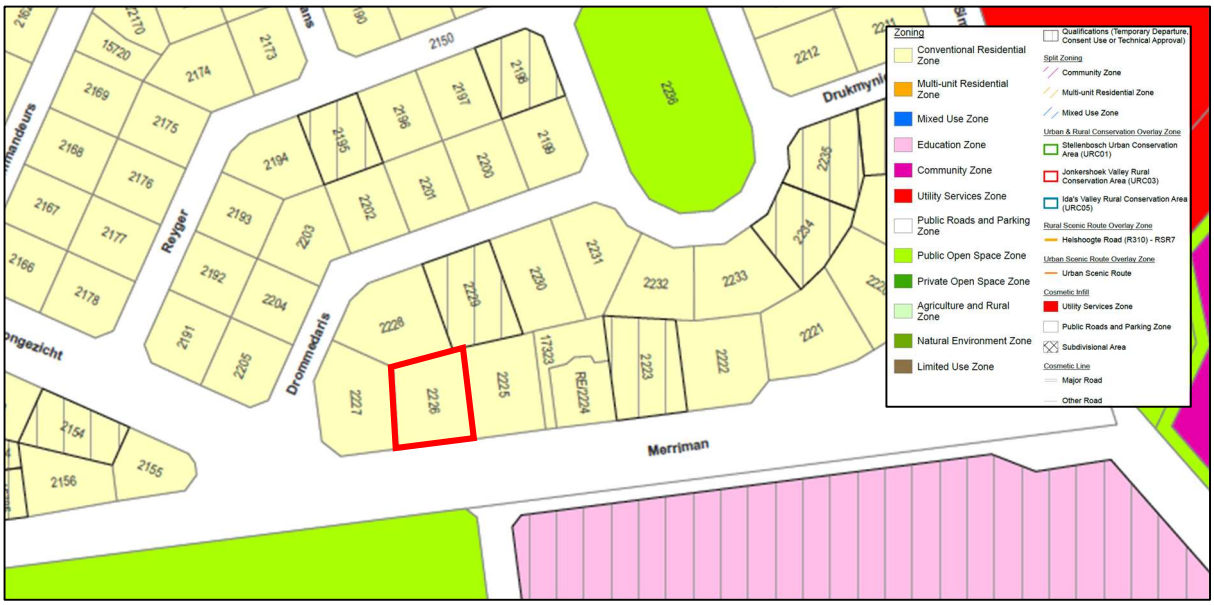

Figure 1 Extract of the Zoning Map

The following land use rights are permitted on this Conventional Residential zoned property, as identified in Table 2 below:

Primary Use	Additional Uses	Consent Uses
Dwelling House	Bed and Breakfast Establishment Home Day Care Establishment Home Occupation Practice Home Lodging **Second Dwelling** Occasional Use (one event/year) Private Road	Commune Extramural Facility Group Housing Guest House House Shop Occasional Use (>one event) Tourist Dwelling Unit **Additional Uses Exceeding Parameters**

Table 2 Applicable Land Uses

Table 3 below, sets out the applicable zoning scheme development rules and parameters applicable to the property and this application.

Conventional Residential Zone (501m^2 – 1500m^2)	
Development Parameters	**Zoning Scheme Provisions**
Street Boundary Building Lines:	4m (Carports: 0m) (Garages: 1m)
Common Boundary Building Lines:	2.5m (Carports and garages: 0m if only one storey high)
Coverage:	50% (743m^2)
Height:	2 Storeys
Street Boundary Wall Height:	1.8m
Common Boundary Wall Height:	2.1m

Table 3 Applicable Development Rules and Provisions of the Zoning Scheme

3.2 Title Deed Conditions and Conveyancer Certificate

The property is held by Deed of Transfer No. T.124562/2004. Conveyancer *Hendrik van Rooyen* confirmed that the following restrictive title deed conditions (with their English translations) are relevant to this application:

G.IV.(b): dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop op the rig.

It may only be used for the purpose of erecting a single dwelling, together with the outbuildings that are typically used in connection therewith.

G.IV.(d): geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6,30 meter van die straatlyn wat ‘n grens van hierdie erf vorm, opgerig word nie, of nie binne 3,15 meter van die agtergrens of sygrens van ‘n aangrensende erf nie, op voorwaarde dat met die toestemming van die plaaslike owerheid ‘n buitegebou wat ‘n hoogte van 3,05 meter nie te bowe gaan nie, watter hoogte gemeet word van die vloer tot die ankerplaat, binne die voorgeskrewe ruimte langs die agtergrens en binne die voorsgekrewe syruimte van ‘n afstand van 9,45 meter bereken vanaf die agtergrens opgerig mag word;

No building or structure, or any part thereof, except for boundary walls and fences, may be erected within 6.30 meters of the street boundary of this erf, nor within 3.15 meters of the rear or side boundary of an adjoining erf. However, with the approval of the local authority, an outbuilding not exceeding a height of 3.05 meters—measured from the floor to the anchor plate—may be erected within the prescribed space along the rear boundary and within the prescribed side space, at a distance of 9.45 meters measured from the rear boundary.

H.F. Die dakke van alle geboue op hierdie erf moet eenvormig wees wat materiaal en styl betref. Platdakke vir buitegeboue sal slegs toegelaat word as die hoofgebou ook ‘n platdak het.

The roofs of all buildings on this erf must be uniform in terms of material and style. Flat roofs for outbuildings will only be allowed if the main building also has a flat roof.

Restrictive title deed conditions G.IV.(b) and G.IV.(d) were imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934 when the subdivision of Stellenbosch Extension No. 3 was approved whilst restrictive condition H.F. were imposed by the Stellenbosch Municipality in its favour.

4. Proposed Development

4.1 Site Development Plan

With reference to the **proposed second dwelling plan**, drawn by *Building Designs* (Drawing No 2025/02/008-A-1, 2025/02/008-A-3, and 2025/02/008-A-2), the proposed development involves the addition of a four-bedroom second dwelling on the northern portion of the property. The intention of the proposed second dwelling will be to function as a separate dwelling house for a family as defined in the zoning scheme.

Vehicular access to the proposed second dwelling will be shared with the existing dwelling house via the existing carriageway crossing in the southwestern corner of the property. A wall with a separate gate will divide the exclusive use areas of the existing dwelling house and the second dwelling. A detailed description of the proposed second dwelling includes:

Ground Floor:

- Pedestrian access to the second dwelling will be obtained from the south via the annotated *porta* leading towards the lounge and dining area.
- The eastern wing of second dwelling ground floor will accommodate the kitchen, scullery, dining room, lounge, braai patio and access stairs to the first floor.
- The western wing of the second dwelling ground floor will accommodate four bedrooms (of which three will have en-suite bathrooms) and a guest bathroom.
- A double façade garage is proposed on the most western side of the proposed second dwelling. The garage will include a storage area for bicycles.
- The total floor space of the ground floor (including the garage) will be 264m^2.

First Floor:

- Pedestrian access to the first floor of the second dwelling will be obtained via the staircase located in the eastern wing.
- The second floor will comprise of only a study room and lounge area with a balcony providing views towards the Simonsberg and Hottentots-Holland Mountains.
- The total floor space of the first floor (including the balcony) will be 44m^2.

4.2 Assessment of Proposal

Table 4, below, is an assessment of the proposed second dwelling against the applicable parameters of the zoning scheme and title deed restrictions:

Land Use / Development Parameters	Applicable Provisions	Proposal
Primary Land Use	Dwelling House	Dwelling House ***(no application required)***
Additional Land Use	Zoning Scheme: Second Dwelling Title deed: One Dwelling Only	Second Dwelling ***(deemed Consent Use)*** Second Dwelling ***(removal of TD condition G.IV.(b)).***
Southern Street Boundary Building Lines (Merriman Avenue):	Zoning Scheme: 4m Title Deed: 6.3m	>4m ***(no application required)*** >6.3m ***(no application required)***
Western Common Boundary Building Lines: (Abutting Erf 2227)	Zoning Scheme: 2.5m Title Deed: 3.15m	>2.5m ***(no application required)*** >3.15m **(no application required)**
Eastern Common Boundary Building Lines: (Abutting Erf 2225)	Zoning Scheme: 2.5m Title Deed: 3.15m	2.5m ***(no application required)*** GF Patio: 2.5m GF Dining: 2.5m GF Kitchen: 2.5m FF Balcony: 2.5m **(Suspension of condition G.IV.(d) required)**

Northern Common Boundary Building Lines: (Abutting Erven 2228 and 2229)	Zoning Scheme: 2.5m Title Deed: 3.15m	2.5m (one storey garage at 1m) ***(no application required)*** GF Garage: 1m GF Bedroom 01: 2.5m GF Bathroom 01: 2.8m GF Bedroom 02: 3.07m GF Lounge: 2.5m **(Suspension of condition G.IV.(d) required)**
Coverage:	Zoning Scheme: 50% (743m^2) Title Deed: "Half the area" (743m^2)	41% (602m^2) ***(no application required)*** 41% (602m^2) ***(no application required)***
Height:	2 Storeys	2 Storeys ***(no application required)***
Street Boundary Wall Height:	1.8m	1.8m ***(no application required)***
Common Boundary Wall Height:	2.1m	2.1m ***(no application required)***
Roof Material:	Title Deed: "Uniform roofs in terms of material and style"	IBR Sheeting on second dwelling. **(removal of condition H.F.)**

Table 4: Assessment of Proposed Development

5. Applications Required

In terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law, 2023, the proposed development would require the approval of the following applications:

Section 15(2)(o): Consent Use to allow for a second dwelling on the property.

Section 15(2)(f): Removal of restrictive title deed condition G.IV.(b) to allow for a second dwelling on the property.

Section 15(2)(f): Removal of restrictive title deed conditions H.F. to allow for the use of IBR roof sheets for the second dwelling roof.

Section 15(2)(f): Suspension of restrictive title deed condition G.IV.(d) to allow for the following structures within the prescribed 3.15m northern common boundary building line (abutting Erven 2228 and 2229):

- The proposed second dwelling garage on the ground floor to be 1m in 3.15m
- The proposed second dwelling bedroom 01 to be 2.5m in lieu of 3.15m
- The proposed second dwelling bathroom 01 to be 2.85m in lieu of 3.15m
- The proposed second dwelling lounge on the ground floor to be 3.07m in lieu of 3.15m

Section 15(2)(f): Suspension of restrictive title deed condition G.IV.(d) to allow for the following structures within the prescribed 3.15m eastern common boundary building line (abutting Erf 2225):

- The proposed second dwelling braai patio, dining room, and kitchen on the ground floor to be 2.5m in lieu of 3.15m
- The proposed second dwelling balcony on the first floor to be 2.5m in lieu of 3.15m

6. Adjudication and Motivation

6.1 Motivation for Consent Use for a Second Dwelling

The property is currently subject to a zoning scheme provision which allows for a second dwelling as an additional use right – requiring the technical approval from the municipality. The Municipality confirmed that even though a garage is permitted up to 0m from a common boundary of this property, the second dwelling garage (at 1m from the common boundary of the property) triggers a consent use rather than a technical approval application.

The addition of a second dwelling on the property will contribute to the housing supply in the area, addressing the growing demand for residential units close to schools in the area. This aligns with broader municipal and provincial strategies to increase housing availability and

provide diverse living options within established neighbourhoods. The proposed second dwelling has been designed to integrate seamlessly with the existing property and surrounding neighbourhood.

Developing a second dwelling maximizes the efficient use of the property, promoting densification in a controlled and sustainable manner. This approach supports the principles of smart growth and urban sustainability by utilizing existing infrastructure and reducing urban sprawl.

6.2 Motivation for Removal of Restrictive Title Deed Conditions

The title deed for the property includes a restrictive condition that limits the property to the development of only one dwelling. This condition was imposed in 1956, prior to the implementation of modern zoning schemes and is outdated in relation to current urban development needs and practices. The restrictive condition was imposed at a time when urban planning and development needs were vastly different from today. These conditions were primarily intended to control urban growth in a manner that is no longer relevant given the advancements in urban planning and modern infrastructure capabilities. Removing this outdated condition allows the property to be developed in a way that is more in tune with contemporary planning principles and community needs.

Restrictive Title Deed Condition G.IV.(b):

Removing the restrictive condition allows for more efficient use of the property. By enabling the development of an additional dwelling, the property can accommodate an additional family within proximity of schools in the area. This approach supports the principles of densification, which are crucial for sustainable urban development. Higher density living reduces urban sprawl, makes better use of existing infrastructure, and promotes a more vibrant community.

There is an increasing demand for diverse housing options to accommodate different family structures, including multi-generational families, young professionals, and retirees. Allowing an additional dwelling on the property helps address this demand by providing flexible living arrangements.

Various properties in the surrounding area have been developed with more than one dwelling. The removal of the restrictive condition will bring the property in line with the development patterns and character of the neighbourhood. The proposed second dwelling is designed to integrate seamlessly with the dwelling house, maintaining the aesthetic harmony and architectural style of the area.

Allowing an additional dwelling enhances the overall value of the property by increasing its functionality and appeal. This can be beneficial not only to the current owners but also to future buyers, ensuring that the property remains competitive in the real estate market. The presence of an additional dwelling enhances the liveability of the property by providing more versatile living spaces, which can be adapted to meet the changing needs of its occupants over time.

The need for large open gardens on properties in the area have subsided, due to large maintenance costs and a change in needs for residents. By allowing for the development of a second dwelling on the northern (currently vacant) portion of the property will allow for the better utilisation of space and the creation of an additional income from the property to the owners.

Restrictive Title Deed Condition H.F.:

The title deed for the property includes a restrictive condition imposed in 1956 by the Stellenbosch Municipality (in its favour) that limits the use of varied materials and styles for roofs on the property. This condition was imposed in a period when asbestos roofs were the norm and prior to the strict control of asbestos production. The existing dwelling house has a roof material of asbestos and will remain as such until it is necessary to replace. The proposed development intends to use IBR (Inverted Box Rib) sheets for the second dwelling, which are modern, efficient, and widely used roofing materials in contemporary residential architecture.

IBR sheets represent a significant advancement in roofing materials compared to traditional corrugated sheets. They offer better durability, weather resistance, and aesthetic appeal, aligning with modern architectural standards. The use of IBR sheets ensures improved structural integrity and longevity for the roof, contributing to the overall quality and sustainability of the building.

IBR sheets have a clean, contemporary appearance that complements modern architectural designs. Their sleek profile enhances the visual appeal of the property, ensuring it blends well with the surrounding neighbourhood’s aesthetics. These sheets provide superior performance in terms of water drainage, load-bearing capacity, and insulation, contributing to a more comfortable and energy-efficient living environment.

It should also be noted that the proposed second dwelling will be set back from Merriman Avenue, north of the existing dwelling house.

6.3 Motivation for the suspension of restrictive title deed conditions

Restrictive Title Deed Condition G.IV.(d):

The current zoning scheme prescribes a 2.5m building line, which is sufficient to manage building density, privacy, and aesthetic considerations effectively. The restrictive 3.15m building line predates these modern schemes and is now redundant, creating unnecessary constraints on property development.

Suspending the 3.15m building line restriction allows for better utilization of the property, enabling developments closer to the boundary while still adhering to the modern 2.5m requirement. This facilitates more efficient land use, supporting the creation of more functional and liveable spaces without compromising the integrity of the neighbourhood.

The flexibility provided by the 2.5m building line allows for more innovative and efficient architectural designs, optimizing the use of available space within the property.

Allowing development closer to the boundary line can enhance the functionality and appeal of the property, thereby increasing its market value. This flexibility can lead to more versatile and spacious interior designs, improving the overall liveability of the property.

It should be noted that the proposed development strictly adheres to the building line provisions set out in the zoning scheme, which will assist in mitigating any potential impact on the surrounding property owners.

6.4 Motivation in terms of section 33(4) of the By-law

Section 33(4)(a): The restrictive title deed conditions were originally imposed under outdated planning regulations that no longer align with contemporary urban development needs. These conditions, such as limiting the property to a single dwelling, restrictive building lines, and enforcing specific building materials, may have had financial value when the township was initially established. However, their value has diminished significantly over time, as municipal planning frameworks and zoning schemes now regulate development in a manner that ensures orderly growth and sustainability. Retaining these restrictions provides no tangible financial benefit to the municipality or surrounding property owners. Conversely, their removal will unlock the full development potential of the property, increasing its market value and contributing to municipal revenue through increased property rates and taxes.

Section 33(4)(b): The restrictive title deed conditions were imposed during the approval of the Stellenbosch Extension No. 3 subdivision and is thus in favour of all properties that forms part of this subdivision. In practice, the enforcement of these conditions does not provide any direct or quantifiable benefit to individual property owners, as the spatial character of the area is now governed by the Stellenbosch Zoning Scheme By-Law. Given that similar applications for the removal of outdated title conditions have been approved in the area, removing these conditions would not diminish the rights of neighbouring owners or negatively impact the overall residential environment. Instead, it would allow for a controlled and contextually appropriate development in line with modern planning principles.

Section 33(4)(c): The applicant seeks to develop the property in a manner that enhances its usability and aligns with contemporary residential needs. The removal of restrictive conditions would enable the construction of a second dwelling, which would provide an additional housing opportunity for a family close to schools and community facilities while still adhering to municipal planning controls. Furthermore, the ability to build closer to common boundaries will allow for an optimized site layout that makes efficient use of available space without causing undue impact on adjacent properties. These modifications will not only increase the property's financial value but also provide the applicant with greater design flexibility and long-term investment potential.

Section 33(4)(d): If the restrictive title deed conditions were to remain in place, there would be no clear social benefit to the broader community. The outdated restrictions limit housing availability, urban densification, and modern architectural approaches, all of which are necessary for sustainable urban development. Stellenbosch is experiencing increased demand for diverse housing options, and rigid land-use controls hinder the efficient use of land within existing urban areas. The zoning scheme already provides mechanisms to regulate land use, ensuring that any new development remains in harmony with the surrounding neighbourhood. Retaining these restrictions would merely

perpetuate inefficiencies in land use without delivering any meaningful social advantages.

Section 33(4)(e): The removal or suspension of the restrictive conditions would have several social benefits:

- Increased Housing Availability: The ability to construct a second dwelling aligns with municipal policies promoting increased housing availability within existing urban areas. This contributes to a more inclusive and diverse residential environment, accommodating a range of household needs.
- Optimized Land Use: Allowing structures to be placed closer to boundaries and increasing site coverage enhances land use efficiency, reducing urban sprawl and making better use of existing infrastructure.
- Positive Economic Impact: The removal of restrictions encourages property investment, leading to job creation during construction and increased local economic activity through property improvement and associated services.
- Alignment with Municipal Planning Goals: The proposal supports broader spatial planning objectives by promoting sustainable development, accommodating moderate densification, and utilizing land more effectively.

Removing these restrictive conditions modernizes planning controls while still ensuring that new developments adhere to municipal policies, zoning regulations, and urban design principles, preventing any negative impacts on neighbouring properties.

6.5 Motivation in of the Stellenbosch Municipality Spatial Development Framework (MSDF)

Promoting Sustainable Densification and Infill Development:

The Stellenbosch MSDF prioritizes **sustainable densification and infill development** to curb urban sprawl, maximize infrastructure efficiency, and accommodate population growth within existing urban footprints. The proposed development aligns with this objective by introducing a second dwelling on the property, which enhances land-use efficiency without necessitating outward expansion of the built environment.

This approach supports the MSDF's goal of intensifying development in appropriate urban areas where municipal services are already in place, ensuring that existing infrastructure is optimally utilized. The second dwelling will contribute to a **compact, well-connected, and sustainable urban form**, reducing reliance on new developments that require costly infrastructure expansion.

Enhancing Housing Diversity and Choice:

The MSDF promotes **housing diversity** to accommodate a variety of household structures, income groups, and lifestyle needs. The introduction of a second dwelling provides an additional **residential option within an established neighbourhood**.

This aligns with the municipal vision of creating **inclusive urban environments** by allowing moderate densification within residential zones, which improves housing availability without altering the character of the area. Additionally, this initiative contributes to the realization of **efficient land use patterns** while maintaining the integrity of existing urban fabric.

Optimizing Infrastructure and Service Delivery:

A core principle of the MSDF is the **optimal use of existing infrastructure and municipal services** to avoid inefficient urban expansion. The property is located within a well-serviced urban area, benefiting from existing roads, water, sanitation, and electricity networks. The proposed second dwelling and alterations **do not impose additional strain** on municipal services but instead ensure that available infrastructure is used effectively.

This proposal aligns with the MSDF's sustainable infrastructure planning principles by focusing on **land efficiency and responsible urban management** within Stellenbosch's urban footprint.

Supporting a Walkable and Well-Connected Urban Environment:

The MSDF advocates for **walkable neighbourhoods** with good access to amenities and public transport. The property is located within proximity to key social and economic facilities, supporting the municipality's goal of creating **compact and well-connected residential areas**.

By permitting a second dwelling, the development **reduces the pressure on peripheral developments** that are car-dependent and require additional road infrastructure. The property's location allows future residents to access shops, schools, and public spaces within a short distance, contributing to a **more sustainable and less car-dependent urban form**.

Maintaining and Enhancing Neighbourhood Character:

While promoting densification, the MSDF also emphasizes **contextually appropriate development** that maintains and enhances existing neighbourhood character. The proposed alterations and second dwelling are **designed to be compatible with the prevailing residential fabric of Simonswyk**, incorporating elements that respect the area's architectural style and scale.

Additionally, design measures such as **appropriate boundary setbacks, landscaping enhancements, and carefully planned building massing** will ensure that the new additions integrate harmoniously with the surrounding built environment. These efforts align with the MSDF's commitment to preserving **aesthetic quality and community identity** while accommodating necessary urban growth.

Environmental Sustainability and Resource Efficiency:

The proposal supports the municipality's goal of **resilient and low-impact urban development**, aligning with broader environmental objectives while ensuring long-term sustainability.

Facilitating Inclusive Economic Growth:

The proposed development contributes to **local economic development** by facilitating **investment in the property market** and generating economic activity within the construction sector. The MSDF highlights the need for **private sector participation in urban regeneration and development**, and this proposal aligns with that vision by ensuring ongoing property improvement and modernization within a strategic urban area.

By increasing the property's value and attracting investment, this proposal supports the **broader economic development objectives** of the MSDF, including job creation through construction activities and the promotion of a **vibrant, economically sustainable urban area**.

6.6 Desirability of the proposal

Socio-Economic Impact:

From a socio-economic perspective, the introduction of a second dwelling contributes positively by increasing housing availability in a desirable location, potentially offering rental opportunities for young professionals, small families, or elderly relatives seeking to remain within the community. This aligns with broader housing objectives in Stellenbosch, where there is demand for well-located residential units. Additionally, the development could enhance property value and generate economic activity through construction-related investment.

Compatibility with Surrounding Uses:

In terms of compatibility with surrounding uses, Simonswyk predominantly comprises single residential properties, some of which have already incorporated second dwellings and additional use rights. The architectural design of the new dwelling complements the existing built environment, ensuring that it integrates seamlessly with the neighbourhood's character.

Impact on External Engineering Services:

Regarding external engineering services, the property is already serviced by municipal infrastructure, including water supply, sewerage, and electricity networks. While a second dwelling will increase demand, the impact is expected to be minimal given the scale of development. Development contributions will be payable to the Municipality if required.

Impact on Safety, Health, and Wellbeing:

The development will have no material impact on safety, health, or well-being, as it has been designed in compliance with building regulations and municipal planning requirements. Adequate on-site parking will be provided to prevent congestion and maintain traffic flow within the area. Additionally, the proposal ensures sufficient private open space for both dwellings, promoting a high standard of living.

Impact on Heritage:

From a heritage perspective, Simonswyk does not feature extensive heritage overlays, but if applicable, any heritage considerations will be addressed through appropriate architectural responses that respect the existing context. The development will not negatively impact any significant heritage assets in the vicinity.

Impact on the Biophysical Environment:

The biophysical environment will be minimally affected, as the property is already developed for residential use. Any loss of vegetation can be mitigated by incorporating indigenous landscaping and permeable surfaces to enhance biodiversity and reduce stormwater runoff. Furthermore, sustainable construction practices can be employed to minimize environmental impact.

Traffic, Parking, Access, and Transport:

The proposed second dwelling will share the existing carriageway crossing with the primary dwelling, minimizing the need for additional access points and preserving the streetscape's character. This approach aligns with best practices in urban planning by reducing the

proliferation of new driveways, which can disrupt pedestrian pathways and increase traffic conflicts.

From a traffic impact perspective, the addition of one more residential unit is expected to generate a negligible increase in vehicular movement. Single residential properties typically generate low trip volumes, and the incremental traffic associated with a second dwelling will not place undue strain on the surrounding road network. The existing road infrastructure in Simonswyk is designed to accommodate residential traffic, and no significant congestion issues are anticipated because of the development.

Parking will be adequately accommodated on-site, ensuring that the additional dwelling does not contribute to on-street parking demand. The property's size allows for the provision of sufficient parking bays for both the primary and second dwellings, in line with municipal parking standards. This will help maintain free-flowing traffic in the neighbourhood and prevent obstruction of driveways or roadways.

With respect to access, the shared carriageway crossing is a practical and efficient solution that eliminates the need for additional curb cuts, thereby maintaining the continuity of sidewalks and reducing potential vehicle-pedestrian conflicts. If necessary, minor improvements to the existing driveway, such as widening or resurfacing, can be made to ensure safe and convenient access for both dwellings.

Mitigation of Adverse Impacts:

The placement of the second dwelling ensures sufficient separation from the existing residence and neighbouring properties, reducing potential privacy concerns and avoiding overshadowing. The building footprint has been positioned to retain ample open space on the property, maintaining the site's permeability and preventing overdevelopment. Landscaping buffers can be introduced along shared boundaries to further enhance screening and minimize noise impacts.

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