



Your Reference: LU/17495 (TP848/2024)
Our Reference: J047
Date: 3 July 2024

To whom it may concern,

**APPLICATION FOR REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURES, AND CONSENT USE: ERF 1042 STELLENBOSCH**

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

Application Property Address: **Corner of Buitekring Road and Skadu Avenue**
Application Property Number: **Erf 1042 Stellenbosch**
Applicant: **Pieterhuizen Planning (Pty) Ltd, +27 83 262 4843**
Owner: **AJH & E van Brakel, +27 82 940 1325**
Application Reference: **LU/17495 (TP848/2024)**

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 restrictive conditions in Title Deed No. T64363/2013:

- a) Remove Clause D(iii)(b) to allow for the construction of a flat (second dwelling)
- b) Remove Clause E(d) to allow for the use of corrugated iron roof material.
- c) Suspend Clause D(iii)(c) to exceed the permissible coverage from 33.3% to 40% to allow for the proposed additions
- d) Suspend Clause D(iii)(d) to relax the following restrictive title deed building lines:
 - i) The building line adjacent to Erf 1041 from 3.15 to 1m for the proposed garage on the ground floor, flat (second dwelling) on the first floor, staircase leading to the flat, new garage store, covered utility area, and new gym.
 - ii) The building line adjacent to Erf 1043 from 3.15m to 1.1m to allow for the new gym and existing pool.
 - iii) The street building line from 6.3m to allow the proposed additions to the house (bedrooms, lobby, garage, balconies).

Application has been made in terms of section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw, for permanent departures to:

- a) relax the building line adjacent to Erf 1401 from 2.5m to 1m to allow a portion of the proposed first floor balcony above the garage to be incorporated into the new flat (second dwelling)
- b) relax the building line adjacent to Erf 1043 from 2.5m to 1.1m to allow for the proposed gym.

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 flat (second dwelling) that exceed the threshold of an additional use as the proposed flat requires a building line departure.

Pieterhuizen Planning (Pty) Ltd

Office 4, 1st Floor, Building G,
Firgrove Business Park, 3 Quantum Road,
Somerset Wes, 7130

wilhelm@pieterhuizen.co.za
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P L A N N I N G

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

Pieterhuizen Planning (Pty) Ltd

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Your Refence: LU/17495 (TP848/2024)

Our Reference: J047

Date: 3 Julie 2024

Aan wie dit mag aangaan,

**AANSOEK OM VERWYDERING EN OPSKORTING VAN BEPERKENDE
TITELVOORWAARDES, AFWYKING, EN VERGUNNINGS GEBRUIK: ERF 1042
STELLENBOSCH**

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

Adres van aansoek eiendom: **Hoek van Buitekringweg en Skadulaan**

Aansoek eiendom beskrywing: **Erf 1042 Stellenbosch**

Aansoeker: **Pieterhuizen Planning (Edms) Bpk
(wilhelm@pieterhuizen.co.za)**

Eienaar: **AJH & E van Brakel, +27 82 940 1325**

Aansoek Verwysing: **LU/17495 (TP848/2024)**

Besonderhede van die grondgebruik aansoek:

Aansoek word 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. T64363/2013:

- a) Klousule D(iii)(b) te verwyder om die bou van 'n woonstel (tweede woning) toe te laat.
- b) Klousule D(iii)(c) op te skort om die toelaatbare dekking van 33.3% tot 40% te oorskry om die voorgestelde aanbouings toe te laat.
- c) Klousule E.(d) te verwyder om die gebruik van yster dakplate toe te laat.
- d) Klousule D(iii)(d) op te skort om die volgende beperkende titelakte-boulyne te verslap:
 - i) Die boulyn aangrensend aan Erf 1041 van 3.15 tot 1m vir die voorgestelde motorhuis op die grondvloer, woonstel (tweede woning) op die eerste verdieping, trap wat na die woonstel lei, nuwe motorhuis stoor, onderdak nut-area en nuwe gimnasium.
 - ii) Die boulyn aangrensend aan Erf 1043 van 3.15m tot 1.1m om voorsiening te maak vir die nuwe gimnasium en bestaande swembad.
 - iii) Die straat boulyn vanaf 6.3m om die voorgestelde aanbouings aan die huis toe te laat (slaapkamers, voorportaal, motorhuis, balkonne)

Aansoek word gedoen ingevolge artikel 15(2)(b) van die Stellenbosch Munisipaliteit se Grondgebruiksbeplanning Verordening vir permanente afwykings om:

- a) die boulyn aangrensend aan Erf 1401 te verslap van 2.5m tot 1m om 'n gedeelte van die voorgestelde balkon op die eerste verdieping bokant die motorhuis in die nuwe woonstel (tweede woning) toe te laat.
- b) die boulyn aangrensend aan Erf 1043 te verslap van 2.5m tot 1.1m om die voorgestelde gimnasium toe te laat.

Pieterhuizen Planning (Pty) Ltd

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Aansoek word ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Grondgebruiksbeplanning Verordening gedoen vir 'n vergunnings gebruik om 'n woonstel (tweede woning) toe te laat wat die drempel van 'n bykomende gebruik oorskry, aangesien die voorgestelde woonstel 'n boulyn afwyking vereis.

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-notice/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 terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die 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 verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

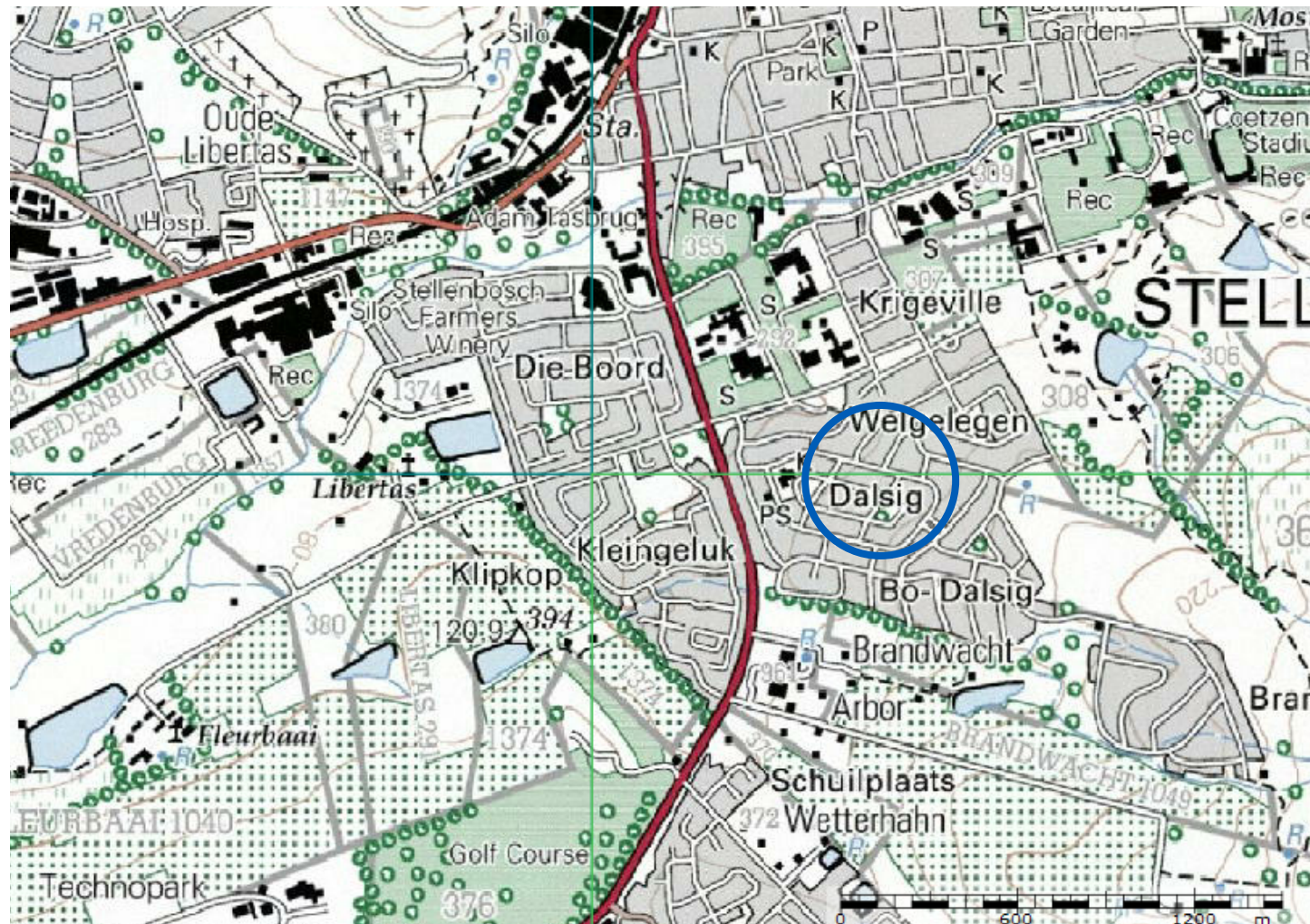
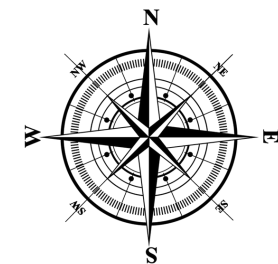
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 4 Augustus 2025.

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

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LOCALITY MAP

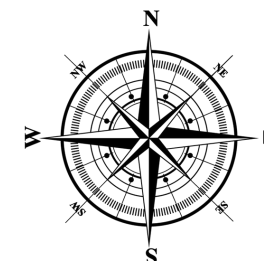
ERF 1042 STELLENBOSCH

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LEGEND:

- ERVEN
- ERF 1042



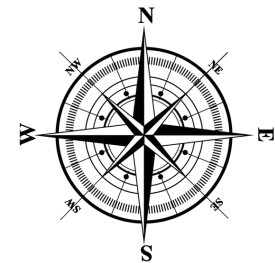
PIETERHUIZEN
P L A N N I N G

AERIAL PHOTOGRAPH ERF 1042 STELLENBOSCH

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LEGEND:

-  CONVENTIONAL RESIDENTIAL
-  PUBLIC OPEN SPACE
-  PUBLIC ROAD



PIETERHUIZEN
P L A N N I N G

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ZONING MAP ERF 1042 STELLENBOSCH

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Revision Schedule		
Revision	Revision	Revision Description
1	10 March '25	Dimensions added as per Town Planning Department Comments

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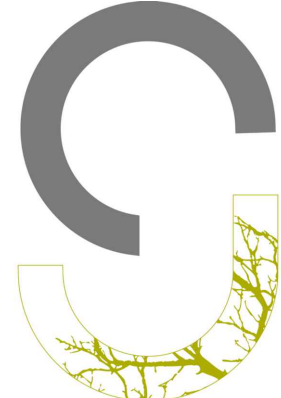
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ARCHITECT



J9 architects^{(PTY) Ltd}

CLIENT NAME & ADDRESS

Mr & Mrs van Brakel,
Erf 1042, 28
Buitekring Road, Dalsig,
Stellenbosch

PROJECT STATUS

COUNCIL

PROJECT

Alterations and Additions to
Existing House older than 60
years.

SHEET NAME

Ground Storey Plan

PROJECT NO RES034/RVB	Project Date: MARCH 2023
FILE RES034/RVB	Plot Date: 31 July 2024
DRAWING NO: RVB101	REVISION NO: 01
FOR REVISION DESCRIPTION SEE REVISION SCHEDULE F ABOVE	



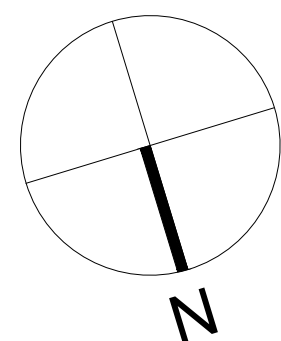
NORTH PERSPECTIVE

NTS



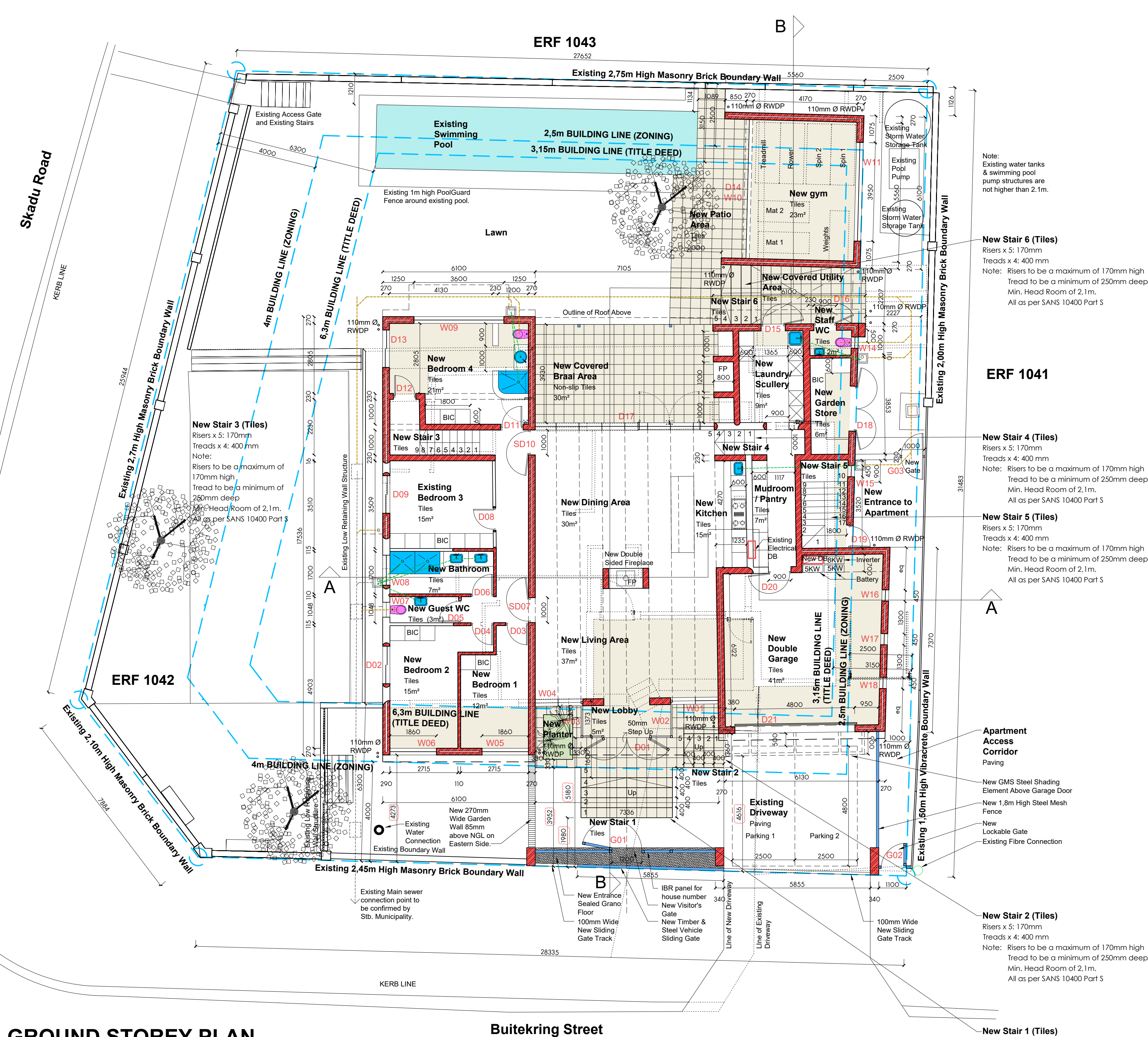
EAST PERSPECTIVE

NTS



GROUND STOREY PLAN

1:100



LEGEND:

 **New Walls**

☐ Existing Walls & Floors

 New Floor Areas

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Revision	Revision	Revision Description
1	10 March '25	Dimensions added as per Town Planning Department Comments

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ARCHITECT



J9 architects^{(PTY) Ltd}

CLIENT NAME & ADDRESS

Mr & Mrs van Brakel,
Erf 1042, 28
Buitekring Road, Dalsig,
Stellenbosch

PROJECT STATUS

COUNCIL
PROJECT

Alterations and Additions to Existing House older than 60 years.

SHEET NAME

First Storey Plan

PROJECT NO RES034/RVB	Project Date: MARCH 2023
FILE RES034/RVB	Plot Date: 31 July 2024
DRAWING NO: RVB102	REVISION NO: 01
FOR REVISION DESCRIPTION SEE REVISION SCHEDULE ABOVE	



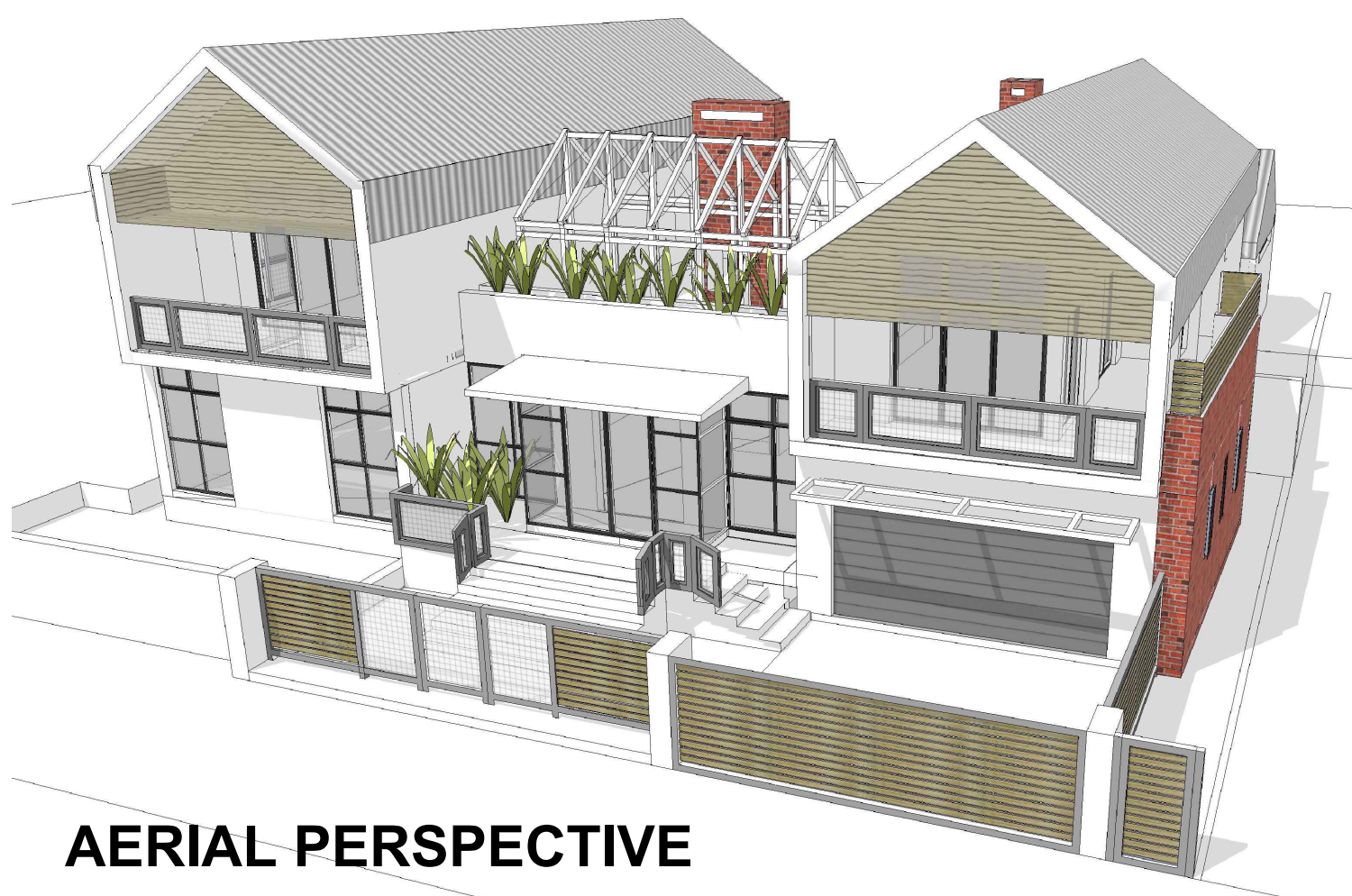
SOUTH PERSPECTIVE

NTS



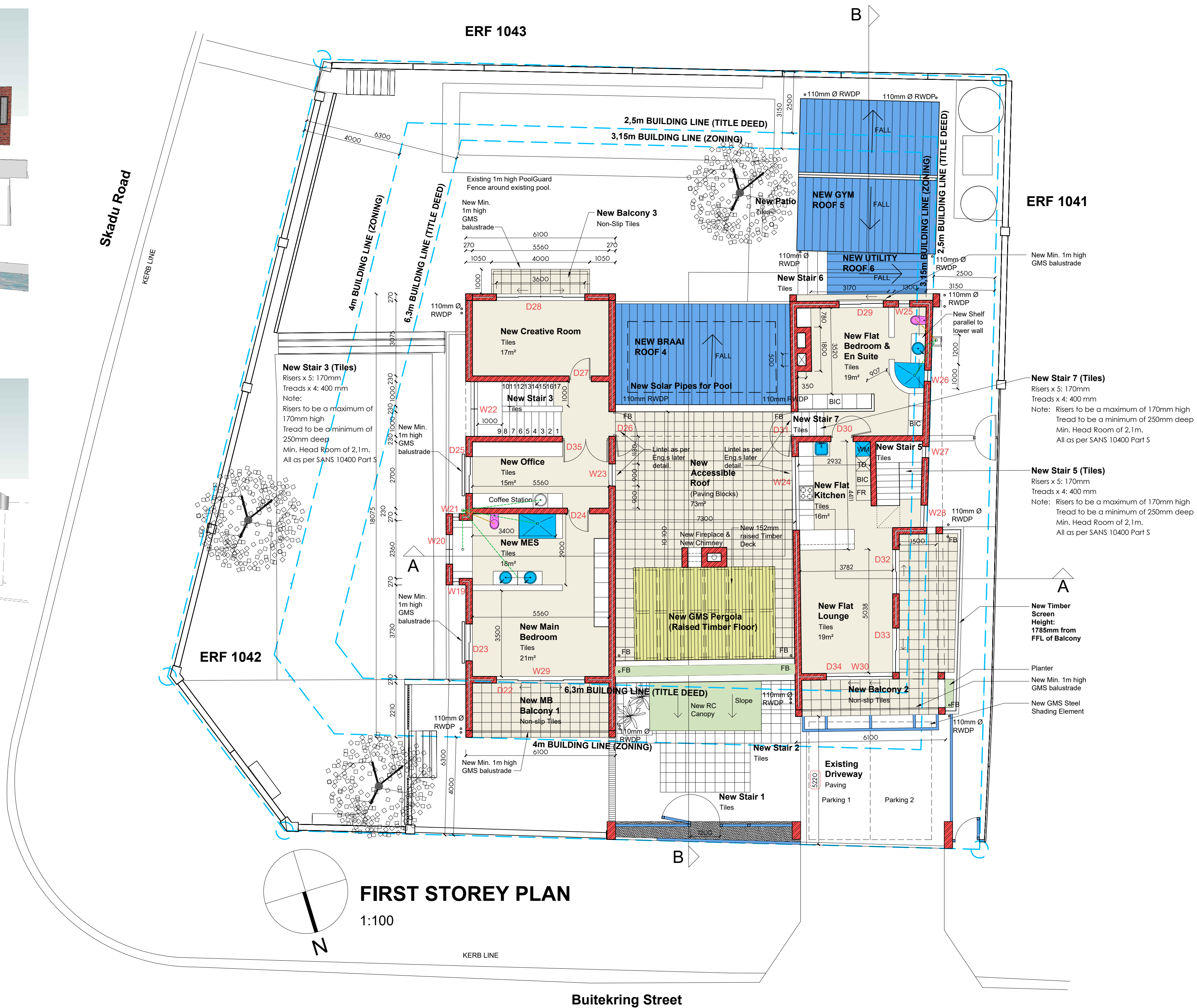
WEST PERSPECTIVE

NTS



AERIAL PERSPECTIVE

NTS



LEGEND:

 **New Walls**

☐ Existing Walls & Floors

 New Floor Areas

New Roofs



Your Refence: TP848/2024(TP848/2024)
Our Reference: J047
Date: 3 July 2025

To whom it may concern,

EXECUTIVE SUMMARY: APPLICATION FOR THE REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE FOR A SECOND DWELLING AND COMMON BOUNDARY BUILDING LINE DEPARTURES ON ERF 1042 STELLENBOSCH AT THE CORNER OF BUITEKRING ROAD AND SKADU AVENUE

1. Introduction

The purpose of this report is to motivate the amended land use applications required to allow for the redevelopment of the existing dwelling house and the addition of a second dwelling house on Erf 1042 Stellenbosch (hereafter referred to as “the property”).

2. Summary

Property Description	Erf 1042 Stellenbosch
Property Address	Corner of Skadu and Buitekring Road, Stellenbosch
Property Extent	961m ²
Registered Owner	Adriaan Johannes Hermanus van Brakel and Elana van Brakel
Title Deed Number	T. 64363/2013
S.G. Diagram Number	S.G. No. 1862/50
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law, 2024
Current Zoning	Conventional Residential Zone
Current Land Use	Dwelling House
Proposal	Additions and alterations to the existing house including the addition of a second storey which will partially accommodate a second dwelling house.
Applications Required	Permanent departures from the provisions of the zoning scheme to allow for: <ul style="list-style-type: none">• The garage, exceeding one storey in height, to be 1m from the western common boundary.• The first-floor balcony to be 1m from the western common boundary.

	<ul style="list-style-type: none"> • The gym to be 1.1m from the southern common boundary. <p>Consent use to allow for a second dwelling which requires a building line departure.</p> <p>Removal of restrictive title deed conditions D.(iii)(b) and E.(d) from Deed of Transfer No. T64363/2013 to allow for the following:</p> <ul style="list-style-type: none"> • A second dwelling on the property. • Corrugated iron roof material. <p>Suspension of restrictive title deed condition D.(iii)(c) to allow for a built-upon of 40% in lieu of 33.3%.</p> <p>Suspension of restrictive title deed condition D.(iii)(d) to allow for the following structures to within the prescribed 6.3m Buitekring Street boundary building line:</p> <ul style="list-style-type: none"> • The proposed garage with shading element on the ground floor to be 4.62m in lieu of 6.3m • The proposed entrance steps on the ground floor to be 1.98m in lieu of 6.3m • The proposed lobby on the ground floor to be 5.18m in lieu of 6.3m • The proposed entrance porch with planter and entrance steps on the ground floor to be 3.95m in lieu of 6.3m • The proposed two bedrooms on ground floor to be 4.27m in lieu of 6.3m • The proposed second dwelling balcony on the first floor to be 5.22m in lieu of 6.3m • The proposed main bedroom balcony on the first floor to be 4m in lieu of 6.3m <p>Suspension of restrictive title deed condition D.(iii)(d) to allow for the following structures to within the prescribed 2.5m side boundary building line (abutting Erf 1043):</p> <ul style="list-style-type: none"> • The existing swimming pool on the ground floor to be 1.21m in lieu of 3.15m • The proposed gym on the ground floor to be 1.13m in lieu of 3.15m <p>Suspension of restrictive title deed condition D.(iii)(d) to allow for the following structures to within the prescribed 2.5m side boundary building line (abutting Erf 1041):</p> <ul style="list-style-type: none"> • The proposed gym on the ground floor to be 2.5m in lieu of 3.15m • The proposed utility area on the ground floor to be 2.27m in lieu of 3.15m • The proposed garden shed on the ground floor to be 2.5m in lieu of 3.15m
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	<ul style="list-style-type: none"> • The proposed stairs (entrance to second dwelling) on the ground floor to be 2.5m in lieu of 3.15m • The proposed garage with shading element on the ground floor to be 1m in lieu of 3.15m • The proposed second dwelling bedroom and en-suite bathroom on the first floor to be 2.5m in lieu of 3.15m • The proposed stairs (entrance to second dwelling) on the first floor to be 2.5m in lieu of 3.15m • The second dwelling screened balcony on the first floor to be 1m in lieu of 3.15m
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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 8, below, is an extract of the Stellenbosch Municipality’s Zoning Map, indicating the property zoned Conventional Residential Zone.

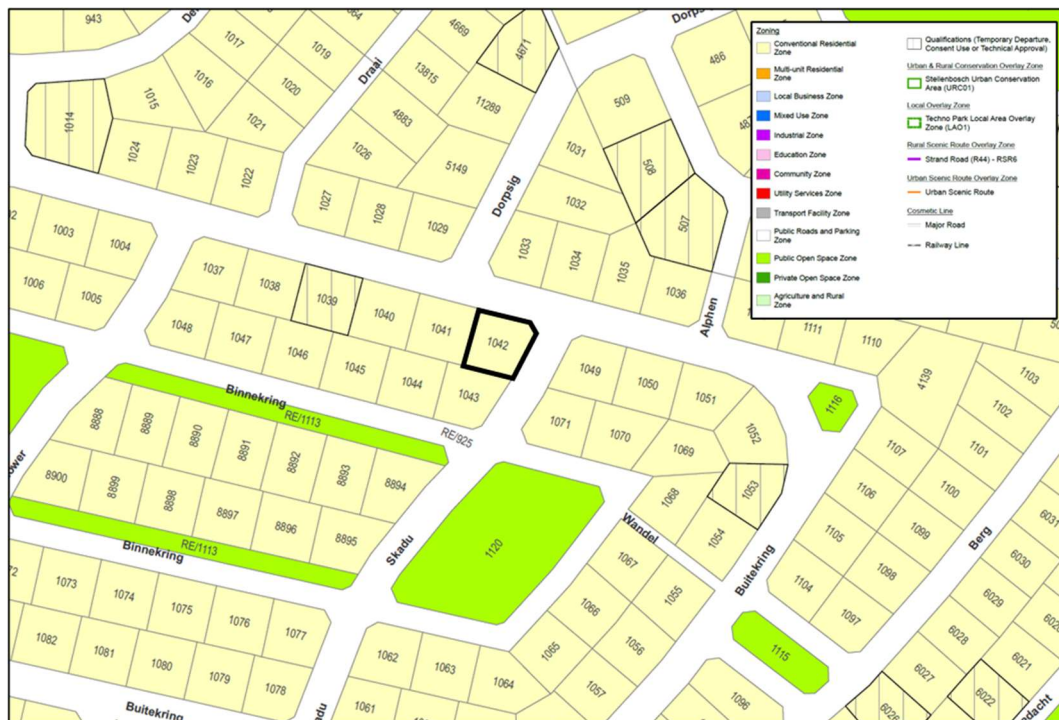


Figure 1 Extract of the Zoning Map

The following land use rights are permitted on this Conventional Residential zoned property:

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/year) Tourist Dwelling Unit Additional Uses Exceeding Parameters

Table 2 Applicable Land Uses

Table 3 below sets out the applicable 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% (480.5m 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

Title Deed Conditions and Conveyancer Certificate

The property is held by Deed of Transfer No. T.64363/2013. Conveyancer Louis Paul van Schalkwyk from Bellingan Muller Hanekom Inc confirmed that the following restrictive title deed conditions are relevant to this application:

D.(iii)(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.

D.(iii)(c): op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie.

No more than one-third of its surface area may be built upon.

D.(iii)(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, ook nie binne 3,15 meter van die agtergrens of sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word mits sodanige buitegeboue nie 'n hoogte van 3,05 meter te bowe gaan nie, watter hoogte gemeet word van die vloer tot die ankerplaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deurmense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf.

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, an outbuilding may be erected within the prescribed space along the rear boundary with the approval of the local authority, provided that such outbuilding does not exceed a height of 3.05 meters, measured from the floor to the anchor plate, and provided that no part thereof is used for human habitation. When any two or more erven are consolidated, these conditions shall apply to the consolidated area as a single erf.

E.(d) Geen dak van enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde material en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie.

No roof of any structure on the erf may be made of corrugated iron or any similar material, except where such roof is not visible from the street. All roofs on the erf must be of the same material and construction, except where the relevant roof is not visible from the street.

Restrictive title deed conditions D.(iii)(b), D.(iii)(c), and D.(iii)(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 approval of the Dalsig Township was approved. Restrictive title deed condition E.(d) were imposed by and in favour of Dalsig Landgoed (Eiendoms) Beperk and their successors

in title, meaning all owners of property within the Dalsig Township as identified in the general plan.

4. Proposed Development

4.1 Site Development Plan

With reference to the proposed building plans, drawn by *J9 Architects* (Drawing No RVB100 dated 31 July 2024 and RVB101), the proposed development involves substantial alterations and additions to the existing house on the property. The aim is to modernize the property and enhance its functionality by adding new recreational, living, and utility spaces.

Ground Floor:

A new home gym is proposed in the south-western corner of the property. The gym is proposed to be 2.5m from the western common boundary and 1.1m from the southern common boundary. The gym is a one-storey outbuilding with a pitched roof. The existing pool pump and tanks are located closer than 2.5m from the western and southern common boundaries but will not exceed 2.1m in height.

The southern portion of the property will still be used for gardening and outdoor purposes with the existing swimming pool, situated 1.1m from the southern common boundary, to remain.

Attached to the main building on the property and along the western common boundary 2.5m building line, a new garden store, and staff bathroom is proposed. A new entrance with stairs leading to the first floor is also proposed on the western common boundary 2.5m building line. A double garage is proposed in the north-western corner of the property, situated 1m from the western common boundary and at least 5m from the northern street boundary of the property.

The northern portion of the main building ground floor will be extended towards the northern street boundary 4m building line. This extension will include two new bedrooms, a new entrance lobby, a new planter and entrance steps to the said lobby. All the new structures proposed on the northern side of the building will not intrude on the 4m street boundary building line, except for the entrance steps (which is permitted).

The ground floor of the dwelling house will thus be redeveloped to function accordingly: Access to the dwelling house will be either from the northern entrance steps and lobby or from the new double garage. The lobby will lead to the new combined living, dining and kitchen area and the double garage will lead to the new pantry/mudroom. A new scullery will be accessed from the kitchen area and a new covered braai area will be situated south of the dining area. The eastern wing of the ground floor will accommodate four bedrooms (one with

an en-suite bathroom), a new guest toilet and a new bathroom. This portion of the ground floor will also accommodate a new staircase that leads up to first floor of the dwelling house.

First Floor:

The first floor of the dwelling house will be accessed via a new staircase located on the eastern wing of the building. The staircase will lead to a lobby with a recreational room for kids situated to the south and a new office situated to the north of the lobby. The lobby will also provide access to a new accessible roof area with a pergola and fireplace. The new main bedroom with en-suite will be situated in the north-eastern corner of the first floor and will be accessed via the new office area. The main bedroom will lead to a private balcony, situated on the northern street 4m common boundary.

The western portion of the proposed first floor will accommodate a new one-bedroom second dwelling (flat) measuring approximately 54m² in floorspace. The flat will be accessed via the new staircase that will be situated south of the double garage. The staircase will lead into the kitchen of the flat and the bedroom with en-suite bathroom will be situated south of the kitchen. A new lounge is proposed north of the kitchen that will lead to a wrap-around balcony situated on the north-western corner of the first floor. The northern portion of the balcony will not intrude on the northern street boundary, but the western portion of the balcony will be aligned with the western façade of the ground floor garage and thus situated 1m from the western common boundary. A planter will be situated in the north-western corner of the balcony. A new timber screen, measuring 1.8m in height, is proposed along the western side of the balcony to mitigate the impact on privacy of the balcony.

Boundary Walls:

The existing boundary walls will be retained along all the boundaries except for a portion of the northern street boundary. A new 1.8m high steel and timber boundary wall with mesh fence, new sliding gate and two new lockable pedestrian gates will be added to the northern street boundary. 14.2m of the northern street boundary, measuring 28.3m, will be visually permeable and thus complies with Section 56.(2) of the Zoning Scheme.



Figure 2 Proposed Additions to Boundary Wall

Assessment of Proposal

Table 4, below, is an assessment of the proposed development 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 <i>(no application required)</i>
Additional Land Use	Zoning Scheme: Second Dwelling Title deed: One Dwelling Only	Second Dwelling <i>(Consent use application)</i> <i>(removal of TD condition D.(ii)(b))</i>
Northern Street Boundary Building Lines (Buitekring Street):	Zoning Scheme: 4m (Carports: 0m)(Garages: 1m) Title Deed: 6.3m	4m (except for entrance steps which are allowed within boundary lines) GF Garage: 4.62m GF Entrance steps: 1.98m GF Lobby 5.18m GF Entrance porch: 3.95m GF Two bedrooms: 4.27m FF Balcony: 5.22m

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		FF Bedroom balcony: 4m (Suspension of TD condition D.(ii)(d))
South-eastern Street Boundary Building Line (Skadu Street)	Zoning Scheme: 4m (Carports: 0m)(Garages: 1m) Title Deed: 6.3m	>4m (no application required) >6.3m (no application required)
Western Common Boundary Building Lines:	Zoning Scheme: 2.5m (Carports and garages: 0m if only one storey high) Title Deed: 3.15m	1m (garage exceeding one storey in height and first floor balcony) (departure) GF Gym: 2.5m GF Utility Area: 2.5m GF Garden Shed: 2.5m GF Stairs: 2.5m GF Garage: 2.5m FF Bedroom: 2.5m FF Stairs: 2.5m FF Balcony: 1m (Suspensions of TD condition D.(ii)(d))
Southern Common Boundary Building Lines:	Zoning Scheme: 2.5m (Carports and garages: 0m if only one storey high) Title Deed: 3.15m	1.1m (gym) and existing swimming pool. (departure for new gym) GF Swimming Pool: 1.1m GF Gym: 1.1m (Suspension of TD condition D.(ii)(d))

Coverage:	Zoning Scheme: 50% (480.5m ²) Title Deed: 33.3% (320.3m ²)	40% (380m ²) (no application required) 40% (380m ²) (Suspension of TD condition D.(ii)(c))
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: No corrugated iron sheets	IBR roof sheets (removal of TD condition E.(d))

Table 4: Assessment of Proposed Development

5. Adjudication and Motivation

5.1 Motivation for Consent Use (Second Dwelling Exceeding Development Parameters of Zoning Scheme)

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. However, the proposed second dwelling includes a balcony that requires a building line departure, necessitating a consent use application in accordance with the zoning scheme.

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. 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. The building line departure for the balcony is a minor adjustment that will not significantly impact neighbouring properties in terms of privacy, light, or space.

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.



Figure 3: Proposed Second Dwelling

5.2 Motivation for the Western Common Boundary Building Line Departure

The proposed development on the property includes constructing a garage with a storey above it and a first-floor balcony positioned 1m from the western common boundary of the property. While the applicable building line on this boundary is 2.5m, the zoning scheme do allow for certain exceptions under specific conditions, i.e. a garage is permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property other than the adjacent public or private road. The proposed garage, however, includes an additional storey (second dwelling), and the balcony encroaches further into the setback area.

The additional storey above the garage is designed to optimize land use by providing essential living space without an excessive building footprint. This approach supports efficient use of urban land, contributing to higher density residential areas without compromising open green spaces. Architecturally, integrating the garage and the first-floor balcony into a cohesive design enhances the property's aesthetic appeal, ensuring harmony with the surrounding buildings.

The height of the garage and the additional storey has been carefully considered to minimize the impact on neighbouring properties. The design ensures that the structure does not overshadow adjacent properties or infringe on their privacy. The first-floor balcony, situated 1m from the boundary, includes design elements such as privacy screens and strategic landscaping to mitigate potential overlooking issues, ensuring the privacy of neighbouring properties is maintained.

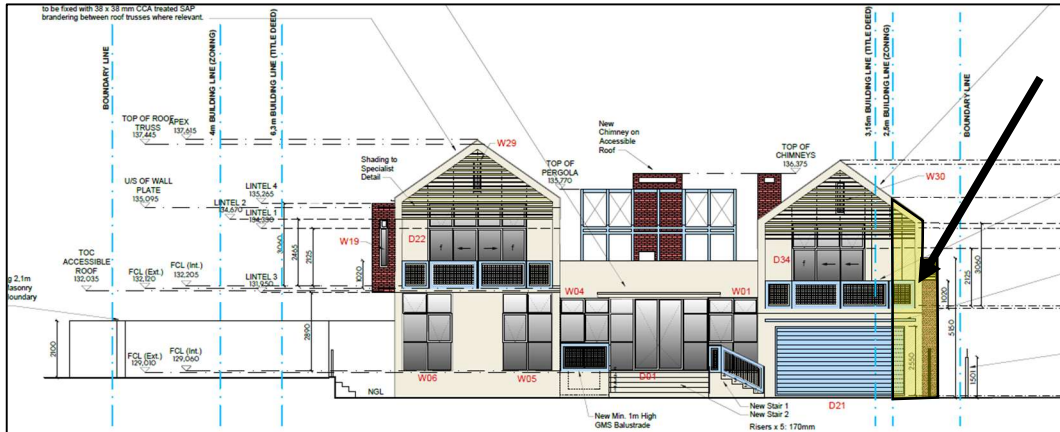


Figure 4 Western common boundary departure area from northern elevation

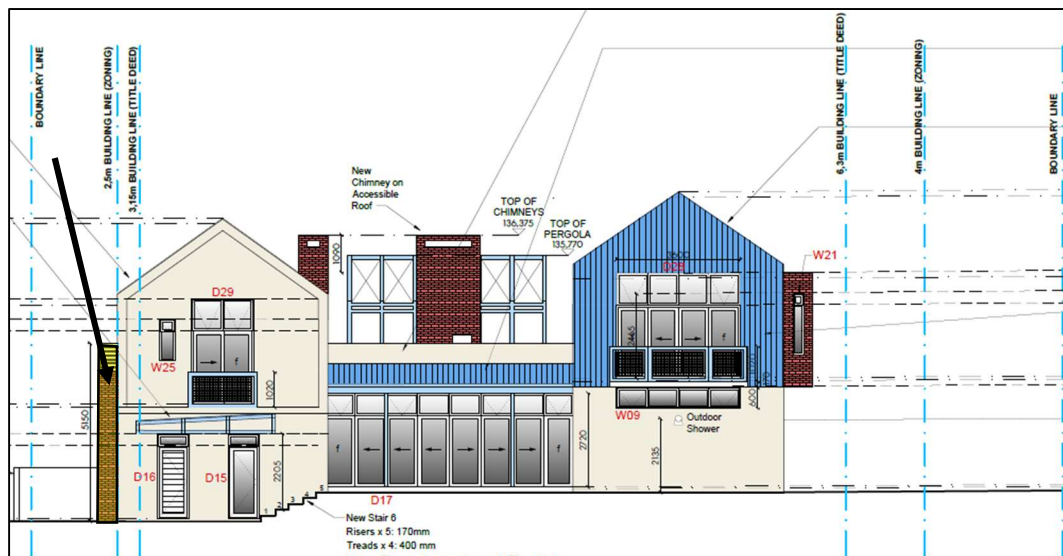


Figure 5 Western Common Boundary Departure Area from South Elevation

Similar developments in the area have incorporated garages and living spaces within the building line. The proposed design is consistent with these patterns, ensuring it does not disrupt the neighbourhood's character.

5.3 Motivation for the Southern Common Boundary Building Line Departure

The proposed development includes constructing a new gym positioned 1.1m from the southern common boundary.

While the applicable building line on this boundary is 2.5m, this departure is required to optimize the use of space on the property and enhance the overall functionality and aesthetic of the home.

Placing the gym 1.1m from the southern boundary allows for more efficient use of the available space on the property. This positioning frees up other areas for landscaping and recreational use, contributing to a more balanced and functional site layout.

The gym's location is designed to be unobtrusive, ensuring that it integrates well with the existing structures and the overall site plan. This strategic positioning also maintains open spaces in other parts of the property.

The gym, unlike a living space, is not intended for prolonged occupancy. This reduces the potential for noise and other disturbances compared to spaces where people live, sleep, or socialize extensively. The height and design of the gym ensure that it does not overshadow adjacent properties or infringe on their privacy. The gym is designed with windows and ventilation facing away from the neighbouring property to maintain privacy and reduce noise.

The proposed departure from the 2.5m building line on the southern boundary to 1.1m for the new gym is justified by the need to optimize land use, enhance living conditions, and align with sustainable urban development principles. The fact that the gym is not a living space and will not be used for prolonged occupancy reduces potential impacts on neighbouring properties. The design incorporates mitigating measures to minimize any potential adverse impacts, ensuring privacy and maintaining the neighbourhood's character.

5.4 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 1960, prior to the implementation of modern zoning schemes and is outdated in relation to current urban

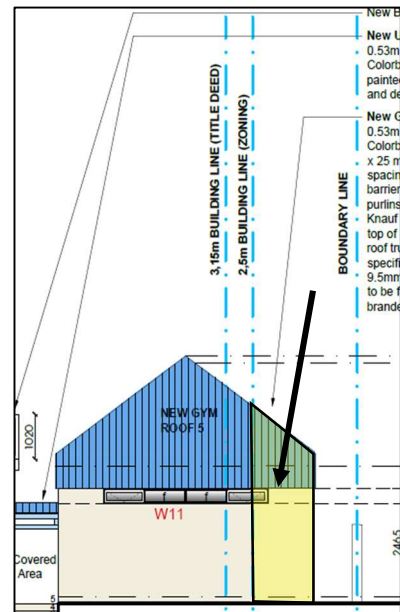


Figure 6 Southern Common
Boundary Departure Area from
Western Elevation

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 D.(iii)(b):

Removing the restrictive condition allows for more efficient use of the property. By enabling the development of an additional dwelling, such as a flat, the property can accommodate more residents without expanding its footprint excessively. 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. The additional dwelling can provide housing for extended family members, rental opportunities, or accommodation for caregivers, thereby enhancing the utility and value of the property.

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 (flat) 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.

Restrictive Title Deed Condition E.(d):

The title deed for Erf 1042 includes a restrictive condition imposed by Dalsig Eiendomme (Pty) Ltd in 1960 that limits the use of corrugated roof sheets on the property. The proposed

development intends to use IBR (Inverted Box Rib) sheets, 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.

5.5 Motivation for the suspension of restrictive title deed conditions

Restrictive Title Deed Condition D.(iii)(c):

The title deed of the property includes a restrictive condition that limits the built-upon area to one-third of the property. This condition was imposed prior to the current zoning scheme, which permits a coverage of up to 50%. The proposed development has a coverage of 40%, which exceeds the title deed restriction but is well within the zoning scheme's allowance.

Allowing a 40% coverage aligns with the zoning scheme's intent to promote efficient land use without compromising the quality of living spaces. This balance is crucial for supporting higher density living while maintaining sufficient open and recreational spaces.

The proposed 40% coverage is a considered and moderate increase that enables better utilization of the property, facilitating more functional and aesthetically pleasing development.

Increasing the coverage to 40% enhances the property's functionality and market value. This adjustment allows for larger or more efficiently designed living areas, improving the overall liveability of the property.

Restrictive Title Deed Condition D.(iii)(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 liability of the property.

5.6 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, restricting building coverage, 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 in favor of Dalsig Landgoed (Eiendoms) Beperk and its successors in title, which broadly refers to all property owners within the Dalsig Township. 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 additional housing opportunities 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.

5.7 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**, supporting a mix of housing types that cater to a broader demographic.

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 Dalsig**, 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**.

5.8 Desirability of the proposal

Socio-Economic Impact:

The proposed changes, including the construction of a new gym and an additional dwelling unit, will enhance the functionality and value of the property. The gym provides a non-residential space promoting a healthier lifestyle, while the additional dwelling addresses the growing housing demand. This balanced development supports the local economy by potentially increasing property values and providing diverse living spaces.

Compatibility with Surrounding Uses:

The proposed development is designed to blend seamlessly with the existing residential structures in the neighbourhood. The gym, located 1.1m from the southern boundary, and the additional dwelling unit ensure that the aesthetic and functional harmony of the area is maintained. The proposal reflects the neighbourhood's character and align with the current urban fabric.

The proposed removal/suspension of restrictive title deed conditions, together with the proposed departures have been evaluated against the current status quo of the immediate surroundings of the property. Although the development of some properties in the area is still aligned with the title deed conditions, these tend to be the original houses and not newer, redeveloped properties. The redeveloped properties in the area are more aligned with the zoning scheme provisions and not the title deed conditions.

Impact on External Engineering Services:

The proposed changes, as detailed in the plans, will have a minimal impact on external engineering services. The development is designed to efficiently use existing infrastructure without overburdening local utilities and services. Consideration has been given to water, electricity, and waste management to ensure sustainability. Development contributions will be payable to the Municipality if required.

Impact on Safety, Health, and Wellbeing:

No material impact.

Impact on Heritage:

The proposed developments respect the historical context of the area. The plans demonstrate a careful balance between modernizing the property and preserving the neighbourhood's historical aesthetic and cultural significance. The design maintains the architectural integrity of the surrounding area. The building is older than 60 years and Heritage Western Cape has approved the proposed development.

Impact on the Biophysical Environment:

No material impact.

Traffic, Parking, Access, and Transport:

Adequate provision has been made for parking and access, as detailed in the plans. The development will not adversely affect traffic flow or congestion in the area. The site layout ensures smooth access and egress, aligning with municipal traffic and transport policies. The existing carriageway crossing will be used.

Mitigation of Adverse Impacts:

Any potential adverse impacts of the development will be mitigated through the imposition of conditions as deemed necessary by the municipality. These could include limitations on noise

levels, and landscaping requirements to ensure privacy and aesthetic appeal. The plans outline these measures to address community concerns.

6. Conclusion

The application for the removal/suspension of restrictive title deed conditions, consent use and the approval of departures has been meticulously prepared and submitted in compliance with the Stellenbosch Land Use Planning By-law. The procedure followed ensures transparency and adherence to municipal requirements, guaranteeing a fair evaluation process.

Pieterhuizen Planning

July 2025