

STELLENBOSCH

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Application Number: TP1594/2026

Our File Reference Number: Erf 7120, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir /Madam

APPLICATION FOR PERMANENT DEPARTURE ON ERF 7120, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows.

2.1 That the application in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw 2023, for a **Departure** for the relaxation of the common building line (adjacent to Erf 7119, Stellenbosch) from **2,5m** to **0m** to allow for extensions (en-suite bedroom) to the existing dwelling on Erf 7120, Stellenbosch:

BE REFUSED in terms of Section 60 of the said Bylaw.

2.2. The **reasons** for the above decision are as follows:

- i. Sufficient space is available at the rear of the erf to accommodate future extensions, as demonstrated by a previous land use approval for extensions to the existing dwelling, which, although not implemented, confirmed the availability of adequate development space.
- ii. The proposed boundary-to-boundary development is considered incompatible with the established development pattern and character of the surrounding area.
- iii. The area was not planned for row housing development; therefore, a minimum 1,0m setback from the common boundary is required to maintain the existing development pattern and adequate separation between buildings.

2.3. That the application in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw, 2023 for a **Departure** for the relaxation of the common building line (adjacent to Erf 7121, Stellenbosch) from **2,5m** to **0m**, for purposes of a braai/entertainment area;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.4. The **approval** is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

- a) The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.
- b) That no run-off (rainwater) from the proposed braai room be channelled onto the abutting property.
- c) A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation and prior to the approval of any building plan.
- d) The applicant/owner shall take cognisance of the existing municipal sewer line located towards the rear of the erf, in close proximity to the proposed swimming pool. The positioning of the swimming pool shall not conflict with the sewer line or the required sewer trench width. Any additional requirements identified during the building plan approval process shall be complied with. Any damage caused to the municipal sewer infrastructure because of the development shall be the responsibility and cost of the owner. See **ANNEXURE B** for comment from the **Directorate: Infrastructure Services** in their memo dated 20 May 2026.
- e) Building Plans for all new structures and for all changes of use in the existing buildings be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

2.5. The **reasons** for the above decision are as follows:

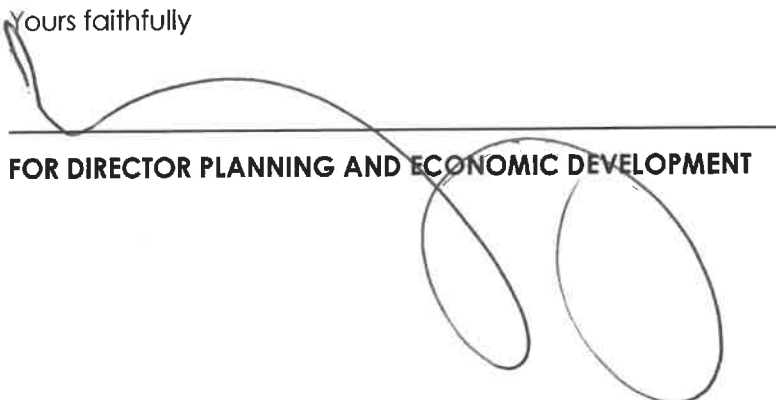
- 2.5.1. The proposal is in line with the current residential land use of the subject property and is not out of character with its surroundings.
- 2.5.2. The adjacent affected property owner(s) granted their written consent
- 2.5.3. The braai room is acceptable in scale and positioning, and do not negatively impact adjoining properties. The braai room, despite its positioning on the common boundary,

is considered acceptable in terms of its scale, design, and placement, and is not anticipated to result in any undue adverse impact on the adjoining property.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
4. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.
5. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
7. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021- 808 8684.
8. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised, and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT



DATE



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ANNEXURE B

COMMENTS FROM DIRECTORATE:
INFRASTRUCTURE SERVICES



STELLENBOSCH MUNICIPALITY

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MEMORANDUM

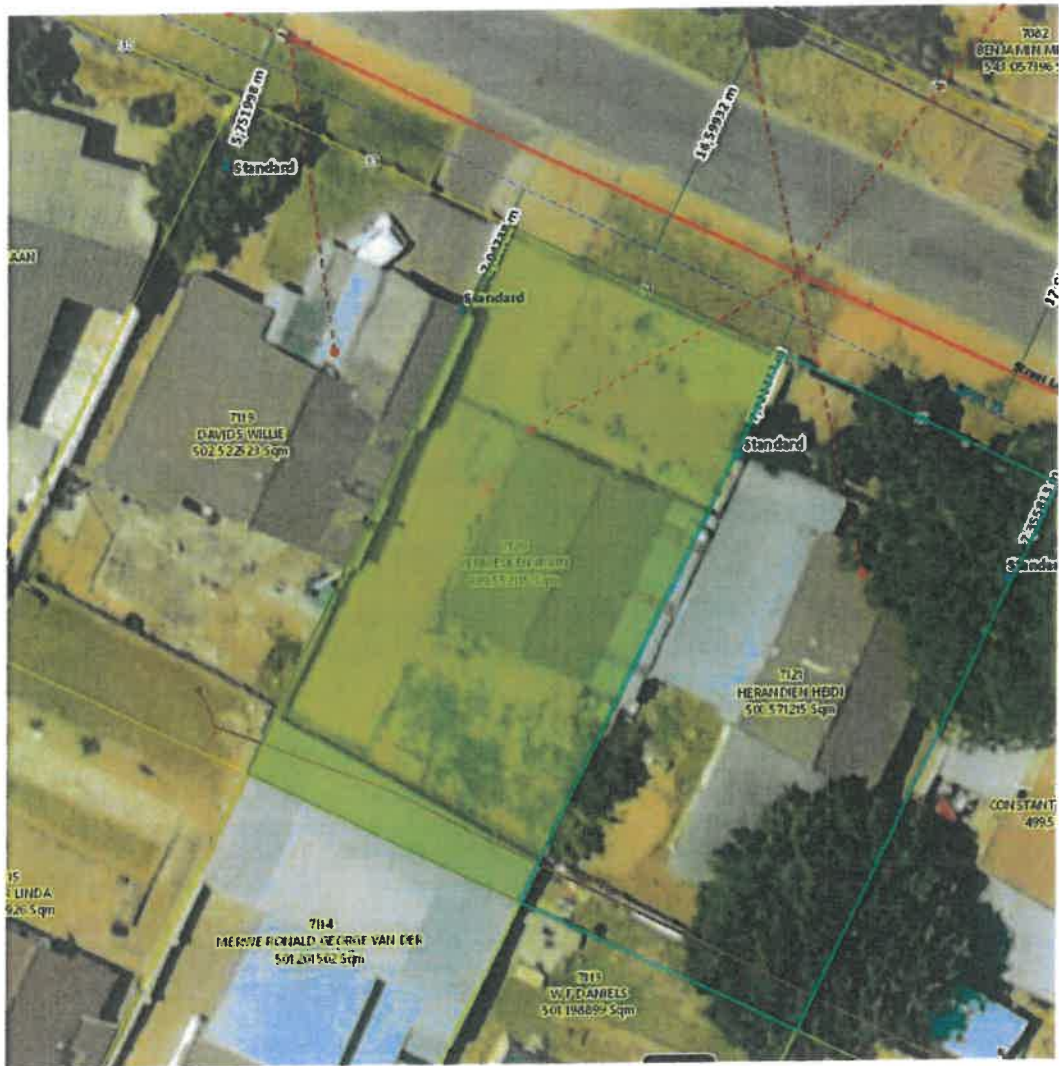
DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nolusindiso Momoti
From ▫ Van:	Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	20 May 2026
Our Ref ▫ Ons Verw:	Civil LU 3113
Town Planning Ref:	TP1594/2026
Re ▫ Insake:	Erf 7120, Stellenbosch: The application is made in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 7120, Stellenbosch Division for the following:-A permanent departure in terms of section 15(2)(b) of said bylaw to relax the common building lines adjacent to erven 7119 and 7121 from 2.5m to 0m, to allow for additions to the existing dwelling house in the form of a braai room and a bedroom with en suite bathroom.

The application is recommended for approval, subject to the following conditions:

- 1. Civil Engineering services**
- 1.1** Please be aware of the municipal sewer line (brown) at the back of the erf – close to where the pool is planned. Indicate the actual position of the sewer line on the building plans – the positioning of the pool must not clash with the sewer line and the sewer trench width. Additional conditions may be set at building plan stage. Any damage to the sewer line will be for the Owner's account.



King

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

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