



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500148179

Erf 975, 9 Ravine Road, Bantry Bay

Development Management

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**APPLICATION FOR DELETION OF TITLE DEED
CONDITIONS AND DEPARTURES IN TERMS OF THE
MUNICIPAL PLANNING BY-LAW OF 2015: ERF 975
BANTRY BAY, 9 RAVINE ROAD**



Amended 2026-06-29

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APPLICATION MOTIVATION

1.1 PLANNING APPLICATION AND PROPOSAL

Application is made for: (1) the deletion of restrictive Title Deed conditions, and (2) various departures listed in Section 1.4 below; in order to permit the development of three new dwelling houses on the subject property, as shown on the attached Site Development Plan (SDP).

The restrictive title deed conditions to be deleted relate to (1) building setbacks from Ravine Road, (2) not more than one house (3) half built-upon restriction.

These conditions are mainly considered archaic in nature, specifically in light of the provisions of the new Development Management Scheme (DMS) and various relevant City policies.

1.2. SUBJECT PROPERTY / PROPERTY DESCRIPTION

The subject property (Erf 975, Bantry Bay) is made up of the exempted consolidation of Erf 106 and Erf 103, Bantry Bay. The consolidation was exempted from approval from the City due to the existing dwelling house being built and approved over the property. The consolidation diagram is attached to the application.

The subject property is 566 m² in extent and slopes significantly upwards from Ravine Road. The subject property is zoned Single Residential Zone 1 (SR1) and is subject to the development rules contained within the Cape Town Development Management Scheme.

1.3 DEVELOPMENT MANAGEMENT SCHEME (DMS) COMPLIANCE ASSESSMENT

The Municipal Planning By-Law (MPBL) and associated DMS are applicable to the subject property. As indicated earlier in this report, the subject property is zoned Residential 1 (R1), with provisions as follows:



Extract from the Zoning map showing the SR1 zoning of the subject property

In terms of compliance with the relevant provisions of the DMS, please note the following:

Floor Factor

A floor factor of 1 is applicable to the subject property, which translates to allowable floor space of 566 m². As is shown on the SDP submitted, the proposed dwelling house will have a floor space of 735 m², which translated to a floor factor of 1.3 and requires a departure in terms of the DMS.

Heights

The proposed dwelling houses are subject to a 9 m height restriction. As is evident from the SDP submitted, the proposal clearly complies with the height restriction. Given the above, the proposal therefore complies with the height provisions within the DMS.

Street boundary building line

The proposed new dwelling houses are excavated into the slope and placed to move from the street following the slope towards the rear of the site, which

is not uncommon for buildings in the area. Only a single storey will be immediately visible from the street, with the rest of the building setback. The new dwelling house therefore requires some street departures for portions of the building. The required street setback departures are discussed in detail later in this report.

Common boundary building lines

The proposed dwelling houses are compliant with the common boundary setback requirements in terms of the DMS. The portions of the building closer to the common boundaries is compliant with the 60 % of the remaining distance beyond the 12m from the street and within 4.0 m of height above the EGL.

Compliance with item 25 (A) and (B)

- The primary Dwelling House is permitted as of right.
- The Second Dwelling complies with Item 25A.
- The Third Dwelling is applied for in terms of Item 25B and satisfies the relevant development and impact criteria.
- Any departures required are addressed separately in this application.

The proposal is therefore consistent with the Development Management Scheme provisions governing additional dwelling units on the Single Residential (R1) property.

1.4 APPLICATIONS REQUIRED IN TERMS OF PLANNING LAW

Application is made for the deletion of restrictive title deed conditions and departures in terms of Section 42 (g) and (j) of the Municipal Planning By-Law (MPBL), in order to permit the erection of 3 new dwelling houses on the subject property as per the submitted SDP. In this regard, please note the following:

Deletion of restrictive title deed conditions contained in Deed of Transfer T as follows:

Condition 1.B.a. “That not more than one house shall be built on each of the Lots.”

Condition 1.B.b. “That no dwelling house to be built shall be inconsistent with the environments”.

Condition 1.B.c. “That such house shall be used as a dwelling house.”

Condition 1.C.a. and 11.B.a: “That any building erected on the said land shall stand back not less than 3.15 metres from Ravine Road. The space thus left may be used as a garden or forecourt but shall not be built upon”.

Condition 1.C.b. and 11.B.b: “That not more than one building shall be erected on any one lot and not more than half the area of any one lot shall be built upon without written consent of the Council of the City of Cape Town.”

The following planning applications are required from the provisions of the Development Management Scheme (DMS), which is contained as Schedule 3 of the municipal planning by-law:

- **Item 22(b):** Permanent departure to permit a floor space of 735 m² (floor factor of 1.3) in lieu of floor space of 566 m² (floor factor of 1).
- **Item 22(d):** Permanent departure to permit portions of the building to be setback 0.0 m in lieu of 3.5 m from the street boundary (Ravine Rd).
- **Item 22(h):** Permanent departure to permit coverage of 98.3% in lieu of 75%.
- **Item 136(B)(a):** Permanent departure to permit the boundary wall height to be 2.836 m in lieu of 2.1 m above EGL on Ravine Road.



- **Item 136(B):** Permanent departure to permit the boundary wall to 0% permeable in lieu of 25% permeable on Ravine Road.
- **Item 140 (2) a & b:** Permanent departure to permit 2 carriageway crossings on-site, closer than 12m apart.

BASIC INFORMATION

2.1 APPLICANT AND OWNERSHIP DETAILS

The registered owner of the subject property, _____ has duly authorised D&S Planning Studio to make application to the City of Cape Town for the applications referred to in Paragraph 1.4 above, and to act as the Applicant in this and related matters.

2.2 TITLE DEEDS AND RESTRICTIONS

The subject property is held in Deed of Transfer T _____

Application has been made to delete certain restrictive title deed conditions in terms of the MPBL.

The specific conditions in the title deeds relating to building setbacks, half built-upon restriction and number and use of dwelling houses are deemed superfluous given the requirements of the MPBL and DMS and it will be shown later in this report that the deletion and amendment of these conditions satisfy the adjudication criteria as per the MPBL.

In terms of the restrictive title deed conditions to be deleted, the following should be noted (as per the conveyancer's report):

- It is clear from the title deeds that the conditions were imposed by the City of Cape Town on specific erven and it also appears clear that the conditions are not traditional servitudes in favour of any specific party.
- The diagrams and general plan relating to the specific erven are attached to this application.
- It is clear from the title deeds that the conditions originate from before 1928 / 1929 / 1933 and therefore predates Ordinance 33 of 1934 (the Townships Ordinance).

2.3 SG DIAGRAM

The Surveyor General (SG) diagram and relevant General Plan are attached. There are no relevant servitudes or encumbrances reflected on the registered SG diagrams that would prohibit the proposed new dwelling house on the subject property as applied for.

PLANNING MOTIVATION

3.1 LOCATION, SURROUNDING LAND USES AND CHARACTER OF THE AREA

The subject property is located within the Bantry Bay area, which is characterised by large Dwelling Houses on relatively large sloping properties. Properties slope mostly downward from their southern to northern boundaries, which results in a built form of buildings stepping up the slopes. Significant sea views also exist in the area, with this area also having a unique relationship with Table Mountain. All the surrounding properties appear to be used for residential purposes (i.e. Dwelling Houses) in terms of their zonings.



Aerial photo showing the built character of the area

Given (1) the character of the area as described above, (2) the proposed dwelling house stepping up and excavated into the slope, (3) the motivation provided below; it is clear that the proposal will not have a negative impact on the character of the area.

3.2 PROPOSAL DETAILS

The application is for the deletion of certain restrictive title deed conditions and departures to permit the erection of three new dwelling houses on the subject property. In terms of the detail of the proposal (SDP), please note the following:

- A **basement level** is proposed and will be utilised for parking and storage purposes. The basement level is accessed off Ravine Road, staircase and lift to the upper part of the building.
- At **first storey level**, one dwelling house is proposed with open terrace and pool.
- At **2nd storey level**, another dwelling house is proposed with open terrace and pool, as well as a domestic staff quarters for the 3rd dwelling above.
- At **3rd storey level**, 3rd dwelling house is proposed with open terrace and pool,

3.3 REMOVAL / AMENDMENT OF RESTRICTIONS AND TITLE DEED ASSESSMENT

The title deed conditions mentioned in Section 1.4 above are applicable to Erf 975 and requires deletion as previously indicated by the City, in order to permit development of the subject property as per this application.

When considering Removal of Restrictions applications, Section 48(4) of the MPBL indicates that the City must have regard to Section 39(5) of the Land Use Planning Act (LUPA) and Section 47 of Spatial Planning and Land Use Management Act (SPLUMA). In this regard and taking cognisance of the above-mentioned legislation, the following should be considered:

Section 39 (5) of LUPA

- It should be noted that no specific party, other than the City, is mentioned in the title deed that can be regarded as being the holder of the rights.
- Given that the conditions to be deleted relate to setbacks, use and number of dwellings and built upon issues and considering that the proposal will be in keeping with the character of the area, it is not deemed that the proposal

will impact in terms of the financial or other value of the rights for the City or even surrounding property owners.

- The removal of the specified title deed conditions will possibly slightly increase the financial and use value of the subject property, in that it will allow the utilisation of additional portions of subject property as per the provisions of the DMS.
- The restrictive title deed conditions do not per se offer direct personal benefits to any surrounding property owners and are also not held by any specific parties. There are therefore no direct personal benefits that accrue to the holders of the rights.
- It is shown as part of this report that the removal of the title deed conditions will not negatively impact on the rights of surrounding property owners or impact on any personal benefits that may arise as a result of the restrictions remaining in place. It is proposed to erect a dwelling house, a second dwelling and a third dwelling on the property, which will be in keeping with the character of the area and supports the Densification Policy of the City and DMS.
- In the long run, the development of the property will also financially benefit the surrounding property owners and the general area, which are indirect possible beneficiaries of the title deed rights. The construction of the new dwelling houses will ensure the upgrading of the area, which positively contribute to increased property values.
- There will be benefits to the owner of the subject property if the title deed conditions are removed, given that it will allow for the utilisation of a slightly larger portion of the subject property, without negatively impacting on the character of the area. The value of the property should also slightly increase, but so should the value of adjacent properties. Other possible benefits to the owner of the subject property include being able to sufficiently secure his property.
- If the restrictive conditions remain intact, the broader social benefit will be minimal. It can be argued that the possible social benefit of removing the restrictive title deed conditions and consequently allowing for new modern dwelling houses, which will be in keeping with the character of the area, will be positive.
- The conditions to be removed are of such a nature that it does not currently contribute to any social benefit and removal of this condition will have no broader social impact.
- The conditions to be removed will not completely remove any rights relevant to the area and property owners. The rights for remaining properties will be

kept intact and the removal of the stated conditions will merely allow additional portions of the subject property to be utilised. It is important to note that the title deeds does not alone grant rights to beneficiaries. The Development Management Scheme (MDS) also grant rights to the surrounding property owners and these will still be place. Thus, not all the rights of the beneficiaries are removed with the removal of the conditions.

- These specific conditions were historically imposed by the City for the greater good and integrity of the area. However, it should be considered that historically (prior to the modern planning legislation coming into force), the title deeds were utilised to determine the appropriate built form and use of a subject property. The new DMS is now in force, which effectively facilitates appropriate use and built form in the area, resulting in the dated title deed restrictions being unnecessary and only providing an additional red-tape layer. It can be argued that the new DMS, due to its recent approval, incorporated modernised and appropriate planning mechanisms, which ensure up-to-date planning and land use assessments of any development. The new DMS allows for certain flexibilities to facilitate appropriate use of a property, which is not always the case with the title deed restrictions. It is therefore clearly desirable that an additional, inappropriate layer of legislation, which is out-dated, is amended / deleted.

In terms of S 39 (5) of LUPA, the following should be noted:

The Desirability of the Proposed Utilisation of Land

- The proposal retains a Single Residential land use while introducing additional dwelling units on the erf. The development remains residential in nature and does not introduce non-compatible land uses.
- The DMS recognises and provides for second dwellings and, in appropriate circumstances, additional dwelling units as a mechanism to promote incremental densification within established residential areas. The proposal therefore aligns with the intent of the DMS to accommodate increased residential intensity on serviced land.
- The scale, form and design of the additional dwellings are domestic in character and compatible with the surrounding built environment. The development will not materially alter the streetscape nor negatively impact the amenity of adjoining properties in terms of privacy, bulk or scale.
- The utilisation of the property for three dwellings represents an efficient and desirable use of well-located urban land within the existing urban edge.

The Applicable Spatial Development Frameworks

- The relevant District Spatial Development Framework supports incremental densification and diversification of housing typologies in Single Residential areas to improve housing supply and affordability.
- The application is consistent with the City's spatial planning policies and forward planning vision.

The Applicable Structure Plans and Local Spatial Development Frameworks

- The proposal remains consistent with the designation of the property for residential purposes.
- The application does not seek to introduce a land use inconsistent with the prevailing planning framework but rather increases residential intensity in a manner aligned with contemporary urban management policy.

The Applicable Policies of the Municipality

- The proposal aligns with the City's densification and urban growth management objectives, including:
 - o Promoting residential intensification within the urban edge
 - o Supporting sustainable human settlements
 - o Enhancing housing choice within established neighbourhoods
 - o Encouraging efficient use of existing services infrastructure
 - o The removal of restrictive title conditions that limit the number of dwellings gives effect to current municipal policy by removing outdated constraints that no longer reflect contemporary spatial planning objectives.

The Impact on Municipal Engineering Services

- The property is located within a fully serviced urban area.
- The scale of the additional dwelling units is modest and residential in nature. The incremental increase in demand will not result in an unacceptable burden on existing municipal infrastructure. Any service upgrades, if required, can be addressed through standard engineering conditions of approval.
- The proposal therefore satisfies the requirement that adequate services be available.

The Impact on the Surrounding Area

- The additional dwellings remain residential in character and are compatible with the surrounding land uses.

The development does not introduce noise-generating or traffic-intensive activities and maintains residential amenity, it does not result in material overlooking, overshadowing or visual intrusion beyond what is typical in residential intensification and the proposal contributes positively to the diversification of housing typologies without detracting from neighbourhood character.

The proposed dwelling house, second dwelling and third dwelling, together with the removal of restrictive title conditions, satisfy the decision-making criteria contained in Section 39(5) of LUPA.

The proposal is desirable, policy-aligned, infrastructure-supported and consistent with the City of Cape Town's Development Management Scheme and Spatial Development Framework.

Section 47 of SPLUMA

- It is clear that the removal of the various title deed restrictions will not deprive any person in the area of property as contemplated in Section 25 of the Constitution. However, it could be argued that not allowing the removal / amendment of the restrictions will deprive the current owner of optimally utilising the property.
- It has been shown above that the removal of the title deed restrictions are in the public interest and will not have a negative impact on the rights of the possibly affected surrounding property owners.
- The title deed restrictions are applied to be removed in the pre-scribed manner as per the MPBL (i.e. the required application has been submitted).

SPECIFIC TITLE DEED ASSESSMENT

In terms of the specific title deeds applied for to be deleted, the following should also be considered:

More than one house condition and use as a dwelling house conditions

- The "That not more than one house shall be built on each of the above Lots" restrictive condition is applied to be deleted due to the fact that there is no reason for the built upon clause to exist in conjunction with the requirements of the DMS.
- The DMS requirements for a SR1 property is applicable to the property and no coverage (a form of built upon calculated differently) is applicable. This

means that the intention of the DMS was never to control the built upon area of a property.

- Therefore, it is believed that the condition can be removed in terms of the abovementioned argument.
- Application is also made to delete the condition “That such a house shall be used only as a dwelling house”, as three new dwelling houses are proposed as a Dwelling House, Second Dwelling and Third Dwelling, as per the requirements of the DMS.
- The definitions is therefore is semantics, as the use of the property will / building will be dwelling house but more than one.
- Therefore, to keep in line with the current trend to adhere to the requirements of the DMS, the removal of the condition is in line and should be supported by the City.

Setback from Ravine Road

- The title deed condition regarding the 3.15 m setback from Ravine Road is seen as superfluous given the setbacks specified within the DMS.
- The 3.15 m title deed setback is being encroached by the basement and first storey of the proposed dwelling houses.
- Various surrounding properties has been approved right up to the boundary and the existing dwelling house is located at 0.0 m from the street, without negatively impacting on the street or the area. As indicated, the proposed dwelling houses will still overlook and interact with the street, which will have a positive impact on security and surveillance in the area.

Regarding the built-upon condition

- The “not more than half the area of any one lot be occupied by buildings” restriction is only slightly being encroached as a result of the proposal and will not have a negative impact on the area, specifically due to the built character of the area, the vegetation that will remain and the proposed built form.
- It should also be considered that there is no longer a coverage provision in the DMS.
- In terms of the architectural drawings, a built-upon of 68% is indicated. This is not unreasonable when considering the built character of the area. Also, in terms of the previous Cape Town Zoning Scheme Regulations, a coverage

of 65% would have been applicable to the subject property, with the 68% proposed being comparable in this regard.

- It should be noted that the title deed condition does not specifically refer to built-upon (as per the City staff instruction), but refer to buildings being erected on the subject property.
- It should be noted that only a single level (storey) will be visible from the street and therefore the built upon issue is of no consequence and will have no impact on the area or surrounding property owners.
- When considering the size of the subject property and compared to some other dwelling houses in the area, the proposal is relatively modest and will integrate well into the area. The proposal significantly complies with the height restrictions.

Given the assessment above, it is clear that supporting the removal and amendment of the restrictive title deed conditions will comply with the adjudication criteria mentioned within the MPBL, LUPA and SPLUMA.

3.4 PERMANENT DEPARTURE ASSESSMENT

STREET SETBACK DEPARTURE FROM RAVINE ROAD ASSESSMENT

In terms of the **street setback departure** applied for, the following should be considered:

- The proposal does not significantly alter the streetscape between the now demolished dwelling house and new proposed building (three dwelling houses), given that only a single storey will still be immediately visible from the street.
- Due to the slope of the subject property, the proposed new dwelling houses follow the slope up the property, with only the basement and the open terrace located on the Ravine Road edge.
- The covered parking area and plant room are also located on the street boundary, but is classified as basement.
- The proposed street façade of the new building includes 2 vehicular entrances and a pedestrian access with a planter at first storey, which will soften any possible impact on the streetscape.



Street façade with planters and pedestrian entrance to soften the street edge

- Various planters are proposed along the street façade, which should have a positive impact in terms of the visual appearance of the building (see below).
- Property owners to the sides of the said property are located at 0.0 m from the street and therefore there should be no impact on the street façade and the line of the street would be held and kept and will therefore not be impacted by the street setback departures.

It is clear when considering the above that the street setback departures will have no impact on the area, streetscape and surrounding property owners.

FLOOR SPACE DEPARTURE ASSESSMENT

In terms of the **floor space related departure** applied for, the following should be considered:

- Although an additional 169 m² of floor space is applied for, as motivated above, the additional areas are located well within the permitted development envelope (except the street setback, which is currently also 0.0 m from the street) and will therefore have no impact on the perceived bulk from the public realm or adjacent property owners.
- The subject property is 566 m² in extent, which means its floor space is limited to 566 m². If the subject property were only 84 m² larger in size, its floor space would be 1500 m², similar to various other properties in the area. Even the proposed floor space of 735 m², is half of the 1500m² that would have been permitted where the subject property just slightly larger in size.
- It is clear when considering the built form in the area that the proposed building will in no way be out of keeping with the built character of the area.
- It should be noted that the proposed building (even with increased floor space) is well within the development envelope (i.e. heights and common boundary setbacks) provided by the DMS and will therefore not have any impact on any of the surrounding properties or the area.
- When considering the surrounding built form, especially the properties on the upper side of Ravine Rd, it is clear that all properties have at least one storey visible above the Ravine Rd Street level, with the rest of the buildings setback to follow the slope.
- Importantly, the building when viewed from the street, as well as from the north will be no different than what was previously approved, given that the additions and alterations are setback further from the street up the slope (see comparisons below).



Comparative 3D elevations showing limited impact from Ravine Rd)

- Very large dwelling houses (mostly stepped up the slope in the area) exist in the area and the proposed dwelling houses will be no different and clearly integrate into the built form in the area.
- Although the additional bulk / floor space to be added is similar in size to the existing; between the approved building and the street boundary. Although this adds massing to the overall building, this will clearly not be perceived as such.
- Given the explanation above, the bulk departure can be considered minor / negligible in nature and will not have an impact on the area or surrounding property owners.
- As motivated, the increase in bulk will not be noticeable from a built-form or architectural perspective and will not negatively impact on the aesthetic or existing built form in the area.
- The increase in floor space only allows the utilisation of currently under utilised space on the subject property.

Given (1) no impact on the possible DMS envelope and streetscape, and (2) no impact of the additions and alterations on surrounding property owners, and; the above-mentioned minor departure will not have a negative impact on the character of the area, built environment or surrounding property owners.

When considering the above, the required common boundary setback departures will have no impact on the area or surrounding property owners.

COVERAGE DEPARTURE ASSESMENT

Application is made for a departure from the permitted coverage of 75% to 98.3% in order to accommodate a dwelling house, second dwelling and third dwelling on a property.

In terms of the DMS, coverage is intended to prevent overdevelopment, protect neighbourhood character and maintain reasonable open space. The proposed increase in coverage does not undermine these objectives when considered in the context of Bantry Bay.

The subject property is characterised by exceptionally steep slopes, which significantly limits usable ground-level space. Development along Ravine Road typically responds to this constraint through terraced and vertical building forms that maximise the footprint while following the slope and stepping into the mountain. As a result, the prevailing built character of the area reflects high site coverage, limited traditional garden space, and a strong architectural presence. Open space is generally provided in the form of balconies, roof terraces and internal courtyards rather than expansive landscaped ground areas. The proposal aligns with this established development pattern in the immediate area.

The increased coverage is due to setting the structure into the slope to achieve appropriate internal accommodation, circulation, parking and servicing for the three dwelling units. Strict compliance with the 75% coverage requirement would necessitate greater vertical projection above natural ground level in order to achieve a similar floor area, resulting in increased height and a more intrusive visual impact. The proposed design instead mitigates massing by distributing built form within the footprint and articulating the structure vertically.

Given the slope and orientation toward ocean views, impacts on adjoining properties are limited due to the building designed to follow the slope and is consistent with the established urban form of Ravine Road and the broader Bantry Bay area.

From a desirability perspective, the proposal represents appropriate intensification of well-located residential land within the urban area. It makes efficient use of existing infrastructure and is consistent with broader municipal objectives of compact urban form and contextual densification in high-accessibility areas. Importantly, the departure is site-specific, driven by the unique topographical constraints of the property, and does not create an undesirable precedent.

In light of the above, the proposed coverage of 98.3% is considered appropriate, contextually responsive, and consistent with the intent and principles of the DMS. The departure will not negatively impact the surrounding area and is therefore supported on planning and desirability grounds.

CARRIAGEWAY CROSSING DEPARTURE ASSESSMENT

Application is made for the proposed departure to allow two carriageway crossings on the subject property in Ravine Road, the following key considerations are presented in terms of urban design, DMS compliance, and traffic safety:

- The subject property has a street frontage of 16 metres, which, while less than the 30-metre threshold, still constitutes a substantial street boundary. Therefore, the inclusion of two carriageway crossings is not visually disruptive and will not negatively affect the streetscape character. The proposed layout remains well-scaled and consistent with surrounding development patterns.
- The current dwelling house on the said property already has 2 double garages accessing directly off Ravine Road and therefore the proposed situation will be a positive change to the existing.
- One of the carriageway crossings already exists on site and is being retained, while the second is a new, single-width access. The existing crossing serves as the shared access to the main garage, and the additional crossing is limited in width and designed to minimise any visual or physical impact. As such, the proposal represents a modest adjustment to the status quo, rather than a significant change in use or impact.
- The proposal will continue to read as a single dwelling from the street, with the shared garage entrance and unified building façade preserving the visual coherence of the frontage. The proposed elevation clearly reflects

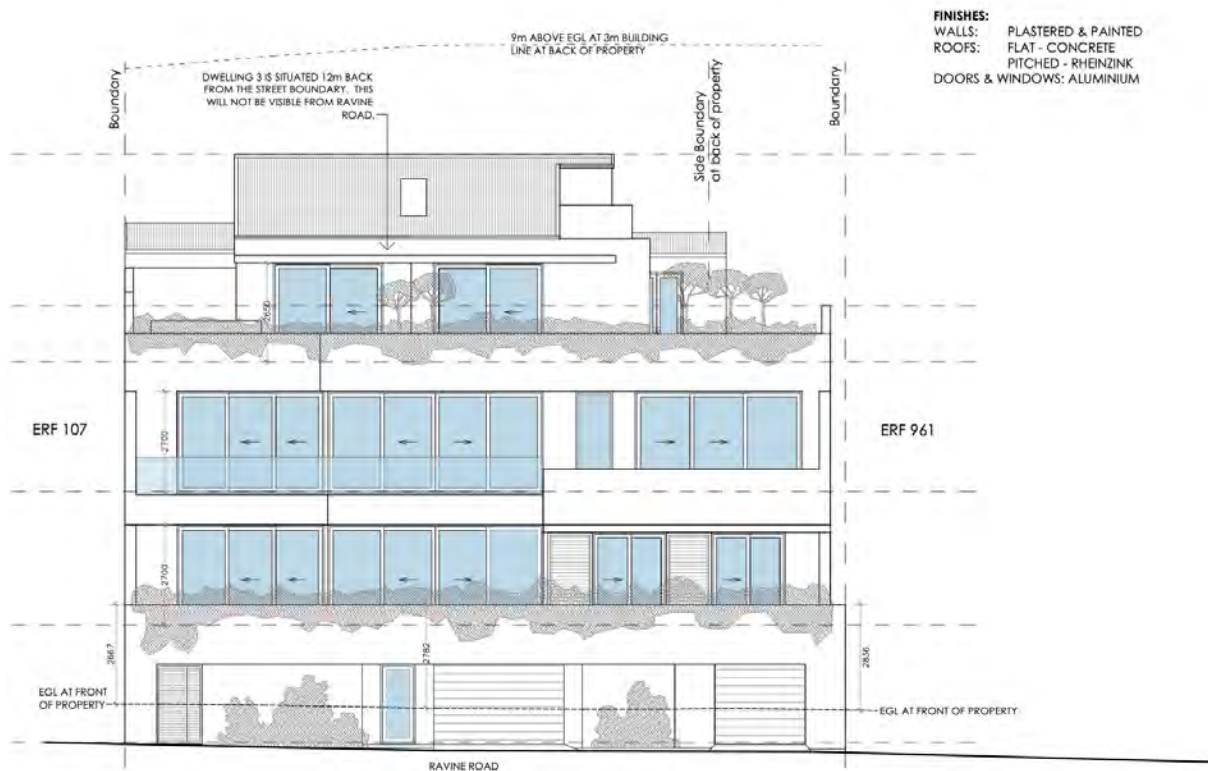
this, ensuring there is no fragmentation or disruption to the architectural expression of the building.

- The footway width and setback design of the access points also allow for appropriate vehicle holding space within the property, preventing any obstruction on the public sidewalk or carriageway. This configuration additionally provides sufficient room for landscaping elements between and around the crossings, further softening the interface and contributing to the pedestrian environment in line with the City of Cape Town's Urban Design Policy.
- In terms of vehicle safety and traffic flow, the proposed arrangement offers significant advantages. By allowing separate entry options, the layout enhances traffic efficiency, reduces conflict between opposing movements, and avoids the need for reversing into or out of the site, which is particularly important given the steep and narrow conditions of Ravine Road. This results in improved driver visibility, safer manoeuvrability, and reduced congestion risk.
- From a DMS compliance perspective, the proposal provides more than sufficient on-site parking to meet the requirements for the primary dwelling and any visitors.
- The combined width of the two crossings remains comparable to or narrower than what would typically be permitted for a single large in/out crossing, thereby maintaining the intent of the DMS to limit hard surfacing and preserve the pedestrian character of the street.
- Overall, the proposed dual carriageway crossing layout represents a site-responsive and contextually appropriate solution. It enhances vehicle safety, respects the intent of the DMS, supports high-quality urban design outcomes, and will have no adverse impact on traffic flow or the surrounding public realm. The departure is therefore considered reasonable and should be supported.

BOUNDARY WALL HEIGHT DEPARTURE

It is proposed to increase in the boundary wall height to 2.836m, and is motivated by the site-specific contextual and safety considerations. The additional height encloses the basement storey and is required to secure a balustrade for the first storey and is therefore technical in nature. It will also assist in mitigating noise intrusion and enhancing privacy for the occupants, contributing positively to residential amenity.

Furthermore, the topography and level differences between the street and the property necessitate a higher wall to achieve an effective and consistent screening condition. The design has been carefully considered to ensure that the increased height does not result in a negative visual bulk or negatively impact the streetscape, as appropriate materials and articulation are proposed to soften its appearance. See extract below.



Street elevation of the boundary wall on Ravine Road



Street façade elevation showing the height of the boundary wall in context of Ravine Road

The departure is therefore considered reasonable and desirable within the context, with no adverse impact on surrounding properties.

PERMEABILITY DEPARTURE ASSESSMENT

The proposal for a 0% permeable boundary wall is informed by the fact that the street level is a basement storey and therefore the boundary wall encloses the basement for security, privacy, and environmental factors specific to the site.

Ravine Road's character, exposure and activity levels necessitate a solid boundary treatment to ensure adequate security and screening for the property.

While the DMS encourages permeability to maintain visual connection with the street, in this instance the solid wall is not expected to detract from the character of the area, as similar boundary treatments exist within the broader streetscape, and the permeability will only allow visual interest into a basement storey.

The proposal has been designed with appropriate finishes, planters and scale to mitigate any potential visual impact. The departure is therefore justified as it supports the functional needs of the property without compromising the amenity of the surrounding area.

3.5 URBAN FORM / ARCHITECTURAL RESOLUTION

Considering the SDP provided, including the architectural perspectives, it is clear that the architecture of the proposal is in keeping with the area and existing buildings in terms of built form. The proposal is therefore clearly appropriate and in keeping with the character of the area. See renders below, as well as extract from the street elevation showing the surrounding properties and buildings on them.



D&C

PLANNING STUDIO

planning | property | design



3.6 IMPACT ON EXISTING RIGHTS

Given the legal planning requirements as stated in Section 1 and the assessment above, it is clear that the proposal will have a limited impact on the existing rights of surrounding property owners. It is essential that this proposal and required planning application be seen in the context of the subject property's existing rights, and considering these rights, the minor impact of the planning applications required.

It is therefore believed that this proposal will have a positive impact on the area and the surrounding property owners.

3.7 COMPLIANCE WITH THE DECISION-MAKING CRITERIA AS PER SECTION 99 OF THE MUNICIPAL PLANNING BY-LAW (MPBL)

In terms of **Section 99(1) of the MPBL** an application must be refused if the application does not satisfy the minimum requirements as listed in this section. In this regard, the following should be noted:

- Given the application made and legislation specified as per Section 1.4 of this report, it is clear that this application comply with the requirements of the MPBL.
- Given that the subject property is located within an existing urban area, it is clear that the proposal complies with the provisions of the Cape Town Municipal Spatial Development Framework.
- Given the assessment above and for the reasons as listed in Section 4 of this report below, it has been shown that the proposal is desirable as per the relevant consideration criteria as stated in Section 99(3) of the MPBL.
- In terms of the Single Residential Zoning, there is no various subzones which provides enhanced development rules as mentioned in Section 99(1)(d) of the MPBL. Therefore, the proposal does not have the effect of granting the property the development rules of the next subzone.

Given the above, the application does not fail to comply with the minimum requirements as stated in Section 99(1) of the MPBL and should therefore not be refused but supported by the decision-maker.

In terms of **Section 99(2) of the MPBL**, if the application is not refused in terms of Section 99(1), when deciding whether or not to approve the application, the

decision-maker must consider all relevant considerations as listed in this section. In this regard, the following should be noted:

- In terms of the applicable Table Bay District Plan (i.e. the relevant spatial development framework), the area and subject property is designated for urban development. Given that the proposal is contained within an existing urban area and as described earlier in this report, it is clear that the proposal complies with the provisions of the Table Bay District Plan.
- It has been shown in the report that the proposal complies with any relevant criteria contemplated in the DMS.
- Given the nature of the proposal (i.e. new dwelling houses), the proposal is in line with the Densification Policy of the City of Cape Town.
- Given the assessment above and for the reasons as listed in Section 4 of this report below, it has been shown that the proposal is desirable as per the relevant consideration criteria as stated in Section 99(3) of the MPBL.
- It has been shown and argued in this report that the proposal will not have a negative impact on the existing rights of relevant surrounding property owners.
- With regards to this proposal, an assessment has been completed and compliance shown in terms of the relevant provisions of LUPA & SPLUMA, which can be regarded as the relevant Provincial and National legislation respectively.

Given the above and considering the desirability assessment in Section 4 below, the decision maker should approve the application in terms of Section 98 of the MPBL.

DESIRABILITY AND REASONS FOR SUPPORT OF THE PROPOSAL

Through the motivation above it has been shown that there is no negative impact on existing rights. The reasons for supporting this application can be summarised as follows:

- The proposal will not have a negative impact on the character of the area, especially when considering the existing and surrounding built form and the sensitive nature of the proposal.
- The removal of the restrictive title deed conditions will not negatively impact on the area or the rights of surrounding property owners.
- The streetscape will not be negatively impacted on as a result of the proposal.
- The departures applied for will not have a negative impact on the area and surrounding property owners.
- The proposal will sufficiently integrate into the existing built form and architectural appearance of the area.
- The deletion of the restrictive title deed conditions has been shown to be desirable, in the public interest and having regard to the issues mentioned in LUPA and SPLUMA.
- Given the nature of the proposal, i.e. a new dwelling houses, there will be no socio-economic impacts relating to this application.
- As argued in this report, the new dwelling houses will be compatible with the surrounding resident uses and built form.
- Given that the proposed building replaces an existing building, there should be no impact on external engineering services.
- A new dwelling houses will not negatively impact on the safety, wellbeing and health of the surrounding community, does not impact on heritage or the bio-physical environment.
- The new dwelling houses with sufficient on-site parking will be provided and therefore will not have any impact on the parking and traffic situation in the area.



ERF 975 BANTRY BAY, 9 RAVINE ROAD

ANNEXURE A

Deletion of restrictive title deed conditions contained in Deed of Transfer T
as follows:

Condition 1.B.a. “That not more than one house shall be built on each of the Lots.”

Condition 1.B.b. “That no dwelling house to be built shall be inconsistent with the environments”.

Condition 1.B.c. “That such house shall be used as a dwelling house.”

Condition 1.C.a. and 11.B.a: “That any building erected on the said land shall stand back not less than 3.15 metres from Ravine Road. The space thus left may be used as a garden or forecourt but shall not be built upon”.

Condition 1.C.b. and 11.B.b: “That not more than one building shall be erected on any one lot and not more than half the area of any one lot shall be built upon without written consent of the Council of the City of Cape Town.”

