



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500155737

**Erf 1446, 7 Signal View Close,
Tamboerskloof**

Development Management

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F & F

Town Planning Consultancy

Fradreck Garatsa

BScHRUP / MURP

REF	Erf 1446, Tamboerskloof, 7 Signalview Close
DATE	02 July 2026
Case ID	1500155737

Planning & Building Development Management
City of Cape Town
2nd floor Media City
Cape Town

Attention: Ms. Faren Benting

Dear Madam

APPLICATION FOR REZONING, PERMANENT DEPARTURES AND AMENDMENT OF EXISTING CONDITION OF APPROVAL IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015, AMENDED 2025: ERF 1446 AT 7 SIGNALVIEW CLOSE

1. INTRODUCTION

1.1. Planning proposal and application

Application is hereby made for the rezoning of a portion of the property from Public Open Space 2 (OS2) to Residential 1 (R1) and associated permanent departures related to building lines from the Development Management Scheme (DMS). The proposal also necessitates an application for the amendment of a condition of land use approval imposed in 1993, when the estate was established following the subdivision of Erf 1084 Tamboerskloof. The proposed rezoning arises to correct the zoning anomaly, as no new building work or structures are permitted to encroach into a portion zoned OS2.

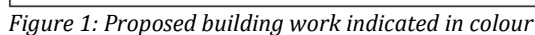
The proposed additions and alterations to the existing dwelling include the construction of a new open balcony, which encroaches into the 7m and 6.5m rear common boundary setbacks imposed when the subdivision of Erf 1084, Tamboerskloof, was approved in 1993. In addition, the proposal includes new steel pedestrian gates straddling the 3m western common boundary setback, as well as a new stone retaining wall and landscape steps that encroach into the 4.5m street building line, both of which are setback conditions imposed as part of the subdivision approval. Accordingly, the proposed additions and alterations necessitate an application for the amendment of Condition 5 of the land use approval relating to the street and common boundary setback provisions imposed by Council in 1993.

Permanent departures from the DMS are sought to permit a portion of the landscape steps to encroach into the 3.5m street building line, and to allow a portion of the bricked-up window on the third storey to be located closer than 3m to the western common boundary.

It should be noted that the proposed building work only contravenes one land use condition of approval, while other existing conditions regarding the number of dwelling units, the 7m height restriction above natural ground level, and the 40% coverage limit remain fully complied with. Similarly, the proposed additions and alterations comply with all R1 development rules.

With regard to title deed restrictive conditions, the conveyancer's certificate confirms that the title deed includes restrictions relating to the number of dwelling units, and that any transfer of the property requires

Furthermore, the existing dwelling is less than 60 years old and has no heritage grading. As such, the proposed additions and alterations do not require a Heritage Western Cape (HWC) application in terms of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999).



Erf 1446, Tamboerskloof, measures 706m² and is located within the City of Cape Town, Cape Division, in the Western Cape Province. The property forms part of a private estate/gated community known as NO. 1 Kenmore Road Homeowners Association. The subject property forms part of the subdivision approval for Erf 1084 Tamboerskloof dated 23 December 1993, which created 14 portions, including 12 residential erven, a private road and a public open space.

Development on the property is regulated by both the City of Cape Town's Development Management Scheme (DMS) and the applicable restrictive conditions contained in the title deed. The site is split-zoned R1 and OS2 and is currently developed with a three-storey dwelling house.

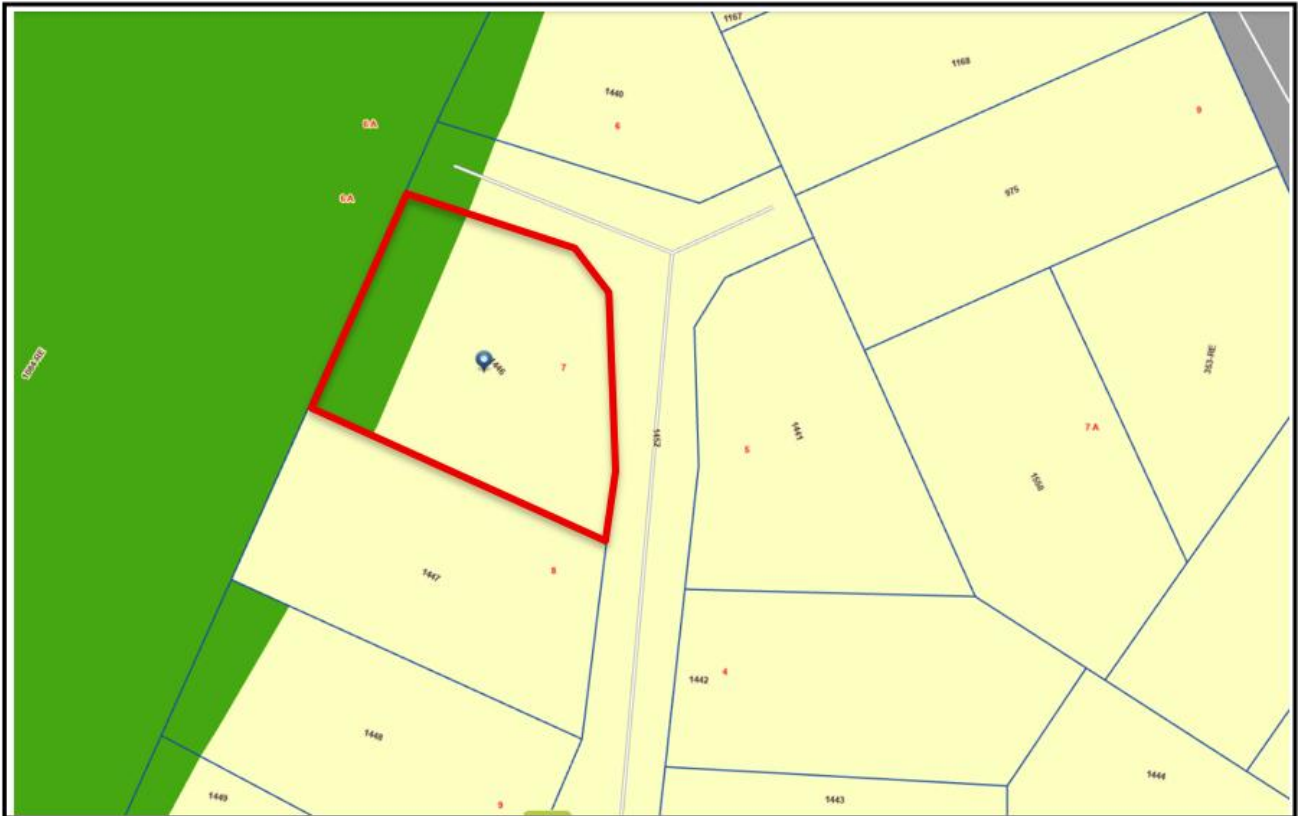


Figure 2: Split Zoned R1 and OS2 (Erf 1446)

The existing three-storey dwelling house has already been approved, with portions of the building encroaching onto the OS2 zoned portion, while the other portion of the house falls within a R1 zoned portion. Given that the proposed balcony addition at the rear of the property encroaches on the OS2 zoned portion, a rezoning application is sought to have the entire property zoned R1.



Figure 3: Existing dwelling built within the OS2 zone

1.3. Planning applications required in terms of the MPBL

Applications are made in terms of Section 42 of the MPBL 2015, amended 2025 for the following approvals:

Rezoning in terms of Section 42 (a):

- Rezoning from Open Space 2 (OS2) to Residential 1 (R1).

Permanent departures in terms of Section 42 (b):

- To permit the extended landscape steps on the first storey to be setback 2.285m in lieu of 3.5m from the street boundary.
- To permit the bricked-up portion on the third storey to be setback 1.767m in lieu 3m from the western common boundary.

Amendment of an existing land use approval in terms of Section 42 (j):

Amendment of an existing land use approval relating to the building lines imposed in terms of Section 42 of the Land Use Planning Ordinance (LUPO) 15 of 1985 when approving subdivision of Erf 1084, Tamboerskloof.

Land Use restrictive **Condition 5** imposed in a related planning approval dated 1993-12-27, which reads as follows:

- *“Any future building or structure to be erected on any of the residential portions of the subdivision shall be setback and comply with the building lines shown on the attached plan SE 13653/ X”.*

To read as follows (proposed amendment underlined):

- *“Any future building or structure to be erected on Erf 1446, Tamboerskloof, shall be setback 1.767m from the western common boundary, 3m from the northern and southern common boundaries, and 0.787 m from the street boundary (Signal View Close). Notwithstanding the 3m common building line, pedestrian gates shall be permitted to be setback 0m from the southern common boundary”.*

1.4. **Character of the area:**

While the majority of properties within the immediate vicinity of the subject property are either zoned Residential (R1) or Open Space (OS2), a few properties are split-zoned Residential (R1) and Open Space (OS2), including the subject property (see Figure 4 below).

The surrounding area, where the subject property is situated, does not fall within a declared Heritage Protection Overlay Zone (HPOZ).

Most of the properties in the immediate vicinity are used as dwelling houses; however, a few bed and breakfast establishments and guest houses are also found. These include Forest House Luxury Suites, 17 Kenmore Luxury, Stunning Castle in the Hill, The Maalibu, Chic Views Pools and others. Erf 1446, Tamboerskloof, is very accessible to the surrounding road network.



Figure 4: Zoning of the surrounding properties

2. BASIC INFORMATION

2.1 Applicant

The registered owners of the property have authorised the applicant to submit the applications to the City as referenced in Paragraph 1.3 above, and to act on their behalf in this application and all related matters.

2.2 Zoning and development rules

The Development Management Scheme (DMS), contained in Schedule 3 of the City of Cape Town Municipal Planning By-Law, applies to the subject property. The applicable development rules are those for Residential 1 (R1) zoned erven between 650m² and 1000m². As demonstrated in the table below, the proposed development complies with all relevant R1 development rules. A summary of these parameters, together with an indication of compliance, is provided below:

Development rule	Permitted/ Required	Compliance
Maximum floor space	1 500m ²	Compliant
Maximum height above Existing Ground Level (EGL)	10m max top of the building height	Compliant
Height of the building portions permitted within 3m common building line	4m above the existing ground level	Compliant
Window and door placement	- Ground floor: 1m from common boundaries - Floors above ground floor: 1.5m from the common boundary	Compliant
Street building line	3.5m	Departure: Portion of the landscape steps encroaches the 3.5m street building line.

Common building lines	3m	Departure: The new bedroom's bricked-up window straddles the 3m western common boundary building line.
Carriageway crossings (cwcs) width	Minimum of 2.4m and a maximum of 8 m	Compliant
Parking: PT1 area minimum parking requirements	Dwelling house – 1 parking	Compliant:

As indicated in the table above, the proposed additions and alterations comply with most of the R1 zoning development rules, except for 3m western common boundary and the 3.5m street building line. Relevant departures from the DMS have been applied for.

3. PLANNING MOTIVATION IN TERMS OF SECTION 99 OF THE MUNICIPAL PLANNING BY-LAW (MPBL)

3.1 Rational for imposition of building lines restrictions as conditions of subdivisinal approval:

As noted in Item 1.3 of this report, Erf 1446, together with four other properties abutting Erf 1084-RE (Council-owned Public Open Space), is subject to additional restrictive conditions relating to building line setbacks along the portion directly adjoining the National Park. Of all the properties within the complex, only Erven 1449, 1448, 1447, 1446, and 1440, Tamboerskloof, were subjected to these more stringent building line restrictions. It should be noted that Erf 1447, Tamboerskloof, was rezoned in 2020 to address its split zoning (SR1 and OS2). As a result, only four properties within the complex remain affected by split zoning.

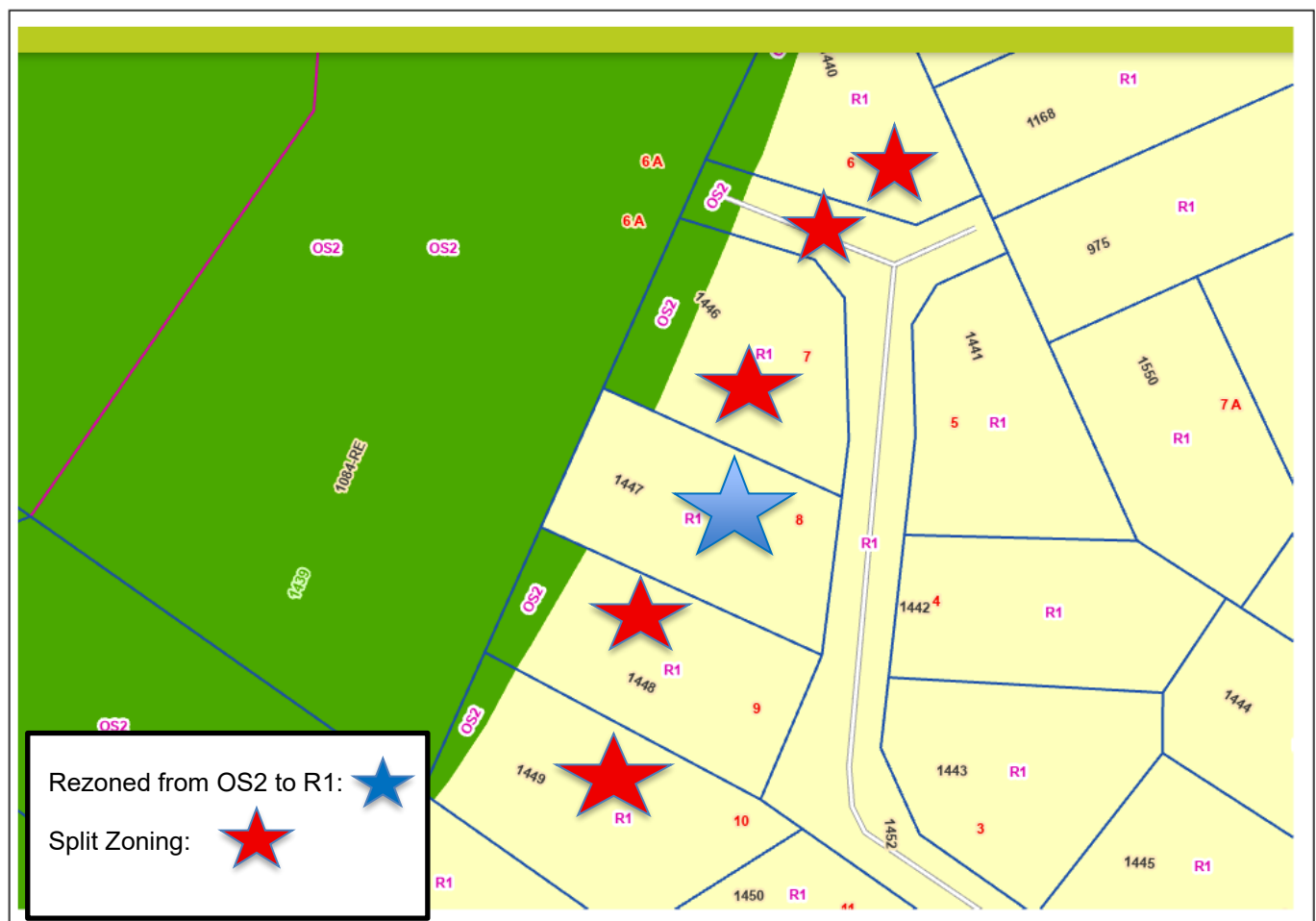


Figure 5: Properties abutting the National Park and have split zone (OS2 and R1)

The origin of the OS2 zoning on portions of privately owned properties is not entirely clear. However, it appears that the more restrictive 6.5m and 7m common boundary building line setbacks applicable to Erf

1446 were introduced to establish an environmental buffer between the residential development and the adjoining National Park (Erf 1084-RE).

It further appears that the OS2 zoning was inherited from the parent property, Erf 1084, at the time of subdivision approval in 1993. The additional common building lines imposed on a few properties in the complex define the portions of those properties affected by OS2 zoning. The 6.5m and 7m common building lines on Erf 1446 are informed by the extent and configuration of the originally OS2-zoned portions inherited from the parent property. Hence, the subdivisional approval conditions differ from one property to another. For instance, the additional common building lines applicable to Erven 1440 and 1449 are 5.5m and 4.5m from the western common boundary (see Figure 7 below).

As illustrated in the historical zoning extract below, the OS2 portions on the affected properties, including a section of the private road, originally formed part of the Public Open Space. The subdivision therefore resulted in zoning not aligning with cadastral boundaries but rather retaining elements of the parent property's zoning.



Figure 6: Historical Zoning Map: OS2 zoned portions inherited from the zoning of parent property, Erf 1084-RE

The more stringent building line setbacks (ranging between 4.5m and 7m along common boundaries and varying between properties) were introduced as part of the 1993 subdivision conditions, possibly to establish an environmental buffer between the residential development and the adjoining National Park (see Condition 5 of the subdivision approval and notes on SE13653/X subdivision layout).

Accordingly, it is concluded that the restrictive building lines were intended to manage the development interface by reinforcing a transitional buffer zone between residential properties and the National Park, while the OS2-zoned portions reflect the inherited zoning of the original Erf 1084 before the implementation of subdivision in 1993.

3.2 Amendment of the condition of land use approval related to building lines

Apart from the R1 zoning regulations and the restrictive title deed conditions related to number of dwelling units, development on the subject property is also assessed in terms of the existing conditions of approval deemed to be granted in terms of the MPBL. In accordance with the subdivision approval condition, a 4.5m street building line and 3m common building lines apply to all properties within the complex, while additional setback lines apply to Erven 1440, 1446, 1447, 1448 and 1449 (Portions 6, 7, 8, 9 and 10) abutting Erf 1084-RE (Public Open Space). Refer to Plan **SE13653/X** illustrating the required street and common setbacks in Figure 7 below.

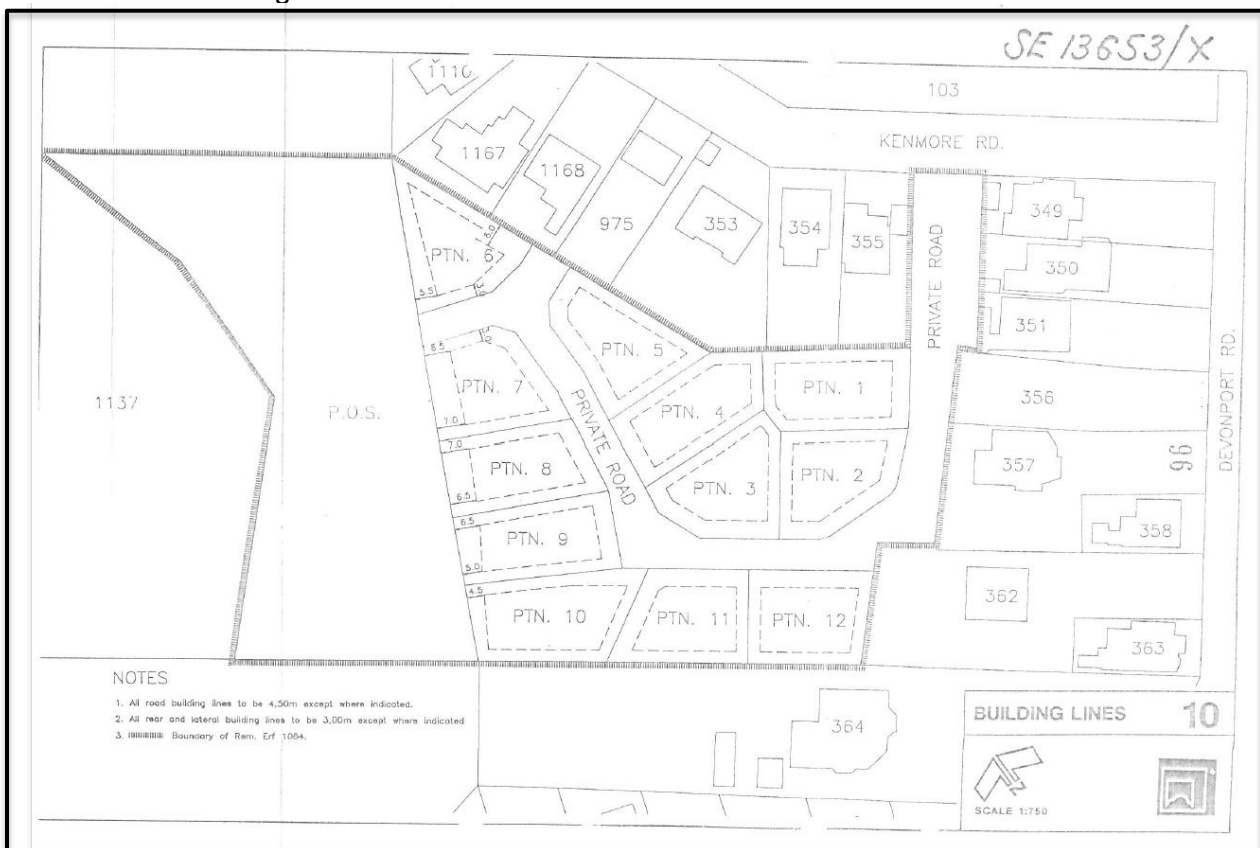


Figure 7: 1993 subdivision building line setbacks defining permitted building footprints

As mentioned earlier, similar to the other four erven abutting Erf 1084-RE (National Park, Council owned OS2), additional 7m and 6.5m common boundary setbacks were imposed on **Erf 1446**, Tamboerskloof, likely to prevent any encroachment or building work within the portion zoned Public Open Space 2.

Additionally, Conditions 2, 3, and 4 of the 1993 subdivision approval limit coverage to 40%, restrict each property to a single dwelling unit, and set a maximum building height of 7m above the natural ground level. The proposed alterations and additions on Erf 1446, Tamboerskloof fully comply with these conditions, as it does not exceed the permitted coverage, height, or number of dwelling units.

It is important to note that the additional common building lines imposed on the five erven abutting the Public Open Space significantly reduce the developable area on these properties. This limitation is further

compounded by the split zoning (OS2 and R1), which restricts any building work within the OS2-zoned portion. It is submitted that the proposed amendment of setback lines will not alter the existing built form within the complex. Instead, it will allow the owners of the subject property to achieve a building footprint similar to other erven in the complex, where the common building lines are limited to 3m (Portions 1, 2, 3, 4, 5, 11 and 12). The table below illustrates the proposed building work straddling the building line setbacks:

Building line setbacks (Land use condition of approval restriction: Condition 5)	Proposed work
7m and 6.5m lateral setback from western (rear) common boundary	- New open balcony sited 3m from the western common boundary. - Portion of the existing approved dwelling sited 1.767m from the western boundary. It is proposed to amend the 7m and 6.5m setback requirements to permit the closest portion of the building to be sited 1.767m from the western common boundary. - Please note: A portion of the main dwelling house has already been approved in contravention of both the 7m and 6.5m common boundary setback requirements.
4.5m street setback	Proposed retaining wall sited 0.787m from the street boundary, and landscaping stairs sited 2.285m from the street boundary.
3m lateral common building lines	New steel pedestrian gates, 1.2m high, sited 0m from the southern common boundary.

It is noteworthy that the DMS setbacks will remain applicable, and any future development proposals will still be assessed in terms of the applicable R1 zoning regulations. Furthermore, approval sought will not set a new precedent, as the Council has previously granted similar applications for the amendment of setback conditions. For instance, on Erf 1447, Tamboerskloof, portions of the existing dwelling are built closer than the prescribed 6.5m and 7m setbacks.

In conclusion, the proposed amendment of the subdivision condition related to the common and street building setbacks will not alter the built form of the complex. Any future development will remain subject to the R1 zoning regulations, and relevant departure applications will be required should any non-compliance arise. It is anticipated that approval of the amendment of the 7m and 6.5m setback conditions will ensure that Erf 1446 enjoys the same development rights as other properties within the estate.

3.2 Rezoning from OS2 to R1 zone

As noted earlier, a rezoning application is sought to correct the split zoning of the subject property and ensure that the entire property is uniformly zoned R1. This technical zoning correction will enhance the development rights of the subject property. A portion of the existing approved dwelling is located within the OS2-zoned areas; however, no new building work is permitted within the OS2 portion. The rezoning is therefore necessary to rectify the zoning anomaly and enable the owners to fully exercise their development rights. The proposal is desirable for the following reasons:

- The OS2-zoned portion on Erf 1446 does not form part of Council-owned Public Open Space, indicating a likely zoning error. The 1993 subdivision approvals do not explain why some portions of properties in the estate have split zoning rather than uniform residential zoning.

- Rezoning the OS2 portion to R1 will align with the zoning of the surrounding erven, ensuring uniformity within the estate.
- A similar rezoning was approved on an adjoining property, Erf 1447, to correct a section with OS2 zoning. Therefore, the proposed rezoning of the OS2 zoned portion on Erf 1446 will not set a new precedent.
- The rezoning will not introduce any new land uses other than the primary residential use. Approval will enable the construction of the proposed pool fence and an open balcony, creating an outdoor space for enjoying the surrounding views.
- Portion of the existing dwelling already encroaches onto the OS2-zoned area, and the proposed balcony forms part of this. Approval of the rezoning will increase the development rights of the registered owners and ensure that split-zoned properties have uniform residential zoning consistent with other properties in the estate.
- The Open Space-zoned portion is not a public amenity but rather forms part of the private garden within the cadastral boundaries of Erf 1446, Tamboerskloof.

3.3 Compliance with the spatial development framework and applicable planning policy

Regarding the Municipal Spatial Development Framework (MSDF) 2023, the property is located in an Urban Inner Core (UIC), where investment in capital and operational infrastructure is prioritised to support land use intensification and spatial transformation. The proposal is consistent with MSDF Policy 24, which promotes the safety and well-being of citizens. The addition of an open balcony represents a minor enhancement to the existing dwelling, while the proposed retaining wall and lawn terraces (landscape steps) will contribute positively to the aesthetic quality of the property. The proposal does not involve any change of land use and remains aligned with MSDF policy objectives. Furthermore, it does not introduce any risk to residents and maintains minimal impact on the natural environment and heritage resources.

The property is located within the scope of the Table Bay District Plan (District Plan), 2023, which is a component of the MSDF. The District Plan offers conceptual proposals for the future development of the City's Table Bay District, as well as guidelines for assessing development applications. According to the District Plan, Tamboerskloof is located in Sub District 2, the City Bowl, and its surrounds.

Furthermore, the District Plan, which designates Tamboerskloof for conventional urban development, aligns with the aforementioned proposals of the MSDF. As per the District Plan 2023, one of the spatial development aims is to ensure suitable built form and land use to promote a quality environment. The minor additions and alterations to the existing dwelling comply with the spatial planning objectives related to the built form. It is submitted that these minor additions will improve the overall aesthetics and functionality of the existing dwelling.

The City's Densification Policy (2012) addresses the challenges associated with rapid, low-density urban expansion and its adverse impact on the sustainable development of Cape Town. In terms of the Policy, the City will promote appropriate levels of densification across all areas. Higher-order densification is encouraged in identified nodes and growth corridors, while small-scale, incremental densification is supported throughout the City where it is appropriate and feasible in relation to existing infrastructure capacity. Incremental densification is defined as "small-scale densification which has a relatively low impact on the character of an area, e.g. the subdivision of a residential property, the construction of a second dwelling, and rezoning".

The proposal therefore aligns with the above policy objectives, as it facilitates a modest increase in residential development potential within a well-located and established neighbourhood of Tamboerskloof. In terms of the policy, densification is supported for the following key reasons:

- More efficient use of land, which is a scarce resource, particularly in well-located areas with good access to social, institutional, and recreational amenities. The proposal allows for future development potential beyond the currently constrained OS2-zoned portion.
- Containment of urban sprawl, thereby reducing pressure on environmentally and agriculturally sensitive land, as well as areas of high amenity value. In this context, the proposed rezoning enables optimum utilisation of the available land through residential expansion onto the previously OS2 zoned portion.

As previously indicated, the proposal entails the rezoning of the OS2-zoned portion to extend development rights and permit building work within this portion. This will enable more efficient use of the property, particularly for residential purposes. For example, should the property owners elect to introduce a second dwelling in future, development would not be limited to the R1-zoned portion but could also extend into the area previously zoned OS2. In essence, the proposed rezoning constitutes a form of incremental densification, consistent with the City's Densification Policy, as it enables contextually appropriate increase in development rights on the property.

The *Inclusive Economic Growth Strategy, 2021 (IEGS)* highlights the role of inclusive growth in addressing poverty, reducing inequality, and improving livelihoods for both current and future generations in Cape Town. A key priority is fostering collaboration between the City, the private sector, and other spheres of government to implement sustainable solutions. In this context, the proposed additions and alterations, though minor in scale, support these objectives by contributing to job creation, encouraging private sector investment, and promoting sustainable urban development.

The focus of the *City's Social Development Strategy, 2013 (SDS)*, is on poverty alleviation. As mentioned above, a few short-term employment opportunities will be created during the construction of the proposed additions and alterations, thereby contributing to poverty alleviation for the families of workers employed.

3.4 Other considerations prescribed in national and provincial legislation:

In terms of the provisions of LUPA and SPLUMA, land development must be consistent with the principles of spatial efficiency, spatial sustainability, spatial justice, spatial resilience, and good administration.

Development principle	Compliance
(a) Spatial efficiency	Contextually, the proposed rezoning and associated alterations to the existing dwelling house will promote a more efficient utilization of the entire property. At present, development is constrained to the portion zoned Residential R1, while the Open Space 2 portion remains underutilized. The proposed rezoning of the portion of the property to R1 will enable integrated use of the property and optimize the use of existing municipal infrastructure and services. Any future development across the entire site will further enhance efficiency by making use of already available engineering services.
(b) Spatial sustainability	The proposed rezoning will facilitate the sustainable use of land by enabling appropriate development within an already developed area. The proposal indirectly mitigates urban sprawl and is consistent with the continued use of land within the existing urban footprint, which supports spatial sustainability.
(c) Spatial justice	Contextually, the proposed additions and alterations do not directly address the principle of spatial justice, as the application is limited in scale. However, rezoning of the OS2 portion may, in future, allow for more flexible use of the property within a well-located area. It

	should be noted that the current proposal does not have a direct impact on spatial justice.
(d) Spatial resilience	The proposal is limited to minor alterations, including an open balcony and retaining walls, and does not introduce significant risk. The development will be undertaken within an already developed property, and no environmental or hazard-related concerns are anticipated. As such, the proposal does not negatively impact on spatial resilience
(e) Good administration	The proposal has been motivated in terms of the decision-making criteria of the Municipal Planning By-Law, as well as the development principles of SPLUMA and LUPA. Furthermore, all relevant internal departments, as well as interested and affected parties, will be afforded an opportunity to comment on the application through the public participation process.

Based on the above, the proposal is considered to be generally consistent with the applicable development principles of SPLUMA and LUPA. While the nature and scale of the proposal do not directly advance all principles (particularly spatial justice), it does not conflict with them and supports efficient and sustainable land use.

3.5 Impact on existing rights

The proposal entails minor additions and alterations to the existing dwelling house and conforms to the residential use of the property. It is submitted that the proposed retaining wall, including lawn terraces, open balcony, and pool fence, will not have any adverse impact on existing rights for the following reasons:

- The proposed open balcony, which encroaches onto the Open Space 2 (OS2) zoned portion, will not result in overlooking or invasion of privacy of the adjoining properties, namely Erf 1447 and Erf 1445. It complies with the 3m minimum common boundary setbacks required in terms of the DMS and is screened by the existing building on the southern elevation.
- The rezoning of the OS2 portion constitutes a technical zoning correction to ensure that the entire property has a uniform Residential (R1) zoning. Although portions of the existing dwelling already straddle the OS2 portion, rezoning is required to permit the new open balcony to be constructed within the OS2 area and closer than the 7m and 6.5m common setback lines from Erf 1084-RE (Public Open Space).
- The proposed rezoning will not introduce a new land use that could negatively affect the rights of adjoining properties. The entire property will remain zoned R1 and will continue to be used for residential purposes, consistent with surrounding land uses within the estate.
- The proposed balcony will improve both the functionality and aesthetics of the existing dwelling. Additionally, the new structures will not adversely affect the property values of adjoining properties.
- The amendment of the common and street building setbacks imposed as part of the conditions of the subdivision approval in 1993 will not alter the overall form built within the estate. The R1 zoning regulations will remain in effect. It is noted that only Portions 6, 7, 8, 9 and 10 abutting the Public Open Space have more restrictive building line setbacks, which limit their developable area and result in smaller building footprints compared to Portions 1–5 and 12.
- The proposed retaining wall, which encroaches on the 4.5m street building, will not compromise the safety or well-being of neighbouring properties. The wall does not exceed the 2m maximum height restriction set out in Item 126(b) of the DMS. It forms part of the site landscaping and will be

softened through planting. Furthermore, the design of the wall complies with the architectural guidelines of the Homeowners Association.

Given the minor nature of the proposed additions and alterations, it is submitted that the proposal will not materially affect the rights of adjoining or surrounding properties within the estate. The additions are residential in nature, and the proposed balcony, in particular, is non-intrusive to the private living spaces of neighbouring properties.

3.6. Permanent Departures:

An application for permanent departures from the common and street building lines is required to permit the proposed building work to encroach into these setbacks. It is proposed that a portion of the landscaped stairs be set back 2.285m in lieu of the required 3.5m from the street boundary. The proposed steps are located at first-storey level and form part of the overall landscaping treatment.

It is noted that the proposed landscaped stair extension will enhance the aesthetic appeal of the property and contribute to slope stabilisation. Given that the proposal comprises landscaping features rather than habitable built form, it is submitted that it will not negatively impact the streetscape. Similar landscaping features are present on adjoining properties within the complex. For instance, on Erven 1447A and 1448, comparable landscaping elements are located closer than the 3.5m street building line setback. As such, approval of the proposal will not adversely affect the streetscape or the established landscaped character of the complex.

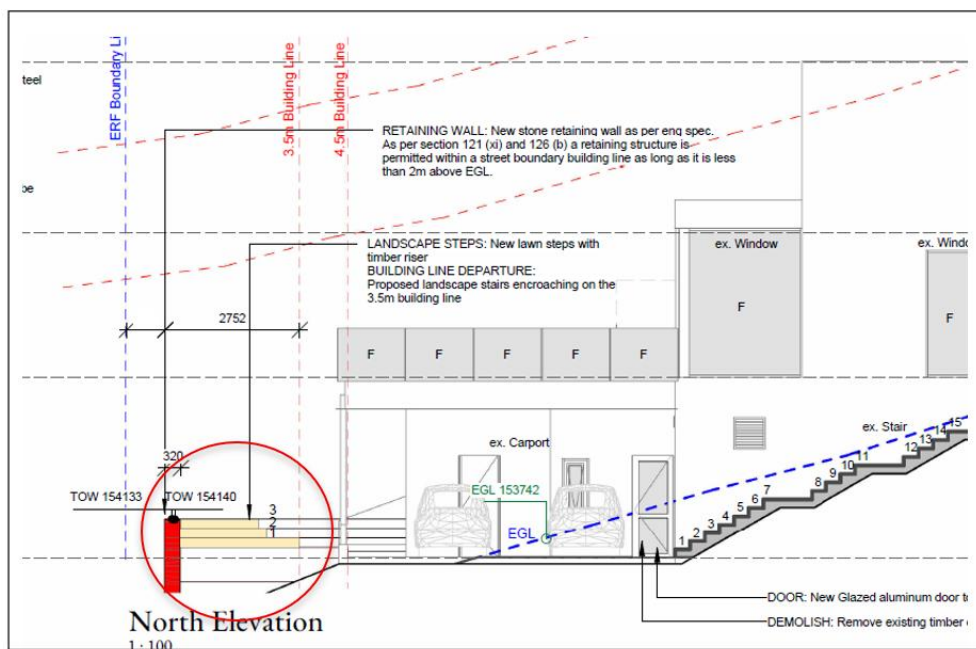


Figure 8: Proposed landscape steps encroaching onto the 3.5m street building line

Furthermore, it is proposed to permit a portion of the bricked-up window on the third storey to be setback 1.76m in lieu of 3m from the western common boundary. This building line departure is of a technical nature, as the affected portion of the building (formerly a bedroom) has already been approved within the common building lines. The closure of the window opening has, however, triggered the need for a setback departure.

The portion of the building abuts a National Park and Council-owned land zoned OS2. The proposed alterations to the existing approved building will therefore not have any adverse impact on the natural environment. Given the minor scale of the proposed alterations, it is submitted that these changes are minor in nature and will not have any adverse impact on the health, safety, or wellbeing of adjoining properties.

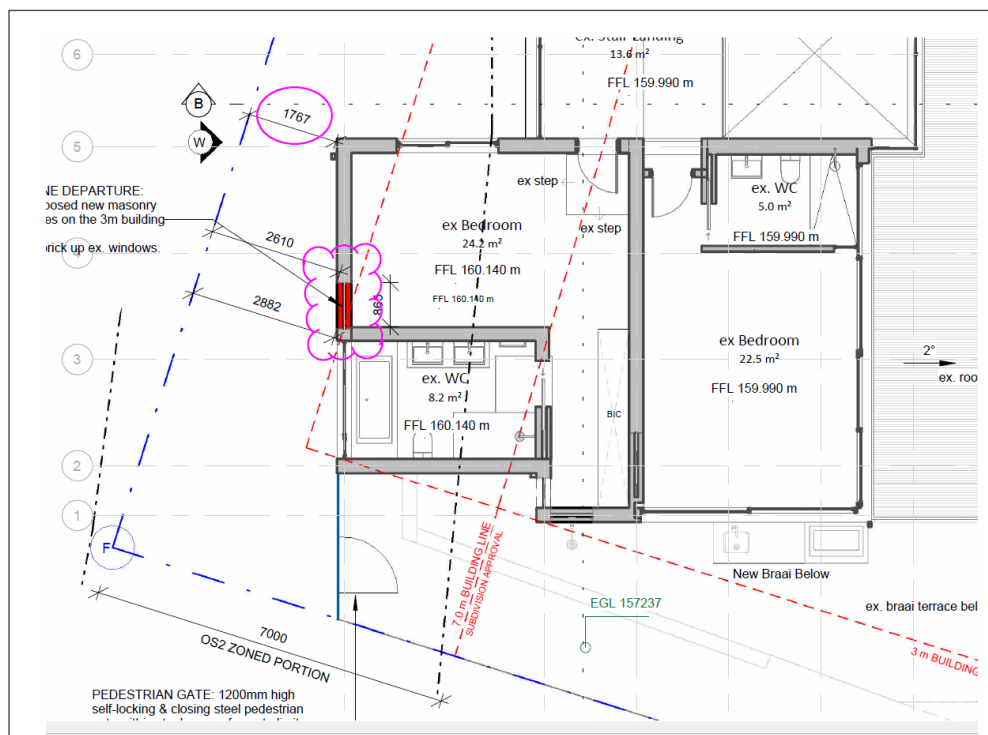


Figure 9: Portion of bricked up wall straddling the 3m western common building line

In conclusion, the portions of the proposed extensions encroaching onto the 3.5m street building line and 3m common building line are minor in scale and will not negatively impact on the safety, wellbeing, or natural environment. The proposals largely comprise cosmetic improvements to the existing building envelope, as well as landscaping enhancements aimed at improving the aesthetic appeal of the property.

3.7 Desirability

Socio-Economic Impact: While the proposed alterations and additions to the existing dwelling house are modest in scope and unlikely to yield substantial socio-economic benefits, they are expected to enhance the property's market value by improving the functionality and aesthetic appeal of the existing three-storey building through the addition of a third storey suspended open balcony.

Additionally, short-term employment opportunities will be created during the construction phase, thereby contributing to local economic activity and supporting the community. Overall, the social and economic benefits of the proposed additions and alterations are limited.

Compatibility with surrounding uses: As discussed earlier, the proposed rezoning of the portion of Erf 1446, Tamboerskloof, currently zoned OS2, will not result in the introduction of any new land use that is incompatible with the surrounding residential context. Rezoning this OS2-zoned portion to Residential 1 (R1) will ensure that the entire property has a uniform zoning, allowing the owners to fully utilise their property, as the current split zoning limits the developable area.

It is further noted that the neighbouring property to the south, Erf 1447, which shares similar rear setbacks and development conditions as depicted on the 1993 subdivision plan SE13653/X, appears to have undergone a comparable zoning correction from OS2 and R1 to a uniform R1 zoning. Therefore, the proposed rezoning of the OS2 portion on Erf 1446 is therefore consistent with the existing development pattern within the estate and will not set an undesirable precedent. The rezoning is required to correct what appears to be a zoning anomaly and permit the construction of a pool fence and a balcony within the portion currently zoned for public open space on private property.

Regarding condition 5 of the existing land use approval, the amendment of the 7m and 6.5m rear setbacks to 1.767 m, as well as the amendment of the 4.5m street building line to 0.787m to permit a retaining wall, will not result in a built form that is inconsistent with the surrounding context. The applicable R1 zoning 3m

common boundary and 3.4m street building line will remain in effect and continue to guide future development on the property.

Overall, the proposed additions and alterations represent minor enhancements to the existing dwelling and will not adversely impact the visual character or amenity of the area. The proposed open balcony, in particular, has been designed to complement the architectural language of the existing dwelling and integrate harmoniously with the surrounding built environment.

Impact on safety, health, and well-being of the surrounding community: The proposal involves minor additions to the existing dwelling house within the cadastral property boundaries and will not adversely affect the safety or well-being of neighbouring properties. The proposed building work, including the retaining wall, lawn terrace/ landscaping steps, suspended balcony and pool fence, is consistent with the residential use of the property and is not expected to negatively impact the health, safety or well-being of adjoining property owners. As noted earlier, the proposed rezoning will not introduce any new land use that could negatively affect the health or safety of neighbouring properties.

Impact on external engineering services: Tamboerskloof is a well-established residential neighbourhood with reliable and well-maintained engineering infrastructure that adequately supports existing properties. The proposed renovations, which consist mainly of external alterations, will not require any additional engineering services, as no new land use or additional dwelling units are proposed.

Impact on Heritage: The subject property is located outside the Upper Table Valley Heritage Protection Overlay Zone. Furthermore, the existing dwelling is less than 60 years old and has no heritage grading. Therefore, the proposal will not have any impact on the surrounding heritage resources.

Impact on biophysical environment: The proposed additions and alterations do not require authorisation under environmental legislation, as the site is already developed. Construction of the proposed suspended open balcony, pool fence and a retaining wall will not necessitate the removal of the existing mature trees or any other vegetation on site.

Traffic Impact, parking, and other transport-related considerations: Given that no new land uses or additional dwelling units are proposed, it can be concluded that the proposal will have an insignificant impact on traffic and parking requirements.

4. REASONS FOR SUPPORTING THE PROPOSAL

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:

- The proposal complies with the applicable spatial development framework, i.e. Municipal Spatial Development Framework, 2023 and the Table Bay District Plan, 2023.
- The proposal is substantially in accordance with the criteria of the Development Management Scheme.
- As argued in this report, the proposal is considered to be desirable.
- As argued above, it is clear that the application complies with other City policies, i.e. Densification Policy, 2012, Inclusive Economic Growth Strategy, 2021 (IEGS) and Social Development Strategy, 2013 (SDS).
- As demonstrated in this report, the proposal will not have any negative impact on existing rights.
- The proposal adheres to the overarching principles relating to efficiency and good administration as contained in the relevant national and provincial planning legislation.

In view of the above, it is the opinion that the decision-maker should approve the application in terms of Section 98 of the MPBL.

Yours Sincerely