



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500156715

**Erf 116843, 16 Governors Lane,
Newlands**

Development Management

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LJ GLUCKMAN

TOWN PLANNING

MOTIVATIONAL REPORT:

PREPARED BY: LJ GLUCKMAN TOWN PLANNING

APPLICATION: APPLICATION FOR PROPOSED DEPARTURES & AMENDMENT/REMOVAL OF RESTRICTIVE CONDITIONS ASSOCIATED WITH PROPOSED RENOVATIONS/EXTENSIONS AT ERF 116843, CAPE TOWN

DATE: 09 JUNE 2026

ERF Number	116843, Cape Town
Address	16 Governors Lane, Newlands
Title Deed	
Title Deed Date	31/01/2025
Restrictive Conditions	Yes
Registered Extent	564
Zoning	Single Residential 1
Overlay Zoning	NA

INTRODUCTION

The owners of Erf 116843, Cape Town, are proposing renovations and extensions to the existing dwelling on the property. An affidavit has been included in the submission confirming specific existing building work was not completed by the current owners and applications have been included for required departures and the removal of restrictive conditions as these relate to the proposed building plans. This report serves to motivate for these applications as is required in terms of the MPBL.

THE APPLICATION

- 1) Application is hereby made in terms of 42(b) of the MPBL, 2015, for a permanent departure from item 22(d) to permit the building on the subject property to be setback 3m from the street boundary in lieu of 3.5m.
- 2) Application is hereby made in terms of 42(b) of the MPBL, 2015, for a permanent departure from item 22(f)(ii) to permit the proposed carport to be located 0.0m from the street boundary in lieu of 1.5m
- 3) Application is hereby made in terms of 42(b) of the MPBL, 2015, for a permanent departure from item 22(c)(ii) to permit the height of the proposed building to be 4.245m in height in lieu of 4m within 3m of the south western (common) boundary.
- 4) Application is hereby made in terms of 42(b) of the MPBL, 2015, for a permanent departure from item 22(c)(ii) to permit the height of the proposed building to be 4.240m in height in lieu of 4m within 3m of the south eastern (common) boundary.
- 5) Application is hereby made in terms of 42(g)&(j) of the MPBL, 2015, for the removal of restrictive conditions C1 and C2, and the amendment of condition C5, as contained in title deed

THE APPLICANT

The owners of the subject property have duly authorised Lloyd Gluckman to act as the applicant in all matters pertaining to the submission of a land use application to the City of Cape Town.

PROPERTY DETAILS

Character of the Local Area

The character of Newlands, specifically the area surrounding Newlands Village, has changed significantly over the past 50 years. This has been in response to a number of factors including increasing population numbers and the well located nature of the area within the greater Metropole. These changes include densification via more intensive use of properties and via subdivision and the opening of sectional title schemes to create smaller erven or allow for different ownership options as a result of intensified development on a single erf. This change in character has also been aligned with new policies and development laws by the City in response to new desired development patterns and outcomes throughout the city.

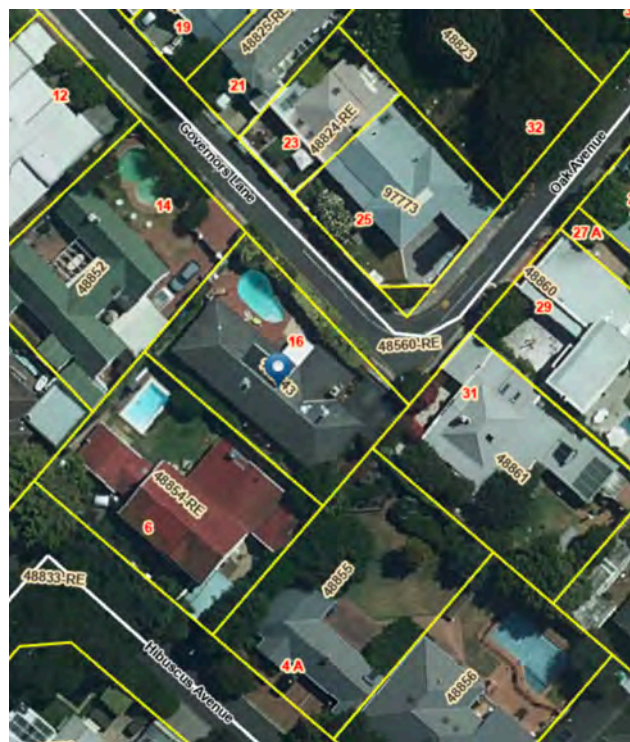
The area the subject properties are located in is within walking distance of Claremont's major business node. The locality of this node has placed increasing pressures on surrounding areas as they have become highly sought after residential areas given their close proximity to places of work coupled with the numerous other amenities offered in the area. These amenities include shopping malls, restaurants, schools and health care facilities.

As a result of updated laws and policies, an area which was once characterised by large properties with low building densities and large forecourts has thus transformed to this current character of smaller property sizes, higher building densities and numerous buildings located closer to, and in some cases on, the street boundary providing the 'village' like character seen today.

Property Description

The subject property is located at 16 Governors Lane in Newlands. It has total area of 564 square meters and existing structures conform with the current restrictive conditions as contained within the title deed. There are no major biophysical features of significance located on the subject nor are there any features which are believed to be of significance from a heritage perspective.

The property currently has a single dwelling located on it and proposals contained within this application are related to the proposed renovations of, and extensions to, this existing structure.



The above images show 1) the subject property to be zoned Residential 1, & 2) existing development on the subject property as per aerial photography.

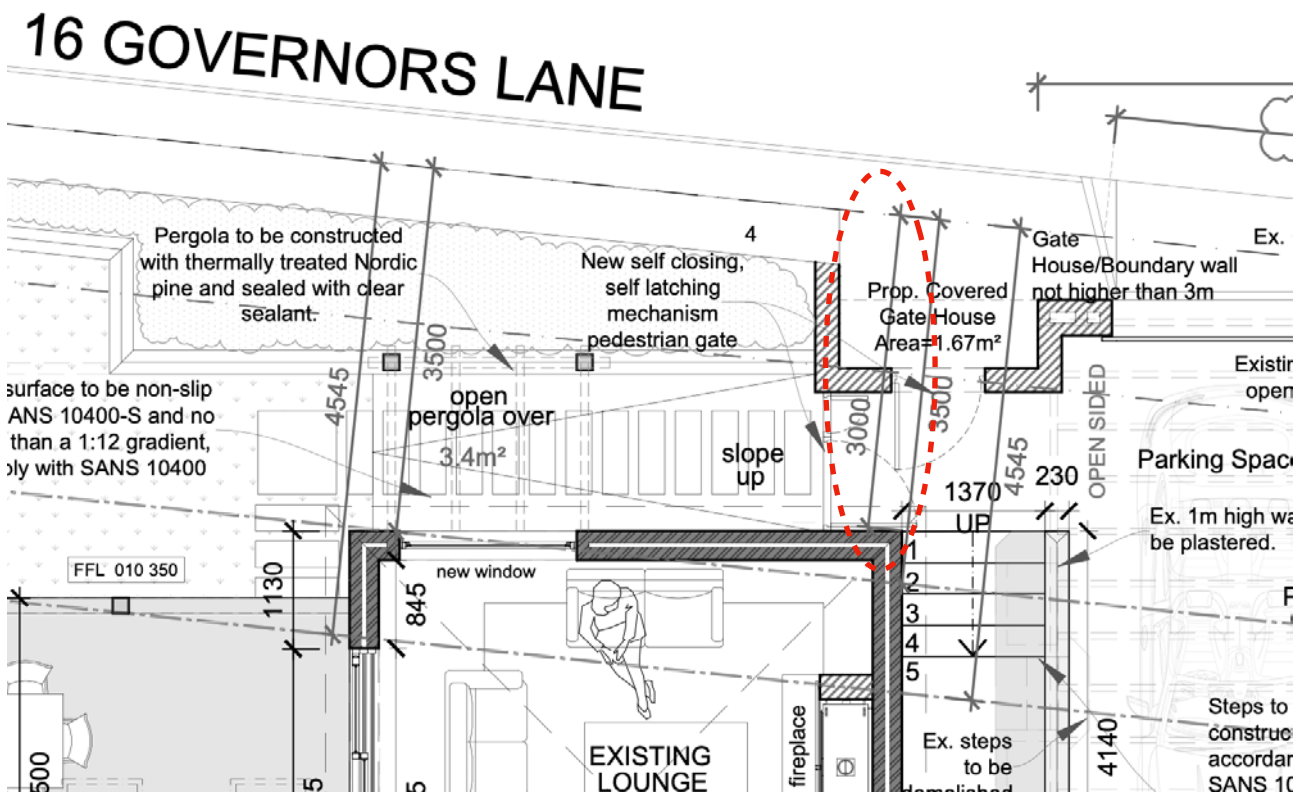
DESCRIPTION OF APPLICATIONS

The applications contained herein are all related to proposed renovations/additions to be undertaken on the existing dwelling currently located on the subject property.

1. PROPOSED STREET BUILDING LINE DEPARTURE

A portion of the ground floor of the existing structure is located within the prescribed street boundary building line and, in the absence of approved building plans for the property, application is included for a departure from item 22(d) to permit this structure to be located 3m in lieu of 3.5m from the street boundary.

The image below, an extract from the proposed building plans, shows the portion of the building proposed to be located within the prescribed street boundary building lines.



Aerial imagery of the local area suggests that a number of structures, other than those permitted to be constructed within the street boundary building lines, are located within 3.5m of the street boundary. While this is seen on smaller erven which have reduced requirements for street boundary building lines, it is also

seen on larger erven in the area, particularly on properties located in Oak Avenue and Kent Road. The location of the proposed structure at +/- half a meter closer to the street boundary than what is permissible in terms of the MPBL still provides a setback of +/- 3m. It is also important to note that this structure is located on the ground floor and therefore view from the street is limited. This is therefore not expected to result in a structure which is out of character given the context of the local area and should have little to no impact on the streetscape.

2. PROPOSED DEPARTURE ASSOCIATED WITH POSITION OF PROPOSED CARPORT

As per the building plans provided the carport is proposed to be located on the street boundary thus requiring a departure from item 22(f)(ii) which permits garages and carports to be located 1.5 meters from street boundaries on properties between 350 and 650 square meters in area.. This departure is not expected to result in conditions which negatively impact traffic or pedestrian movement nor is it expected to result in conditions which deviate from the character of the area. Further to this it must be noted that garages/ carports are located on the street boundary of a number of properties in the local area which is further evidence to support the fact that this is not believed to result in negative impacts to this area.

3 & 4. PROPOSED HEIGHT DEPARTURES FROM SOUTH WESTERN AND SOUTH EASTERN COMMON BOUNDARIES

Item 22(c)(ii) prescribes that where a building is permitted in this zoning within 3 m of a common boundary beyond the first 12 m along a common boundary, measured perpendicular from the street boundary line, the height will be limited to 4m measured from existing ground level to top of building. Portions of the proposed structure exceed 4m in height within 3m of the south eastern and south western common boundaries thus necessitating application for departures from this provision



The above extract from the proposed building plans depicts the highest point of the proposed structure within 3m of the south western common boundary. As such, application is included for a departure to permit a building height of 4.245m within 3m of the south western common boundary in lieu of 4m.

The above departures are believed to be minor in nature representing a deviation of ± 0.25 of a meter in height each. This is not expected to result in conditions which have a negative impact on neighbouring properties and do not create structures which allow for overlooking features onto neighbouring properties. The structures are all setback a distance greater than the required 1.5m common boundary building line, and so are expected to have little to no impact on neighbouring properties. Furthermore, the portions to which the departures apply are limited to the roof and roof overhangs which are slightly higher than the permissible 4m within 3m of these boundaries.

5. APPLICATIONS FOR REMOVAL/AMENDMENT OF RESTRICTIVE CONDITIONS

The restrictive conditions which are proposed to be removed were imposed as being in favour of the Council of the City of Cape Town.

Condition C1: To be removed

That not more than one dwelling building shall be erected on this lot and that not more than half of the area of this lot be built upon without the written consent of the Council.

Condition C2: To be removed

That any building to be erected on this lot shall stand back from the boundary of the street on which the lot may front or abut not less than 15 feet. The space thus left may be used as gardens or forecourts shall not be built upon.

Both of the above conditions are proposed to be removed. The conditions were imposed as part of a previous, and now outdated, law prior to the current MBPL which governs land use and development on properties within the defined municipal area governed by the City of Cape Town. As is discussed in a following section, despite the removal of these conditions, the City still retains control of development on

the subject property via the MPBL. These outdated restrictions are more restrictive than the current planning by-laws and we are seeking their removal to allow the subject property to be developed in a manner which reflects the changing character of the local area in response to updated laws and policies.

Condition C5: To be amended

That no building or portion thereof, **except for a garage or carport**, be erected within ~~10 feet~~ **2.77m** of the south eastern boundary of this lot and the Council shall have the right to convey over this lot within ~~10 feet~~ **2.77m** of its south eastern boundary, water mains, foul and stormwater sewers and electricity power lines either underground or overhead.

MOTIVATION

This section serves to motivate for the proposals included in this application in terms of the Municipal Planning By-Laws 2015, as well as the Spatial Planning and Land Use Management Act and the Land Use Planning Act.

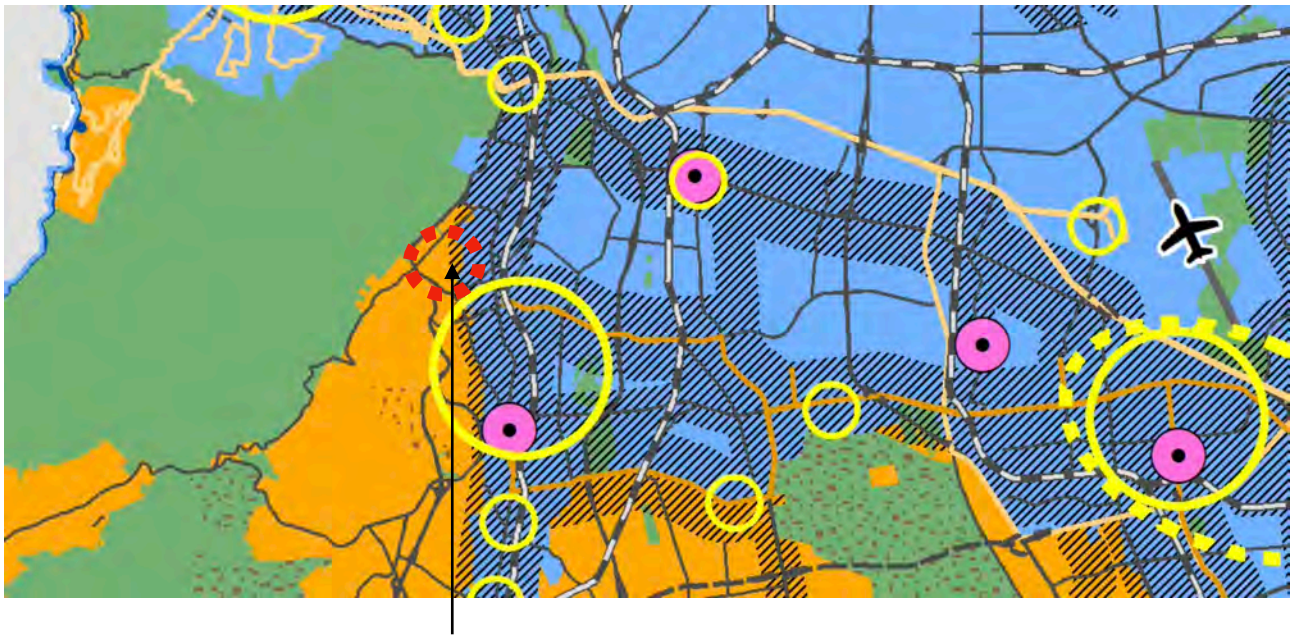
PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

The Provincial Spatial Development Framework provides a development framework applicable at the provincial scale and therefor operates largely, in the context of Cape Town and the individual properties therein, as an information for local municipal policies and legislation. The policy therefor is not fine grained enough to contain directives for individual properties within municipalities across the province. The policy has however been considered and there is no evidence to suggest that the proposals contained within this application contravene, or inhibit the achievement of the directives contained within this policy.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The Municipal Spatial Development Framework provides directives for the future development of Cape Town and, as such, properties within the urban edge are required to be cognisant of the contents of this policy.

The MSDF contains three spatial strategies namely; Spatial Strategy 1: Build an inclusive, integrated, vibrant city; Spatial Strategy 2: Manage urban growth and create a balance between urban development and environmental protection; Spatial Strategy 3: Plan for employment and improve access to economic opportunities. The proposed new works on the subject property, which includes the requirement to remove/ amend restrictive conditions contained in the title deeds, is not believed to contravene this policy nor is it expected to result in conditions which are detrimental to the ability of the City to achieve the strategies as set out in this policy.

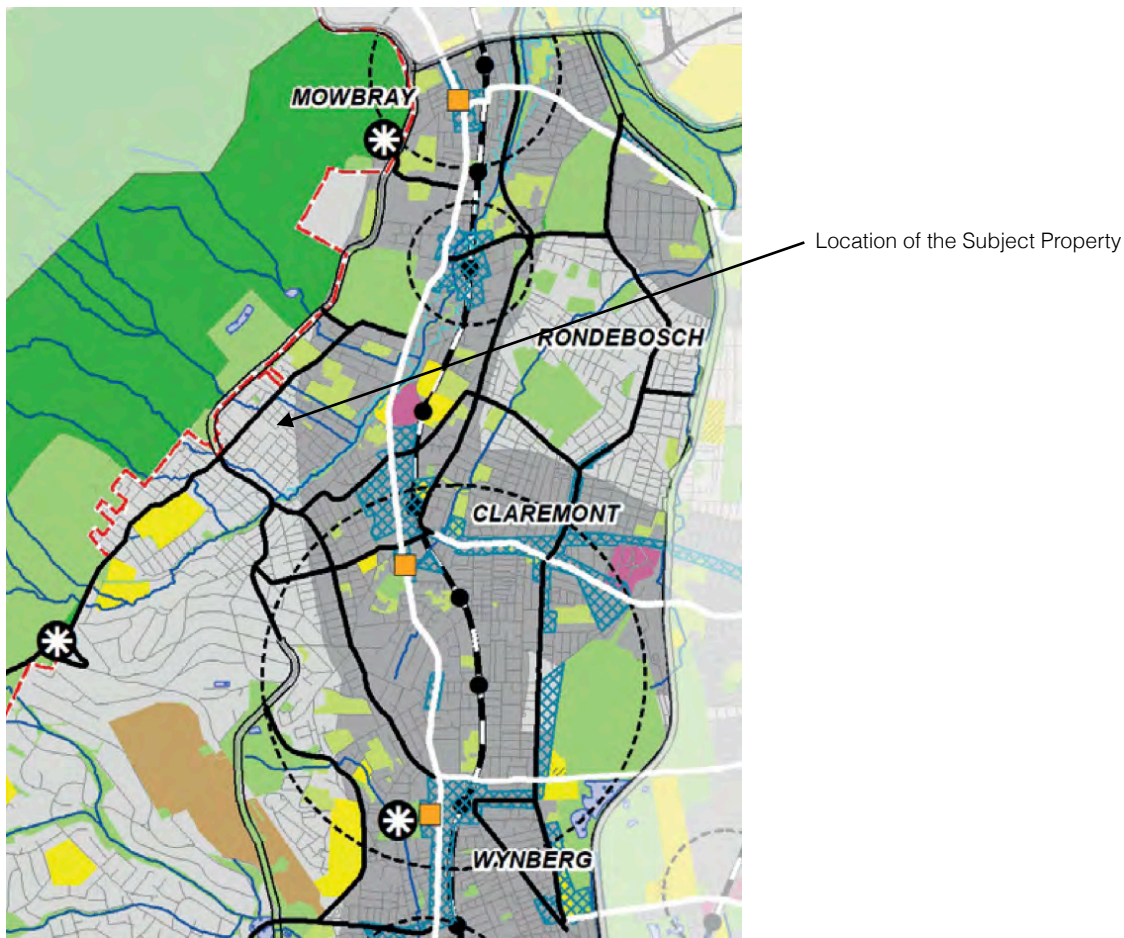


Location of Subject Property

The above image indicates that the subject property is located close to the border between the Urban Inner Core and Incremental Growth and Consolidation areas as defined by the MSDF. The Incremental Growth and Consolidation area promotes diverse and dense land uses with incremental intensification (density and diversity). This intensification is supported via subdivisions, second and third dwellings and rezonings. The Urban Inner Core promotes Intensification and diversification of land uses is promoted in these areas as they are considered to be the core of the city containing high concentrations of commercial activity and employment opportunities, major mobility routes, a concentration of an array of public and private infrastructure and high concentrations of residential development. Whoever of the two spatial transformation areas the subject property falls within it is clear that the proposal addresses the needs of both of these categories and as such is not expected to be in conflict with the desired uses and outcomes for this area.

SOUTHERN DISTRICT PLAN

The Southern District Plan provides policies and spatial directives for the desired future development of the district. This policy takes a more fine scaled view of areas throughout the city in contrast to the MSDF which focusses on the city as whole. Despite this, the Southern District Plan is informed by the MSDF and carries through many of the spatial planning principles and desired spatial outcomes and planning strategies provided for in this policy.



The above image shows the subject property to be located within the 'Urban Development' Spatial Planning Category as defined by the District Plan. The policy indicates that these areas should be considered for a wide variety of urban uses which includes housing. The development of such areas is thus supported as there is sufficient services, including engineering services, to accommodate further development. These areas are also deemed acceptable to support further development as they do not contain any significant biophysical features or systems and the development of these areas is not expected to impact negatively upon such systems. Given the relatively low scale and low impact of the proposals made within this application,

together with the location of the subject property, these proposals are in no way expected to have a negative impact on the desired future development of the Southern District nor are they expected to have a negative impact upon service provision or the significant biophysical features present in the area.

DENSIFICATION POLICY

The Densification Policy promotes the most efficient use of land within the urban edge. Densification of urban land promotes the reduction of valuable resource consumption, supports the development of viable public transport systems, makes the city more equitable, facilitates economic opportunities, improves housing patterns, contributes to place making and improves security.

While current proposals are of a relatively small scale and propose only incremental densification, the relevant restrictive conditions, as contained within this application, limit the densification of this property and restrict this property from being efficiently utilised. As such, the removal of these restrictive conditions will allow for the subject property to be developed in a manner which is in line with the objectives of this policy.

SOCIAL DEVELOPMENT STRATEGY & INCLUSIVE ECONOMIC GROWTH STRATEGY

The Social Development Strategy and Inclusive Economic Growth Strategy have been considered as they relate to the proposals made within this application. Neither of these policies are expected to be negatively impacted upon as a result of the approval of this application given the scale of proposed alterations/ extensions on the subject property.

SAFER CITY POLICY

The Safer City Policy is designed to address the high levels of crime and violence in Cape Town. The policy outlines a number of ways in which crime and violence can be addressed in the City by outlining a number of good practice guidelines.

Intensify Land Use and Activity

The intensification of land use via land use changes such as densification can assist in creating safer places by increasing the number of people living in an area thereby enhancing public surveillance. Conditions which limit land use intensification limit a properties potential for densification.

Create Opportunities for Overlooking

Surveillance requires a direct visual connection between inside and outside. The policy notes that buildings should be designed in a manner which locates doors, windows and wall openings in a position close to a public street to enhance passive surveillance. Restrictions on street boundary building lines can result in a reduction in passive surveillance. By removing the restrictive condition on the subject property the building will be able to be positioned closer to the street thereby enhancing passive surveillance and conforming to current policy guidelines.

SPLUMA

Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA), 2013, sets out a number of development principles designed to guide spatial planning and land use management. There are 5 development principles stipulated, these are; 1. Spatial Justice, 2. Spatial Sustainability, 3. Efficiency, 4. Spatial Resilience, 5. Good Administration.

The proposals made herein support a number of these principles. Spatial sustainability is supported as the deletion of these restrictive conditions will result in the ability of the property to be more efficiently utilised given the fact that it is well located in the context of the city. Efficiency is promoted in utilising land available for development within the urban edge and optimises the use of existing infrastructure.

LUPA

Chapter 6 of the Land Use Planning Act (LUPA), 2014, stipulates the Land Use Planning Principles to be upheld by the Province. These principles are in line with SPLUMA's development principles. These principles are promoted as described above and it is maintained that the proposals made within this application do not contravene any of these principles.

THE DEVELOPMENT MANAGEMENT SCHEME

The DMS prescribes the development rules for properties located within Cape Town. The following development rules are applicable to erven zoned Residential 1 between 350 and 650 square meters in area:

Floor Factor: 1

Coverage: 75%

Max Height to Top of Building: 9m

Street Boundary Building Line: 3.5m

Common Boundary Building Line: 0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 1,5 m for remainder

Allowable use rights on properties zoned Residential Zone 1 are:

Primary uses are dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights

Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling, third dwelling, filming, affordable rental flat, supplementary dwelling unit, place of instruction (with not more than 34 children) and home childcare, subject to certain conditions.

Important to note is that the development rules and allowable uses as prescribed by these current laws are, in some instances, less restrictive than the development permissible in terms of restrictive conditions contained within the title deeds. For example restrictive condition C1 allows for only one dwelling and for only half the area of the property to be built upon whereas the DMS permits 75% coverage and a total of 3 dwelling units to be located on the subject property. Condition C2 requires a 15 feet (4.572m) street boundary setback whereas the DMS requires only a 3.5m setback from the street boundary.

The proposed new works on the subject property have been assessed against the above mentioned, and other applicable, development parameters contained within the DMS and applications for departures have been included where applicable.

LUPA & SPLUMA CRITERIA

This section motivates for the proposals made herein in terms of the relevant criteria stipulated in

LUPA & SPLUMA.

SPLUMA

Section 42(1)(c) provides a list of factors that must be assessed when determining an application for the removal of restrictive conditions:

1. The public interest

No proposals made within this application are expected to have a negative impact on the public interest. All proposals are made on private property and none of these proposals are expected to result in harmful or negative impacts to individuals or the community at large.

2. The constitutional transformation imperatives and the related duties of the state

The applications contained herein have been made according to applicable laws.

3. The facts and circumstances relevant to the application

This report has detailed the facts and circumstances of the application including the character of the local area and how this has changed over the years, building plans have been provided detailing the proposed additions and renovations and, among other factors, local policies and laws have been taken into consideration.

4. The respective rights and obligations of all those affected

The owners of the subject properties are operating within their rights to submit an application requesting the approval of the City for proposed renovations and extensions on their property. This application in turn provides interested and affected parties the right to submit comments in response to these proposals. The City of Cape Town is required to assess the applications and proposals contained herein.

5. The state and impact of engineering services, social infrastructure and open space requirements

The proposals contained within this report are not expected to have a negative impact on engineering services, social infrastructure or open space requirements.

6. Any factors that may be prescribed, including time frames for making a decision

These factors are prescribed largely by the Municipal Planning By-Laws.

Section 47(2) of the Spatial Planning and Land Use Management Act (SPLUMA), 2013, provides that a removal, amendment or suspension of a restrictive condition must occur:

(a). in accordance with section 25 of the Constitution and SPLUMA

The property rights of any party will not be affected by the removal of these restrictive conditions.

(b). With due regard to the respective rights of all those affected, and to the public interest

It is believed that rights of any party and the public interest will not be negatively impacted upon by the removal of these restrictive conditions. The public interest is currently protected by the Municipal Planning By-Laws and the rules and regulations prescribed within the DMS. The restrictive conditions which have been registered over this property are older than these, more current, development regulations. The conditions were put in place to protect the character of the area, the character of which has changed significantly and in a manner which conforms to current legislation and policy. The land use rights prescribed to this property by current legislation are less restrictive than the restrictions contained within the title deeds. The public interest will continue to be protected by the MPBL and the DMS and the removal of the stipulated restrictive conditions will allow the owner of the property to exercise the current development rights permitted by the City.

(c). in the prescribed manner if such suspension, amendment or removal will deprive any person of property as contemplated in section 25 of the Constitution.

The proposed removal/amendment of these restrictive conditions will not result in any person being deprived of property.

LUPA

Section 39(5) of the Land Use Planning Act (LUPA), 2014, must be considered when motivating for the deletion of a restrictive condition.

Section 39(5) stipulates that when a municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to at least the following:

(a). The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as an owner of the dominant tenement.

We are not in a position, nor are we qualified, to provide accurate information pertaining to the current financial value. It is our opinion however, that the removal/amendment of these restrictive conditions will not impact upon financial value, or any other value, enjoyed by a person or entity.

The value in the rights of the restrictive conditions is to maintain the character of the area (this is applicable to all conditions for which removal is proposed). These restrictive conditions were imposed to maintain a low building density and ensure that buildings were set back from the street boundary to provide sufficient space for a forecourt. The character of the area in which this property is located has changed significantly since these restrictive conditions were imposed, this is due, in part, to new national, provincial and local legislation and policy. These legislative and policy documents were developed to promote spatial and land use planning which is in line with the desired growth of the City and how this growth should loom for all residents. These laws and policies have not only changed to promote a more spatially just and equitable city, they have also evolved to accommodate growing population numbers and an increasing pressure placed on the natural environment. Development in Cape Town has responded to these new laws and policies and, like the city at large, Newlands, the suburb in which this property is located, has also changed. The building density in the area has increased significantly as the current By-Laws allow for more intensive land use and development including provisions for second and third dwelling units to be built on a single erf and less restrictive common, and street, boundary building lines. These laws also prescribe less intensive restrictions on coverage than can be found in these specific title deeds. In addition to these less restrictive development laws, many properties in the area have been subdivided thus reducing property sizes and increasing building density. The conditions are also imposed to promote a forecourt on the property making provisions for a street boundary building line of 4.572 meters. Forecourts are no longer a prominent feature in the area as

many properties have developed structures well within this prescribed setback. While each case is based on its own merits this does illustrate the fact that the character of the area has changed.

Maintaining restrictions which prohibit properties in this area restricts the ability of these properties from developing in a manner in line with current policies and laws which includes provisions that permit the deviation of controls contained within these laws. As the character of the area has changed significantly (increased densities and smaller/no forecourts) it is motivated that there remains little value in maintaining these conditions.

(b). The personal benefits which accrue to the holder of the rights in terms of the restrictive condition.

The personal benefits which accrue to the holder of the rights are the expectations that the character of the area will be maintained by keeping the restrictive conditions in place. These benefits are therefore limited to the expectation that development on the subject property will remain low in intensity and broadly consistent with historic development patterns. As has been discussed, the character of the area has changed significantly and, given the nature of development on properties in the area, it is clear that many are no longer bound by these restrictions. It must be noted that land use rights are regulated by statutory planning instruments which evolve over time in response to policy and public interest considerations.

The proposed amendment of condition C5 to only slightly reduce the area of the required setback from the south eastern common boundary of the property to account for the proposed roof overhang and to permit no structure other than a garage/carport in this area, is believed to have little to no impact upon the City's ability to utilise this area as intended by this condition.

(c). The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended.

The removal of these restrictive conditions will enable the landowner to develop the property in a manner which is in line with current legislation and policies, specifically the DMS.

These restrictive conditions limit the property owner's ability to invest in the subject property. The removal of these restrictive conditions, which place greater restrictions to development than the current By-Laws, will provide the owner of the property with a future opportunity to invest in the property.

(d). The social benefit of the restrictive condition remaining in place in its existing form.

It is believed that there will be no social benefit in retaining these restrictive conditions. The restrictive conditions are not believed to meaningfully enhance public welfare beyond what is currently achieved through existing laws and policies.

(e). The social benefit of the removal, suspension or amendment of the restrictive condition.

The restrictive conditions contradict a number of current policies, including the densification policy, and legislation, all of which are designed to promote and facilitate development in the City which is in line with the development principles. As many of these development principles seek to promote greater social benefit, it is our opinion that the removal of these restrictive conditions will, in fact, promote greater social benefit.

For example, allowing buildings closer to the street boundary has a positive social impact in enhancing security via passive surveillance over public areas. The promotion of efficient use of land in a well located area supports social objectives via increased provision of housing. As discussed above, current legislation and policy which prescribe the parameters for development have been established in manner which is to provide maximum social benefit to the citizens of Cape Town. Thus, it is maintained that enabling development within Cape Town which is in line with these current laws and policies will be of benefit to society at large.

(f). whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The beneficiary of conditions C1, C2 and C5, is the City of Cape Town. The removal/amendment of these restrictive conditions will not remove all rights enjoyed by the beneficiary as the CoCT will maintain control over development of the property through the MPBL and the Development Management Scheme. Local laws and policies will be maintained and provide control over development on the subject property.

It is indicated in a number of sections above that the removal of these conditions will allow for the property to be developed in line with current laws and policies which govern land use and development within Cape Town. These laws make provisions to deviate from these prescribed development parameters and, as such, the removal of these restrictive conditions will allow for any proposed development on the subject property to be considered solely in terms of these updated laws and policies. In this instance, it is believed that the conditions contained within this report are no longer necessary as a means through which to place controls

on development over this property as a result of updated laws and policies and changes to the character of the local area as a result. As such, application has been made to remove both of these conditions from the property's title deeds.

The proposed amendment to condition C5 will not entirely remove all rights enjoyed by the beneficiary. The existing rights currently held by the beneficiary will still be largely in tact.

IMPACT ON EXISTING RIGHTS

The rights of surrounding property owners are not expected to be negatively impacted upon as a result of the proposals made within this application. The restrictive conditions contained within this application afford rights over the subject property in favour of the City of Cape Town. As has been shown, these controls on development are outdated as per new policies and spatial plans and the City will still retain rights associated with permissible development on the subject property via the MPBL and associated DMS. No rights of any individual or property will be taken away as a result of the approval of this application.

ADDITIONAL CONSIDERATIONS

CRITERIA	IMPACT
(a) Socio-Economic Impact	The proposed additions/renovations to the existing dwelling on the subject property is not expected to result in any negative socio-economic impacts.
(b) Compatibility with Surrounding Area	The proposed new works are believed to be compatible with the surrounding area and are not believed to deviate from the character of the local area. There is no change in land use proposed.
(c) Impact on External Engineering Services	There is believed to be sufficient external engineering capacity within the area and the proposals contained herein are not expected to place any type of significant increase in demand on these systems.
(d) Impact on Safety, Health and Wellbeing of the Surrounding Community	The approval of this application is in no way expected to result in detrimental impacts to the safety, health and well-being of the local community.
(e) Impact on Heritage	Heritage has been considered as it relates to the subject property and the proposals made within this application. The property is not graded nor is it located within an HPOZ.

(f) Impact on Biophysical Environment	The property is not situated in an environmentally sensitive area nor are the proposals made expected to impact negatively on the biophysical environment.
(g) Traffic Impacts	There is no proposals contained herein which will be expected to have a negative impact on traffic in the local area.
(j) Imposition of Conditions	Not deemed to be applicable in this case

CONCLUSION

Removal of Restrictive Conditions

This report has indicated that the character of the area in which this property is situated has changed significantly since these restrictive conditions were imposed. The removal of these restrictions will enable the property owner to propose land use and development in terms of updated laws and policies.

Given the fact that the character of the area has changed, and many properties in the area are clearly no longer bound by restrictive conditions of this nature, it is clear that little value remains in retaining such conditions as they no longer protect the character of the area. Furthermore, as has been evident over the past few years, Cape Town is becoming an ever more water stressed region and the maintenance of gardens is an extremely water intensive activity. The promotion of large forecourts is thus no longer favourable.

We respectfully request, that given the information and accompanied motivation provided within this report that restrictive conditions C1 & C2 be removed from the title deeds of ERF 116843, Cape Town.

Amendment to Title Deed Restrictive Condition C5

The amendment of this condition only slightly reduces the area in which the City currently holds rights to, "convey over this lot within 10 feet of its south eastern boundary, water mains, foul and stormwater sewers and electricity power lines either underground or overhead". The proposed amendment to this condition still keeps these rights in place only slightly reducing the distance from the south east common boundary.

Permanent Departures

It has been motivated herein that the proposed new works within the street boundary building line will have little impact on the streetscape nor are they expected to impact negatively upon the neighbouring property(s). We respectfully request that this departures to permit the dwelling to be located 3m in lieu of 3.5m from the street boundary, and the location of the carport 0m from the street boundary, be approved.

Departures associated with building heights exceeding 4m within 3m of common boundaries have been shown to pertain largely to roof overhangs which are the only portions of the proposed building located within the 3m common boundary setback where the height provision is applicable. It is believed that, given that the departures apply to portions of buildings with a ground floor only and the height limitations are only marginally exceeded, there will be no negative impacts on neighbouring properties as a result of the approval of these departures.