



**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

**Case ID 1500156888**

**Erf 7784, 34 Weltevreden Street,  
Bosbell**

**Development Management**

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# ALTUS NIEUWOUDT ARCHITECTURE AND TECHNICAL SERVICES

( Pr SArch Technologist ST 0742, B Tech Constr man, NHD Bldg survey, ND Tech civil )

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28 December 2025

PLANNING & BUILDING DEVELOPMENT MANAGEMENT  
TYGERBERG DISTRICT  
PAROW ADMINISTRATIVE BUILDING  
VOORTREKKER ROAD  
PAROW  
7500

PROPOSED APPLICATION FOR SECTION 42(g)-RESTICTIVE CONDITIONS IN RESPECT OF ERF  
7784, 34 WELTEVREDEN STREET, BOSBEL, BELLVILLE

## 1. PURPOSE OF APPLICATION

The purpose of this memorandum is to support the application for the removal of various title deed restrictions .

1.1 The following applications are made in terms of the Municipal Planning By-Law (2019):

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Departure in terms of DMS | <ul style="list-style-type: none"><li>• Application in terms of Section 42(g) of the MPBL, 2015 for the <u>removal of restrictive title deed conditions</u> Clauses 2.A.(d) as contained in title deed , which restricts the property to street building lines. Application is made for street building line encroachments.</li><li>• Application in terms of Section 42(j) in terms of the MPBL 2015, for the <u>deletion of the Township Ordinance (1934) conditions of planning approval</u> (Clauses 2.A.(d) as contained in title deed relating to the above restrictive Title Deed conditions deemed to be imposed in terms of the MPBL 2015).</li><li>• Permanent departure to permit the entertainment area and covered patio to encroach the 4.72m deeds building line to 3.215m.</li><li>• Permanent departure to permit the covered patio and entertainment area to encroach the 3.5m street building line setback from 3.5m to 3.215m.</li></ul> |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 2. PROPERTY INFORMATION

|                      |                       |
|----------------------|-----------------------|
| Official Suburb Name | BOSBEL                |
| Ward Name            | 9                     |
| Address No           | 34 WELTEVERDEN STREET |
| Allotment Name       | BELLVILLE             |
| Property Number      | 7784                  |
| Zoning Description   | R 1                   |
| Property Extent      | 663 m <sup>2</sup>    |

## 3. OWNERSHIP

|  |  |
|--|--|
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|--|--|

## 4. TITLE DEED INFORMATION

|                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ERF 7784 BELLVILLE<br>SITUATED IN THE TRADITIONAL METROPOLITAN SUBSTRUCTURE BELLVILLE<br>DIVISION CAPE<br>PROVINCE OF THE WESTERN CAPE<br>IN EXTENT 663 (SIX HUNDRED AND SIXTY THREE) Square metres |
| FIRST TRANSFERRED by Deed of Transfer Number [REDACTED] with<br>Diagram No 5940/1944 attached thereto and held by Deed of Transfer Number<br>[REDACTED]                                             |

## 5. PROPOSAL

The building alterations include a covered patio and an entertainment area.

Application is made for the removal of the title deed building lines for the relaxation of the street building lines .

The proposed floor space and height complies with that of the current zoning parameters of this property.

It is requested that the local authority must advertise for neighbour's consent and notices to be send out.

## 6. Parking & Access :

Access to the site is via an existing double carriage way crossing in Weltevreden street .This access is compliant with the requirements of the DMS.

## 7. CONSIDERATION IN TERMS OF SECTION 99 (1,2)

The application is considered to be desirable for the following reasons;

### a) Compliance with the MPBL

- The application complies with the basic requirements of the MPBL

**b) Compliance with the Municipal Spatial Development Framework (MSDF)**

- The application complies with the MSDF.
- The proposal is in compliance with the Tygerberg District Plan as the property is earmarked for urban development. The proposal is considered to aid in improvement of the use of the site and promotes the optimal use of land which is a scarce resource.

**c) Consideration of the desirability of the application in terms of Section 99 (3) of the MPBL**

- For the reasons given in the motivation of Section 99 (3) below we are of the opinion that the application is desirable.

**d) Would the approval of the application have the effect of granting the property the development rules of the next subzone with a zone?**

- N/A

**8. CONSIDERATION IN TERMS OF SECTION 99 (3)**

The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable.

**a. Socio-economic impact**

The proposal will contribute to economic growth for the immediate area by virtue of the new building work. This project will provide the opportunity for building contractors to sustain business activities and ensure continuity of gainful employment. The project will contribute to increased property values and the desirability of the area. This proposal will not be unsightly or objectionable and therefore not negatively impact on the character of the local environment, but will ensure the optimum land use is achieved as permitted in terms of Council Policy promoting residential densification.

**b. compatibility with surrounding uses**

The proposal in general, is not in conflict with existing planning principles or policies, it will not have a significant impact of existing rights on the surrounding property owners and will be of compatible scale and character in relation to the surrounding area. The land use will remain residential, thus it is considered desirable with the surrounding land uses

**c. impact on the external engineering services**

The site is fully serviced. The nature of the proposal is considered of a small scale and will have no negative impact on the external engineering services

**d. impact on safety, health and wellbeing of the surrounding community**

This type of construction does not constitute a health or safety hazard. The creation of the entertainment area and covered patio will result in enhanced surveillance of the street which positively impacts on safety of the public realm and will not have any impact on the neighbour's sunlight, privacy, views or usage and enjoyment of their internal or external living spaces.

**e. impact on heritage**

The property is not situated in a Heritage Protection Area. Although the existing building is not older than 60 years, no specific architectural feature of notable importance or significance is present. There is therefore no impact in this regard.

**f. impact on the biophysical environment**

The property is not situated in an area of biophysical value. No change of the existing use of the buildings or activities are proposed. No trees will be removed. There is therefore no impact in this regard.

**g. traffic impacts, parking, access and other transport related considerations**

The vehicular access to the property is existing and the current vehicle movement pattern will remain the same.

**h. whether the imposition of conditions can mitigate an adverse impact of the proposed land use.**

The imposition of conditions will not mitigate an adverse impact on the proposed land use. No imposition of conditions are foreseen, other than those already applicable to this property.

**9. CONSIDERATIONS IN TERMS OF SECTION 39(5) OF THE LAND USE PLANNING ACT, NO 3 OF 2014 ( LUPA )**

***a) 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 to vest in the person as the owner of the dominant tenement***

The conditions were imposed by the Administrator for the benefit of the township and they do not hold have any financial value to the beneficiary. The value of the conditions are land use restrictions (land use, coverage and building line restrictions} which maintain the character of the built environment. The DMS has similar restrictions which have the effect of maintaining the residential character of the area and therefore there is no value to the township in these restrictive conditions.

***b) the personal benefits which accrue to the holder of the rights in terms of the restrictive condition***

The proposal will be beneficial to all the residential properties within the area as the capital investment for improvements will have a positive influence on the market value of this and surrounding properties.

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

The removal of restrictive conditions will personally benefit the current owner of the subject property in that it will allow for the favourable consideration of

redevelopment of the property in future in compliance with the development rules in terms of the DMS.

*d) the social benefit of the restrictive condition remaining in place in its existing form*

There is no social benefit in the restrictions remaining in place. The built character of the area is maintained with similar restrictions (building lines, coverage land use} contained in the DMS.

*e) the social benefit of the removal, suspension or amendment of the restrictive condition*

The removal of such conditions will enable the provision of affordable living area for the family.

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

The removal of the restrictive conditions does not remove existing rights enjoyed by other holders of title within the De La Haye area. The restrictions limiting land use to residential will remain in place. The built character of the area is maintained with similar restrictions contained in the DMS.

## 10. CONSIDERATIONS IN TERMS OF SECTION 47 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, NO 16 OF 2013

*a) If the removal, amendment or suspension will deprive any person of property as contemplated in section 25 of the Constitution then you have due regard for the respective rights of all those affected, and to the public interest.*

The proposed removal of restrictive title conditions will not deprive any person of property as contemplated in section 25 of the Constitution and will not have an adverse effect of respective rights of surrounding property owners or the general public interest.

*b) Notice of an application to remove, amend or suspend a restrictive condition which for the benefit of the State must be in writing and be given in the prescribed manner to the organ of state which is responsible for the administration of the law or the performance of the function to which condition relates.*

The condition is not for the benefit of the State.

## 11. TITLE DEED RESTRICTIONS

There are restrictive conditions held against the property in title deed number T 80187/2016. The conditions deemed restrictive to the proposed application read as follows:

2. **AND SUBJECT** to the following special conditions contained in Deed of Transfer No. 17564 dated 11 October 1946, imposed in terms of Section 20(4) of Ordinance No. 33/1934 when the Subdivision Estate was approved :•

A. As being in favour of the registered owner of any erf in the Subdivided Estate and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934.  
(a)

(d). That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 15ft. to the street line which forms a boundary of this erf. No such building or structure shall be situated within 5ft of the lateral boundary common to any adjoining erf provided that this condition shall not apply to the building situate on Erf No. 47 until such time as it is reconstructed or demolished.

## 12. CONDITIONS TO BE REMOVED AND DELETED

|         |                                                                       |
|---------|-----------------------------------------------------------------------|
| 2.A.(d) | To permit development in accordance with the development rules of DMS |
|---------|-----------------------------------------------------------------------|

## 13. CONCLUSION

The structures will be erected in a manner not to be unsightly or objectionable or derogate from the value of the adjoining properties. The proposed building work will be of an appropriate scale and form that will relate to the surrounding building development pattern, as well as the land use character of the area. The opinion is held that this proposal will significantly enhance the street scape.

We kindly request that favourable consideration will be given for the approval of this guesthouse consent use to accommodate this application as proposed.

Thank you

AS Nieuwoudt

A handwritten signature in black ink, consisting of a stylized, elongated cursive script.