



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

Case ID 1500159215

**Erf 60228, 7 De La Haye Avenue,
Lansdowne**

Development Management

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PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS, AMENDMENT OF CONDITIONS OF TOWNSHIP ESTABLISHMENT



ERF 60228, 7 DE LA HAYE AVENUE, LANSDOWNE

FEBRUARY 2026

Introduction

The application seeks the removal of restrictive title deed condition B.6.d contained in Title Deed of 2021, which imposes limitations inconsistent with current planning frameworks and municipal policy. The removal of this condition is necessary to enable additions and alterations to the existing property, thereby enhancing its utility and aligning its use with the Cape Flats District Plan, the Municipal Spatial Development Framework (MSDF), and the City's Densification Policy.

Site Background

Erf 60228 is situated in Lansdowne, within the Cape Flats District, an area characterized by established residential neighborhoods, small-scale commercial activity, and community facilities. The site is currently zoned for Residential Zone 1 – R1. The property is currently being used for residential purposes as a dwelling house.

The property is strategically located near major transport routes, including Lansdowne Road and the M5, and is well-served by public transport.

The site is fully serviced with municipal infrastructure and has no environmental or heritage constraints that preclude development.

The purpose of this land use application is to apply for regulation departures, the removal of title deed restrictions and amendment of the Township Establishment conditions to allow for greater utilisation of the site. The title deed restrictions restrict the property and is in contradiction of a number of current policies (including the densification policy and Inclusive Economic Growth Policy) and legislation.

The details of this application are set out below and are as follows:

Land Use applications applied for

The application is hereby made in terms of:

- Section 42(g) and Section 42(j) of the City of Cape Town Municipal Planning By-Law, 2019 (MPBL) to permit the removal of the following condition:
 - B.6.(d) – *“No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, and outbuildings, not exceeding 3,05 metres in height, measured from the floor to the wall place, may be erected within the above prescribed lateral space for a distance of 9,45 metres reckoned for the rear boundary. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.”*

DESCRIPTION OF PROPOSALS

PROPOSED ADDITIONS AND ALTERATIONS

The client had sold his previous home as there was no longer adequate space to accommodate his growing family and their recreational needs. A new home was purchased with the completion of construction of the renovation, as part of the sale agreement. Post construction, our client moved into the new house but was not aware that the developer/contractor omitted to obtain approval for the renovations.

An administrative penalty application for the unauthorized renovations was submitted, processed and finalised. It was then established that a Removal of the Restrictive Title Condition as described above is required.

The extent of the renovations included the following:

- A new Laundry (outbuilding)
- Extension to the existing Kitchen
- A portion of the new dining room extending over the title deed building line
- A portion of the garage extending over the title deed building line.

The dwelling encompasses a vast majority of the footprint and the additions and alterations require the removal of the relevant condition as applied for as per the Site development Plan as drawn by JZE Architects with Project Number 2458 dated 19 September 2024.

The alterations and additions are required to:

- Improve the livability and usability of the dwelling for the occupants;
- Accommodate modern household needs while ensuring compliance with planning and building regulations;
- Enhance the property's structural and environmental performance;
- Ensure the dwelling remains consistent with the architectural character of Lansdowne.

PROPERTY CONTEXT AND SURROUNDING CHARACTER

Erf 60228, Lansdowne is located within a well-established residential suburb characterised by:

- SR1-zoned residential properties
- Single-storey and double-storey homes with incremental additions
- Mature tree canopy and cohesive suburban form
- A pattern of common boundary line variations due to historic layouts and individual household upgrades.
- The property is fully serviced, developed with a dwelling and located within a stable, quiet residential area.
- The proposed works occur within the internal portion of the site and do not impact on the wider streetscape.

The area is earmarked for incremental densification in line with the Cape Flats District Plan,

particularly along transport corridors and nodes.

The property's location makes it suitable for medium-density residential or mixed-use development, contributing to housing supply and economic activity.

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS

The applicant seeks removal of restrictive condition B.6.d to enable development consistent with current zoning rights and municipal planning objectives.

The Title Deeds of this property contain a number of restrictive conditions which limit either the development or the use of the property to varying degrees.

Condition B.6.d was imposed historically and no longer serves a legitimate planning purpose. It is inconsistent with modern planning principles and municipal policy.

There are, however, a number of restrictive conditions which were imposed by, and in favour of, the Administrator of the Cape Province in terms of the Townships Ordinance 33 of 1934. These restrictive conditions are still applicable and any development on, or use of, the property is still required to conform to these restrictions. Contemporary planning by-laws have replaced the Townships Ordinance 33 and new mechanisms now control the development of properties within the City which are aligned to updated policies and legislation. Restrictive conditions imposed in terms of repealed laws often differ greatly in terms of the restrictions they place on development and land use when compared to more current legislation.

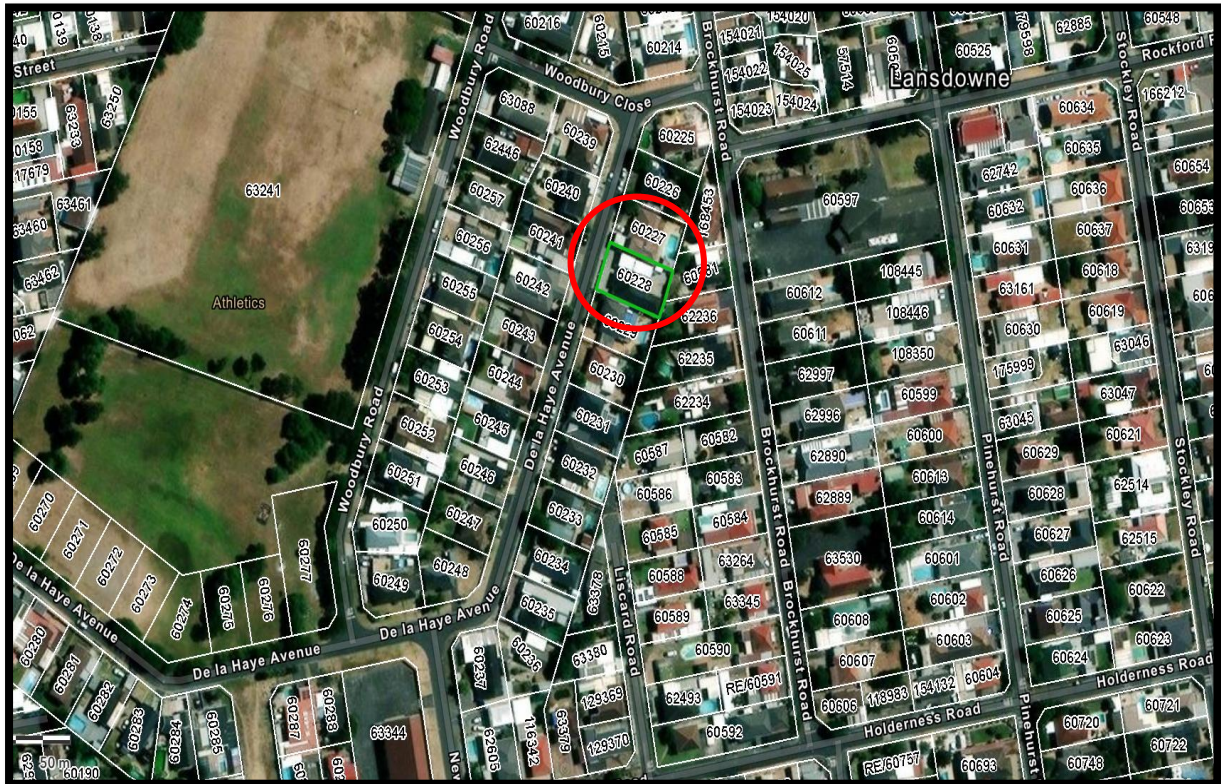
As elaborated on and motivated within this report, these restrictive conditions were imposed under a now repealed by-law and more contemporary laws have been drafted which directly address and support updated legislation, policies and spatial plans. These updated policies take into account both historical and current issues and pressures experienced by the city and aim to address these via various provisions including strategic objectives and spatial plans at the citywide and district and local levels. A number of these restrictive conditions are more restrictive than the development, land use and other provisions contained within the Municipal Planning By- Law, 2015, and application is hereby made to remove these conditions to allow for the property to be developed and utilised in a manner which is aligned to current laws and policies.

Site details

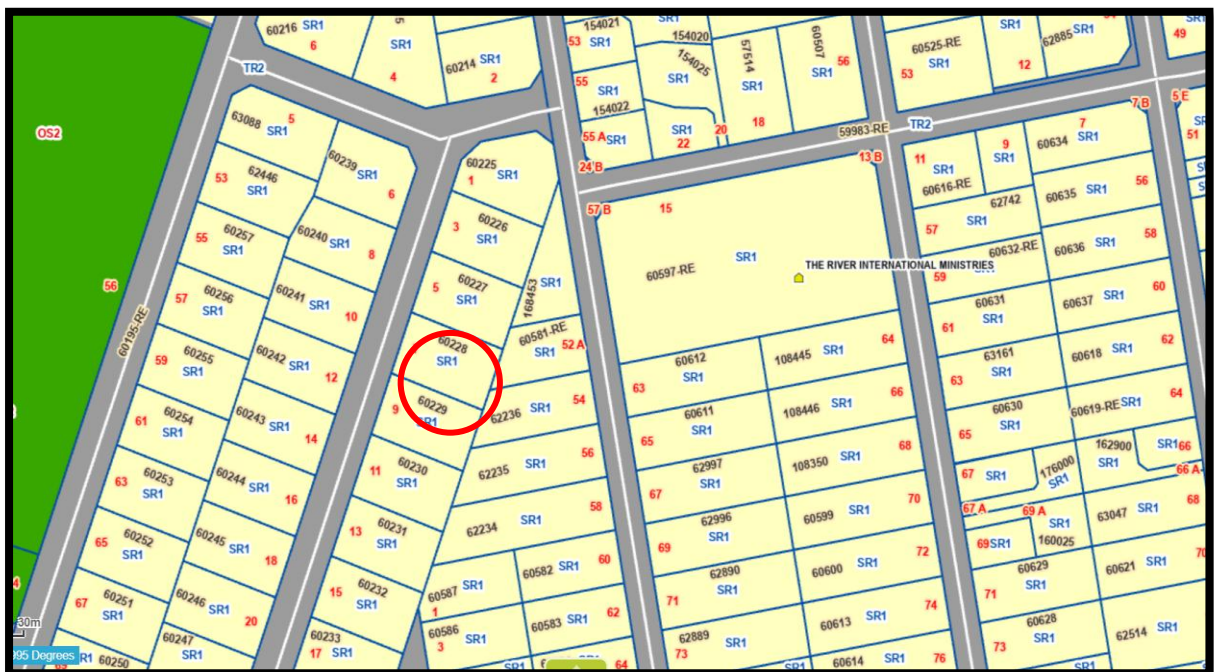
Erf no	Erf 60228, Lansdowne
Extent of property	595 ² (as per Title Deed)
Title Deed no.	
Current Zoning	Single Residential – SR1
Current Land Use	Residential
Special/Conservation area overlay zone	N/A

Locality

Erf 60228, Lansdowne is located at number 7 De la Haye Avenue close to the corner of Woodbury Close, in the suburb of Lansdowne (please see the Aerial Locality Plan below which depicts the location of the site in more detail).



Aerial Map – Subject Property circled in red.



Locality Map – Subject Property circled in red.

The property is currently developed with an existing residential dwelling, and the owners would like to extend and expand the existing dwelling for their comfort. The proposed additions are intended to enhance the functionality, safety, and long-term sustainability of the dwelling without negatively affecting neighbouring properties or the surrounding built environment.

Access to the property is taken from De la Haye Avenue via an existing carriageway crossing. The site also has an existing pedestrian access gate. This will remain unchanged. The carriage way crossing has been in use for many years and forms part of the functional layout of the site. The image below, demonstrates that the property is surrounded by large houses well screened from one another.

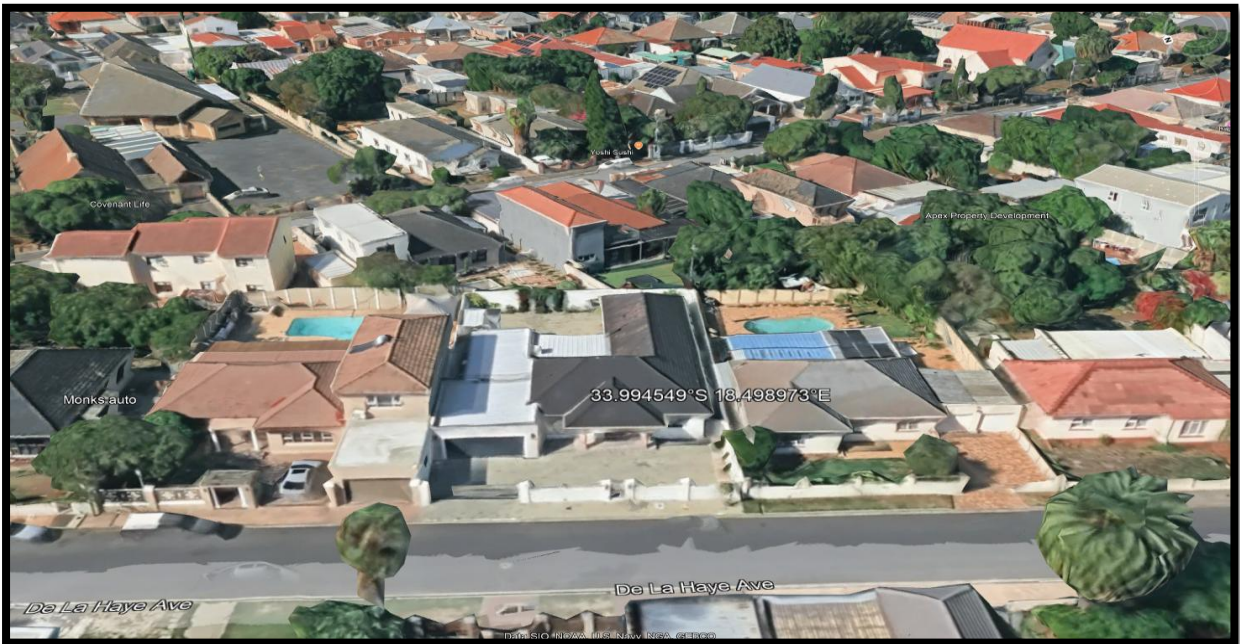


Image of subject property showing the existing cwc and surrounding context.

Lansdowne is a residential, commercial and light-industrial suburb in the Southern Suburbs / Cape Flats edge of Cape Town. It's well-connected by road and rail, with a station on the Cape Flats Line providing commuter access toward central Cape Town and other suburbs. Lansdowne is a culturally rich, working-class suburb with strong community ties and facilities.

The broader Lansdowne area is undergoing gradual densification, with townhouse developments and small apartment blocks emerging.

It's location close to industrial and commercial areas and hubs make it a highly sought after suburb to reside in given its location in close proximity to places of employment and economic opportunities. The area is also well serviced with private and public amenities including an extensive public open space network, municipal departments, large shopping complexes, restaurants, coffee shops, schools and sporting facilities.

The area is well serviced in terms of external municipal engineering infrastructure which includes stormwater, sewer networks and electrical and water supply. Solid waste removal services and road networks are also well established and the City is committed to the continual upgrade and maintenance of all these services in the area.

The area is serviced by existing public transport infrastructure which provides access to the area from other locations within the City and provides residents with options in terms of mobility to the greater metropole. The transport network include the Lansdowne railway station on the Cape Flats commuter line; buses and taxi routes on major corridors too.

Title Deeds

The property is held under Title Deed No . The Title Deed reflects the owner as being (please refer to the attached title deed for confirmation in this regard).

Physical characteristics of premises and surrounding area

Erf 60228 is located within the established residential suburb of Lansdowne, measures 595m² in extent and zoned Single Residential Zone 1.

Site Characteristics

Topography:

The property is generally level with no significant slope or undulation. The relatively flat topography allows for straightforward building extensions without the need for major earthworks, retaining structures, or site regrading. There are no apparent geotechnical constraints that would impact the proposed additions and alterations.

Shape and Size:

Erf 60228 is regular in shape, typical of residential erven within Lansdowne. The site configuration allows for logical placement of building extensions while maintaining compliance with building lines and coverage requirements.

The erf size is consistent with surrounding residential properties and provides sufficient space to accommodate additions without resulting in overdevelopment.

Existing Structures:

The property is improved with an existing single residential dwelling and typical ancillary residential improvements. The existing structure is consistent in scale and form with surrounding dwellings in the area.

The proposed additions and alterations are intended to integrate with the existing built form and will not fundamentally alter the residential nature of the property.

Vegetation and Landscaping:

The site contains typical residential garden landscaping, including lawn areas and small ornamental planting. There is no significant natural vegetation or protected trees on the property.

The proposed works will not result in the loss of environmentally sensitive vegetation and will retain the overall landscaped character of the site.

Vehicle Access:

The erf fronts a quiet, local residential street and benefits from safe, low-volume traffic conditions. Existing driveway access is typical for the area.

Surrounding Area Context

Land Use:

The property is situated within a well-established residential suburb of Lansdowne in the southern suburbs of Cape Town.

The surrounding area is predominantly single residential in character, with dwellings of similar scale and form. Many properties in the immediate vicinity have undergone additions and renovations over time.

Built Environment:

The built environment in the area is characterised by:

- Single-storey and occasional double-storey dwellings
- Brick and plaster construction
- Pitched or flat roof forms
- Boundary walls and landscaped front gardens

The proposed additions will be compatible in scale, design, and materials with the prevailing built form and will not detract from the streetscape.

Heritage Context:

The property does not fall within a declared heritage protection overlay zone, nor is the existing structure believed to be of identified heritage significance.

The surrounding area is not characterised by formal heritage grading or protected historic precinct status. As such, the proposed alterations will not negatively impact any recognised heritage resources.

Infrastructure & Services:

The property is fully serviced and connected to municipal infrastructure, including:

- Water supply
- Sewerage
- Electricity
- Stormwater systems
- Tarred road access

The proposed additions will not place undue strain on existing infrastructure and will remain within the capacity of available municipal services.

Overall Character

Erf 60228 forms part of a stable, established residential neighbourhood. The character of the area is suburban, low-density, and family-oriented.

The proposed additions and alterations will:

- Maintain the residential use of the property
- Respect the scale and form of neighbouring properties
- Enhance the functionality and appearance of the dwelling
- Align with the existing character of the suburb

The proposal is therefore considered compatible with the surrounding environment and supportive of orderly and appropriate development.

Subject Property and Development Proposal

The application seeks approval for additions and alterations to the existing dwelling on Erf 60228. The proposed development aims to improve the functionality, comfort, and long-term suitability of the home while maintaining the architectural character and streetscape harmony of Lansdowne.

The proposal includes:

- Internal alterations to modernise and reconfigure living spaces;
- Additions that provide additional rooms/amenities to meet contemporary household needs.

The proposed additions have been designed to remain within the typical bulk, scale, and appearance of residential structures in Lansdowne. The departure as applied for is minor in nature and context and supported through technical and planning motivation submitted as part of this application.

Intent of the Proposal

The intent of this proposal is to remove restrictive Condition B.6.d contained in the title deed of Erf 60228, Lansdowne, in order to enable lawful additions and alterations to the existing residential dwelling.

The proposed development seeks to:

- Improve the functionality and internal layout of the dwelling to better accommodate the needs of the occupants.
- Upgrade and modernise the existing structure in line with current building standards.
- Optimise the use of the property while maintaining compliance with applicable zoning controls and development parameters.
- The proposal does not seek to change the land use, density, or residential character of the property. The use will remain Single Residential, consistent with the prevailing zoning and surrounding development pattern.
- The removal of the restrictive condition will enable reasonable and orderly development rights aligned with the existing zoning scheme and the established residential character of Lansdowne.

The proposal is therefore intended to facilitate appropriate improvements to the property without adversely affecting neighbouring properties, municipal services, or the broader public interest.

TITLE DEED RESTRICTIONS TO BE REMOVED

Restrictive Condition to be Removed

This application seeks the removal of the following restrictive condition contained in Title Deed No.

Condition B.6.d

Nature of Restrictions

Condition B.6.d restricts the owner's ability to undertake additions and/or alterations to the existing dwelling on the property without compliance with specific limitations contained in the Title Deed.

The condition effectively limits the extent of building works that may be undertaken, despite the property being zoned for Single Residential purposes. As a result, the restriction inhibits the reasonable improvement and extension of the dwelling in line with contemporary residential needs and development patterns in the area.

The condition does not relate to land use change but rather imposes an additional private restriction over and above the applicable zoning scheme regulations.

These conditions originate from historical township establishment and no longer align with modern municipal land-use regulation.

Motivation for Removal of Restrictive Conditions

Motivation for the Removal of Condition B.6.d

Alignment with Zoning Rights

The property is zoned for Single Residential use. The proposed additions and alterations are fully consistent with this zoning and do not constitute a change of land use. The restrictive condition limits development rights that are otherwise permitted under the applicable zoning controls.

Consistency with Surrounding Development

The surrounding area of Lansdowne is characterised by residential properties that have undergone extensions, renovations, and improvements over time. The removal of the restrictive condition will allow the subject property to align with the prevailing built form and development pattern in the neighbourhood.

No Adverse Impact

The proposed additions and alterations:

- Will comply with all applicable building lines, height, and coverage controls
- Will remain residential in nature
- Will not negatively impact neighbouring properties in terms of privacy, overshadowing, or bulk

- Will not place additional strain on municipal infrastructure

Reasonable and Orderly Development

The removal of the restrictive condition will facilitate reasonable use of the property while maintaining the residential character of the area. The proposal promotes orderly development and does not prejudice the public interest.

Redundancy of the Restriction

The development parameters applicable to the property are adequately regulated through the Municipal Planning By-law and zoning scheme provisions administered by the City. The restrictive condition is therefore considered redundant and unnecessary in achieving sound planning objectives.

It is respectfully requested that Condition B.6.d be removed in its entirety from Title Deed No. T42701/2021, to enable the owner to proceed with the proposed additions and alterations, subject to compliance with all applicable statutory and municipal requirements.

All remaining Title Deed conditions shall remain in force and unaffected.

CAPE FLATS DISTRICT PLAN

The purpose of this motivation is to demonstrate that the proposal:

- Is consistent with the spatial vision and objectives of the Cape Flats District Plan;
- Complies with sound planning principles;
- Will not negatively impact surrounding properties;
- Is desirable and in the public interest.

BACKGROUND AND SITE CONTEXT

The subject property is located within the Cape Flats District and is situated in a fully developed residential area characterised by:

- Predominantly single-storey dwellings;
- Incremental alterations and extensions over time;
- Varied building line setbacks;
- Established urban infrastructure and services.

The property is zoned for residential purposes and is surrounded by similar residential erven.

REMOVAL OF RESTRICTIVE TITLE CONDITION B.6.d

Nature of the Restriction

Restrictive Title Condition B.6.d limits the extent of structural alterations and additions to the dwelling. The condition originates from historic planning controls and no longer aligns with current spatial policy or urban development objectives.

Its continued enforcement:

- Unduly restricts reasonable improvements;
- Prevents optimal utilisation of serviced land;
- Conflicts with contemporary densification and spatial transformation policies.

Alignment with the Cape Flats District Plan

The Cape Flats District Plan promotes:

- Incremental residential intensification in appropriate areas;
- Improved housing quality;
- Efficient use of existing infrastructure;
- Spatial redress and integration;
- Sustainable settlement patterns.
-

The proposed removal of Condition B.6.d will enable:

- Context-appropriate alterations and additions;
- Improved internal living conditions;
- Enhanced residential functionality;
- Better utilisation of an already serviced property.
-

The proposal does not introduce new land uses or increase land use rights beyond the existing zoning. It merely removes an outdated restriction preventing reasonable development.

Planning Principles Supporting Removal

The removal of the condition supports:

- **Spatial Justice** – Addressing historic restrictions that limited property development in certain areas.
- **Sustainability** – Promoting inward growth rather than outward urban expansion.
- **Efficiency** – Maximising use of existing municipal infrastructure.
- **Flexibility** – Allowing dwellings to adapt to evolving household needs.

The removal is therefore consistent with both district-level and metropolitan spatial policy.

TRANSPORT NETWORK PLAN

This motivation demonstrates that the proposal:

- Is consistent with the objectives of the City's Transport Network Plan (TNP);
- Supports efficient use of land within an established transport-served area;
- Will not negatively impact movement systems or surrounding properties;
- Is desirable and in the public interest.

SITE CONTEXT AND TRANSPORT ENVIRONMENT

The subject property is located within an established residential area that:

- Is fully serviced by municipal road infrastructure;
- Has direct access to the local public street network;
- Falls within an existing urban footprint supported by public transport routes;
- Is not located within a road widening, future transport corridor, or mobility precinct.

The Transport Network Plan promotes:

- Consolidation of development within the existing urban edge;
- Intensification along transport-served routes;
- Efficient use of infrastructure;
- Reduced travel distances through appropriate land use integration.

The property is already integrated into this transport network.

Alignment with the Transport Network Plan

The Transport Network Plan encourages:

- Increased residential efficiency within serviced areas;
- Support for compact urban form;
- Maximising use of existing infrastructure investment;
- Sustainable settlement patterns reducing pressure on peripheral expansion.

The removal of Condition B.6.d will:

- Enable incremental residential intensification;
- Improve the functionality of the dwelling without increasing land use rights;
- Make better use of existing road and transport infrastructure;
- Support inward growth rather than outward expansion.

The proposal does not introduce additional access points, traffic-generating uses, or non-residential activities. It remains a residential use within an established residential context.

Traffic and Transport Impact

The proposed alterations and additions:

- Will not materially increase traffic generation beyond normal residential levels;
- Will not affect road capacity or intersection performance;
- Will not compromise pedestrian or vehicular safety;
- Will not interfere with any planned transport upgrades.

As such, the proposal has **no adverse transport impact** and aligns with the objectives of the City's movement strategy.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEOWRK (MSDF)

Alignment with the MSDF

The MSDF emphasizes:

- Compact Urban Growth – promoting densification in existing urban areas rather than urban sprawl;
- Efficient Land Use – ensuring that serviced land is optimally utilized;
- Residential Consolidation – encouraging upgrades and additions to existing housing stock;
- Sustainability and Inclusivity – enabling incremental development to meet diverse household needs.

ALIGNMENT WITH MSDF GOALS

The **MSDF** provides a strategic framework for sustainable urban development, focusing on goals such as:

Efficient and Sustainable Land Use

- The MSDF prioritises the **optimisation of serviced land** and discourages underutilisation within the urban edge.

- Removing Condition B.6.d allows the property owner to make reasonable alterations and additions without changing land use, thus supporting the goal of **efficient land use**.

Compact Urban Growth and Densification

- One of the key MSDF goals is to **consolidate development within the urban footprint** and reduce urban sprawl.
- Enabling additions encourages **incremental densification** while remaining compatible with existing residential character.

Residential Consolidation and Improved Livability

- The MSDF promotes the **upgrading and improvement of existing residential areas**.
- Allowing alterations and additions improves the functionality and quality of the dwelling, contributing to household wellbeing and livability.

Spatial Transformation and Equity

- Many historic title restrictions were imposed under outdated or exclusionary planning frameworks.
- The removal of Condition B.6.d **aligns with spatial justice principles**, enabling all property owners equitable rights to develop their land within the zoning framework.

Flexibility in Urban Development

- The MSDF encourages **flexible and context-sensitive development** that responds to the evolving needs of residents.
- The proposed removal allows reasonable adaptation of the dwelling to meet current household requirements, consistent with the MSDF's vision for responsive urban development.

The removal of Condition B.6.d supports these objectives by:

- Allowing alterations and additions within the existing zoning rights;
- Enhancing living conditions without increasing the land use intensity;
- Supporting sustainable densification in an established residential area;

POLICY AND LEGISLATIVE COMPLIANCE

Policy / By-Law	Compliance Assessment
MSDF – Municipal Spatial Development Framework	Supports densification, efficient land use, residential consolidation
Zoning Scheme Regulations	Dwelling remains within zoning rights; height and coverage compliant

Policy / By-Law

Compliance Assessment

National Building Regulations

Additions to be submitted for plan approval; fully compliant

Public Safety and Access

No impact; side boundary departures do not affect public streets

The application aligns with MSDF objectives, national policy, and local municipal regulations.

PUBLIC INTEREST

- Proposal maintains residential use; compatible with surrounding area.
- Enhances living conditions and property functionality.
- Minor lateral building line departures have no measurable public or neighbour impact.
- Supports sustainable, efficient use of urban land.

The application therefore promotes public benefit by aligning private development with broader municipal spatial objectives.

The proposed removal of Restrictive Title Condition B.6.d:

- Are contextually appropriate;
- Align with MSDF goals of efficient, sustainable, and inclusive urban development;
- Maintain residential character and neighbourhood amenity;
- Are reasonable, desirable, and in the public interest.
- Aligning the property's development potential with contemporary spatial policy.

The proposal is therefore **fully consistent** with the MSDF's spatial transformation goals.

SOCIAL DEVELOPMENT STRATEGY & INCLUSIVE ECONOMIC GROWTH STRATEGY

The City's **Social Development Strategy** aims to:

- Improve **living conditions and household wellbeing**;
- Support **safe, functional, and adaptable housing**;
- Promote **inclusive and resilient communities**, especially in historically disadvantaged areas;
- Facilitate **community integration and access to services**.

Alignment of Proposal with Social Development Strategy:

Housing Improvements: Removal of Condition B.6.d allows residents to make structural alterations or additions that improve comfort, safety, and functionality.

Household Resilience: Enables extended family accommodation or multi-generational living within one erf, improving social cohesion.

Community Stability: Upgraded properties contribute to neighbourhood revitalisation and social

pride.

Access to Services: Property improvements within the existing residential footprint optimise existing infrastructure, reducing service strain while improving livability.

INCLUSIVE ECONOMIC GROWTH STRATEGY

The Inclusive Economic Growth Strategy focuses on:

- Promoting local, small-scale entrepreneurship;
- Ensuring equitable access to economic opportunities;
- Supporting home-based economic activity within residential areas where appropriate;
- Optimising land use to encourage sustainable economic participation.

Alignment of Proposal with Inclusive Economic Growth Strategy:

- Home-Based Enterprises: Allowing alterations and additions enables residents to incorporate workspaces for home-based businesses, such as tutoring, arts, crafts, or professional services, consistent with municipal land-use policy.
- Property Value Uplift: Improved dwellings enhance property values, contributing to household economic resilience.
- Efficient Land Use: Optimising existing residential properties reduces pressure on urban expansion, promoting sustainable urban economies.
- Job Creation and Skills Development: Upgraded homes can facilitate small-scale, local entrepreneurship, which indirectly supports local employment and skills development.

The removal aligns with inclusive economic growth objectives by allowing residents to participate in the local economy, increase income-generating potential, and use their property as an asset for economic empowerment.

DESIRABILITY AND PUBLIC INTEREST

The removal of Restrictive Title Condition B.6.d is desirable because:

- It does not change land use or zoning;
- It enhances housing quality and social wellbeing;
- It allows inclusive economic activities consistent with residential policy;
- It supports local development goals by increasing property functionality and community resilience;
- It aligns with both social development and inclusive economic growth objectives.

There are no negative impacts anticipated on neighbouring properties, infrastructure, or the public realm.

The removal of Restrictive Title Condition B.6.d is consistent with strategic municipal objectives:

Social Development Strategy – supports improved, adaptable, and safe housing, multi-generational living, and community stability.

Inclusive Economic Growth Strategy – enables small-scale home-based enterprises, property value uplift, and equitable economic participation.

DENSIFICATION POLICY

The proposal is aligned with the City's **Densification Policy**, which seeks to:

- Promote **compact urban growth**;
- Encourage **efficient use of serviced land**;
- Support **incremental residential intensification** in established urban areas;
- Reduce pressure for peripheral urban expansion;
- Contribute to **sustainable and inclusive urban development**.

The removal of this historic title restriction will enable context-appropriate alterations and additions that are consistent with densification objectives while maintaining the residential character of the area.

DENSIFICATION POLICY OBJECTIVES

The **Densification Policy** aims to:

- Optimise Existing Urban Land – Prioritise development within the urban edge using already serviced land.
- Increase Housing Supply – Facilitate additional residential units or extensions without expanding the urban footprint.\
- Encourage Efficient Infrastructure Use – Maximise investment in roads, water, electricity, and sanitation.
- Promote Sustainable Urban Form – Reduce urban sprawl, commuting distances, and environmental impact.
- Support Socio-Economic Integration – Allow diverse household types and income groups to reside in established neighbourhoods.

ALIGNMENT OF PROPOSAL WITH DENSIFICATION POLICY

Efficient Land Use

- Removal of Condition B.6.d allows the residential property to be optimally developed through alterations and additions.
- Makes full use of existing municipal services without additional burden on the city.

Incremental Residential Intensification

- Alterations or additions may allow extended families, multi-generational households, or additional dwelling units (where permissible) within the existing property footprint.
- Supports densification in a controlled and context-sensitive manner, consistent with the policy's objectives.

Sustainable Urban Form

- Facilitates inward growth rather than peripheral expansion, helping to contain the urban edge.
- Encourages compact, serviceable residential areas that are pedestrian- and transport-friendly.

Community and Socio-Economic Benefits

- Supports improved housing quality, contributing to social development goals.

- Enables home-based enterprises and income-generating opportunities consistent with inclusive economic growth objectives.
- Aligns with MSDF, Social Development, and Inclusive Economic Growth Strategies, ensuring multi-policy compliance.

CONTEXTUAL JUSTIFICATION

- The subject property is located in a fully serviced residential area with established access and infrastructure.
- The surrounding neighbourhood already demonstrates incremental additions and varied building footprints, making the proposed alterations contextually appropriate.
- Removal of the restrictive condition will not impact neighbouring properties, the streetscape, or public access.

DESIRABILITY AND PUBLIC INTEREST

The removal of Condition B.6.d is desirable because:

- It enables densification without increasing land use intensity beyond the existing zoning.
- It supports sustainable urban growth, maximising the potential of serviced land.
- It improves living conditions and household functionality.
- It aligns with broader municipal spatial, social, and economic policies.
- It has no negative impact on neighbouring properties, public infrastructure, or the urban environment.

Assessment of proposal against zoning scheme and Municipal Planning Amendment By-Law, 2019

This section evaluates the proposed removal of Restrictive Title Condition B.6.d and associated alterations/additions against the relevant planning frameworks:

- City of Cape Town Zoning Scheme Regulations
- City of Cape Town Municipal Planning Amendment By-Law, 2019

The assessment demonstrates that the proposal is consistent with legal requirements and sound planning principles, and that it will not negatively impact neighbouring properties or the public interest.

Development controls	Development Management Scheme Requirements	Applied to the site	Departure required
Height	9m	9m	No
Street Building line setback	3,5m	> 3.5 m	No
Street Boundary line restriction			No
Common boundary building line	0,0 m (12,0 m		No

	from street and 60%) and 1,5 m rest		
Parking	No increase in units or land use; existing parking remains sufficient.		

Development Parameters:

These parameters pertain to structures located on a Single Residential property. The subject property measures 595sqm in area and is therefore required to conform to development rules which pertain to its size.

Requirements for floor factor limitations are not applicable to a property of this size.

The proposal involves extending the existing structure/adding a new room/altering the layout resulting in an encroachment into the northern common boundary line. The extent of the departure is **minor** and does not increase the overall bulk or height in a manner that negatively affects adjacent properties.

ASSESSMENT AGAINST THE MUNICIPAL PLANNING BY-LAW

Section 42(g): Removal of Restrictions

The application qualifies for removal because:

- Restrictive conditions are outdated and duplicated by the DMS.
- Restrictions prevent the property from being used in accordance with modern planning policy.
- Removal facilitates orderly, sustainable development.
- No municipal service, infrastructure, or public amenity is impacted.

Section 42(j): Public Interest

Public interest is promoted because:

- The removal supports efficient urban land use.
- It enables domestic reinvestment and maintains neighbourhood vitality.
- It removes outdated planning barriers without harming public health, safety, or amenity.
- The proposal retains harmony with the established suburban character.

PURPOSE AND SPIRIT OF THE MUNICIPAL PLANNING BY-LAW

The By-Law is promulgated to:

- Provide a **coherent and rational framework** for decision-making on land use and development;
- Promote **spatial justice, sustainable development, efficient land use, and good administration**;
- Ensure transparency and fairness in decisions affecting land rights;
- Give effect to spatial planning instruments, including Municipal Spatial Development

- Frameworks and zoning schemes; and
- Regulate the **amendment or removal of restrictive conditions** where these no longer serve a meaningful planning purpose.

The By-Law aligns with national legislation such as SPLUMA (Spatial Planning and Land Use Management Act, Act 16 of 2013) and promotes integrated, equitable, and functional urban environments.

Applicability of the By-Law

The Municipal Planning By-Law *regulates land use rights, development applications, and the amendment or removal of restrictive title conditions within the City of Cape Town. The 2025 amendments updated key provisions, including the procedures and requirements for removing restrictive conditions.*

Legal Framework

Under the updated By-Law, the City may remove, amend, or suspend a restrictive condition registered against a title deed on application. The removal must be processed and decided in terms of the By-Law's procedures.

LEGAL BASIS FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Section 48 of the By-Law

Section 48 of the By-Law provides for:

- The amendment or **removal of restrictive title conditions** registered against title deeds that regulate land use or development; and
- Decision-making by the authorized authority (e.g., Municipal Planning Tribunal) subject to statutory criteria and procedures.

The By-Law expressly allows the City to grant relief where a restrictive condition no longer serves its original purpose or hinders reasonable use of land inconsistent with current planning policy.

Integrated Decision Requirements

Under the By-Law, the decision maker **must consider**:

- Whether the condition is still necessary to achieve a legitimate planning purpose;
- The relevant **decision-making criteria** (section 99);
- The impact on rights and legitimate expectations of affected persons;
- Compatibility with spatial policies and municipal planning instruments;
- Whether the removal promotes **good spatial planning outcomes**.

The removal must not prejudice the public interest or surrounding property owners without reasonable justification.

ASSESSMENT AGAINST THE DECISION-MAKING CRITERIA (SECTION 99)

The By-Law's Section 99 sets out criteria that must be weighed when considering any land use application (including removal of restrictive conditions):

Consistency with Municipal Planning Policies

The proposal aligns with key municipal policy frameworks, including:

- Municipal Spatial Development Framework (MSDF);
- Densification and efficiency objectives;
- Social Development strategy;
- Inclusive Economic Growth goals.

These instruments promote sustainable, compact urban development and the optimisation of serviced land — objectives that are undermined by retaining an outdated restrictive condition.

Justification: Removing the condition enables reasonable residential improvements consistent with policy goals.

Integration with Surrounding Development and Context

The site is located in a **fully serviced residential area** that already demonstrates:

- Incremental alterations and additions by neighbouring properties;
- Varied development footprints and built forms;
- No evidence that the restrictive condition ensures meaningful planning outcomes today.

The proposed removal and additions will relate well to the existing physical context and reinforce established neighbourhood character.

Impact on Neighbouring Properties

The By-Law requires consideration of impacts such as:

- Visual amenity
- Privacy and overshadowing
- Access and servicing

Assessment:

No unacceptable impacts are anticipated. The proposed changes are minor, comply with zoning limits (height, coverage), and will not materially affect neighbouring access, views, or amenity.

Public Interest and Sound Planning

The By-Law emphasises that land use decisions must:

- Promote sustainable use of land;
- Enhance the quality of the built environment;
- Serve the broader public interest; and
- Avoid unnecessary constraints that have no current planning benefit.

Justification:

The restrictive condition was imposed under historic planning intentions that are no longer aligned with contemporary policy. Its removal would therefore:

- Promote efficient use of urban land;
- Improve living conditions;
- Support resilience and household adaptability;

- Enhance property utility without undermining legitimate planning objectives.

Legitimate Expectation and Rights of Affected Persons

The By-Law requires that persons whose rights are materially and adversely affected by the application be considered. In this case:

- Neighbours have been notified per requirements of the By-Law;
- No unreasonable infringement of rights is anticipated;
- The alterations remain within the zoning rights and respect neighbour amenity.

Reasonableness and Desirability

Under the By-Law, the removal must be both **reasonable and desirable** in planning terms:

Reasonableness

A condition is unreasonable where it:

- Prevents land from reasonable use;
- No longer serves a planning purpose; or
- Imposes constraints inconsistent with current policy.

Condition B.6.d does exactly this — it restricts reasonable additions on a fully serviced urban property without delivering any contemporary planning benefit.

Desirability

Removal is desirable because it:

- Enables improvements that enhance dwelling quality;
- Aligns with municipal strategic objectives;
- Supports efficient land use;
- Does not prejudice neighbours or infrastructure.

Compliance With Procedural Requirements

The application complies with all procedural requirements of the By-Law:

- A complete application has been submitted;
- All required documentation (site plans, title deed, motivation) is attached;
- A public participation/notification process has been followed as required;
- All statutory fees have been paid.

Compliance With National And Provincial Planning Legislation

The By-Law is read in conjunction with SPLUMA and relevant provincial planning policies. The proposal:

- Promotes integrated and sustainable land use;
- Aligns with national spatial planning principles;
- Does not conflict with higher order regulatory frameworks.

For the reasons outlined above, the application for the **removal of Restrictive Title Condition:**

- Is consistent with the **Municipal Planning By-Law, 2025**;
- Aligns with the By-Law's purpose to support sustainable spatial planning outcomes;
- Meets Section 99 decision-making criteria;
- Is reasonable, desirable, and in the public interest;
- Does not negatively affect neighbours or municipal infrastructure.

APPLICABLE LEGISLATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS

Consideration in terms of Section 47(2)(a) and (b) of SPLUMA

Section 47 (1) and (2) of SPLUMA reads as follows:

- (1) A restrictive condition may, with the approval of a Municipal Planning Tribunal and in the prescribed manner, be removed, amended or suspended.
- (2) A removal, amendment or suspension of a restrictive condition contemplated in subsection (1) must, in the absence of the contemplated written consent, be affected _
 - (a) in accordance with section 25 of the Constitution and this Act;
 - (b) with due regard to the respective rights of all those affected, and the public interest; and
 - (c) in the prescribed manner
- (a) If such removal, amendment or suspension will deprive any person of property as contemplated in section 25 of the Constitution.

Section 47(1) and (2) make provisions for a title deed restriction to be reviewed for the purposes of its removal. These provisions will be adhered to, as per its application according to the Land Use Planning Act and the Municipal Planning By-Law. The deletion of restrictive conditions will not amount to arbitrary deprivation of property as set out in section 25(1) of the Constitution.

(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, 2019, and the rules and regulations prescribed within the DMS.

The removal of the conditions should not be considered a deprivation of property. As indicated in this application, the proposed is consistent with the development and land use principles set out in SPLIM and LUPA, the MPBL and the DMS.

Furthermore, subject to Sections 6, 7 and 8 of SPLUMA (2013), which refer to good planning practice and procedures, Section 42 outlines the criteria that must be used by decision makers when evaluating an application and Section 47 refers to the removal of restrictive title deed conditions in particular. This application is made in accordance with the allowances of this legislation.

The provisions of both the Spatial Planning and Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA) have been considered as they relate to the applications contained within this report and it has been found that no proposal made herein is in contravention of these laws.

This application is believed to promote numerous Development Principles contained within SPLUMA. The principle of spatial justice is supported through the creation of increased residential opportunities in a well-located area. The creation of a resilient community is also promoted through the provision of increased housing in a well-located area close to job opportunities and existing public transport infrastructure. Making more efficient use of land within the urban edge is regarded as a means through which to protect the integrity of the urban edge by reducing pressures which result in urban sprawl which compromises valuable natural and agricultural land on the periphery of the city. The principle of efficiency is promoted in that the proposal makes more efficient and effective use of underutilised land in a well-located area. The Development Principles are carried through into provincial legislation, LUPA, as Land Use Planning Principles. These have been considered and it is believed that the proposals made within this application support these principles in a similar manner to those described above.

Municipal Planning By-Laws, 2025, as amended 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 which is informed by contemporary laws and policies 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 amendment 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 amendment of these restrictive conditions will not result in any person being deprived of property.

Land Use Planning Act, 2014 (LUPA)

Section 39(5) LUPA sets out the specific factors that the Municipality must have regard to when considering an application to remove, amend or suspend a restrictive title condition. Your motivation must directly address each of these factors with facts and evidence relevant to Erf 60228, Lansdowne and Condition B.6.d in particular.

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 values 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 the owner of a dominant tenement.*

The Financial or Other Value of Rights Enjoyed by Persons in Whose Favor Condition B.6.d Operates

Condition B.6.d confers a restrictive right that, in practice:

- Does not accrue identifiable *financial value* to any known beneficiary;
- Impacts only potential future uses, not existing uses of any adjacent properties; and

- Does not preserve any demonstrated economic interest of adjoining landowners.

There are no registered servitudes or third-party rights linked to Condition B.6.d that have a quantifiable market value. In comparable market conditions, properties unrestricted by similar conditions demonstrate higher transactional values and intensified, legitimate land use potentials.

Therefore, the restriction's financial or other value is negligible in the eyes of affected stakeholders, particularly since no tangible or enforceable financial benefit is identifiable.

The applicant is not qualified to comment on whether the condition impacts on property values or not. However, it is noted that numerous other properties in the broader area have additional dwellings, without negatively affecting property values. As a result, it is our opinion that removal of the condition will result in limited, if any, impact on value. The deletion of the restriction will enable additions and alterations to the existing dwelling under the single residential zone, which is considered to be in keeping with the character of the area given that a property is permitted to have three dwellings as per the new directive.

Given that the proposed use is allowed under the single residential zoning as well as the design not changing from the residential façade, there will be no decrease in value of surrounding properties. The restrictive conditions were imposed in order to maintain and preserve a strict residential character and prevent any landowner from detracting from this concept. The proposal is in keeping with the residential nature of the subject property and the surrounding area and in this regard, there is no negative impact on property values expected.

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. As the character of the area has changed significantly (increased densities) it is motivated that there remains little value in maintaining these conditions.

It should be noted that this will not have an impact on existing rights as the property will retain its SR1 zoning and is merely maximizing the development potential of the. Therefore, the applicant is of the opinion that the proposed is not only promoting intensified use of land but also promoting social integration with the surrounding land uses while at the same time contributing to a safer community with more awareness in the area. Given the above, this means that the proposed would also not have a negative impact on surrounding landowners in terms of value of land.

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

The deletion of the restrictive conditions which were imposed by the Administrator does not result in a direct personal benefit to the neighbours. The surrounding property holders will not be impacted on as a result of the deletion of the restrictions and it is evident that this will not have an adverse impact on the surrounding community given that numerous other landowners have extended dwellings on their properties and increased the on-site density.

Condition B.6.d, as a title condition:

- Does not result in *tangible personal benefits* to any identifiable individuals or entities; and
- Offers no documented utility to surrounding owners in terms of lifestyle, views, amenity, privacy, or access.

The beneficiaries, if any, of Condition B.6.d are theoretical rather than real property owners. There is no evidence that any person derives a personal use, enjoyment, or unique advantage from the continued enforcement of Condition B.6.d.

In contrast, the restriction currently imposes opportunity costs on the Property's development potential without demonstrable compensating benefit to others.

- 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*

Removing Condition B.6.d will:

Allow lawful and context-sensitive land use:

The Applicant intends to develop/upgrade the Property in accordance with single residential dwelling uses as which is permitted in the applicable zoning and municipal planning scheme.

Enhance land use efficiency:

The proposed development aligns with provincial and municipal goals of optimizing underutilized urban land, promoting sustainable urban form, and reducing urban sprawl.

Facilitate viable investment:

Removal of the restriction removes regulatory uncertainty, unlocking capital that would otherwise remain dormant, contributing to local employment and economic activity.

Contribute to broader community needs:

The change supports contextual transformation of the immediate area — improving housing options.

These benefits are rational, legitimate, and directly tied to contemporary planning objectives.

Granting the removal of the restrictive title deed conditions will enable the owner to extend the current dwelling. The property owner will achieve substantial personal benefits from the deletion of these conditions as it will allow the expansion of their development rights on the property, especially in the use of the property, as well as being limited to the development setbacks as stipulated in the current Development Scheme. This unlocks value for the owner and will benefit future owners as well.

The conditions are defunct and outdated and not in line with the MPBL. The application is also considered desirable and accords with the Cape Flats District Plan. The deletion of the conditions will not only benefit the owner, but also the surrounding area and the general public.

- d. *The social benefit of the restrictive condition remaining in place in its existing form*

Maintaining Condition B.6.d:

- Offers no demonstrable social benefit to the broader community;

- Does not protect a formally designated environmental feature, cultural resource, or community asset;
- Does not contribute to public safety, amenity, or heritage preservation as defined in the relevant Municipal Spatial Development Framework (MSDF).

On the ground, the Property and surrounding context already accommodate built form, infrastructure, and uses that are consistent with moderate intensification. The retention of Condition B.6.d therefore merely preserves administrative status quo rather than advancing social or public interests.

It is not believed that there would be a social benefit of any significance to the surrounding community if the restrictive title deed conditions are kept in place, as the area is a residential area, and will lose the opportunity for the potential extension of the current dwelling and an additional dwelling. The restrictions were imposed many years back to ensure that properties do not change from a residential perspective but given that the conditions were imposed in 1940's, the implementation of the Municipal Planning By-Law allows for a greater use of land including the MSDF as well as numerous forward planning policies. Due to the lack of developable land in Cape Town the implementation of allowing 3 dwellings on a property indicates that a property should be used to its full potential. Given the aforementioned it has been clearly demonstrated that the proposed use is not only in line with the by-law and forward planning policies but also allows land use intensification.

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

In contrast, the removal of Condition B.6.d will:

Promote efficient and sustainable land use:

Aligning with national and provincial policy themes of densification, mixed-use development, and urban regeneration.

Support local economic activity:

Construction and related uses derived from redevelopment create jobs and business opportunities.

Respond to municipal planning goals:

The removal enables development that responds to the goals expressed in the Municipal Spatial Development Framework, Housing Strategy, Integrated Development Plan, and other applicable policy instruments.

Improve public environment:

Through the activation of street frontages, enhancement of pedestrian experience, and better integration with public transport and local commerce (as applicable).

The social benefits are concrete, measurable, and align with public interest priorities recognized in South African planning jurisprudence.

There are social benefits in removing the conditions, as it will enable the better utilization of the property in terms of modern city development, improve lack of job opportunity and align with

various City policies that require a more efficient use of land where appropriate. The deletion of the restrictions will have a positive social benefit given that it will promote increased awareness and contribute to a safer community. The proposal is in accordance with the Provincial and Municipal policies and considered to be a direct benefit to the area and City as a whole.

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.

Condition B.6.d currently confers no demonstrable enforceable rights that, if removed, would materially prejudice any identifiable person:

No registered servitudes benefit adjoining owners;

No exclusive use rights for any third party exist;

The removal does not affect public rights of access, utilities, or services.

Moreover, the removal of Condition B.6.d would not extinguish any public interest safeguards because other statutory controls (municipal by-laws, zoning, building lines, environmental overlays, etc.) remain fully enforceable.

The restrictions were imposed by the Administrator (now deemed to be the City of Cape Town). The deletion of the restrictions will not remove the rights enjoyed by the City, but will increase rights, given that the proposal is in line with the City's forward planning policies and the fact that the proposed will result in increased job opportunity, which is in the direct interest of the City. The proposed removal of Condition B.6.d is consistent with:

Principles of Spatial Justice: Supporting densification and transformation of historically underutilized urban land.

Sustainable Human Settlement: Enabling a more efficient, diversified land use mix.

Public Interest Protection: Does not diminish public safety, heritage, or environment.

Municipal Planning Instruments: Supported by municipal spatial frameworks that encourage optimal land utilization.

This comprehensive alignment strengthens the case that the removal is not only justified legally, but also desirable in planning practice.

Minimum Threshold Requirements in terms of section 99(1)

This application complies with the minimum threshold requirements, as set out in section 99(1)

a. Compliance with the requirements of the Municipal Planning By-Law

The application complies with the requirements of this By-law.

b. Consistency with the MSDF

The proposed land use is consistent with the MSDF.

c. Desirability in terms of section 99(3)

As discussed below, the application is desirable as contemplated in section 99(3).

d. Development should not require departures that provide rights for the next subzone

The proposed will not have an effect of granting the property an additional dwelling or further extending the current dwelling within the Single Residential Zone.

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

Compliance with criteria in terms of Section 99(2)

In terms of the applicable District Plan the area and subject property is designated for urban development. Given that the proposal is contained within an existing urban area and as described earlier in this report, it is clear that the proposal complies with the provisions of the District Plan. It has also been shown in this report that the proposal complies with any relevant criteria contemplated in the DMS. It has also been shown on this report that the proposal contributes positively and complies with various City Policies.

The proposal, which is minor in nature and basically allows for the further development of the property which will remain residential, will have no impact in terms of the City's Social Development Strategy and indirectly supports the Economic Growth Strategy. Given the assessment above and for the reasons as listed in this report, it has been shown that the proposal is desirable as per the relevant consideration criteria as stated in Section 99(3) of the MPBL. It has been shown that the proposal will not have a negative impact on the existing rights of relevant surrounding property owners. With regards to this proposal, an assessment has been completed and compliance shown in terms of the relevant provisions of LUPA & SPLUMA. As per the application submitted and motivation provided, the applicant is of the opinion that the proposal complies with the requirements of the By-Law.

Desirability in terms of Section 99(3)

The applicant motivates in terms of Section 99(3) of the MPBL of the extent of desirability. The following criteria of the MPBL are addressed and motivated as follows:

Socio-economic impacts

The proposal for the removal of the restrictive condition on the subject property will have a positive impact as it will allow for additional residential stock in a desirable area, which will improve access to amenities and employment opportunities in the local area.

a. Compatibility with surrounding land uses

The proposal is compatible with the surrounding land uses as the use on the site is compatible

with the surrounding residential uses. As mentioned earlier in this report the surrounding area is characterized by residential properties. Thus, the proposal is greatly compatible with the surrounding land uses. The proposal does not have a significant impact and is deemed to be in keeping with the character of the area.

b. Impact on external engineering services

It is not considered that the proposal will have any adverse impact on the adjacent services and will not have a significant impact on the bulk infrastructure demand. A development contribution will be paid should it be required.

c. Impact on safety, health and well-being of surrounding communities

The proposal will not impact on health and safety or well-being of the surrounding land owners.

d. Impact on Heritage

The subject property is not located within a Heritage Overlay Zone (HPOZ), thus there is no application required to permit development within an HPOZ.

e. Impact on the biophysical environment

The proposal will not have a significant impact on the biophysical environment. There are no conservation worthy trees that need to be removed to facilitate the proposed development. The proposal will therefore not have an adverse impact on the biophysical environment.

f. Traffic Impacts (parking, access/egress and other transport considerations).

Access to the subject property will continue to be taken from Morningside Road. The proposal does not impact on existing parking or traffic issues related to the subject property.

h. 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 encroachment will not adversely affect the neighbouring property to the north because the structure remains and retain its architectural design and character and be kept modest in scale; there is no significant overshadowing, as the northern boundary receives good sunlight levels; there is no overlooking, privacy loss, or window placement that would create visual intrusion; noise, ventilation, and service placement remain compliant with building and health regulations.

As this structure is an existing building the impacts of the location of this building are expected to be negligible. The removal of the restrictive conditions will allow the owner of the subject property to develop the property more in line with the current Municipal Planning By-Laws.

Motivation in terms of Development Principles in Chapter 2 of SPLUMA and LUPA

Spatial Justice

This site is not subject to redress, nor is characterised by informality or underdevelopment. As such, it is not the direct object of this principle. However, the incremental densification of this site will improve the use of this site and accessibility to this area in the long term.

Spatial Sustainability

This proposal promotes spatial sustainability to the extent that it is allowing for a form of contextually appropriate densification and allows for more intense use of a site that is already serviced.

Spatial Efficiency

This incremental densification promotes efficiency to the extent that the site makes use of already existing infrastructure and promotes more efficient use of resources in the form of land.

Spatial Resilience

The proposed removal of restrictive title deed conditions will increase the viability of this neighbourhood in the long-term, as it allows for more than one dwelling on this site, which will increase the number of residents who are able to live in this well-located neighbourhood.

Good Administration

This application complies with all the relevant forward planning policies for the Cape Town Metro.

Conclusion

For the reasons set out above in this report, the proposal is therefore considered to be desirable as it complies with the criteria of desirability in the MPBL of 2025. The proposal is deemed to be minor in nature as the proposed additions and alterations do not impact significantly on the existing rights of any surrounding neighbours and community at large. The proposed additions and alterations will provide a valuable service to the community in terms of security and awareness.

The applicant submits that the above-mentioned application will not adversely affect the surrounding area but will in fact make several positive contributions as set out herein. It is accordingly requested that the City of Cape Town, grant its approval.

This application contains all required supporting documentation as per the MPBL, 2025, as well as providing a comprehensive motivational report as per S99 of these By-Laws. We respectfully request that this application be assessed and approved.

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