



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500162825

**Erf 1052, 10 Willesden Road,
Camps Bay**

Development Management

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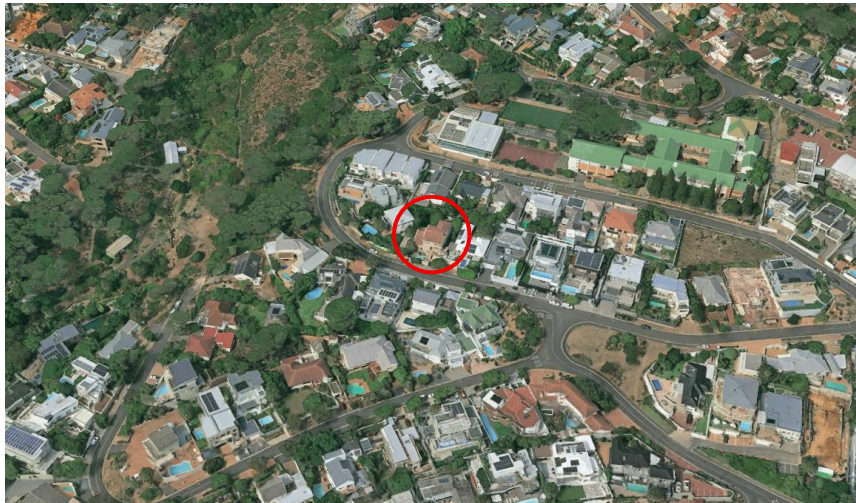
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Date: April 2026 (Amended: May 2026)

Ref: 11750 (SA)



APPLICATION FOR PERMANENT DEPARTURE, CITY APPROVAL, AND THE REMOVAL AND DELETION OF TITLE DEED AND DEEMED LAND USE CONDITIONS: ERF 1052 CAMPS BAY AT 10 WILLESDEN ROAD, CAMPS BAY/BAKOVEN



APPLICATION SUMMARY	
Purpose	Application for City approval, permanent departures, and the removal and deletion of title deed restriction to permit a second dwelling.
Erf Number	Erf 1052 Camps Bay
Title Deed	– dated 6 August 2001
Erf Size	595m ²
Use	Residential use (main dwelling and second dwelling)
Zoning	General Residential 2 (GR2) assessed as Residential Zoning 1 (R1)
Ownership	
Applications Required (see Section 2 of this report)	• Section 42(b) – Permanent departure – Street boundary wall height. • Section 42(g) – Removal of restrictive conditions in the title deed. • Section 42(j) – Deletion of deemed land use conditions imposed in terms of the By-law. • Section 42(i) – City approval to permit vehicles to reverse across the sidewalk when leaving the site.
Pre-Application Consultation	Conducted: 17/04/2026 (Case ID: 1500161933) Attendees: Andreas Mitev (Case officer); Seth Alistoun (TBTP)

SUPPORTING DOCUMENTATION	
1. Application Form	2. Certified Copy of Title Deed
3. Power of Attorney	4. Conveyancer's Certificate
5. Proposed Plans	6. General Plan & Noting Sheet
7. Record of Pre-Application Consultation	8. Approved BDM Plans

1. INTRODUCTION

The owners of Erf 1052 Camps Bay intend to convert the existing dwelling house into a main dwelling and second dwelling via internal reconfiguration. The proposal also includes a new location for the swimming pool and a pedestrian entrance (gate and stairs) for access to the second dwelling. The conversion and internal reconfiguration of the existing dwelling will create two independent dwelling units, with the proposed second dwelling located in the northern portion of the existing building.

The proposed second dwelling requires, among other applications, the removal and deletion of restrictive title deed conditions, as detailed in Section 2 of this report. The report will show that the applications will not have a negative impact on existing rights and that the proposed development is sensitive to and compatible with the existing character of the area.

2. APPLICATIONS

In terms of Section 42 of the City of Cape Town Municipal Planning By-law (MPBL) of 2015 and provisions of the Development Management Scheme (DMS), the following applications are made:

- i. Section 42(g) for the **removal of title deed conditions** imposed by the Administrator of the Province of the Cape of Good Hope under the provisions of Ordinance 33 of 1934, which conditions read as follows:

Condition C.6A.1.(b):

"That only one dwelling, together with such outbuildings, as are ordinarily required to be used therewith be erected on the erf save as provided in condition (c) hereof".

Condition C.6A.1.(c):

"That the owner of a block of erven not less than 2974 square metres in extent shall be entitled to erect a block of flats thereon provided:

- (i) *That he shall hold the erven by consolidated title and such consolidated erf shall not thereafter be subdivided.*
- (ii) *That not more than one-quarter of the area of the land so held under consolidated title be built upon*
- (iii) *That no portion of such building shall be erected nearer than 15,74 metres to any boundary of such consolidated erf save that:*
 - (A) *verandahs, balconies and architectural features may project a distance not exceeding 1,26 metres;*
 - (B) *a garage intended as an adjunct to the building may be erected in terms of the provisions of condition 6A.1 (e), commencing from the words "a garage intended"*
- (iv) *That such building shall contain no more than three floors.*
- (v) *That should an owner consolidate his land for the purposes of erecting a block of flats, conditions 6A.1.(d), 6A.1(f), 6A.1(g), and 6A.II.(h), shall not apply to the consolidated erf and condition 6A.I.(e) shall apply only as indicated in condition 6A.II.(c)(iii)(B) above".*

Condition C.6A.1.(e):

"That no building or structure or any portion thereof, except boundary walls or fences, shall be erected nearer than 4,72 metres to the street line which forms the boundary of this erf, save that a garage intended as an adjunct to a building and not exceeding 3,05 metres in height, measured from the floor to the top of the parapet or half the height of the roof whichever is the higher, may be erected in such a position that the distance between the garage and the street line which forms the boundary of this erf shall not be less than the value ofx..... as expressed by the following equation, whenx..... is a distance less than otherwise prescribed as the building line or this erf:

$$x = 1/s \{h^2 + 400s - (h+20S)\}$$

where s is the factor of rise in accordance with the mean gradient of the land to be actually excavated for the erection of the garage such gradient to be measured at right angles to and from a point on the street boundary vertically opposite to the center of that side of the garage which is most nearly parallel to the street boundary of the erf,

and h is the difference between the mean level of the floor of the garage and the mean ground level at a point on the street boundary vertically opposite the centre of that side of the garage which is most nearly parallel to the street boundary of the erf, such difference to be positive or negative as the floor level of the garage is respectively below or above the mean ground level at the point specified.

Notwithstanding the foregoing, however, a garage shall not be erected nearer than 1,41 metres to the street line which forms a boundary of this erf and where no portion of a garage projects above the level of the ground immediately adjoining any side of such garage other than the side which is most nearly parallel to the street boundary of the erf, the corner of the bank at the intersection of the street at right angles to such street boundary shall be splayed in such manner that the land cut off from the corner shall be in the form of an isosceles triangle the equal sides of which shall be not less than 1,41 metres".

Condition C.6A.1.(f):

"That no building or structure or any portion thereof, except boundary walls, fences and an outbuilding not exceeding 3,05 metres in height, measured from the floor to the top of the parapet or half the height of the roof, whichever is the higher, and no portion of which is used for human habitation, shall be erected nearer than 1,57 feet to the lateral boundary common to this and any adjoining erf".

- ii. Section 42(j) for the **deletion of the above land use conditions C.6A.1.(b), (c), (e) and (f)**, deemed to have been imposed on the property in terms of the By-law.
- iii. Section 42(b) for a **permanent departure** from Item 136B to permit the street boundary wall to be 2.190m in lieu of 2.1m above the EGL.
- iv. Section 42(i) for **City approval** to permit vehicles to reverse over the sidewalk when exiting the site.

3. THE PROPERTY

Erf 1052 is situated on Willesden Road (upper side) and has historically been developed with a single dwelling house. The property is located in the Camps Bay Township Extension 3, Section 2, which was established in 1940.

The property measures 595m² in extent and is zoned General Residential 2 (GR2), however, is assessed as Residential Zoning 1 (R1) in terms of Item 42 of the DMS (see Figures 1 - 3 below for the property in context). The only applicable overlay zones are the Public Transport 1 (PT1) area and the Camps Bay/Bakoven Local Area (LAO/9(ii)) overlay.

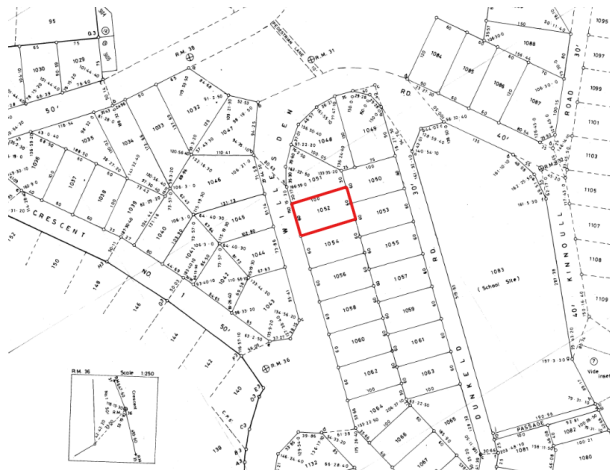


Figure 1: Extract from the General Plan (T.P 123 of Brighton Estate Ext. No. 3 Section 2)

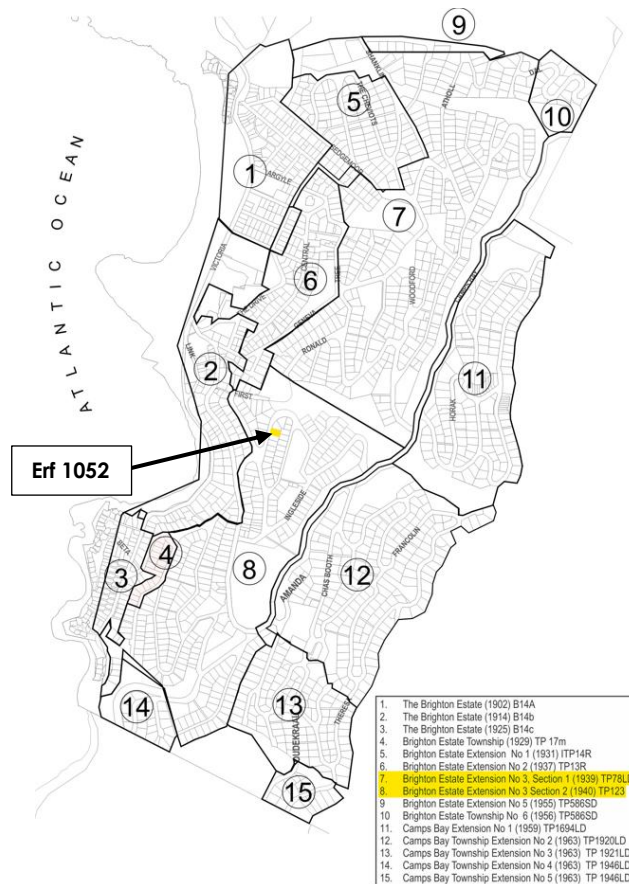


Figure 2: The Camps Bay Townships



Figure 3: Extract from the City's Zoning Map

4. TITLE DEED

Conveyancer's Certificate

The Conveyancer's Certificate has been prepared by **Nicolette Joubert** from **Debra Gouws Attorneys** and confirms that there are restrictive conditions in the Title Deed which prohibits the proposed development, including that of a second dwelling. As certified, the conditions were imposed by the Administrator of the Province of the Cape of Good Hope (now the City) under the provisions of Ordinance 33 of 1934 and are in favour of the registered owner of any erf in Sections 1 and 2 of the Brighton Estate Township Extension 3, as shown in Figure 2 above. These conditions are mandatory to remove to permit the proposed development.

5. DEVELOPMENT PROPOSAL ASSESSMENT

- Building plan approval was granted in February 2026 (Application No: 1700610942), which primarily related to an extension of the northern portion of the existing building.
- This proposal is for the conversion of a portion of the approved dwelling to create a separate second dwelling within the existing building. The second dwelling will have a separate pedestrian entrance off Willesden Road.
- The proposal is minor in nature and scale and is designed to be compatible with the main dwelling and surrounding area.

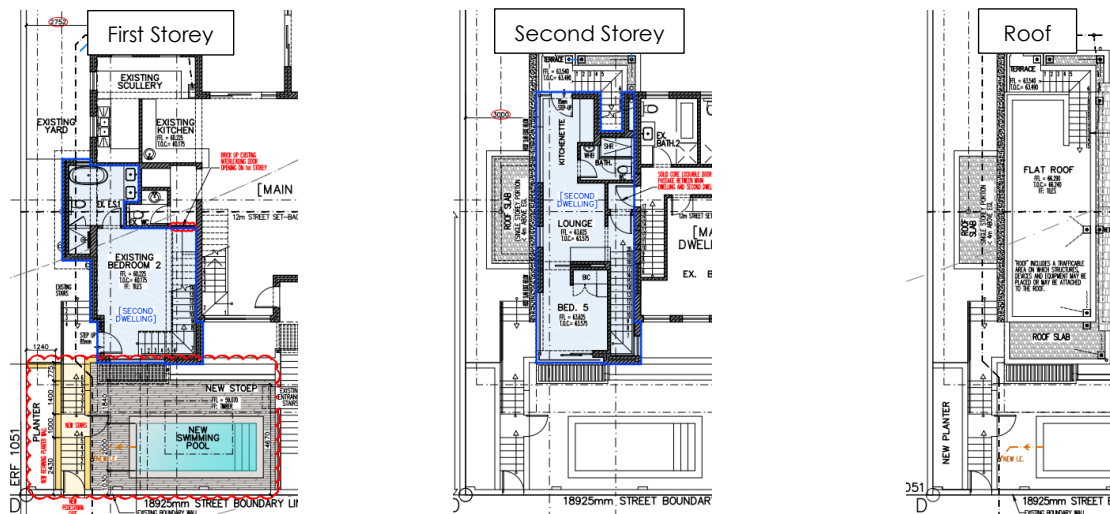


Figure 4: Extract from the site plans (proposed second dwelling in blue)

5.1. Item 40(a): Land use (removal)

A dwelling house and second dwelling are permitted as primary uses in terms of the DMS, however, the "only one dwelling" title deed condition is required to be removed to permit the proposed second dwelling.

5.2. Item 22(a): Floor factor (compliant)

The proposed floor factor is 0.6 (358m²/595m²), which is compliant with the maximum permitted floor factor of 1.0.

5.3. Item 22(c): Height (compliant)

The proposal is compliant with the provisions of Item 22(c)(i) and (ii) as all proposed building work is within 12m from Willesden Road and does not exceed 9m above the EGL.

5.4. Item 22(d): Street boundary building line (removal)

The building work is permitted in terms of the 3.5m DMS street setback, however, the proposal requires the removal of the 4.72m title deed street setback to permit the pedestrian entrance stairs, stoep and swimming pool.

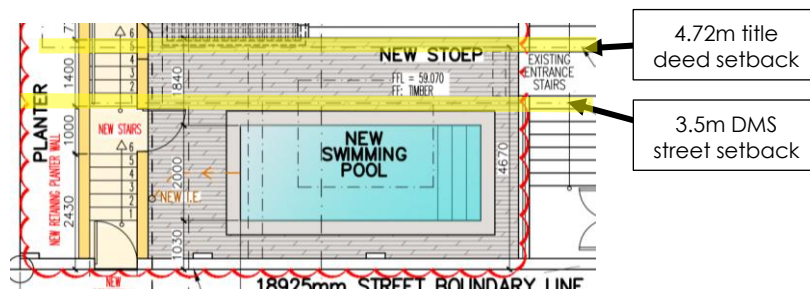


Figure 5: Extract from the 1st Storey Plan (new work in colour)

5.5. Item 22(d): Common boundary building line (removal)

The DMS prescribes a common boundary building line of 0m for the first 12m measured perpendicular from the street and 0m for 60% of the total remaining linear distance, and 1.5m thereafter.

The property is also subject to a 0.494m (1.57 feet) title deed lateral boundary building line, which appears to be a conveyancing error as most title deeds in Camps Bay post-date the use of Cape Feet as a measurement metric. It is assumed that this condition was intended to read as 1.57m, however, as 1.57 feet reflects in the title deed, this is the legal document and therefore the legal requirement.

Neither common boundary building line is contravened by the proposal, however, application is made to remove the 0.494m title deed building line in order to resolve this discrepancy.

5.6. Item 22(g): Parking and access (compliant)

The property requires 1 parking bay for each of the main dwelling and second dwelling in a PT1 area. The property has 2 existing and approved parking bays situated within the double garage and can park a further 2 motor vehicles in the driveway, one of which will be assigned to the second dwelling. The approved carriageway crossing is unchanged by this proposal.

5.7. Item 22(h): Coverage (compliant)

The proposed coverage is 40.3% (240m²/595m²), which complies with the maximum permitted coverage of 75% (446.25m²/595m²).

5.8. Item 25A: Second dwelling (removal)

The proposed second dwelling, measuring 76m², complies with the applicable requirements, as its floor space does not exceed that of the main dwelling and it is designed to appear as a single dwelling with a consistent architectural style. The condition limiting the erf to “only one dwelling” is proposed to be removed to permit the second dwelling on the property.

Furthermore, while the proposal is not for flats, the condition that refers to flats is also proposed to be removed based on an interpretation from the Mayor's decision on the appeal for Erf 1169 Camps Bay, in which it was determined that a second dwelling contained within the same building as the main dwelling, but located on separate levels, can be seen as flats.

5.9. Item 136B: Boundary walls (departure)

The proposed new pedestrian entrance, which forms part of the existing and approved boundary wall, requires a departure as it is higher than 2.1m above the EGL. The changes to the boundary wall are compliant with the visual permeability requirements.

5.10. Item 190: Camps Bay and Bakoven local area (LAO/9) (compliant)

The proposal is compliant as it does not exceed “three storeys in height”.

5.11. “Built-upon” (compliant)

The proposed built upon is 45.3% (269.6m²/595m²), which complies with the maximum permitted built upon of “one-half” (297.5m²/595m²).

6. ADJUDICATION: REMOVAL AND DELETION OF TITLE DEED CONDITIONS

Section 48(4) of the MPBL states that the City must consider whether the result would better align with the development management scheme, the decision-making criteria in Section 99 of the MPBL, and sections 42(1)(c) and 47 of the Spatial Planning and Land Use Management Act (SPLUMA) of 2013 when deciding an application for removal, suspension or amendment of a restrictive condition. This application is also motivated in terms of Section 39(5) of the Land Use Planning Act (LUPA) of 2014.

6.1. Section 39(5) of LUPA

The considerations in Section 39(5) are laid out below.

(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 the owner of a dominant tenement:

It is not believed that the conditions relating to building line setbacks and restrictions on the number of dwelling or flats have any financial or other value for the holders of these rights. These conditions effectively seek to control density in the Township based on the perceptions of what was appropriate in the 1940's when the conditions were imposed.

It is evident that the needs of modern society have changed, as residential densification and intensification of land use are viewed more positively and are encouraged by the City's policy. Modern imperatives now seek to balance issues of urban sprawl and environmental degradation with the demands of growing urban populations. Retaining these conditions will not only stifle development on the property but also deviate from the intentions of forward planning policy and the DMS.

- "Only one dwelling" - Condition C.6A.1 (b)

It is our opinion that the condition that limits the development of the property to "only one dwelling" has a negative financial impact on the owners. This condition is archaic in nature and limits development that would ordinarily be permitted in terms of modern development trends and principles. Removing this condition allows for a better alignment with the intentions of the DMS, which permits multiple dwellings, and associated forward planning policy which encourages appropriate densification. In Camps Bay and the immediate surrounding area, second and third dwellings are commonplace, where there has been no evidence of any reduction in financial or other value as a result.

- Flats – Condition C.6A.1.(c)

The condition was imposed to restrict flats from being built on erven smaller than 2 974m², with additional provisions that aim to establish a specific character for this type of development. The current proposal is not for flats; however, the condition is proposed to be removed due to an interpretive issue relating to the lack of definition for "flats" in terms of the title deed, which would otherwise prevent the proposed second dwelling. This condition does not have any financial or other benefit for the beneficiaries, but its removal will enable the owners to construct the proposed second dwelling. Any proposal for flats would require a new application that would have to be assessed according to its own merits.

- Street building lines - Condition C.6A.1.(e)

The historical intention of the 4.72m street building line was to have the building set back to establish gardens and forecourts along the street edge. This intention has long since been eroded, as many properties in the Township have built high boundary walls that break the continuity between the street and these garden and forecourts areas. Furthermore, it is evident that the City has approved many applications for the removal of this restrictive building line in the area, as many structures are built closer to the street than permitted. Accordingly, this condition has no financial or other value for the holders of these rights.

The proposal is entirely compliant with the DMS street building line of 3.5m, as certain structures are permitted to encroach upon the building lines in terms of Item 121. The proposal does not seek to replace green space with built form, conversely, it does the opposite by replacing a portion of the existing stoep with a planter which helps to retain a balance between green and built spaces while still achieving efficient and effective development of the erf. The 3.5m DMS street building line is a more reasonable setback that better aligns with the context of the area, and allows certain low impact structures within the building line.

- Lateral building lines - C.6A.1.(f)

It appears that the condition that refers to a 1.57 feet lateral boundary is a conveyancing error, as indicated in the conveyancer's certificate (see extract below). The surrounding properties, and even in Camps Bay in general, typically have conditions that use metres as the metric of measurement.

33/34 or LUPO or any other legislation repealed in terms of LUPA (see section 77)	Mandatory	T60822/2001	C.6A.1, II, III	* All properties in affected Township (attach a copy of approved general plan) * Specified state departments	Brighton Estate Township Ext. 3 (section 2) General Plan S.G. No. 6279/1939 Conditions can be altered or amended by the Administrator. Property can be subdivided with Administrator's consent. Note that reference to 1.57 feet in 6A.1.f is likely an error and should read 1.57 meters, which metric is consistent with the rest of the document
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1.57 feet equates to a lateral boundary setback of 0.494m, which condition would seem to serve little purpose. To resolve this discrepancy, the condition is proposed to be removed from the title deed, with compliance in terms of the DMS development rules remaining applicable. The removal of this restriction has been demonstrated to not be arbitrary, as surrounding neighbours will have a legitimate expectation that the property is subject to a 1.57m lateral boundary setback. The condition has no financial or other benefit for the holders of these rights as the title deed is the legal document and the condition appears to have been imposed incorrectly when read with the other conditions in the title deed.

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

The title deed restrictions envisage a low-density residential character for the area. The application, while seeking to remove conditions that maintain this low-density nature, is not proposing densification that is out of character with the prevailing densities in the area. The proposal seeks to minorly densify the property by converting a portion of the approved dwelling into a 76m² second dwelling.

It is unrealistic to expect that the urban fabric and built form in the area be unchanged almost 85 years after these conditions were initially imposed. The personal benefits that would accrue to beneficiaries are negligible, as the character of the Township has been undergoing continuous change due to shifting development requirements, and modern perceptions of density and land use.

(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 owners will achieve personal benefits from the removal of the conditions. Removing these conditions will unlock additional value and development opportunities for the property, which will better align with the intentions of the DMS. The removal of restrictions, however, does not permit the property to be developed unchecked, as the Development Management Scheme (DMS) still controls the development of land in Cape Town, where applications to depart therefrom will have to be desirable and assessed according to their own merits. Granting this application will enable the owners to establish a more effective and efficient use of the property, which optimises their investment.

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

"Social" is defined as "of relating to society and its organisations". Thus, the pertinent question in this regard relates to the benefit of the right to society. "Society" comprises the neighbours, township, the local residents and broader society.

It is not believed that there will be any social benefit should the restriction remain in place. Large building line setbacks and restrictions on the number of dwellings do not inherently provide a benefit for society as a whole. The retention of the restrictive title deed conditions would prevent Erf 1052 from being optimally developed, a constraint that is particularly impactful given that Camps Bay is a highly sought-after residential suburb.

If Condition C.6A.1.(b) that refers to "only one dwelling" was to be retained, this would have a negative impact on society, as the property would be prevented from development that is ordinarily permitted by right in terms of the zoning of the erf. The retention of this condition would also prevent another family from being located in close proximity to the opportunities afforded by the well-connected nature of Camps Bay.

The removal of Condition C.6A.1.(c), that refers to "flats", could have a negative impact if an uncontrolled block of flats were to be built on the site. It is important to reiterate that this application is not for flats, and any application for flats will require that a new application be submitted, which will be assessed according to its own merits.

Retention of Conditions C.6A.1.(e) & (f), which refer to building lines, would put the proposed development at odds with modern development in the area. Even if the above conditions were to be removed, it would not permit the developer to build wall-to-wall, as the development rules of the DMS still apply. Any departures from the DMS must be motivated in terms of the Section 99 desirability criteria contained in the MPBL.

Society does not stand to gain any benefit should these conditions remain in place. Conversely, it is expected that retaining these conditions will only have a negative impact, as it will account for restrictions on development that would otherwise ordinarily be permitted.

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

The restrictive conditions were imposed several decades ago, in a time when resources were more widely available, and perceptions of land, development, and what is appropriate and desirable were significantly different. Planning and development imperatives have since changed drastically to account for modern population and development pressures.

It is unsurprising that the conditions that were imposed in 1940, when Cape Town had no zoning scheme, are at odds with the ever-changing needs of modern urban environments.

The City now actively supports and encourages land use intensification and densification in existing urban areas, where appropriate. It should be noted that the social benefit of the proposal extends beyond the owners of the property, to include the family who will take residence in the second dwelling.

The removal application allows for development on the property to better align with the intentions of the DMS, which reduces lengthy administrative processes that have costly financial implications for the owner. The owner's ability to exercise their rights over their land is a key positive social benefit, which right is enshrined in legislation and policy.

- (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 removal of the restrictive conditions will not completely remove all rights enjoyed by the beneficiaries. This application does not seek to remove all the restrictive conditions from the title deed, but rather only those that are applicable to the current proposal and do not align with modern development imperatives.

Even with the proposed removal of selected conditions, development on the site cannot occur unchecked as the development rules contained within the DMS must still be complied with. The removal of these conditions permits the owner to exercise the rights that are associated with the zoning of the property by removing the conflict between the DMS and title deed conditions.

6.2. Section 47 of SPLUMA

The title deed restrictions that are to be removed and deleted do not constitute servitudes or contractual rights. They are limitations on the use of land imposed in the interest of the public. Neighbouring owners have an interest in the restrictions, but the restrictions do not vest in them with any private rights to property within the meaning of Section 25 of the Constitution.

Section 25(1) of the Constitution permits the deprivation of property rights provided that it is done in terms of a law of general application and is not arbitrary. The removal of the restrictions is specifically permitted and regulated by laws of general application, being Section 47 of SPLUMA, Section 39 of LUPA, and Section 42 of the MPBL. It follows that the removal of restrictions is constitutional as long as it complies with applicable legislation.

There will be no deprivation of any property belonging to the owners who enjoy the benefits of these conditions, where the proposal will not intrude on their properties nor limit the use or enjoyment thereof. The City's forward planning policy, which inter alia includes the MSDF and the Table Bay District Plan, supports and promotes densification and intensification of land use, both of which are in the interest of the public and are desirable, where appropriate. The proposal is compliant with Section 47 of SPLUMA as it accounts for appropriate densification of the site by converting a portion of the existing dwelling to form a new main and second dwelling. The property will remain subject to the development rules contained within the DMS, which in our opinion are more suited to the modern perceptions and context of development.

6.3. Section 42(1)(c) of SPLUMA

It is demonstrated that the various factors to be considered, as listed in Section 42(1)(c) of SPLUMA, are addressed in the body of this report, where relevant. These factors include “public interest”, “constitutional transformation imperatives”, “facts and circumstances relevant to the application”, “respective rights and obligations of all those affected”, and the “impact on engineering services, social infrastructure and open space requirements”, etc. The proposal is compliant in terms of these considerations.

6.4. Alignment with the DMS

The removal of these title deed conditions allows for a better alignment with the DMS, as it permits any future development of the erf to be regulated in terms of the development rules that are applicable to the context and zoning of the property, as motivated in Section 6 above.

7. ADJUDICATION: SECTION 99 OF THE MPBL

Section 99 of the By-Law sets out the criteria for deciding on an application.

7.1. Motivation in terms of Section 99(1) of the DMS

The application complies with the minimum threshold requirements, e.g.:

- (a) The proposed land use is consistent with the Municipal Spatial Development Framework (MSDF).
- (b) The proposal does not require a rezoning, nor does it grant the property the development rules of the next subzone.

7.2. Motivation in terms of Section 99(2) of the DMS

The application should be approved when assessed in terms of this sub-section.

(a) Any applicable spatial development framework

The Municipal Spatial Development Framework (MSDF) and the Table Bay District Plan are relevant to consider in motivating this application.

(i) Municipal Spatial Development Framework (MSDF)

The MSDF sets out the City's spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for Cape Town. Camps Bay forms part of the “*Incremental Growth and Consolidation Areas*”, which area is predominantly identified for serving existing developments and communities, with new developments being permitted subject to network capacity. The proposed low impact densification encourages a more compact, efficient and sustainable use of the land, which is supported by the MSDF.

(ii) Table Bay District Plan

The MSDF guides the proposals contained in the more detailed District Plans, in which the Table Bay District Plan designates the area for urban development, where a wide variety of urban uses such as house, public open space, community facilities, and businesses (where appropriate) should be considered.

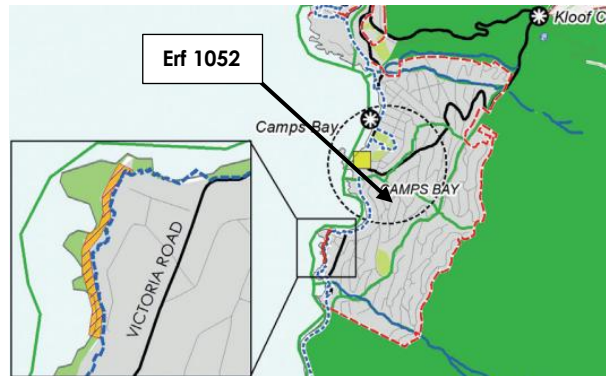


Figure 6: Extract from Subdistrict 1: Atlantic Seaboard

The erf forms part of Subdistrict 1: Atlantic Seaboard, and more specifically, within the residential suburbs of Camps Bay and Clifton. Erf 1052 is located within the Camps Bay local node, and in proximity to the Camps Bay Drive arterial route. While the proposal is minor in nature and scale, it will assist with achieving a spatial development objective which aims to ensure that the built form and land use are appropriate and achieve a quality environment. The proposal is compatible with this intention.

(b) Relevant Criteria in the DMS

The application complies with relevant criteria contemplated in the DMS, i.e., the proposal is desirable when assessed in terms of the adjudication criteria set out in Section 99.

(c) Applicable Policies Approved by the City

The proposal complies with the following approved Council Policies and Strategies:

- **Inclusive Economic Growth Strategy** (2021):

The proposal is compliant with the principal objective of the IEGS, which is to grow the economy and to create jobs. This will be achieved through temporary employment that will be created during construction phase of the project.

- **Social Development Strategy** (2013):

The proposal is consistent with the strategy as provides for additional densification on the property, ensuring that more people can be located closer to amenities and areas of opportunity.

- **Environmental Strategy** (2017):

Development is proposed to occur in an existing urban area, which assists with containing urban sprawl and aligns with the vision of this strategy. No cultural or natural resources are required to be removed for the purposes of this proposal.

- **Densification Policy** (2012):

The proposal is compliant with the City's approved Densification Policy, which aims to increase density across the City. The incorporation of a second dwelling on the property allows for a more efficient use of the land, which situates more people in closer proximity to amenities and opportunities, contains urban sprawl by developing on an existing developed erf, and assists with restructuring the city towards a more compact urban form.

The proposed densification is minor in nature and scale, where this densification does not occur to the detriment of the surrounding neighbourhood.

(d) Desirability of the proposed use

The application is desirable, as contemplated in subsection (3).

(e) Impact on Existing Rights

Second dwelling

The proposed second dwelling requires title deed Condition C.6A.1.(b) and (c) to be removed. Condition (b) limits the property to "only one dwelling" and Condition (c) prohibits a "block of flats" being constructed. The proposal does not seek to construct a block of flats in terms of the definition of "flats" as contained in the DMS. The outcome of the appeal for Erf 1169 Camps Bay (PAAP 26/03/21) indicated that the Appeal Authority interpreted a block of flats to be "a building containing at least two self-contained and independent residential units, with at least some of those units on separate levels (i.e. stacked on top of each other)". Accordingly, both conditions must be removed to permit the proposal.

The proposed second dwelling is modest in nature and scale, being 76m² in extent, and is compliant with the development rules contained in the DMS and is compatible with the surrounding area.

Street building line

The proposal requires the 4.72m street building line contained in the title deed to be removed as it prohibits any "building or structure or portion thereof, except boundary walls or fences" from being constructed within this setback. The proposed swimming pool, pedestrian entrance stairs and stoep require the removal of this condition. It is noteworthy that the proposed structures are compliant in terms of the provisions of the DMS, therefore the proposal will not negatively impact on any existing rights.

Impact of boundary wall height departure

The departure for the height of the boundary wall results from the proposed pedestrian entrance. The existing and approved boundary wall already exceeds 2.1m in height above the EGL, therefore a departure is required to permit the new entrance and wall at 2.19m above the EGL, which is in line with the existing wall. It should be noted that the new portions of the boundary wall, including the pedestrian gate, are compliant with the visual permeability requirements as it exceeds 25%.

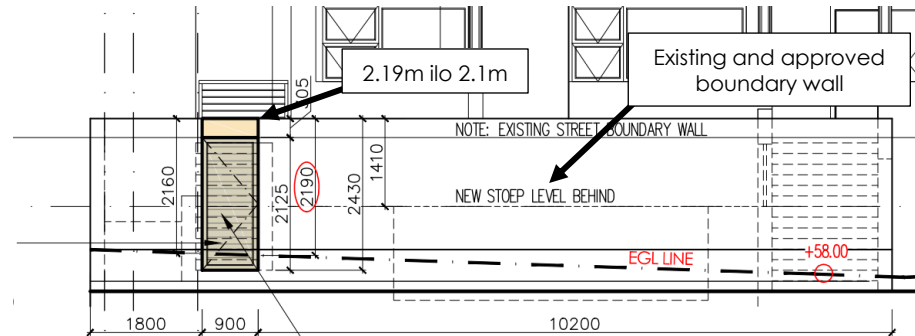


Figure 7: Extract from Subdistrict 1: Atlantic Seaboard

Impact of City approval to leave the site in reverse gear

City approval to allow motor vehicles to leave the site in reverse gear is expected to have no impact on any surrounding properties or any existing rights. The existing conditions on the site do not allow motor vehicles to turn and exit in forward gear. This approval is technical in nature, as it is ordinarily attributed to higher intensity or density of land use, such as flats, as opposed to dwelling houses that have much lower trip generation.

7.3. Motivation in terms of Section 99(3) of the DMS

The application complies with the following relevant considerations:

(a) Socio-economic Impact

The proposal will have a positive socio-economic impact, as it allows the owners to optimise their investment and use of the land such that additional residential opportunities are provided in a sought-after area. Land is an expensive and scarce resource in Camps Bay, where the proposal seeks to allow more people to be situated in closer proximity to areas of amenity and opportunity.

The proposal has a positive economic benefit for the City through development charges for the second dwelling, and increased property rates incomes, and surrounding property owners will benefit from increased value in the area as a result of the improvements.

(b) Compatibility with Surrounding Uses

The land uses within the township are typically residential in nature, with main dwellings, second and third dwellings, blocks of flats, guest accommodation facilities, as well as supporting institutional uses and public open spaces being prevalent. The use of the property will remain residential, and the proposed minor alteration and additions and second dwelling will remain consistent with the surrounding uses and built environment.

(c) Impact on External Engineering Services

The proposal will have a negligible impact on external engineering services. The application will be circulated to the relevant service branches for comment; where any services are to be upgraded, this will be at the developer's cost. A development charge will be applicable for the addition of a second dwelling on the property.

(d) Impact on Safety, Health & Wellbeing of the Surrounding Community

There will be a positive impact on the safety, health and wellbeing of the surrounding community given that the second dwelling will increase passive surveillance in the area. No negative impacts are anticipated.

(e) Impact on Heritage

The existing building is not older than 60 years and graded as "not conservation worthy" in terms of the City's heritage inventory. The property is not situated within a Heritage Protection Overlay Zone (HPOZ), and therefore no heritage impacts are associated with this proposal.

(f) Impact on the Biophysical Environment

The proposed minor alterations and the conversion of a portion of the existing dwelling into a second dwelling occur on an already developed property, where there will be no impact on the biophysical environment. No activities are proposed which require environmental authorisation in terms of the National Environmental Management Act (NEMA) of 1998.

(g) Traffic, Transport, Parking and Access

Each of the main and second dwelling is required to have 1 on-site parking bay. The proposal is compliant, as there is an existing double garage capable of parking 2 motor vehicles on-site, with additional capacity in the driveway for further motor vehicles if necessary. The existing carriageway crossing remains unchanged, as approved.

(h) Imposition of Conditions and Mitigation of Adverse Impacts

There are no adverse impacts predicted. If the City finds it necessary, conditions of approval will be imposed to mitigate any potential adverse impacts.

8. CONCLUSION

Application has been made for City approval, removal and deletion of title deed conditions and deemed land use conditions, and a departure from the provisions of the DMS. The proposal is in line with the City's approved planning policies and has been demonstrated to be modest in nature and scale. The proposal is primarily for the conversion of a portion of the existing and approved dwelling into a second dwelling, which is suitable and desirable as it respects the character and built form of the area. It has been demonstrated that the application satisfies the adjudication criteria set out in SPLUMA, LUPA and the MPBL, and thus should be supported by the City and **recommended for approval.**

TOMMY BRÜMMER TOWN PLANNERS
APRIL 2026