

SFB PLANNING COMMITTEE MEETING (16/2019)

MONDAY 14th OF OCTOBER 2019 AT 16h00

8TH FLOOR NORTH WHARF 1 LOWER BREE STREET FORESHORE CAPE TOWN

RECORD OF DECISION

1. Welcome & Apologies

Present: Lauren Bolus, Ori Saban, Ari Vayanos, David Polovin, Victor Morris, Lizaan Loedolff

Apologies: Gordon Metz (surgery), David Rose

Leave of Absence: Larry Aberman

2. Previous Minutes 30.09.2019 (15/2019)

Proposer: Victor Morris

Seconder: Lauren Bolus

3. Matters Arising

3.1. ERF 39 BANTRY BAY 99A KLOOF ROAD: Departures

– 16 OCT

(Application Number: 70432211)

- Departure:**
- Item 22(d): Departure to permit the proposed retaining structure to be setback 0m ILO 3m from the west common boundary.
 - Item 126(a): City approval to permit the proposed ground level to be raised 9.931m ILO 1.5m above existing ground level.
 - Item 126(b): City approval to permit the proposed retaining structure to be constructed to a height of 9.931m ILO 2m above the existing ground level.

Description: It is proposed to erect a retaining wall, boundary wall and a roof garden on a portion of the property.

Discussed: The departure height is due to the retaining wall. The existing retaining structure encroaches on the common building line, exceeds the permissible height as well as raise the ground level. The garden area which previously existed on the property has been extended as a result of this development. It seems as this might be retrospective approval. Currently there is no house on this site as it was demolished. A retaining wall is normally structural, not decorative. LB will call the applicant to get clarity on the application and will provide feedback to the committee once discussed.

Newly Discussed: The neighbouring plot was bought to be used as a garden and the applicant would like to extend the height of the retaining wall and fill it to level out the garden area. The only affected party would be the neighbour across the road who will potentially object as they have ongoing unknown issues with the applicant. LB requested the applicant provide photos from the neighbour's perspective across the road. Should the committee not receive these photos before the deadline, or should the photos not satisfy the committee's request to have a proper view from the neighbour's perspective, they will object. LB instruct LL to email the applicant and follow up on the

request to submit these photos. Should the committee object, it will be on the grounds that the applicant has not effectively shown how the neighbours will be affected and supply sufficient information to make an informed decision. The applicant must also provide comment from the neighbour across the road.

Update:

A letter of Objection was submitted in timing with the deadline. The applicant stated that this was an application for retrospective approval. LL confirmed with The City that a penalty was paid. Should the objection stand or be withdrawn?

3.2. ERF 587 BANTRY BAY 158 KLOOF ROAD: Amendment of Restrictive Title Deed Conditions and Departures (Application Number: 70438533) – 28 OCT

Departure: Amendment title deed conditions (conditions B.2.(1), (2) and (3)) to allow for two dwelling houses.

Item 22(c): To permit portions on the fifth storey (within the existing roof space), to permit the proposed gable (external) wall on the north-western side of the building and the proposed new window on the south-eastern side of the building, to be 11.51m and 11.15m respectively in height ILO 11m in height above the base level.

Item 22 (d): To permit portions of the building (existing bathroom) on the second storey to be 0m ILO 3m from the north-east common boundary.

Item 22(d): To permit portions of the building (existing dressing room) on the third storey to be 2.14m ILO 3.5m from the street boundary (Erf 716).

Item 22(d): To permit portions of the building (existing dressing room) on the third storey to be 0M ILO 3m from the north-east common boundary.

Item 22(d): To permit a lean to roof above the existing garage to be 1.15m ILO 3.5m from the street boundary (Erf 716).

Item 22(d): To permit the existing outbuilding (laundry room and store room) on the third storey to be 0m and 0.64m ILO 3m from the north-east and south-west common boundary.

Item 22(f)(iii): To permit the proposed garage (for Unit 1) to be 4.3m ILO 5m from the street boundary (Erf 716)

Item 121(2): To permit portions of the building to be within 5m of Erf 716 which is part of a designated metropolitan road (Kloof Road).

Item 140(2): To permit two carriageway crossings on the property.

Description: To develop the existing building on the property into two dwelling units.

Discussed: The applicant wants to maximize the space and create an additional floor under the existing roof. Windows will also be added into the existing roof and the roof will not be raised. Departures include the new shower area built, a new laundry room toward the back of the property along with a new storeroom. The applicant will add a second garage on the right side of the building, a mirror image of the existing garage will be in line with the existing garage, only applying for a 0.7m departure and will be 4.3m from the street ILO 5m. LB states that the garage extension is done sensitively. LL to ask applicant for pictures of the common boundary where the shower and dressing room will be built.

Newly Discussed: DP want it minuted that the applicant is a neighbour, but he has no

knowledge of this application nor interest in it. As discussed at the previous meeting, the applicant sent several additional photographs and drawings illustrating the location of the proposed shower and dressing room and as there are currently screens covering the side of the property, no neighbour should be affected.

To Proceed: LONO

3.3. ERF 216 SEA POINT WEST 19 KEI APPLE ROAD: Demolition: HWC – ASAP

Departure: N/A

Description: Total Demolition

Discussed: GM, Heritage Specialist for SFB states that by law, the heritage specialist compiling the report must list their name and details on the report. Several structures and buildings surrounding has heritage significance and will be impacted by a new development therefor the committee request the plans as even though the building has been altered, it is still in very good condition. GM found certain statements in the report do not reflect the truth. LL to request the proposed plans from the applicant.

Newly Discussed: What is being replaced will alter the look of the area. Although the house do not have any heritage significance, the surrounding houses do and according to the applicant there is no plans. If they build within the envelope, the committee won't be able to object to whatever they want to build. GM to confirm what our legal rights are to object.

To Proceed: LONO with the proviso that GM agrees.

4. Items for comment:

4.1. ERF 923 SEA POINT 53 ARTHURS ROAD: Alterations & Additions: HWC – ASAP

Departure: N/A

Description: Amend a two-bedroom house to a three bedroom house with a study for an expanding family. Street façade remains largely unchanged.

Discussed: The committee notes how beautiful the house is. The only changes to the front are little windows added to the roof.

To Proceed: LONO

4.2. ERF 1047 SEA POINT 39 ST JOHNS ROAD: Alterations & Additions: HWC – ASAP

Departure: N/A

Description: This application was previously approved by HWC but the owner wants to make internal changes that deviate from the previous plans and add a mezzanine level. Exterior will be restored with original timber door, stoep and columns as was typical for these rows of houses.

Discussed: The plans submitted do not match the description of the proposed alterations and additions.

To Proceed: Applicant to send additional plans to show exactly where the mezzanine will be located.

4.3. ERF 1670 SEA POINT 7 BICKLY ROAD: Alterations & Additions: HWC – ASAP

Departure: N/A

Description: From the applicant: "It seems the balcony extension was done without council plans, probably around 1995, certainly a while before 2002. The present German owner bought it in 2003, not being aware of this. He must regularise it with the City and submit a S.34 application to HWC as the block is c1936. HWC cannot approve unauthorised work (even if it was done

before the NHR Act was promulgated) and that HWC will administer the application under S.51 of the Act.

Discussed: This is retrospective approval. The committee do not condone requests for retrospective approval.

To Proceed: LL to send the standard letter.

4.4. ERF 1617 SEA POINT 58 OCEAN VIEW DRIVE: Alterations & Additions: HWC – ASAP

Departure: N/A

Description: Removing of existing pitched roof, adding of new storey above existing building, extension to garage and a new pool and balcony. Other internal alterations and additions.

Discussed: The applicant wants to remove the pitched roof and add an extra level to be on trend with what their neighbours have done. Various alterations have been done internally.

To Proceed: LONO

5. Correspondence

6. Appeal

6.1. 32 Clarens Road – How to move forward

This application is still under review with The City of Cape Town. We will await their outcome.

6.2. 15 Kloof Road

There is still a small amount outstanding, refer to the SFB Executive Committee on how to proceed.

6.3. Upper Rhine Road

What has been approved and what is being built is two different things and there was a request for SFB to become involved. What is on the council drawings are a complete misrepresentation. The approved plans do not show a fourth level, but they are building it. A letter was sent to The City from the SFB Committee, they acknowledged the letter and will provide further feedback once they have made their decision.

7. General

7.1. Town Planner to replace LA while on hiatus

7.2. Caltex and Shell

SFB Vice-Chair Lydia Abel showed concern regarding the environmental impact that the demolition and development will have on an old filling station site. She is concerned that the underground fuel tanks will not be removed correctly. The Committee request that she send additional information.

8. Close

17:18

9. Next Meeting

28 October 2019