

APPLICATION FOR
THE AMENDMENT OF A CONSENT USE

ERF 1363, SEDGEFIELD

17 APRIL 2023

INDEX

Introduction
Background
Locality
Property details
Proposal
Policies
Conclusion

ATTACHMENTS

1. Pre-application Consultation Form
2. Application Form
3. Previously approved departure
4. Power of Attorney
5. SG Diagram
6. Title Deed
7. Location Plan
8. Building plans
9. Motivation
10. Proof of payment of application fee
11. Comments forms signed by neighbours.

ERF 1363 MOTIVATION FOR AMENDMENT TO A CONSENT USE - IN TERMS OF SECTION 65 OF THE KNYSNA BY-LAW ON MUNICIPAL LAND USE PLANNING (2016)

INTRODUCTION

Matthew James Boast and Janine Boast, the owners of erf 1363, Sedgefield Island, Sedgefield have appointed Grobler Graham Architects (Pty) Ltd to assist them in preparing and submitting the following application (see attached Power of Attorney). In terms of Section 15 of the Spatial Planning and Land Use Management By-law (2021) we hereby apply for the amendment, deletion or imposition of conditions in respect of an existing approval as per point 15(2)(h) of the Land Use Application Form.

The original approval letter refers: "*Erf 1363 Sedgefield: The Approval for Permanent Departure and Removal of Restrictive Conditions in terms of Knysna Municipality Land Use Planning By-Law 2016 (dated 06 February 2019)*".

In this application we seek to remove restrictive condition 3. c) and to amend restrictive condition 3. e) from 'The proposed second dwelling unit size shall be limited to 119.98m²;' to 'The proposed second dwelling unit size shall be limited to 150m²;'

BACKGROUND

- The property is situated in Sedgefield.
- The current owner acquired the property in 2021 (see attached Title Deed).
- Consent for a 2nd dwelling of 119.98m² was granted on 6 February 2019 (see attached Approval for a Permanent Departure).
- Building plans were approved for the main house and the second dwelling, and construction is under way. (See attached approved building plans).
- The clients wish to add a garage to the 2nd dwelling and therefore increase the area of the second dwelling from 119.98m² to 143m² (see attached building plans).

LOCALITY

Erf 1363 is located at 38 Hertzog Street, Sedgefield Island, Sedgefield. (See location plan attached).

PROPERTY DETAILS

Title Deed Description	Erf 1363 Sedgefield in the Municipality & Division of Knysna
Title Deed Number	T000054934 / 2021
SG Diagramme	5211/69
Title Deed Restrictions	None
Property Size	1301m ²
Owners	Matthew James Boast & Janine Boast
Bonds	None
Land Use	Residential
Zoning	Single Residential Zone 1

PROPOSAL

The existing (approved) consent use was submitted under the municipal zoning scheme of the time. These regulations did not make allowance for the construction of second dwellings on residential properties. Since the approval was granted, the Knysna Municipality Zoning Scheme By-law of 2020 was promulgated. This scheme allows for a second dwelling with a floor area of up to 150m² including the floor space of all ancillary buildings. As such, under the 2020 scheme, an amendment to the consent use approval is within the bounds of current municipal regulations.

The proposal remains compliant with all current municipal restrictions:

- Building lines are not affected.
- Height restriction of 6.5m is not affected.
- Coverage of 26.98% is within the permitted 50%.
- Parking for 2 cars.

In addition to the above, the rationale for this application takes into consideration:

- SERVICES: the addition of a garage has minimal impact on the municipal services as it requires no water, no sewerage, and a minimal amount of electricity.
- IMPACT ON THE BIOPHYSICAL ENVIRONMENT: There is no impact on the biophysical environment.
- AESTHETICS: The garage will be an extension of an existing portion of the building and is a continuation of the existing aesthetic and style.
- OCCUPANCY: The addition of a garage will not increase the occupancy of the dwelling.

COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK AND KNYSNA ZOMING SCHEME

- The application is entirely consistent with the SDF as it is utilized in accordance with the provisions of the Knysna Spatial Development Framework,
- The property falls within the Urban Edge.
- The property falls within the remit of the Knysna Zoning Scheme By-Law 2020 Single Residential Zone 1, and the application is consistent with the development rules of the zoning scheme as described in Chapter 2 (11).
- The submission is made within the framework of 15(2)(h) of Section 15 of the Spatial Planning and Land Use Management By-law (2021).

POLICIES, PRINCIPLES AND PLANNING DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

The proposal is not in conflict with the SPLUMA principles of spatial justice, spatial sustainability, efficiency, and good administration. The nature of this application cannot directly contribute to spatial reform.

CONCLUSION

The Council is hereby requested to consider the application for a Permanent Departure of an existing Consent use as envisaged in the Development Parameters for Second Dwellings.

The reasons for approving the proposal are as follows:

- The proposal complies with updated current zoning scheme laws.
- No services are affected.
- The proposal complies with building lines, coverage and height restrictions.
- There is no impact on the adjacent properties.
- The proposal is not in conflict with Spatial Planning Policies or Development Principles as set out in SPLUMA.

We trust that this application will receive your favorable attention. Please do not hesitate to contact me should you need additional information.

Kind regards



Johan J. Grobler
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