

ERF 8339 KNYSNA

Departure Application



Planning  Space
Town and Regional Planners

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INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	DEPARTURE	ANNEXURE REFERENCE
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	N/A
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	N/A
Written motivation (4)	√	Main document
S.G. diagram / Extract of general plan	√	Annexure C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	√	Diagram 4
Subdivision plan [incl street name(s) &no]	-	Not required
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	-	Not required
Minutes of pre-application meeting (8)	√	Annexure I

SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED

Zoning plan	√	Diagram 3
Phasing plan	-	Not required
Consolidation plan	-	Not required
Proof of lawful use right	-	Not required
Proof of failure of HOA (9)	-	Not required
Copy of original approval letter (s)	-	Annexure F

ADDITIONAL INFORMATION

Approved Building Plans	√	Annexure D
Plans Endorsed by HOA	√	Annexure E

1. INTRODUCTION

Planning Space has been appointed by **Steven John Harding**, the owner of Erf 8339 Knysna, to prepare and submit the following applications in terms of Section 15 (2) and Chapter IV of the Knysna Municipality: Standard Municipal Land Use Planning By-Law, to the Knysna Municipality (see Power of Attorney attached as **Annexure A**).

- (a) Section 15 (2) (b): Application for a Departure from the provisions of the Knysna Zoning Scheme By-Law for **building line relaxation** along the:
- (i) **Street building line** from 4.5m to 2.32m to permit the existing veranda encroaching over the street building line, as indicated in Site Plan No. K8339SP attached as Diagram 4.
 - (ii) **Western lateral building line** from 2m to 1.05m to permit the planned deck and encroaching first-storey addition that will be situated on top of the existing garage, as indicated in Site Plan No. K8339SP attached as Diagram 4.

The proposed building line relaxations are required to legalise existing structures and enable modest extensions that respond to the needs of the property owner, while maintaining compatibility with the Island Cove Group Housing development pattern and surrounding neighbourhood character.

2. BACKGROUND

Erf 8339 Knysna forms part of a group housing development situated in Leisure Island, known as Island Cove. The development was approved in 1993 when Erf 7842 was subdivided into 24 Group Housing Erven and 1 Private Open Space property (refer to Annexure F). The subdivision approval is subject to conditions relating to building lines and building heights, including a requirement that development be controlled through an approved Design Guideline Document. This Design Guideline Document was compiled and granted approval by the Council in March 1993 (Annexure G).

The original Building Plans for the existing double-storey dwelling were approved in June 1994 (see Annexure D1), and in August 1994, a building line relaxation was granted to relax the lateral building line from 2m to 1.23m in order to permit the construction of the existing garage (see Annexure H). Further alterations to the main house and garage were approved in December 1999 (see Annexure D2).

The current owner intends to construct a first-storey addition with a timber deck above the existing garage, which will encroach over the western lateral building line prescribed by the Island Cove Design Manual, as well as a scullery

at ground floor level with steps providing access to the first storey. In addition, there is an existing unauthorised veranda along the street boundary that encroaches over the street building line. This application, therefore, seeks the necessary authorisations to legalise both the proposed additions and the existing unapproved veranda.

A separate application has been submitted to Council for the determination of contravention levies associated with the unauthorised veranda.

The detailed proposal is discussed further in paragraph 4 of this motivating memorandum.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated at No. 139B Links Drive in Leisure Island, Knysna (See Locality Plan attached as **Diagram 1**).

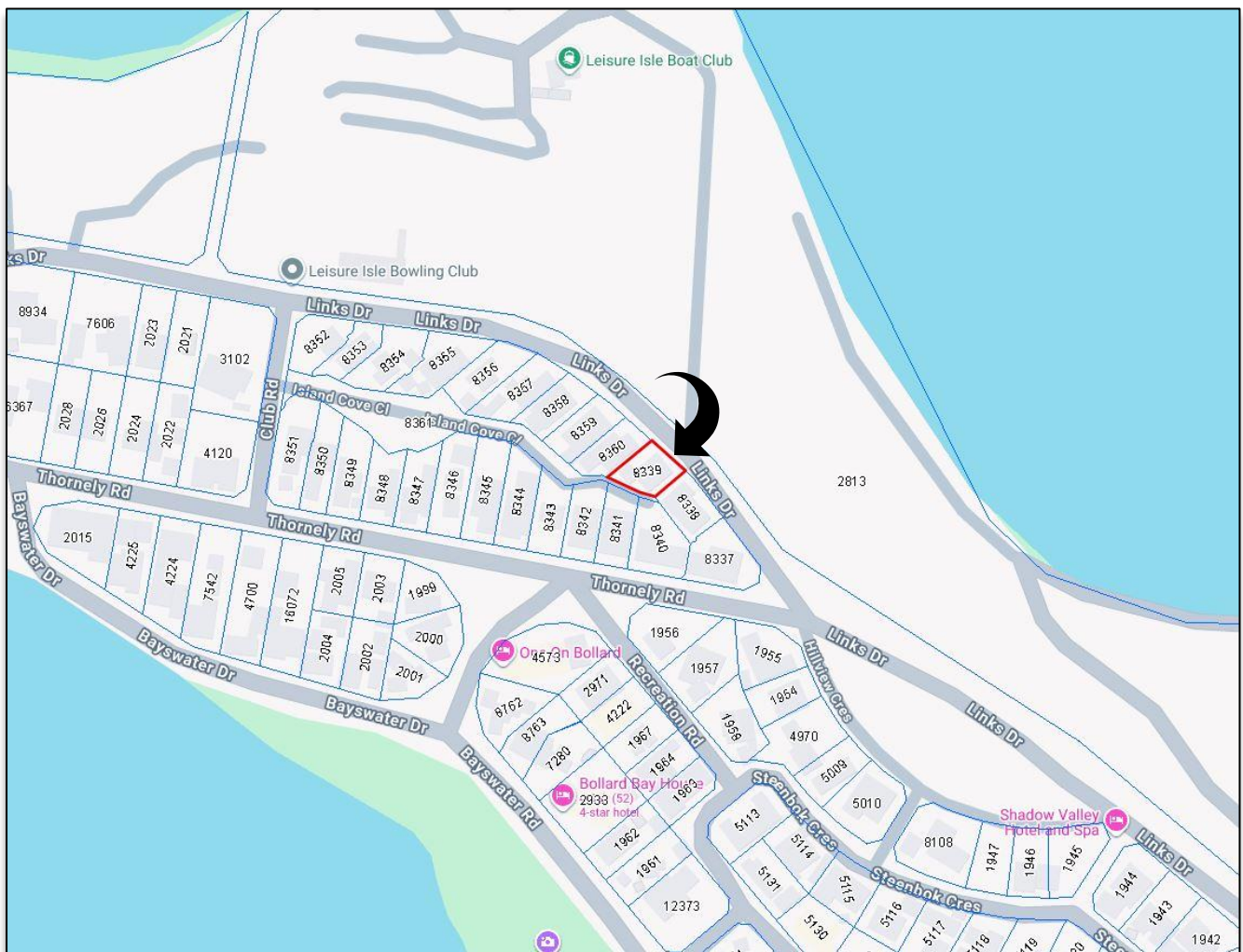


Figure 1: Extract indicating the locality of the subject property.

3.2 PROPERTY DETAIL

Title Deed Description	Erf 8339 Knysna, in the Municipality & Division of Knysna, Western Cape.
21 Digit code	C03900050000833900000
Title Deed Number	T006864/23 (Attached as Annexure B)
GP Diagram No.	SG No. 249-94 (attached as Annexure C)
Title Deed Restrictions	None
Property Size	464m ²
Property Owner	Steven John Harding
Bonds	None
Land Use	Residential
Zoning	General Residential Zone I

4. PROPOSAL

The property owner proposes the addition of a first-storey structure above the existing garage, together with a scullery extension on the ground floor adjacent to the garage. The new first-storey is designed to comprise two bedrooms, a bathroom, a coffee station, a TV room, and a timber deck. The existing dwelling only has two bedrooms, and the additional bedrooms are required for when children and grandchildren visit. The proposed building extension has been designed in a similar architectural style to the existing dwelling.

The extensions have been designed to respect the privacy of the surrounding owners. The extension will have no windows on the western façade. The timber deck balcony will be incorporated as part of the first-storey extension above the existing garage. The timber deck will include a 2.1m slatted timber privacy screen along the western boundary. Only one small bathroom window is proposed on the southern rear elevation, which will be fitted with obscure glass. This design measure ensures adequate privacy for both the adjoining neighbours along the affected boundary and the occupants of the subject property.

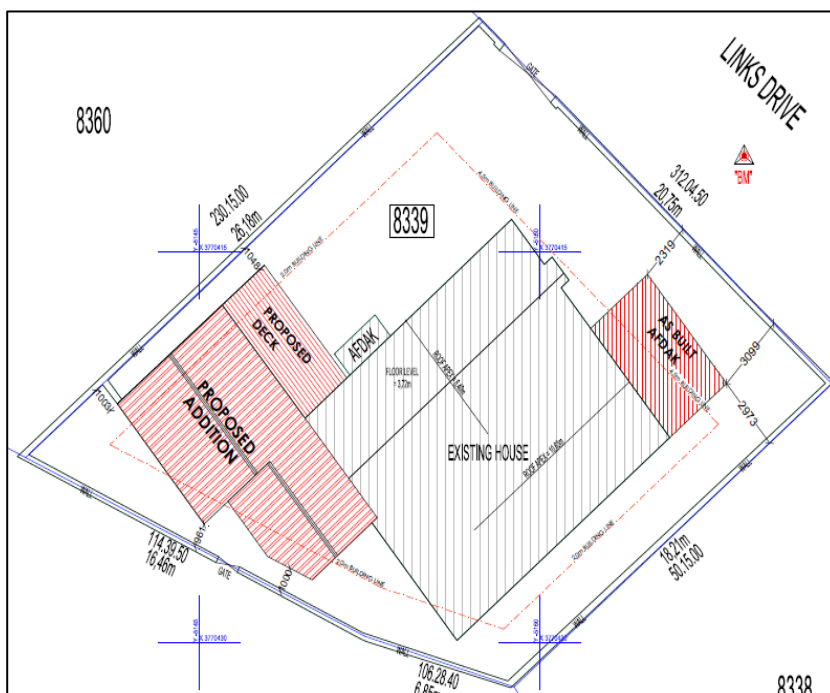


Figure 2: Extract from the Site Plan (see Diagram 4).

The existing veranda was erected without formal approval and encroaches over the street building lines prescribed by both the Island Cove Design Manual and the Knysna Zoning Scheme By-Law. To address this non-compliance, a separate contravention application has been submitted to the Council.



Figure 3: Unauthorised veranda.

Erf 8339 is zoned General Residential Zone I in terms of the Knysna Zoning Scheme By-Law applicable to the Leisure Island area. However, notwithstanding this zoning, the development parameters applicable to the property are specifically prescribed in the Island Cove Design Manual and the conditions of approval, which effectively function as the controlling zoning parameters.

The subject property has an extent of 464m², and the applicable building lines are set out in the tables below:

PERIMETER BUILDING LINES	KNYSNA ZONING SCHEME BY-LAW	COMPLIANCE
Street	5m	The proposal does not comply.
Lateral	0m	The proposal complies.
Rear	0m	The proposal complies.

BUILDING LINES	ISLAND COVE DESIGN MANUAL	COMPLIANCE
Street	4.5m	The proposal does not comply.
Lateral	2m	The proposal does not comply.
Rear	Not specified	The proposal complies.

The proposed additions encroach over the lateral building line along the western boundary, and the unauthorised veranda transgresses the street building line.

The development parameters applicable to “group housing” within General Residential Zone I prescribe a 5m perimeter street building line for properties located along the outer boundary of the group housing site. For internal roads, a 0m internal street boundary building line applies, subject to the condition that any garage door facing an internal road must be set back at least 5 metres from the kerb. The proposed structures, with the exception of the existing veranda, are compliant with the development parameters of the Knysna Zoning Scheme.



Figure 4: Position of the new proposed structures.

However, within the Island Cove Group Housing Development, the provisions of the Design Manual are regarded as prevailing over the Knysna Zoning Scheme parameters.

Therefore, the Council is respectfully requested to consider relaxing the:

- Street building line from 4.5m to 2.32m to permit the existing veranda,
- Western lateral building line from 2m to 1.05m in order to allow the planned deck and first-storey addition.

5. FACTORS TO CONSIDER

5.1 EXISTING STRUCTURES

All existing structures on site comply with the development parameters of the Knysna Zoning Scheme By-Law, particularly with regard to the prescribed lateral and rear building lines. As shown on the approved Building Plans (see Annexure D), all structures on the property have received formal approval, with the exception of the veranda, which is not included therein.

In terms of the original Building Plan approval, the garage was authorised to be constructed along the western lateral boundary; however, it was ultimately built 1m away from the boundary in order to connect to the main dwelling. The proposed additions are designed to be accommodated within the existing building footprint, thereby ensuring that existing open space and garden areas on the property remain unaffected.



Figure 5: Position of the existing garage.

5.2 ANTICIPATED IMPACTS

5.2.1 ADJOINING NEIGHBOURS

- Several surrounding properties already contain first-storey additions, including the directly adjoining erf.
- The design prevents overlooking and privacy intrusion, meeting the municipality's typical privacy criteria.
- No overshadowing beyond normal suburban expectations will occur.
- The additions remain consistent in scale with the surrounding built form.
- The adjoining property, Erf 8360, contains a first-storey addition above the dwelling house with a timber deck balcony. Several other properties along Links Drive exhibit similar features. Accordingly, the proposed structures on Erf 8339 will not adversely affect the streetscape nor establish an undesirable precedent, thereby maintaining the established character of the area.
- The proposed first-storey structure includes a small awning-type bathroom window fitted with obscure glass, positioned along the southern boundary of the subject property. This design measure effectively mitigates potential privacy concerns for both neighbouring residents and occupants of the subject property.
- Furthermore, the windows of the proposed first storey and balcony are oriented directly towards the north, ensuring they do not overlook adjoining properties.

5.2.2 CHARACTER OF THE AREA / STREETScape

- Several surrounding properties already contain first-storey additions, including the directly adjoining erf.
- The additions remain consistent in scale with the surrounding built form and comply with the built form as regulated by the Design Guidelines.
- The unauthorised Veranda allows protected outdoor living and contributes to a lively streetscape, typical of Leisure Island, where many houses are designed with the verandas facing the street. No negative visual or amenity impact is anticipated.

5.2.3 TRAFFIC

The use of the property will remain residential, and access to the site will remain unchanged. The proposed street building line relaxation will not affect sight distances or compromise traffic safety in any way.

5.3 KNYSNA ZONING SCHEME BY-LAW AND THE ISLAND COVE DESIGN MANUAL

Upon approval of the Island Cove development, specific conditions were imposed, including a requirement that the development parameters for the group housing site be regulated independently of the applicable zoning scheme through an approved Design Manual. This Design Manual was afforded precedence over the Knysna Zoning Scheme By-Law. As the proposed development encroaches upon the building lines prescribed by the Design Manual, an application for departure is therefore required.

5.4 ISLAND COVE HOA APPROVAL

The Island Cove Homeowners' Association has formally approved the planned alterations in accordance with the Design Manual by endorsing the proposed Site Plan and Elevations (refer to Annexure E).

5.5 BUILDING CONTROLS OF THE ISLAND COVE DESIGN MANUAL

The approved Design Manual prescribes a maximum building height of 8m for structures on the subject property. The existing first-storey to the main dwelling was approved at a height of 6.7 m, while the proposed first-storey addition, including the portion above the garage, is designed to reach a height of 6.9 m above natural ground level. In terms of the Knysna Zoning Scheme By-Law, properties zoned for Group Housing may accommodate buildings with a maximum height of up to 8m.

Accordingly, both the existing and proposed structures comply with the height and development parameters of the Zoning Scheme. As the Design Manual takes precedence within the Island Cove Group Housing development, it allows the Municipality to relax certain restrictions, including building lines on specific erven, as provided for in Section 3.4.1 of the "Building Controls" of the Island Cove Design Manual. The subject property forms part of the erven for which such relaxations may be considered. The proposed relaxation of the lateral and street building lines will serve to regularise the existing veranda and enable the expansion of habitable space on the property, thereby enhancing the functionality of the dwelling and the quality of life of the property owner.

5.6 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK.

The subject property is located within the urban area (Leisure Island) and falls inside a designated residential development zone. The existing and proposed residential use of the property is consistent with the principles and guidelines of the Knysna Spatial Development Framework, which guides planning and development within the municipality. While the Spatial Development Framework does not specifically provide criteria for assessing departure

applications of this nature, such applications are considered on a case-by-case basis, having regard to the individual merits and site-specific characteristics of each proposal. This ensures that the application is evaluated comprehensively and in context, taking into account all relevant planning considerations.

5.7 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

SPLUMA is a framework law providing broad principles for provincial laws regulating planning, and thus it has limited relevance to individual, site-specific departure applications. For example, the principle of spatial justice aims to correct past spatial and development imbalances by improving access to and use of land. However, this particular application cannot directly contribute to spatial reform, as these issues are better addressed through Spatial Development Frameworks, Zoning Schemes, and other management systems.

6. SUMMARY OF APPLICATION

The Council is humbly requested to consider the proposed street and western lateral building lines relaxation to allow the planned first-storey addition and timber deck, as well as the existing unauthorised veranda.

The reasons for approving the proposal are summarised as follows:

- The planned structures will provide extra rooms for visitors, as the owner usually has visitors during holiday seasons.
- The proposal will have a minimal impact on the adjacent Erf 8361 as the building has been designed to protect the privacy by allowing only 1 small bathroom window along the boundary that will not facilitate any overlooking into the neighbour's property.
- The proposal is not in conflict with the Spatial Planning Policies.
- The proposal is not in conflict with the development principles set out in Section 7 of SPLUMA.
- All the existing structures on site, except the veranda, comply with General Residential Zone I provisions stipulated in the Knysna Zoning Scheme By-Law.
- There is no alternative location available for the proposed structures, as Erf 8339 is relatively small in extent and is already substantially developed.

- The proposal will not negatively impact any of the neighbours and will not change the residential character of the area in any way.