



ERF 11275 KNYSNA



Application for:

**Application for Permanent Departure: Building Line and Building
Height Relaxation**

Prepared by:

Daimcon Personnel Collaborative

On behalf of:

Mr R and Mrs P M Munro (property owners)

Date: June 2026

Glossary of commonly used terms

'The erf'	used interchangeably with property, site, lot and often preceded with <i>'the subject'</i>
'Zoning scheme'	refers to the Knysna Zoning Scheme By-law (2020)
'Planning By-law'	refers to the Knysna Municipality Spatial Planning and Land Use Management By-law (2021)
'Spatial Development Framework'	The Knysna Municipality Spatial Development Framework (2020)
'Building line'	means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures is partially or completely prohibited.
'Second dwelling'	<i>"second dwelling"</i> means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that: (a) a second dwelling may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a second dwelling unit as a consent use; and (b) the second dwelling must also referred to secondary dwelling.
"garage"	means a building for the storage of one or more motor vehicles but does not include a motor repair garage or service station;
"balcony / deck"	means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof.
"basement"	means that portion of a building with a ceiling level which does not protrude more than one metre above natural ground level at any point, which may not be used as habitable space, and excludes excavations required for access purposes;
"storey"	means that portion of a building between the surface of any floor and the surface of the next floor above; or, if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of this By-law:

- a basement does not constitute a storey;
- a roof, or dome forming part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- the utilisation of an open roof area does not constitute a separate storey; however, should any means of coverage or fixtures for outdoor living and entertainment purposes be added to the roof of a building, the area is regarded as an additional storey;
- any storey greater than 4 metres, measured from the finished floor level to the finished floor level of the storey above, or to the ceiling in the case of a top storey, but up to 6 metres in height is, for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and
- in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

"habitable room"

means a room used or designed, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes;

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1. BACKGROUND

1.1. Property particulars

This motivation memorandum relates to Erf 11275 Knysna. Particulars relating to the subject erf (hereinafter referred to as the 'subject property', 'the site' or 'the erf') are summarised in the **Table 1** below.

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	Erf 11275 Knysna, in the Municipality and Division of Knysna, Province of Western Cape
Location	No. 35 Anchorage Road, Pezula Golf Estate, Knysna (Annexure A – Locality Map)
Vehicular & pedestrian access	Anchorage Road
Property size	965 m ²
Ownership	Mukay Group Proprietary Limited
Title deed number	Deed of Transfer T 24922/2021 (Annexure B – Title Deed)
Title deed restrictions	None of the conditions have a bearing on the subject proposal.
Registered servitudes	Garden Servitude represented by a broken line k L on General Plan 3845/1999 (see Annexure C – General Plan)
Bondholder	N/A. The property is not subject to a mortgage bond.
General Plan No.	G. P. No. 3845/1999 (Annexure C – General Plan)
S. G. Diagram No.	N/A
Applicable Statutory Land Use & Development Controls	Knysna Zoning Scheme By-law, Pezula Golf Estate Architectural Design Manual (11 March 2026) & Deed of Transfer
Current Zoning	Single Residential Zone I
Predominant Zoning – Surrounding Area	Single Residential Zone I
Current land use	The main dwelling is still under construction
Predominant land use	Single family related domestic uses
Existing development	Triple-storey dwelling under construction (667m ² floor area) consisting of a 120.4m ² basement (ground floor), a 332m ² ground floor (2 nd floor) and a 215m ² loft (3 rd floor). (Annexure D – As-built Architectural Drawings)
Parking	There are two (2) parking bays situated within the double garage on the ground floor.
Overlay Zones	The property does not fall within an area of an overlay zone. However, the fact that the property falls within an area where the maximum height dwellings is governed at 6.5m which is in variance with the 8.5m imposed in terms of the Zoning Scheme By-law (2020), subject the site to a rule that would ideally be imposed in terms of an overlay zone. In other words, one might conclude that the 6.5m condition does have a similar effect with an overlay zone – to a certain extent.
Access to Infrastructure services	The property is provisioned with potable water from the existing Pezula Estate's water reticulation network. Sewerage disposal is managed by means of an existing waterborne sewerage system. Stormwater discharge in the form of sheet flow follows a downward trajectory via the natural direction of the slope and is discharged onto the public open space at the rear end of the as-built main dwelling. Since building plans for the as-built building for which this application is being submitted were already approved, the existing service capacity is deemed sufficient for purposes of this application. The minor deviations from the approved building plan in the form of building line and height encroachments are negligible

	in nature and do not alter the size or coverage of the site to have an impact on stormwater discharge.
Current status on Environmental and Heritage Considerations	The site falls within the Garden Route Critical Biodiversity Area. However, the site is already developed and heavily disturbed and thus no longer has any fauna or flora of any conservation value. It has no historical buildings or artefacts of any historical or heritage value. It is to, furthermore, be noted that the Environmental Management Requirement of the Pezula Golf Estate whereby a 20% undisturbed Fynbos Area is to be set aside has been observed. This area is demarcated graphically on Annexure D. The as-built improvements do not trigger any listed activities in terms of the current NEMA EIA Regulations. The Erf is not located within a 100-year flood line. The proposal under consideration will thus have no impact on the environmental integrity of the site or that of the surrounding area.

Figure 1: Property Particulars

1.2. Property History

1.2.1. Property Establishment

The attached general plan (**Annexure C**) indicates that Erf 11275 Knysna was created in August 1999 during its approval. Since, the property has not undergone any subdivisions or consolidations that affect its position and shape.

1.2.2. Historical Land Use Approvals (Relevant)

Erf 11275 Knysna is part of a residential development formerly known as Sparrebosch Estate. The estate was established on erven formally referred to as Erven 3471 – 3476 and a Portion of Erf 3462 Knysna. The approval for the estate was granted by the Knysna Municipality in December 1997. The letter of approval is attached as **Annexure E**.

With regard to Erf 11275, no land use planning applications were ever submitted. As such, no approvals in this regard exist.

1.2.3. Historical Building Plan Approvals

The Knysna Municipality approved building plans in respect of the subject property in June 2022. The building plans are attached as **Annexure F**. No building plans were approved prior to or after the plans approved in June 2022. **Figure 1** below shows the state of the site prior to the approval of building plans.



Figure 2: Subject property on 26 Feb 2022 (photo courtesy of Google Earth)

1.2.4. Building plan submission to the HOA

As indicated under **Paragraph 1.2.3** above, preliminary construction activities soon commenced - and are still on going. **Figure 2** below was taken on 5 March 2024 and indicates the stage that the construction activities had reached.



Figure 3: Digging of trenches on 5 March 2024 (Photo courtesy of Google Earth)

Construction activities progressed in earnest throughout the years and by 3 November 2025, the walls were almost complete. Figure 3 below represents the progress that had been made by then.



Figure 4: Walls almost complete on 3 November 2025 (photo courtesy of Google Earth)

By April 2026 the roof was installed and shortly afterwards, a number of potential discrepancies and variations from building plan dimensions were noted. As required in terms of the Pezula Builders / Owners Code of Conduct, the project progress (including the potential discrepancies) was reported to the Pezula Estate Building Control Office.



Figure 5: Subject dwelling with complete roof on 17 June 2026

The discrepancies in question are related to the following:

- Height of the dwelling,
- Building lines, and
- Number of storeys

This reporting of errors emanated in the commissioning and undertaking of survey work to determine the extent of the building height and position in relation to the approved building plans and the design parameters contemplated in the Pezula Golf Estate Architectural Design Manual. The results of the survey work are attached as **Annexure H**.

Following the issuing of the survey results (**Annexure H**) the property owner commissioned the preparation of as-built drawings for the attention of the homeowners association (**Annexure D**). An explanatory motivation letter that included recommendations for remedial action (**Annexure J**) accompanied the as-built drawings. The response of the homeowners association, including the recommendations for the submission of town planning applications to the Knysna Municipality, is attached as **Annexure K**. In summary, the homeowners association recommended the submission of applications for permanent

departure to the municipality and, incidentally, the observation of 6,5m building height approval conditions.

It is not noted that the process in relation to the submission of building plans is inverted in the current instance e.g. the plans are submitted without having been endorsed by the Home Owners Association. We submit that the Homeowners Association would not endorse the plan pending the decision of the municipality on the permanent departure application.

1.3. Status of Compliance with Zoning Scheme By-law (2020) and Conditions of Approval

Table 2 below is a snapshot the proposal aspects that are to be taken into account in order to determine the extent of departures that should be considered and what conditions might need to be observed for the sake of the proposal in its current format. As it will become clearer, very few of these parameters require relaxation since the proposal is in line with the majority thereof.

KNYSNA ZONING SCHEME BY-LAW DEVELOPMENT PARAMETERS						
	DEVELOPMENT PARAMETER	SCHEME REQUIREMENTS	COMPLIANCE	REQUISITE ACTION	ACTION TAKEN	
1	On-site parking	2 bays (i.e. two bays per dwelling of 350m ² and larger)	Compliant	No	Take action	no
2	Floor factor	N/A	N/A	None	Take action	no
3	Building lines: Zoning Scheme by-law	Street: 4.5m	Compliant (8,5m)	None	Take action	no
		Side: 2m	Compliant	None	Take action	no
		Rear: 2m	Non-compliant (i.e. 0,690m in lieu of 2m)	Permanent departure	Apply for permanent Departure	
	Building lines: Architectural Design Manual	Street: 4,5m - 5m (maximum)	Compliant (8,5m)	None	Take action	no
		Side: 2m	Non-compliant (laundry area)	None	Take action	no
		Rear: 5m	Non-compliant (Swimming pool)	None	Take action	no
4	Height: Conditions of approval	Maximum: 6,5m	Non-compliant (8,14m maximum)	Permanent departure	Apply for Permanent Departure	
	Height: No of stories (Zoning Scheme By-law)	Maximum: 2 storeys	Non-compliant (3 storeys maximum)	Permanent Departure	Apply for Permanent Departure	
	Height: Architectural Design Manual	Maximum: 6,5m	Non-compliant (8,14m maximum)	None	Take action	no
5	Servitudes (surveyor-general - and design)	5m Garden Servitude	Compliant	None	Take action	no
6	Coverage (Zoning Scheme)	50% (for erf sizes greater than 500m ²)	Compliant (i.e. 42%)	None	Take action	no
	Coverage (Architectural guidelines - Maximum)	35%	34,7%	None	Take action	no
	Coverage (Architectural guidelines - Minimum)	250m ²	Compliant (i.e. 667m ²)	None	Take action	no

7	Retaining structures – Zoning Scheme (Height)	(a) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and	Non-compliant (i.e. 3,300m high)	Permanent departure	Apply for permanent departure
		(b) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.	Non – compliant (i.e. 3,3m high in lieu of 2m – then terraced)	Permanent departure	Apply for permanent departure
	Retaining structures, pergola and swimming pool – Zoning Scheme (building lines)	2m (rear)	Non-compliant (i.e. 0,690m in lieu of 3m)	Permanent departure	Apply for permanent departure
8	Building lines (title deed)	N/A	N/A	None	Take no action
9	Loading bays	N/A	N/A	None	Take no action
10	Refuse room	N/A	N/A	None	Take no action
11	Site development plan	N/A	N/A	None	Take no action

Table 1: Compliance table

1.4. Nature of Contraventions and Proposal Particulars

In June 2002, the Knysna Municipality approved building plans for a dwelling on the subject property. Subsequent to the granting of approval, construction activities soon commenced and these are still in progress. Around April 2026, a number of discrepancies and variations from building plan dimensions were reported, as required, to the BCO. This emanated in the undertaking of survey work to determine the extent to which the height and the position of the dwelling is in relation to the approved building plans, the design parameters contemplated in the Pezula Golf Estate Architectural Design Manual and the Knysna Zoning Scheme By-law (2020). The results of the survey work are attached as **Annexure H**.

As **Table 2** above illustrates, there are portions of the as-built dwelling that contravene the zoning scheme by law development parameters, the original conditions of approval for Sparrebosch Estate and the parameters contemplated in terms of the Pezula Architectural Design Manual. For the purpose of this application, we will only focus on the zoning scheme development parameters.

For instance, the following parameters are contravened:

- a. The height of the as-built dwelling is 8,14 meters above natural ground level instead of the 6.5 meters contemplated in the conditions of approval .
- b. The retaining walls, pergola and swimming pool are up to 0,690m closer to the rear boundary instead of 2 meters.
- c. The maximum height of the retaining structures is 3.300m instead of 2m.
- d. The retaining structures do not have a 2m wide level area from the natural ground level up to a height of 2m above even though the height of the structure is more than 2,5m.
- e. The as-built dwelling consist of three (3) storeys instead of two (2) contemplated in the zoning scheme by-law.

As suggested in **Column 6** of **Table 2** above, an application for permanent departure is inevitable. Architectural drawings representing the as-built dwelling and its respective contraventions i.e. Drawing No. M11275M100/01 and M11275M100/02 (three sheets) prepared by **LBM Dimensional Consulting** and dated April 2026, are attached as **Annexure D**.

2. APPOINTMENT AND APPLICATION DESCRIPTION

2.1. Appointment

Daimcon Personnel Collaborative has been appointed by the property owners, Mukay Group Proprietary Limited, with special power of attorney (**Annexure G – Power of Attorney** and **Company Resolution**) to prepare and submit a land use application to Knysna Municipality to facilitate the approval of an as-built triple-storey dwelling house. A graphical representation of the as-built dwelling and its attributes is depicted on **Annexure D – As-built Architectural Drawings**.

2.2. Application description

In order to deliver on the mandate conveyed by the property owner and expatiated under **Paragraph 1.4** above, the following applications are made:

- a) Application is made for 'Permanent Departure' on Erf 11275 Knysna in terms of Section 15(2)(b) of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), for the following transgression:
 - i. The relaxation of the 6,5m height restriction contemplated as per Condition 8(2)(iv) of the approval letter dated 24 October 1997, including in all other instances and documents where a similar condition occurs, to 8,14m for the purpose of the as-built dwelling house.
 - ii. The relaxation of the rear building line adjacent to the Private Open Space (Erf 12397), from 2m to 0,690m for a cantilevered swimming pool, pergola and retaining structure.
 - iii. The relaxation of the height restriction applicable to retaining structures from 2m to maximum 3,300m for a series of as-built retaining structures indicated as such on the as-built drawings.
 - iv. The relaxation of the requirement to incorporate a 2m wide flat area between successive embankments or retaining structures for

every 2 metres of cumulative height, in order to allow the as-built retaining structures.

- v. The relaxation of the maximum number of storeys from two (2) to three (3) for the as-built dwelling.

The condition referred to in Paragraph 2.2(a) (i) above reads as follows:

...
8.2(iv) *In respect of the residential areas north of the 20 metre road, a single story height restriction with a maximum height of 6.5 metre above the natural ground level shall be imposed, provided that "dormers" be permitted and provided further that dwellings may be permitted to be "staggered" along a slope where applicable.*
...

The 20-metre road referred to in the condition is what is currently known as Lagoon View Drive. As can be verified from the locality map (**Annexure A**), the subject property is located to the north of Lagoon View Drive.

The proposal is graphically represented on Drawing No. M11275M100/01 and M11275M100/02 (three sheets) prepared by LBM Dimensional Consulting, dated April 2026 (**Annexure D**).

A copy of the completed application form is attached as **Annexure I**.

3. MOTIVATION

3.1. Permanent Departure: Building Lines

3.1.1. Potential Overall Impact of the Building line relaxation (Swimming Pool, Pergola and Retaining Wall)

As clearly visible in the locality map (**Annexure A**), the property is located right at the end of the Anchorage Road housing block. The property borders onto a private open space on the northern and eastern boundaries. There are no boundary walls on at least three sides of the property (street, eastern lateral and northern rear) thus making it impossible to discern the actual position of the main building and its appurtenant structures in relation the affected boundary. The encroaching structures are at the rear of the main dwelling, non-habitable in nature and can only be used intermittently for private recreational purposes. Given that these structures are located at the rear end and adjacent to a private open space, no adjoining property owners shall be affected by their continued existence.

3.1.2. Mitigation Measures to alleviating Potential Impact

Furthermore, the retaining structures in question are finished in a brownish colour to blend in with the natural landscape. Natural stone cladding treatment is to, furthermore be added in order give the retaining structures that aesthetic touch. The same could be said in respect of the swimming pool since it is integrated to the retaining structures.

The areas around the contravening structures shall be re-planted with grass and masked, where appropriate, with indigenous vegetation to blend in with the natural landscape. In view of the proposed interventions, the impact of the as-built encroaching retaining structures and swimming pool is deemed negligible. On that score, it is our proposal that it should be treated as such.

With regard to the pergola, its own nature is minimalistic and therefore commands very moderate attention from potential observers.

3.2. Permanent Departure: Height and Number of Stories

3.2.1. Reasons for Increased Building Height

According to the survey results (**Annexure H**) and the property owner's own admission set out in the motivation letter (**Annexure J**), certain roof apex points exceed the allowable 6.5m height restriction when measured from natural ground level. Currently, the maximum height of the building is 8.14m above natural ground level (NGL). According to the motivation letter the discrepancy arose due to the following:

- The 6.5m height was initially interpreted and set out from a reference level near the entrance of the stand (approximately 196.900m ASL).
- The site has a natural slope, resulting in varying ground levels across the footprint.
- As construction progressed upward along the slope, the relative height above natural ground increased, leading to exceedances at higher points.

Our interpretation is that the contravention of the height restriction is a result of a *bona fide* error on the part of the builder resulting from an incorrect understanding of what reference level needed to be used in the setting up of the building. It is unfortunate that this discrepancy only became apparent when the building was in final stages. It is however our view the increased height of the building does not constitute a fatal flaw due to the fact that its location at the end of the block effectively masks its unusual height since there are no properties on three of its boundaries from which its height could be compared.



Figure 6: Location of the dwelling in relation to the block

As the red line marking the height difference of the building in relation to its sister buildings, it is clear that the impact of the building from the height point of view is microscopic at best.

With reference to the number of storeys, it is worth noting that the Pezula Architectural Design Manual upon which the design of the subject dwelling is based considers it a single storey dwelling. It is therefore the influence of the said design manual that led to the approval of the building plans by the Pezula Homeowners Association (design review committee) and subsequently, the Knysna Municipality in June 2022 (see **Annexure F**)

3.2.2. Potential impact of the Height Relaxation on Privacy

It is a relied that the impact of the relaxation of the restriction relating to the height of dwellings to 6.5m above natural ground level can readily be observed. This is made possible by the fact that the dwelling for which the height departure is required is already in place. As such it can be observed that the property is located at the end of the block along Anchorage Road overlooking a private open space. This is testament to our position that no privacy issues are to be expected.

With regard to the impact of the proposed dwelling in respect of Erf 11274, **Figure 6** below provides an insight of what the interrelationship is between the subject dwelling and the dwelling on Erf 11274.



Figure 7: Dwellings on Erf 11274 (near) and 11275 (far)

Looking at **Figures 5** and **6** above, it is easy to get the sense that the two dwellings are more-or-less on the same platform. In circumstance of this nature,

raising the privacy debate can be considered a bit of a stretch. It is therefore our submission that the location of the proposed dwelling in relating to other dwellings and the difference in height between the subject dwelling and the dwelling on Erf 11274 are sufficient to dispel the myth that there may be privacy issues associated with the as-built dwelling.

3.2.3. Potential Visual Impact of the Increased Building Height

Again, the property is located right at the end of Anchorage Road and there are no properties on the northern, eastern and southern boundaries amongst which the height of the building can be measured. This makes the 1,64m height difference between the dwelling on site and the dwellings to the west of the subject property almost indiscernible. Furthermore, other than Erf 11274, other closest properties to the site are situated southwards along Forecastle Road. Properties located southwards of the property on Forecastle Road are not affected by the height, as they can literally not see it from their vantage points on their erven. The photo below provides proof for this.



Figure 8: Current view from the site entrance towards Forecastle Road

There are no views from Forecastle Road northwards toward the subject property. As can be observe from the photograph below, the only potential views available are that of the sky. The exceedingly tall pine trees to the east of the property take the centre stage as far as scenery is concerned.



Another point to consider, all views enjoyed by the properties along Anchorage Road are towards the north. This diminishes the likelihood that properties located on the north-facing slope could potentially be affected from a visual impact point of view. It must also be noted that most of the properties along Anchorage Road are already developed and therefore a visual survey of the area already proves that the 1,64m deviation in dispute is, essentially, microscopic. This also cushions the municipality and the homeowners association from the potential deleterious risk of establishing a precedent.

Furthermore, the property is located in the outskirts of Knysna more than a Kilometer from the nearest settlement – Hornlee. Distances from other areas from which the site is visible are as follows:

- Rexford: 1,2km
- Hunters Home: 1,8km
- Thesen Island: 4,1 km
- Upper Old Place: 3,6km
- Joodse Kamp: 4,4km

The height difference between 6,5m (as per conditions of approval) and 8.14m (current height of the as-built dwelling) is 1,64m. Taking the distances from surrounding settlement with direct view lines towards the site into account, it is not far-fetched to consider a simple height difference of 1.64m as lacking substance. Photographic evidence in the form of the photograph below supports this position.



Figure 9: View of Pezula showing as-built Dwelling on the far left

With the above considerations in mind, we maintain that the height difference from a visual impact perspective is purely microscopic. Therefore, it would be considered a logical step to support it.

3.2.4. Impact of the Height Relaxation on Communal Rights

As indicated, the proposed permanent departure entails the condonation of an additional height of 1,64m above the 6,5m permissible height applicable to the properties north of Lagoon View Drive.

As already demonstrated in the preceding paragraphs, the as-built structure does not have any impact on any express or purported rights of the surrounding property owners. It is thus considered a legitimate expectation from the property owner's part that the proposal is treated in a fair and objective manner and that it is assessed from a town planning perspective and that no irrelevant considerations are taken into account in reaching a decision.

3.2.5. The social benefit of the Approval Condition being strictly enforced notwithstanding the current proposal

It is important to note that the proposed relaxation of Condition 8(2)(iv) is not to neutralize its key objective i.e. to keep the height of the buildings north of Lagoon View Drive within the 6.5m height limit. In fact, the main objective of the departure is to accommodate the height difference on Erf 11275. There is

therefore no social benefit or social loss to be realised whether the departure from the condition is granted or refused. The effect of the departure is solely going to be realised by the subject property owner without any potential impact on the wellbeing of the surrounding property owners.

3.2.6. The Social Benefit of the Propose Departure

There is no social benefit that will be realised due to the rationale advanced in Paragraph 3.2.5 above. The proposed relaxation in question stands to benefit only the property owner as the only party whose financial situation is affected by the condition. On the other hand, no social benefit is to be forfeited by the surrounding property owners, as the condonation of the 1,64m height difference for which the relaxation is requested could not, demonstrably, be perceived to have a negative impact on the sounding environs.

3.3. The Financial Impact of the Departure from the Approval Condition

Our view is that there is no doubt about the extent to which the departure in question is likely to benefit the owner of the subject property. We are also mindful of the fact that the benefits to be enjoyed by the property owner shall have no negative externalities on the surrounding property owners or on the estate in general. On the other hand, if the condition is upheld in its current format (not relaxed) the financial loss resulting from the potential demolition and the rebuilding of the dwelling on Erf 11275 will be too insurmountable to justify this sanction. Furthermore, every instrument that is employed to further the objectives of appropriate land use management e.g. the zoning scheme by laws, the title deed restrictions, servitude rights, etc are all subject to removal, suspension or amendment mechanisms. If the merits of this proposal justify the departure from the condition in question, we find no reason why it should not be treated, justifiably so, with the similar attitude as a development parameter in terms of the zoning scheme by law.

3.4. Whether the departure would be in the public interest

Given that the condition in question does, evidently, have no direct impact on what might be considered public interest, our view is that its relaxation will invariably have no impact on the public's beneficial enjoyment and use of the surrounding area. This is due to the fact that the structure for which the condition is to be removed has no perceived negative impact on the character of the area or on the lives of surrounding property owners. It has no impact on privacy and, being only 8,14m in height, has no obtrusive effect from a visual or aesthetic point of view. This has been presented in visual format.

For the reasons advanced above, it is our view that the proposed relaxation of conditions does not lack desirability. It is also important to note that the only outcome that shall be realised after the departure from the height limit is finalised, pertains to the proposed 1,64m height difference. In other words, no other structures are to be erected on the property, and no change of use is to be expected as a result of the departure from the condition. If there should be any need for additions or alterations on the subject property, such additions or alterations, as the case may be, shall be subject to proper town planning and

building control scrutiny (which may include a public participation process) before it could be allowed.

3.5. Compliance with the SDF and SPLUMA Principles

3.5.1. Compliance with the Knysna SDF (2020)

The current proposal relates to a property that is located in an area that is already designated for residential purposes in terms of the Knysna Spatial Development Framework (2020). The as-built dwelling in its current form and the proposals emanating from it are deemed to be in line with the proposals espoused in spatial development framework.

3.5.2. Compliance with the Chapter 2 Principles of SPLUMA

The below development principles set forth under Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) have reference. It is common cause that every spatial planning and land use planning decision in the purview of any state operative must be evaluate against the background of the principles in question.

SPLUMA PRINCIPLES		
PRINCIPLE	SUMMARY DESCRIPTION	APPLICABILITY TO CURRENT SCENARIO
Spatial Justice	This principle emphasizes the need to rectify past development imbalances by improving land access and usage, particularly focusing on addressing exclusion in informal settlements, former homeland areas, and areas marked by poverty. Spatial planning mechanisms and land use management systems are urged to incorporate provisions enabling redress for disadvantaged communities, and municipal planning procedures should facilitate secure tenure and incremental upgrading in informal areas while ensuring Municipal Planning Tribunals have the discretion to consider applications without undue influence based on property value.	For the purposes of this application, it is not considered relevant to find applicability of this principle in the current context. There are no historical considerations that this proposal seeks to address other than the protection of the cultural landscape for the Knysna Town and to prevent the Pezula Golf Estate settlement from imminent decline. What is more important is that the current proposal is not discordant with the core conception of this principle despite it being of no direct applicability to it.
Spatial Sustainability	The principle of spatial sustainability mandates spatial planning and land use management systems to promote fiscally responsible land development, with special attention to protecting prime agricultural land, maintaining consistency with environmental management instruments, stimulating equitable land markets, considering infrastructure costs, encouraging sustainable locations to limit urban sprawl, and ultimately fostering the creation of viable communities.	The nature of the as-built development on site, from a physical and use point of view, is such that it has a minimal impact on the natural environment. There are neither listed activities that are triggered by the proposed development nor any protected plant or animal species that are to be affected. The improvements fall with the urban edge – within an area designated for urban development. Furthermore, sufficient space (20m ²) has been set aside for the protection of Fynbos in line with the environmental management interventions on site. The current proposals are considered, therefore, not to conflict with the intention and purport of this principle.
Efficiency	The principle of efficiency dictates that land development should maximize the utilization of existing resources and infrastructure, decision-making procedures must minimize adverse financial, social, economic, or environmental impacts, and development application processes should be streamlined and adhered to within specified timeframes by all involved	A summary examination of aerial photography of the subject property in relation to the properties in the surrounding area demonstrates the degree to which the subject property is underdeveloped given its location within the urban edge. The as-built dwelling in its current position on the property and within the designated minimum and

	parties.	maximum coverage ensures that, within the context of Pezula Golf Estate (Former Sparrebosch Golf Estate) the property is being utilised to its optimum potential.
Spatial resilience	Resilience is the capacity and ability of community to withstand stress, survive, adapt, bounce back from a crisis or disaster and rapidly move on. The idea, in practical terms is to utilise internal or external shocks and disturbances like a financial crisis or climate change to spur renewal and innovative thinking	Our view in respect of this principle is that, ideally, the commitment to accelerated investment in the existing property stock by individual property owners collectively leads to a more resilient urban form, which is also more likely to withstand external shocks and disturbances. What our submission is, all other things being equal, that the as-built improvements on the subject property are not discordant with the principle of Spatial Resilience. In fact, these improvements rather give effect and meaning to this principle.
Good Administration	The principle of good administration mandates an integrated approach to land use and development guided by the spatial planning and land use management systems, requiring government departments to provide sector inputs and meet legal requirements promptly. It also emphasizes transparent public participation in the preparation and amendment of spatial plans, policies, land use schemes, and development procedures, while policies, legislation, and procedures should be clearly communicated to empower the public.	The submission of this application is seen to be one of the steps in a regulated process that should be followed by all participants in order that the process can produce a credible outcome. Having prepared our application in accordance with the guidelines set forth in the planning by-law, we are confident that the local authority shall also play its role in seeing that proper processes and procedures are adhered-to.

Table 2: SPLUMA Chapter 2 Development Principles

4. CONCLUSION

The amount and depth of information shared in this report is aimed at soliciting the approval of the local authority for the proposed permanent departure and departure from the applicable condition in order to accommodate minor deviations from the approved building plans, the zoning scheme by-law and the conditions of approval. It is our conclusion that the as-built dwelling is warranted and has no perceived negative impact on the natural and built environment and, also, has no negative impact on the safety and welfare of surrounding property owners. The condonation of the deviations is aligned with the broader municipal procedures in dealing with deviations of the nature in question. We hereby maintain that the possible sanction in a hypothetical instance where the approval is not granted would be significantly beyond what the current impact of the 1,64m height deviation and the 0,690m building line is contributing to the estate, the surrounding property owners and the Knysna Town in general. Also worth considering is that the proposal is meant to resolve a matter that arose from a bona fide error on the part of the construction team and has trickled down to the owner who sought to follow the estate and municipal regulations from the onset. It is therefore our considered view that the proposed as-built dwelling in its current form and position does not lack desirability and also proposals relating to it being legalised should be supported.