



ERF 6175 KNYSNA



Application for:

- **Consent Use**
- **Permanent Departures**

Prepared by:

Daimcon Personnel Collaborative

On behalf of:

Hayden L Poulter and Danielle S Poulter (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 are completely or partially 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.
"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.
"carport"	means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

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1. BACKGROUND

1.1. Purpose of the application

The application relates to Erf 6175 Knysna which is located at No. 22 Andrew Avenue in Rexford. Figure 1 below provides an idea of the area within which the property is located.



Figure 1: Locality Map

A locality map is attached as **Annexure A**.

The purpose of this application is to obtain land use planning approvals for the following:

- a) Additions and alterations to the existing main dwelling resulting in the following:
 - A 113m² second dwelling with a height of 6,495m above natural / original ground level consisting of a 72m² indoor habitable area, a 41m² covered deck portion and a 15m² portion being open deck. It must be noted that the proposed deck also serves as a carport.
- b) As-built retaining structures positioned within the 0m street building line along Andrew Avenue and the lateral boundary adjacent to Erf 6174.

The as-built carport is to be demolished and replaced with a new multi-purpose carport and deck structure.

A copy of architectural drawings illustrating all technical aspects of the proposed improvements is attached as **Annexure B** – Architectural Drawings for Approval.

1.2. The application

To attain the objective of the application i.e. to obtain approval for the proposed second dwelling and carport / deck, the following applications are made:

- a) Application is made for Consent Use on Erf 6175 Knysna in terms of Section 15(2)(o) of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), to allow a 113m² second dwelling with a height of 6,495m above natural ground level, consisting of a 72m² indoor habitable area, a 41m² covered deck portion and a 15m² portion being open deck.
- b) Application is made for Permanent Departure on Erf 6175 Knysna in terms of Section 15(2)(b) of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021), for the relaxation of the following building lines:
 - i. The street building line along Andrew Avenue, from 4,5m to 0,7m for a portion of a new carport / deck.
 - ii. The eastern lateral building line from 2m to 1,988m for a portion of the new carport / deck.
 - iii. The street building line along Andrew Avenue, from 4,5m to 0m for a portion of as-built retaining structures.
 - iv. The eastern lateral building line adjacent to Erf 6174 Knysna from 2m to 0m for a portion of an as-built retaining structure.

The proposed development is indicated on Drawing Nos. A2 – 100 to 102 prepared by Amanda Cloete-Davidson Professional Senior Architectural Technologist dated 19 May 2026 (**See Annexure B – Proposed Plans for LUM Application**).

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

1.3. The applicant

The application is lodged by Mr. Seretse Mthembu of Daimcon Personnel CC on behalf of the property owners, Hayden L Poulter and Danielle S Poulter, as per power of attorney attached as **Annexure D**.

2. THE PROPERTY

2.1. Property particulars

PROPERTY PARTICULAR	DESCRIPTION
Cadastral Description	Erf 6175 Knysna, in the Municipality and Division of Knysna, Province of Western Cape
Location	22 Andrew Avenue, Rexford, Knysna (Annexure A – Locality Map)
Vehicular & pedestrian access	Andrew Avenue

Property size	1 063 m ²
Ownership	Hayden L Poulter and Danielle S Poulter
Title deed number	Deed of Transfer No. T 40681/2017 (Annexure E)
Title deed restrictions	None that have a bearing on the current proposals
Registered servitudes	N/A
Bondholder	Absa Home Loans (see Annexure I – Bondholder's Consent)
General Plan No.	No. 10956 of Rexford Township (Annexure F)
S. G. Diagram No.	N/A
Current Zoning	Single Residential Zone I
Predominant zoning	Single Residential Zone I
Current land use	Residential – living accommodation for the Poulter family
Predominant land use	Single family occupancy
Existing development	Single-storey dwelling house (229m ²) with a double garage (Annexure G – Approved building plans)

Table 1: Property Particulars

2.2. Infrastructure services

The property is provisioned with potable water from the existing municipal water reticulation network. Sewerage disposal is done via the municipal waterborne sewerage system.

Stormwater discharge takes the form of sheet flow and is deposited directly onto offsite stormwater management system. The system consists of roadside channels leading into well-spaced stormwater culverts / inlets.

At this state no proposal is being made that warrants the upgrading of any of the available services. The existing level and capacity of services is deemed sufficient to accommodate the proposed improvements.

2.3. Environmental and Heritage Considerations

The site falls within the Garden Route Critical Biodiversity Area. However, the site is already developed and heavily disturbed. For these reason it no longer has fauna or flora in quantities that renders these of any conservation value.

There are no buildings or artefacts on site of any historical or heritage value. The proposed improvements trigger no 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 or cultural integrity of the site or that of the surrounding area.

3. CURRENT LAND USE MANAGEMENT CONTROLS

3.1. The Knysna Zoning Scheme By-law (2020)

According to the zoning scheme, the site is zoned Single Residential Zone I with the primary and consent listed on the second and third columns of the below table respectively.

ZONING	PRIMARY USE	CONSENT USE
Single Residential Zone I (SR1I)		

The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent use, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.	<ul style="list-style-type: none"> Dwelling house 	<ul style="list-style-type: none"> Crèche Guest house (>2rooms) Home care facility House shop Second dwelling unit (>60m)
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Table 2: Zoning table

As is self-evident, a second dwelling unit above 60m² is a 'consent use right' under the Single Residential Zone I classification. As it would be noted, the size of the proposed second dwelling exceeds the 60m² ceiling hence a consent use application is triggered.

According to the zoning scheme by-law, building lines and coverage on properties zoned Single Residential Zone I exceeding 500m² in extent are to be as follows:

ERF SIZE (in m ²)	COVERAGE	BUILDING LINES		
		Street	Side	Rear
≥ 500	50%	4,5 meters	2 meters	2 meters

Table 3: Building lines table

The zoning scheme by-law defines building lines as follows:

"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 are completely or partially prohibited.

It would be noted that, according to the architectural drawings (**Annexure B**), a portion of the proposed new deck and retaining structures falls within the 4,5m street and 2m lateral building restriction areas - as determined by building lines. This triggers a building line relaxation application in terms of the planning by-law.

The zoning scheme also regulates the size of second dwelling units and in that respect, it provides that:

- A second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m².

The scheme further provides that:

- A second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres.

Considering the height parameters and that the proposed second dwelling is attached to the main dwelling, it is common cause that a departure in respect of height is not applicable. Moreover, the maximum height of the proposed second dwelling is only 6,495m above natural / original ground level.

3.2. Deed of Transfer No. T 40681/2017

There are no restrictions in the title deed that have a bearing on the application being submitted.

3.3. Overlay zones

No overlay zones are applicable on the subject property.

4. PROPOSAL PARTICULARS

4.1. Existing Development

Existing development consists of a 229m² single storey dwelling house with a double garage. It is noted that there also exists as-built retaining structures that are situated along the street and eastern lateral boundaries; and an as-built carport. These structures are graphically represented in the approved building plans (**Annexure G**) and the survey site plan (**Annexure H**).

Further to the above, it is worth noting that the retaining structures on site were approved as per building plans that were approved in 1998 (**Annexure G**). However, as the recent site survey plan clearly indicates (**Annexure H**), the construction of the retaining structures did not fully adhere to the actual position indicated on the approved building plans. For instance, the retaining structures along Andrew Avenue were moved further northwards towards the street boundary to accommodate the as-built carport.

4.2. The proposed development

The proposal is aimed at securing approval for a new second dwelling unit and retaining structures as described under **Paragraph 1.1** and graphically represented under **Annexure B**. The as-built carport is to be removed and replaced by the proposed carport/deck.

It must be emphasized that, whilst the retaining structures were approved, their construction actually deviated slightly from the approved plans in order to accommodate a level platform for the as-built carport.

Details of the applications with corresponding legal provisions in terms of which there are being submitted can be found under **Paragraph 1.2** above.

5. MOTIVATION

5.1. Impact of the second dwelling on the character of the surrounding and property owners

The impact of the proposed second dwelling unit is expected to be minimal in view of the following key considerations:

- The second dwelling is directly attached to the main dwelling thus giving the impression that it is part of the main structures. In this way it is impossible to determine the existence of the second dwelling from purely external observation.
- The second dwelling unit has a uniform architectural style as the main dwelling thus giving an impression of an ordinary vertical extension to the main dwelling which is effectively normal and blend in with the established character of the surrounding area.
- Second dwelling units are part of municipal policy towards settlement restructuring.

Therefore, the proposed second dwelling has no negative impact on the character of the area. If anything it contributes to the morphology of the area enhancing its attractiveness to prospective investors.

5.2. Impact of the deck and retaining structures on the streetscape

The proposed deck and the retaining walls are located towards the cut bank along the street boundary. In order for a concerned surrounding property owner or member of the general public to take notice of the structures, one would have to look down on these structures. The overall effect is that these structures are barely noticeable and even if they were, there are made in such a way as to be aesthetically pleasing and provide a perspective of well-built and maintained street façade.

It is important to also take into consideration that the building plans approved in 1998 (**Annexure G**) did indicate the retaining walls along the street and the lateral boundary adjacent to Erf 6174. The permanent departure pertaining to the retaining structures is triggered by minor deviations from the building plans which we deem inconsequential.

It is therefore our considered view that the location of the as-built and proposed structures in relation to the slope shields them from a potential perception of being objectionable from an outside observer's point of view.

5.3. Style and architecture of the proposed dwelling

Being essentially logical additions to the existing dwelling house, the proposed second dwelling and deck employ similar architectural elements as the main dwelling. Therefore, these improvements in no way deviate from the established style of the main dwelling. For all practical considerations the addition of the second dwelling and the deck enhances the aesthetical appeal of the main dwelling and in our view, renders it more desirable than it currently is.

5.4. Impact on traffic, safety and parking.

There is no perceived impact on traffic along Andrew Avenue or on the safety of the surrounding property owners and road users in general. The proposed second dwelling unit is located atop an existing garage, and its location does not affect the existing access into the existing garage and as-built carport (to be converted into a deck). In the end, there is a total of three (3) available parking spaces on the subject property – the third being underneath the carport. In

other words, the existence of the second dwelling will not alter the existing parking, access and egress regimen that is currently in place.

As a zoning scheme by-law requirement, one additional parking has been provided with accounts for only one additional vehicle being added to the overall traffic volume along Andrew Avenue. This, in our view, is considered negligible and could be used to render the proposed second dwelling unit unfit for approval.

5.5. Compliance with the Spatial Development Framework

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) makes it mandatory that future development within, for example, the Knysna Municipal area be consistent with the Knysna Spatial Development Framework (2020) and be, by extension, aligned with its policy guidelines.

The positive impact of the proposed and as-built improvement and the limited scale in terms of impact make the proposal ever more desirable in terms of the needs of the property owner and the broader policy proposals of the spatial development framework.

It is common cause that the broader objective of the SDF remains the improvement of the general quality of life within and beyond the boundaries of the Knysna Municipality. This, coupled with the fact the subject property falls with the Knysna Urban Edge where developments of such a nature as secondary dwellings are promoted, draws us to the conclusion that the current proposal and the objectives of the SDF are in alignment. Additionally, second dwelling units are seen as an appropriate strategy for settlement restructuring. The second dwelling units serve to provide sufficient densities to justify the cost of providing services within existing settlements which promotes efficiency from the municipality's standpoint. The promotion of second dwelling is, in the end, an official policy of the municipality and this is evident in that such buildings are allowed to be built on properties without the need for any additional rights to supplement the existing ones. This attitude equally applies to the application of retaining structures as a measure to prevent soil creep / erosion given the irregular composition of topography that is characteristic of the majority of the Knysna district.

5.6. 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.

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	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 contribution to creation of a better economic climate for the Knysna Town and to prevent the Rexford settlement from imminent decline. What is more important is that the current proposal is

	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.	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 proposed development from a physical and use point of view is such that it has a minimal impact on the natural environment. In fact, the application of retaining structures ensures that the natural environment is essentially protected from possible decline. 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 within the urban edge – within an area designated for urban development. The proposal is 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 parties.	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 proposed second dwelling and as-built improvements on the property shall ensure that the property is being utilised to a fuller 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, is that the proposed 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 which 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 4: SPLUMA Chapter 2 Development Principles

6. CONCLUSION

The amount and depth of information shared in this report is aimed at soliciting the approval of the local authority for the proposed second dwelling, deck / carport and retaining structures indicated as such under **Annexure B**. It is our conclusion that the proposed and as-built improvements are warranted and have no perceived negative impact on the natural and built environment and, also, have no negative impact on the safety, welfare and rights of surrounding property owners.

The proposed and as-built improvements are aligned with the broader municipal policies on settlement restructuring. Sufficient service capacity exists within the Rexford settlement to accommodate the proposed second dwelling and associated structures. It is therefore our considered view that the proposed second dwelling with a deck and as-built retaining structures do not lack desirability and should be supported.