ERF 774 BRENTON ON SEA

DEPARTURE APPLICATION



Planning Space
Town and Regional Planners

www.planningspace.co.za

28 September 2026

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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)	√	Annexure 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)	√	N/A
Minutes of pre-application meeting (8)	–	N/A
Zoning plan	√	Diagram 3
Phasing plan	–	No Phasing 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)	–	Not required
ADDITIONAL INFORMATION		
Approved Building Plans	√	Annexure D

1. INTRODUCTION

Planning Space Pty Ltd. has been appointed by **Common Tern Proprietary Limited**, the owner of Erf 774 Brenton on Sea, to prepare and submit the following application in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021:

i. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a street building line from 4.5m to 2.1m in order to allow the existing carport, as indicated on Site Plan No. A100 (Rev E), attached as Diagram 4.

ii. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a building line relaxation along the:

   (a) Eastern street building line from 4.5m to 0m to permit the existing retaining walls, as indicated on Site Plan No. A100 (Rev E), attached as Diagram 4.

   (b) Northern lateral building line from 2m to 0m to permit the existing retaining walls, as indicated on Site Plan No. A100 (Rev E), attached as Diagram 4.

   (c) Western lateral building line from 2m to 0m to permit the existing retaining walls, as indicated on Site Plan No. A100 (Rev E), attached as Diagram 4.

2. BACKGROUND

Erf 774, Brenton-on-Sea, was created in 2008 following the consolidation of Erven 555 and 773 into a single property. The relevant Surveyor-General diagram, SG Diagram No. 1915/2008, is attached as Annexure C.

Prior to the consolidation, Erf 555 contained a dwelling house that had been constructed in accordance with Building Plans approved by the Local Authority in 1999. A copy of the approved Building Plans is attached as Annexure D. Erf 773 was vacant at the time of the consolidation.

Following the consolidation, the previous owner undertook further development on the property, including an outbuilding (hobby room), swimming pool, extensions to the original dwelling and associated retaining structures. These improvements were constructed without the submission and approval of the requisite Building Plans and therefore do not form part of the approved building-plan record presently available for the property.

A roof structure was subsequently erected over the driveway along the eastern street boundary and is currently utilised as a carport.

The current owner intends to regularise all the existing improvements on site. Updated Building Plans were accordingly submitted to the Building Control Office. During the preliminary assessment, it was identified that the existing carport and retaining structures do not comply with the applicable building-line provisions of the Knysna Zoning Scheme By-Law.

The required land-use planning departures must therefore be obtained before the relevant aspects of the Building Plan application can be considered.

The purpose of this application is to obtain the required authorisation for the existing building-line encroachments. The detailed proposal is set out in Section 4 of this motivating memorandum.

A separate application relating to the applicable contravention and administrative penalty levies has been submitted to the Municipality and will be dealt with independently of this land-use planning application.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated at No. 744, corner of Amanda Place and Steenbras Street, Brenton-on-Sea, within the jurisdiction of the Knysna Municipality (see Locality Plan attached as Diagram 1).

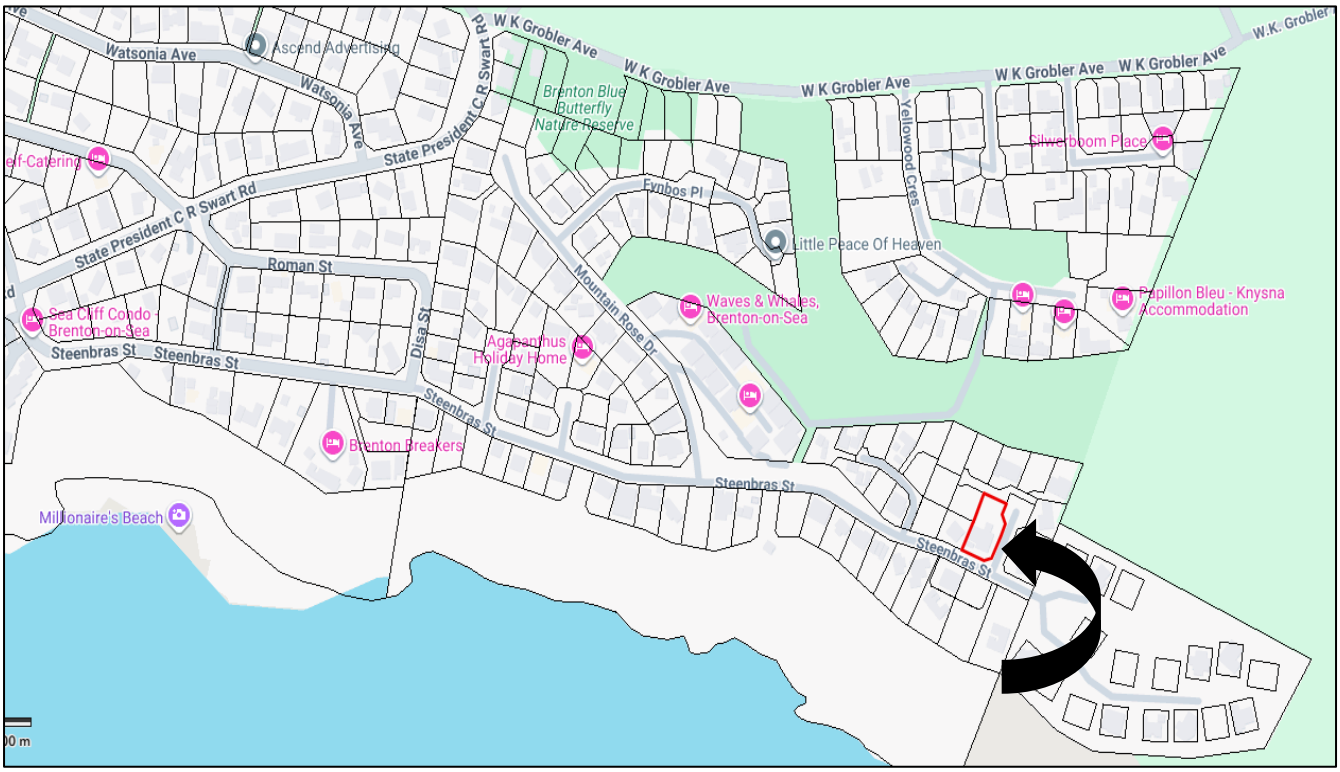


Figure 1: Extract indicating the locality of the subject property.

3.2 PROPERTY DETAIL

Title Deed Description	Erf 744 Brenton-on-Sea, in the Municipality & Division of Knysna, Western Cape.
21-digit code	C03900020000077400000
Title Deed Number	T60871/2022 (Attached as **Annexure B)**
SG/GP Diagram No	SG 1915/2008 (attached as **Annexure C**)
Title Deed Restrictions	None
Property Size	1369m²
Property Owner	Common Tern Proprietary Limited
Bonds	None
Land Use	Residential
Zoning	Single Residential Zone I

4. PROPOSAL

The application is limited to the retrospective regularisation of existing structures and the associated building-line encroachments. No new structures or extensions are proposed.

The existing extensions to the original dwelling house comply with the applicable provisions of the Knysna Zoning Scheme By-Law and therefore do not form part of the departures sought.

The existing storage shed situated within the street building line will be demolished. The departures required to regularise the remaining building-line encroachments are discussed below.

4.1 CARPORT

The existing carport is situated along the eastern street boundary and encroaches into the prescribed 4.5m street building line.

The carport provides covered parking for a camping van and forms part of the established use of the property. Although a double garage is also provided on site, the carport accommodates the camping van and does not constitute additional parking for vehicles.

No enlargement or alteration of the carport is proposed.

Council is therefore respectfully requested to consider a departure to relax the eastern street building line from 4.5m to 2.1m to permit the existing carport.



Figure 2: Existing Carport.

4.2 RETAINING STRUCTURES

The property contains existing retaining structures that encroach into the prescribed building-line areas along the eastern, northern and western boundaries.

The retaining structures were constructed in association with the development of the outbuilding, swimming pool and extensions to the dwelling house. Given the natural topography and differences in ground levels across the property, the retaining structures were required to accommodate and stabilise the altered levels created through the development of the site.

The retaining structures therefore form an integral part of the existing site development and were necessary to facilitate the use and development of the upper portions of the property. Their removal would materially affect the existing configuration and stability of the developed areas of the site.

Historical aerial imagery indicates that the retaining structures were already in existence by approximately 2010, as illustrated in Figure 3. This provides an indication that the structures have been in place for a considerable period and form part of the established development on the property.

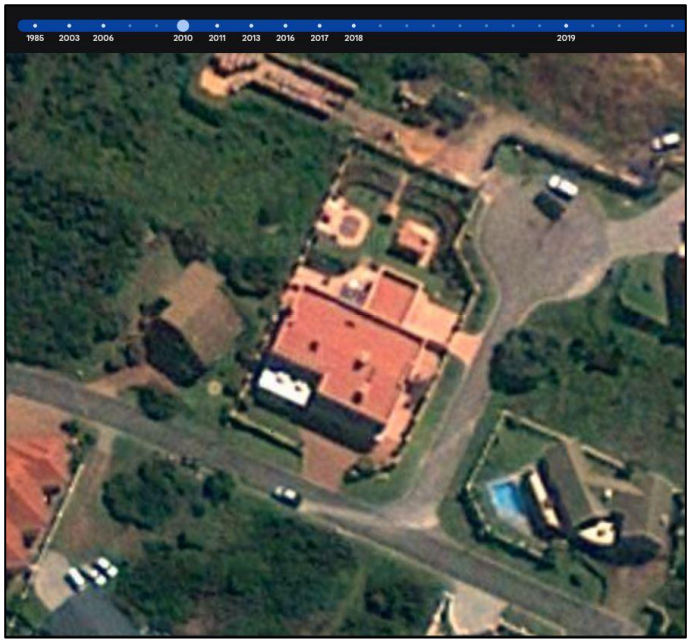


Figure 3: Extract from Google Earth indicating the existing retaining structures (2010).

The retaining structures form part of a terraced garden landscape. These terraces are below natural ground level and comply with Section 26 of the Knysna Zoning Scheme By-Law, which deals with earth banks and retaining structures.

The current application therefore seeks to regularise the existing retaining structures from a land-use planning perspective, without proposing any new retaining structures or extensions thereto.

The Council is therefore requested to consider the proposed departures to relax the applicable building lines as follows:

- Eastern street building line: from 4.5m to 0m to accommodate the existing retaining structure;
- Northern lateral building line: from 2 m to 0m to accommodate the existing retaining structure; and
- Western lateral building line: from 2 m to 0m to accommodate the existing retaining structure.

5. FACTORS TO CONSIDER

5.1 HISTORICAL CONTEXT OF THE RETAINING STRUCTURES

The existing retaining structures were constructed by the previous owner during the development of the consolidated property, approximately in 2010. At the time, it was not common practice to submit Building Plans for garden terraces or retaining structures.

The retaining structures have been in place for more than 15 years and form an established component of the developed site. They were constructed to accommodate the natural differences in ground levels and to stabilise the upper portion of the consolidated property. These structures cannot at this stage be removed as it will cause massive soil instability that will not only compromise the subject property, but also the property to the north.



Figure 4: Existing retaining structure and terraced garden.

The current Knysna Zoning Scheme By-Law contains building-line provisions that require the relevant departures to be obtained in order to regularise the existing encroachments. The proposed application is therefore intended to address the existing situation and does not seek approval for any new retaining structures or extensions to the existing structures.

5.2 COMPLIANCE WITH SINGLE RESIDENTIAL DEVELOPMENT PARAMETERS

DEVELOPMENT PARAMETER	KNYSNA ZONING SCHEME BY-LAW	COMPLIANCE
Building Lines	Street - 4.5m	The proposal does not comply (building line to be relaxed in order to accommodate the existing carport that is encroaching on the street boundary).
	Lateral - 2m	All the existing structures on site comply with the lateral building lines except for the existing retaining walls, which are encroaching.
	Rear - 2m	The proposal complies.
Height	8.5m	All the existing structures on site do not exceed the maximum height of 8.5m.
Coverage	50%	The existing structures on site do not exceed the maximum coverage of 50%; they only take up 44% of the property.
ACCESS		
Single entrance or exit way	Minimum: 2.7m Maximum: 4.0m	There are two existing access points for entry and exit. The primary entrance is via Steenbras Street. The secondary entrance is located on Amanda Place Street and is intended exclusively for camping van access and mobility. The existing access arrangements provide functional and adequate access to the property and are not proposed to be altered. Furthermore, they comply with the requirements of the Zoning Scheme.
Combined entrance and exit way	Minimum: 5m Maximum: 8m	
PARKING	2 bays per dwelling	The property contains an existing double garage accommodating two vehicles, in addition to the carport used for the camping van.

5.3 SITE CONSTRAINTS

The subject property presents particular site constraints that are relevant to the consideration of the requested departures.

The Knysna Zoning Scheme By-Law permits certain structures, including garages and carports, within the side and rear boundary building-line areas, subject to the applicable provisions. Section 21 (2) further allows garages and carports within 1.5m of the street boundary on land units smaller than 650m².

Erf 774 has an extent of approximately 1369m² and therefore exceeds the 650m² threshold referred to in the By-Law. The property is also a corner property, bounded by two public streets encumbered with 4.5m building lines. This substantially reduces the developable area available outside the street building-line areas when compared with a conventional interior residential property. The location and configuration of the existing house, together with the site's topography, limit the practical alternatives for positioning the carport elsewhere on the property. Its position allows easy access off Amanda Place and enough space for the camping van to be accommodated on the property without requiring substantial alterations to the existing development or the creation of additional structures elsewhere on the site.

The existing carport is located approximately 2.1 m from the eastern street boundary and is accessed via the existing driveway from Amanda Place, which is quite a cul-de-sac with limited traffic. As indicated on the Site Development Plan, the carport is approximately 5.7m from the curb of the road. This will permit enough sight distance to reverse out of the carport and still be able to observe oncoming traffic.

The requested departure should therefore be considered in the context of the specific physical characteristics and constraints of the property, rather than in isolation from the existing site layout.

5.4 TOPOGRAPHY

The site has a relatively steep slope in a southern direction towards Steenbras Street. The northern section of the property has been excavated to create a building platform for the house and outbuilding. Subsequently, the retaining structures were constructed to prevent soil erosion and stabilise the slope.

The topography of the property is an important consideration in assessing the existing retaining structures.

The upper portion of the property is situated at a higher level than portions of the surrounding site, resulting in differences in ground level that require appropriate retaining measures. The existing retaining structures assist in stabilising the developed portions of the site, retaining soil and limiting the potential for erosion. The retaining structures were constructed in an east-west direction across the northern part of the property from the western

boundary wall to the eastern boundary wall. Although the structure is positioned about 2m from the northern boundary (apart from a staircase), it is considered impractical, if not impossible, to build the retaining wall 2m away from the eastern and western boundary walls, leaving a 2m gap of unsupported natural slope.

The retaining structures are therefore functional elements of the existing development rather than additional buildings or structures introduced for purposes of increasing the development potential of the property.

The requested departures will enable the existing retaining structures to remain in their established positions. No extension or additional retaining structures are proposed.

5.5 ANTICIPATED IMPACTS OF THE DEPARTURE

The proposed departures are not expected to result in significant impacts on surrounding properties, particularly given that the application relates to existing structures that form part of the built environment for more than 15 years and does not provide for additional development.

The existing boundary walls provide screening between the property and adjoining properties. The retaining structures are generally situated below the surrounding natural ground levels and boundary walls and are therefore not prominently visible from neighbouring properties. Their visual impact on surrounding properties is thus limited.

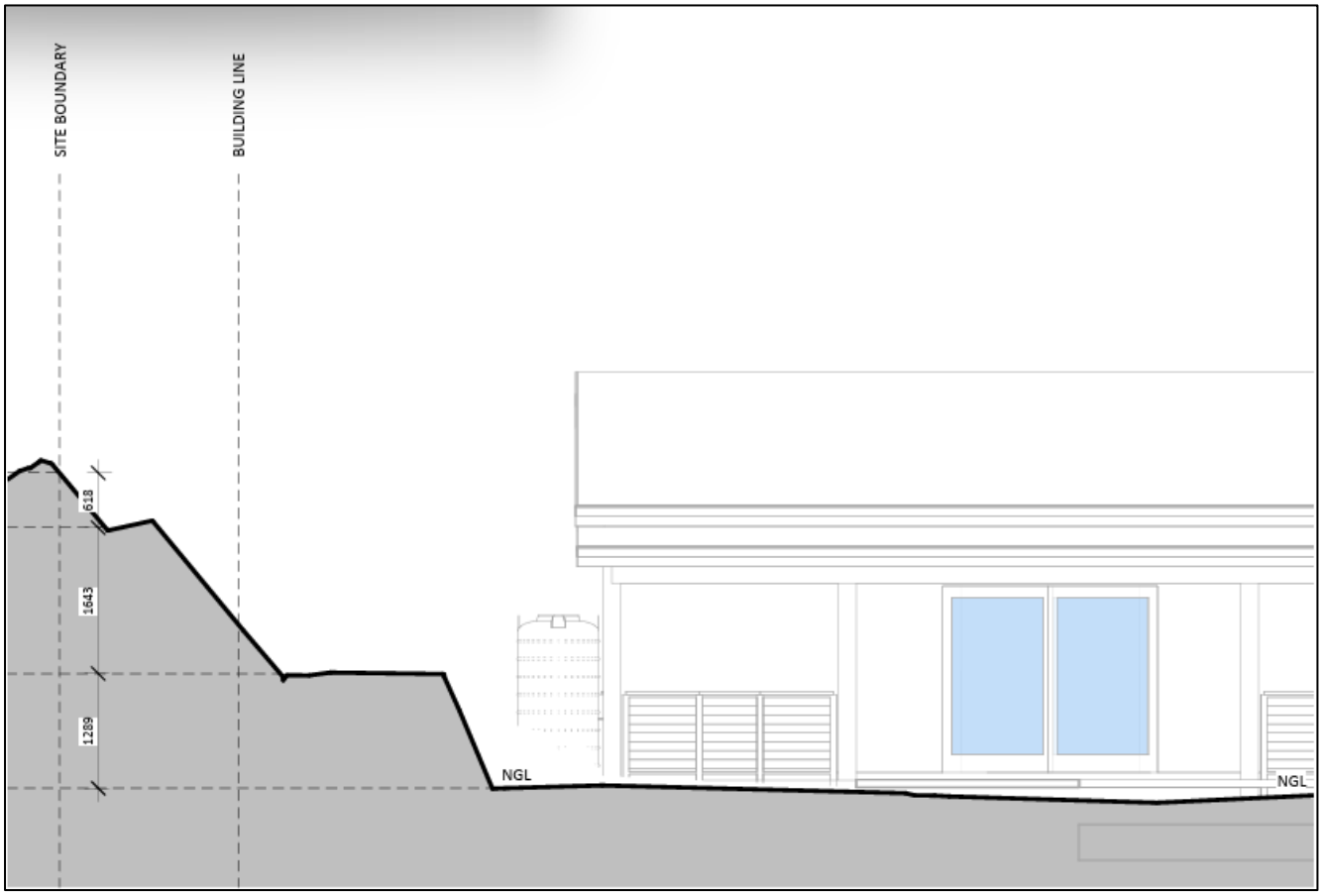


Figure 5: Retaining Walls Section.

The carport is also not expected to result in a major negative impact on neighbouring properties. It is positioned approximately 2.1m from the street boundary and is accessed from the existing driveway. The structure is neat and fits in with the architecture of the house. The carport has no negative visual impact on the streetscape. Furthermore, the carport is primarily intended to accommodate a camping van, which is used occasionally. The frequency of vehicle movement associated with the carport is therefore expected to be limited.

The application does not propose an increase in the scale or intensity of the existing residential use. The departures are required to accommodate structures that are already established on the property.

5.6 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK.

The requested departures are site-specific in nature and should accordingly be considered having regard to the particular characteristics and constraints of the subject property.

The property is situated within the established urban area of Brenton-on-Sea and within the urban edge. The proposal supports the efficient utilisation of an existing residential property without extending development beyond the established urban area.
The application also seeks to regularise existing development rather than facilitate additional development. No change in land use is proposed, and the existing residential character and intensity of the property will remain unchanged.

The proposal is therefore considered to be broadly consistent with the objectives of sustainable and efficient urban development, particularly insofar as it facilitates the appropriate utilisation and regularisation of an existing developed residential property while limiting additional impacts on surrounding properties and the broader environment.

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

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, which means that the law provides broad principles for a set of provincial laws that will regulate planning. It does, therefore, not have much relevance to individual departure applications that are mostly site-specific.

Furthermore, the application will follow due process and comply with the zoning regulations and relaxations granted by the municipality, demonstrating a commitment to good governance. The planning process will include

consultations with stakeholders and will address any concerns raised by the community, ensuring transparency and inclusivity in decision-making.

6. CONCLUSION

Council is respectfully requested to consider the proposed departure applications in order to permit the building-line encroachments associated with the existing carport and retaining structures.

The reasons for approving the proposal are summarised as follows:

- The property remains residential in character, and no change in land use or new structures are proposed.
- The retaining structures create a beautiful terraced garden and have served to stabilise the slope for more than 15 years.
- The existing boundary walls and site levels provide effective screening, and the retaining structures are located below the surrounding ground levels and boundary walls. The visual impact on neighbouring properties is therefore limited.
- The carport is accessed from a quiet cul-de-sac with limited traffic. There is enough distance between the carport and the road kerb to allow suitable sight distances for safe reversing out of the property.
- The proposal facilitates the retrospective regularisation of existing development rather than introducing additional development into the surrounding area.
- The proposal is not in conflict with the Knysna Spatial Development Framework.
- The proposal is not in conflict with the development principles set out in Section 7 of SPLUMA.