

ANNEXURE 1

Applicant's letter regarding the amendment of the application

30 October 2023

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Tracy Brunings

R/ERF 390 ROBERTSON: APPLICATION FOR CONSENT USES (GUEST HOUSE & SECOND DWELLING OF 150m²): REQUEST FOR AMENDMENT OF APPLICATION

My previous emails dated 2 October 2023 and 23 October 2023, as well as your email dated 30 October 2023 refer.

In terms of Section 52(1)(b) of the Langeberg Municipal Land Use Planning Bylaw 2015, application is made to amend the application to make provision for departures from the side building line as well as the height of the roof of the second dwelling.

These facts were brought into the light during the application and public participation process.

The amendment of the application includes two departures from the development parameters:

1. Departure from the side building line from 1,5m to 1,068 (existing garage) and 1,150m and 1,221m (existing second dwelling) on the common boundary with Erf 394 Robertson.

As it was assumed that the existing garage was built correctly according to the approved building plans on the 1,5m building line, this line was unfortunately incorrectly extended as the outer edge of the second dwelling.

As this line is not parallel with the erf boundary, the distance to the erf boundary increases to 1,221m from the erf boundary at the most northern corner of the building.

The difference in distance from the boundary is therefore 0,153m from the south to the north of the building.

This situation emanated from a builders fault in the long past - it was never the intention to depart from the development parameters. It is, however, the opinion that the mitigation

measures (large trees, star jasmine creeper, small/less window and a new proposed privacy wall on the patio) are more than adequate replacements for the small encroachment of the building line.

2. Departure from the 6,5m maximum height of a separate second dwelling to 7,488m high.

The height of the second dwelling was pointed out by the objector and the Municipality. This fact was mistakenly overlooked by the consultants as well as the building inspector.

Again, the existing and proposed trees and plants will mitigate most (or all) of the visual impact:

- The visual impact from the house on Erf 394 is already soften to a large extent by the existing trees and plants; and
- The visual impact from the back garden on Erf 394 will be mitigated by the new trees and creeper.

The definition of a second dwelling is another dwelling that may be separate, or attached to an outbuilding or within the dwelling house.

The development parameter of maximum 6,5m high for a second dwelling that is *separate* to a *dwelling house* is questionable:

- (i) What if attached to an outbuilding like in this case? Is an outbuilding not part of a dwelling house per definition? I so, then a departure is not required.
- (ii) This is not applicable on a second dwelling that is attached to the house.

A dwelling house (no limit on size) with a second dwelling inside/attached in all one bulk structure with an allowable 6m high wall plate and pitched roof of 8,5m high will have a much larger impact than a separate, smaller structure (150m² max) of the same height.

[This is similar to the Provincial Zoning Scheme Model By-Law of Oct 2004 that makes provision for a double dwelling house with no limitation in size and a maximum of 8m for a pitched roof.]

The question above is supported by the contents of the Swellendam Municipality's Bylaw where an additional dwelling unit may not be linked to a main house with a restriction of 8,5m in height.

The request for the departure to allow the 7,448m high roof is still more than 1 meter below the threshold of the neighbouring municipality, which is regarded as desirable by a town with much heritage value.

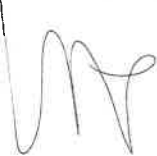
The owners have been willing to fulfil all the many requests of the one neighbour to mitigation the impact.

No other objections were received.

Due to the site specific circumstances (location of second dwelling in relation to surrounding structures on adjacent erven and the existing and proposed vegetation that softens the impact) as well as the anomalies with the size and height of second dwellings between different municipalities and spheres of government, is it requested to evaluate the departures in a positive way.

For your consideration please.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'AC Redelinghuys', with a stylized, cursive script.

Anna-Christa Redelinghuys

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