



File ref: 15/3/4-14/Erf 489

Enquiries:  
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15 May 2026

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Dear Sir/Madam

## PROPOSED DEPARTURE FROM DEVELOPMENT PARAMETERS ON ERF 489, YZERFONTEIN

Your application, with reference RK/14988/RP, dated 18 February 2026, on behalf of B Roos, refers.  
By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the departure from the street building line on Erf 489, Yzerfontein, is refused in terms of Section 70 of the By-Law;

### 1. REASONS FOR REFUSAL

- a) The proposal is incompatible with the wide and visually open streetscape character;
- b) The proposed garage will be the only such structure in a street where the 4m building line is consistently adhered to. The departure would create an abrupt intrusion by a visually dominant element along the street frontage, contrary to the principle of orderly and harmonious spatial development, inconsistent with the existing character of the area;
- c) While the proposed structure may not fully obstruct the seaview down Arum Crescent, it will introduce a solid built element into the foreground of the corridor, interrupting the continuity of the visual corridor towards the coastline;
- d) The proposal introduces a site-specific, as vehicles will be required to wait in the street while the garage door opens;
- e) Should the departure be replicated on other properties in the street, the cumulative impact would materially undermine the functioning of the street, resulting in congestion and reduced road functionality;
- f) Planning decisions must balance individual rights with the public good. In this instance, the proposal fails to demonstrate any wider public benefit, and is therefore not considered desirable. No corresponding benefit accrues to surrounding property owners or the broader community, the proposal does not improve spatial quality, safety, or functionality of the area and the development serves private convenience at the expense of established planning controls;
- g) Encroachment up to the boundary effectively nullifies the purpose of the building line, which cannot be justified solely on the basis of individual benefit;
- h) No compelling or exceptional circumstances have been demonstrated to justify complete encroachment of the building line, while the reasonable alternative exists of amending the design to retain on-site stacking space. Therefore, the departure is not considered necessary or justified.
- i) The proposal is inconsistent with the matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA as follows:
  - i. Spatial Sustainability: The proposed departure undermines long-term planning objectives and built form consistency;
  - ii. Efficiency: The departure will not optimise land use in a manner beneficial to the broader area;
  - iii. Good Administration: The proposed departure would weaken the consistent application of land use controls, through the incremental erosion of the 4m street building line.

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## 2. GENERAL

- a) The decision does not exempt the owner/developer from compliance with all other legislation applicable to the proposed land use;
- b) The applicant/objector is informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours faithfully



**MUNICIPAL MANAGER**  
per Department Development Services  
A.J./ds

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