



File ref: 15/3/4-6/Erf_259

Enquiries:
Mr AJ Burger

23 June 2026

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

By registered mail

Email: Etienne Malan planning4@rumboll.co.za

Dear Sir/Madam

PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 259, KALBASKRAAL

Your application with reference 15015/KAL/EM, dated 19 February 2026, on behalf of GI Solomons, regarding the subject 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 departures of development parameters on erf 259, Kalbaskraal, are refused in terms of Section 70 of the By-Law.

The applications are refused for the following reasons:

1. The scale and massing of the proposed building work is out of character with that of the surrounding residential properties resulting in the development fundamentally departing from the development framework applicable to Residential Zone 2 properties.
2. No other street building line departures exist in this portion of Kransvoël Street. The building work impacts negatively on the street scape, character and sense of place of the street. The resulting built form is visually dominant and spatially intrusive, negatively affecting the sense of place, which is a core consideration of sound urban design and spatial planning.
3. Both the proposed roofed areas are indicated to be used for storage. The larger storage area aligns with the existing building work on the eastern erf boundary which creates a blank wall with a total length of 16,91m on that boundary which is 23,56m in length. This wall is visually dominant and spatially intrusive, negatively affecting the sense of place of the adjoining erf. Changing this storage area into a carport which is open at the entrance as well as on at least one other side (eastern boundary of the erf) is acceptable.
4. The smaller roofed area is limited to be used for storage purposes. The applicant fails to motivate the need for the total storage space of 67,8m² (large and small roofed areas combined). The total storage area is deemed excessive. Taking into consideration the impact on the streetscape and coverage of the property there is no merit to accommodate the need of the applicant outside the development parameters of the property. The need for the smaller storage area can be addressed by reducing the size of the storage area to comply with the 2m street building line which is acceptable.
5. The application seeks to retrospectively legalize extensive building works undertaken without approved building plans. In this instance, the departures arise primarily from avoidable non-compliance, rather than site constraints or exceptional circumstances.
6. The application is regarded as an attempt to legalize gross negligence. At no stage did the owners appear to consider the applicable zoning parameters or building regulations when undertaking construction subsequent to the building works approved in 2017.

7. The proposal is a gross over-development of the property and cannot be considered as desirable in its context.

B GENERAL

1. The building work that encroaches the 2m street and 1m side building line (eastern boundary) be removed within 90 days of the date of this decision by 25 September 2026. Failure to do so will compel the Swartland Municipality to proceed with an application for the relevant court order to demolish the building work.
2. Alternatively to point B.1. a new land use application can be submitted for consideration which accommodate the acceptable proposals as identified in the reasons for the decision.
3. Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 sincerely


^ **MUNICIPAL MANAGER**
per Department Development Services
AJB/ds

Copies: GI Solomons glens@afreshbrands.co.za