



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sakha ikusasa elingcono!

File ref: 15/3/4-14/Erf_1774

Enquiries:
Ms D N Stallenberg

23 January 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OUTCOME OF APPEAL : DEPARTURES ON ERF 1774, YZERFONTEIN

The abovementioned appeal refers.

Notice is hereby given in terms of paragraph 91 of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 dated 25 March 2020) of the outcome of the abovementioned appeal.

The Appeal Authority has gathered on Monday, 16 January 2023 and is the resolution as follows:

RESOLUTION

- (a) That the appeal received from CK Rumboll and Partners (on behalf of the applicant) be rejected by the Appeal Authority for the following reasons:
- (i) The nature of the illegal building work compromising of (1) departure of 2 m rear building line to 0 m and (2) installing windows on the erf boundary cannot be condoned;
 - (ii) The owner/developer was fully aware of the predetermined risk when erecting illegal building work;
 - (iii) The municipality was fair in the process to give the owner/developer the opportunity to legalise the building work;
 - (iv) Illegal building work which departs from development parameters cannot automatically be approved;
 - (v) The departure from coverage in the Pearl Bay area remains to be unprecedented;
 - (vi) The MPT did consider the impact of the coverage to be acceptable given the character of the area and the open space adjoining to the property. This departure does not result in any other departures of development parameters;
 - (vii) In this case, views are deemed a right and not a privilege, regardless of how spectacular or not the views are;
 - (viii) The possible impact on property values has not been proved by the appellant or Municipality.

- (b) That the decision, conditions of the partial approval and reasons for the partial approval and partial refusal of the application on Erf 1774, Yzerfontein by the Municipal Planning Tribunal, Item 6.1 dated 10 August 2022, be confirmed;
- (c) That the illegal building work (sunroom) be demolished by 31 March 2023 in order to adhere to the 2 m rear building line.

Yours faithfully



MUNICIPAL MANAGER

Via Department Development Services

/ds