



File ref: 15/4/2-8

Enquiries:  
Mr AJ Burger

15 November 2024

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**Per Registered Mail**

Dear Sir/Madam

**BUILDING PLAN APPLICATION : ERF 10111, MALMESBURY – DEPARTURE OF DEVELOPMENT PARAMETERS**

Your application, received on 3 October 2023, refers.

The building plan application included an application for the departure of development parameters. The following departures were considered:

1. Departure of the 4m street building line to 0m;
2. Departure of the 1,5m side building line (north-eastern boundary) to 0m;
3. Departure of the height of the carport from the floor to the highest point of its roof is exceeded from 3m to 3,37m;
4. Departure of the width of the carport measuring the roofing and guttering edge to edge and parallel to the street boundary from 6,5m to 10,07m;
5. Departure of the permitted 50% coverage to 52%.

The departures were considered on 22 February 2024 as follows:

**A** By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution 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, dated 25 March 2020), the application for the departure of development parameters on erf 10111, Malmesbury, be refused in terms of Section 70 of the By-Law, for the following reasons:

1. The carport was constructed unauthorised, inadvertently causing a number of departures that would not have been necessary if proper procedure was followed.
2. The carport was not submitted for inspection and the soundness of the structure is considered questionable.
3. The style of the carport is not in keeping with the character of the existing dwelling, nor that of the surrounding area.
4. The span of the carport is excessive and cannot be supported. Amendments can be made to ensure that the carport aligns with the garage façade. Not only will the aesthetic effect be more acceptable, but side building line departure will not be necessary anymore.
5. Reducing the span of the carport will assist in stabilising the structure;
6. The departure from the maximum height of the carport cannot be reasonably justified. It is recommended that the height also be amended to a maximum of 3m from FFL to the highest point of the roof. Lowering the height will minimise the visual impact of the carport, as well as potential sight obstructions.

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7. By lowering the carport, the structure will not only adhere to the development parameter, but the relationship between the façade and the carport will be better articulated, creating an aesthetically more pleasing connection.
8. The street building line departure may be considered favourably in terms of the By-Law. However, the length of the carport to the property boundary is not sufficiently motivated by the applicant and is contradictory to the character of the streetscape. It is thus recommended that the carport be shortened by at least one meter, for two reasons:
  - a) The By-Law defines the length of a standard parking bay as 5m. The By-Law also allows for roof overhangs to reach up to 1m. It stands to reason that a carport that is one meter longer than a standard parking bay can be considered compatible with the standards stipulated by the By-Law;
  - b) Shortening the carport by 1m – together with narrowing it by 1,5m – will result in the total coverage being consistent with the maximum permissible 50%.

**B THE CARPORT BE DEMOLISHED BEFORE 17 DECEMBER 2024.**

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department Development Services  
AJB/gs

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