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**Beplanning en Ontwikkeling
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Collaborator No.: 3098729
Reference / Verwysing: Erf 2155, Wilderness
Date / Datum: 11 July 2025
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6530

**APPLICATION FOR PERMANENT DEPARTURE: ERF 2155, CONSTANTIA STREET (CONSTANTIA KLOOF),
WILDERNESS**

Your application in the above regard refers.

1. The Acting Deputy Director: Development and Environmental Planning (Authorised Official) has, under delegated authority, 4.17.1.17 of 24 April 2025 decided that the application for Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 from the following applicable to Erf 2155, Wilderness:
 - a) From condition 4.1 of the Constantia Kloof conditions of approval for a portion of the dwelling house from 8.5m to 8.872m (actually about 9.42m), measured from the average natural ground level of the property that immediately adjoins the building to the highest point of the roof for a new guest bedroom and open pergola;
 - b) From condition 4.1 of the Constantia Kloof conditions of approval for a dwelling house with a 3 storey façade;

BE REFUSED in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

- a) Due to the number of storeys departure being directly associated with the height departure, both applications are considered as one combined application.
 - b) The proposed development is in conflict with the Wilderness Lakes Hoekwil LSDF, 2015.
 - c) The proposed departure and precedent will contribute to the erosion of the streetscape and area character (death by a thousand cuts) resulting in conflict with the WLH LSDF.
 - d) The southern section of the road is characterised by a stepped built form that follows the natural topography, preserving views to the ocean. The proposed height departure deviates from this established character and streetscape.
 - e) The increased height will negatively impact ocean views from adjacent northern properties of Erf 2101, 2102 & 2112, Wilderness and thereby affecting their visual amenity.
 - f) Approval of this height departure could thus set an undesirable precedent, potentially encouraging similar applications in the area.
2. That, notwithstanding the objections received, the application for Departure in terms of Section 15(2)(b) of the Land Use Planning By-Law for George Municipality, 2023 from the following applicable to Erf 2155, Wilderness:



- a) From condition 4.2 of the Constantia Kloof conditions of approval to allow portions of the dwelling house to have plaster, stone and timber cladding;

BE APPROVED in terms of Section 60 of the Land Use Planning Bylaw for George Municipality, 2023 for the following reasons:

REASONS FOR DECISION:

- a) This departure is evaluated in isolation and is applicable to all future development on the property.
- b) The proposed development is not in conflict with the spatial planning policies and guidelines for this area.
- c) The proposed development will not have a significant adverse impact on surrounding neighbours' rights and amenity in terms of privacy, views or sunlight.
- d) The proposal will not detract from the residential character of the area or the streetscape of Constantia Drive.
- e) The necessary conditions will be imposed to ensure the proposed structures will blend in with natural environment.

Subject to the following conditions imposed in terms of Section 66 of the said Planning By-Law:

CONDITIONS OF THE DIRECTORATE: PLANNING AND DEVELOPMENT:

General

- 1. That in terms of the provisions of the Land Use Planning By-law for the George Municipality, 2023, the approval shall lapse if not implemented within a period of five (5) years from the date it comes into operation.
- 2. This approval shall be taken to cover only departure in isolation and is applicable to all future development on the property.
- 3. The structures erected must blend into the receiving environment and therefore make use of natural wood materials or painted in dark neutral tones and colours. All roofs shall be natural tones, preferably dark greens, greys or neutral tones that blend with the surrounding forest and coastal thicket in the design of all exterior elevations, walls and retaining structures.
- 4. The approval will be considered as implemented on the commencement of building works in accordance with the approved building plan.

Notes:

- (i) *A building plan be submitted for approval in accordance with the National Building Regulations (NBR).*
- (ii) *The owner / applicant to note that following in terms of environmental considerations.*
 - *The applicant must make all attempts to prevent light pollution on the property and to prevent spill over onto surrounding properties and public areas, also due to the proximity of areas utilized by fauna.*
 - *The use of spray or spotlights is not permitted. Only warm coloured lighting with low luminance may be used in external parts of the buildings.*
 - *Outdoor lighting be screened and designed to point downwards and may not be directed toward river valley areas. The lighting along pathways and tracks must also point downwards and may not extend more than 500mm above the ground.*

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee in terms of Section 79(2) of the Land Use Planning By-Law for George Municipality, 2023.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director: Human Settlements, Planning and Development, P O Box 19, George, 6530 or Directorate: Human Settlements, Planning and Development, 5th floor, Civic Centre, York Street, George **on or 01 AUGUST 2025** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. Please also note that the appeal must be e-mailed to the administrative officer mentioned above.

An appeal that is not lodged within the applicable period mentioned above or that does not comply with Section 79 of the Land Use Planning By-Law for George Municipality, 2023, will be deemed invalid in terms of Section 80 of said By-Law.

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Please also note that in terms of Section 80(14) of the Land Use Planning By-Law for George Municipality, 2023, the above decision is suspended until such time as the period for lodging an/appeal(s) has lapsed, any appeal(s) has been finalised and you have been advised accordingly.

Yours faithfully



C. PETERSEN

SENIOR MANAGER: TOWN PLANNING

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