

Collaborator No.: 3683616
Reference / Verwysing: Erf 8246, George
Date / Datum: 09 January 2026
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APPLICATION FOR PERMANENT DEPARTURE (BUILDING LINE RELAXATION): ERF 8246, GEORGE

Your application in the above regard refers.

The Acting Deputy Director: Development and Environmental Management (Authorised Official) has, under delegated authority, 4.17.3.13 of 24 April 2025 decided:

- A. That the application for Permanent Departures in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023, to increase coverage on Erf 8246, George from 40% to 43.1% **IS NOT REQUIRED** as the proposal does not exceed 500m² as stated in the development parameters of 'dwelling house';
- B. That the application for Permanent Departures in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023, for the relaxation of the following building lines applicable to Erf 8246, George:
 - (1) Northern street boundary building line from 5m to 0m for the existing Lapa.
 - (2) South-eastern side boundary building line from 3m to 1.5m to allow for the new rooms on top of the garage (illegally converted to habitable space).

BE REFUSED in terms of Section 60 of the said Planning By-law for the following reasons:

REASONS:

- (i) The proposed lapa has a negative impact the streetscape.
- (ii) There is sufficient space on the property to accommodate the lapa without the impact on the immediate neighbours and streetscape, especially noting its location on the street corner.
- (iii) The Building Control Department did not support the lapa to be located 0m from the street boundary.
- (iv) The position of the proposed first storey will impact negatively on Erf 8247, George in terms of privacy.
- (v) The proposal to erect new rooms above the garage will result in three (3) non-interleading rooms on the property, which conflicts with definition of dwelling unit – limiting the property to a maximum of two (2) non-interleading rooms.

(vi) The applicant did not apply for the relaxation of the building line to convert the garage into a room (habitable space).

Town Planning Notes:

- *The owner must remove / demolish the unauthorised structure (lapa). An application to place the lapa closer to the house / braai area should be considered.*
- *The owner must revert the illegally converted garage to its approved use or an outbuilding; or submit application to regularise the non-interleading rooms / second dwelling.*

C. That the application for Permanent Departures in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023, for the relaxation of the following building lines applicable to Erf 8246, George:

- (1) South-western street boundary building line from 5m to 0m to legalise the existing shade port.
- (2) North-western street boundary building line from 5m to 0m to legalise the existing carport.

BE APPROVED in terms of Section 60 of the said By-law for the following reasons:

REASONS:

- (i) The proposed departures will not have an adverse impact on the surrounding residential character, the natural environment, streetscape or pedestrian and traffic movement, subject to mitigation as proposed.
- (ii) There will be no negative impact on the adjacent property owners' rights or amenity in terms of views, privacy or overshadowing.

Subject to the following conditions imposed in terms of Section 66 of the said By-law, namely:

CONDITIONS:

1. That in terms of the provisions of the Land Use Planning By-law for George Municipality, 2023, the approval shall lapse if not implemented within a period of two (2) years from the date of approval.
2. This approval shall be taken to cover only the Departures as applied for and as indicated on the site plan no. 443-03 Revision 0 dated 26 November 2024, drawn by JDS Design Studio and attached as "Annexure A" which bears Council's stamp and shall not be construed as to depart from any other Council requirements or legal provisions.
3. The streetscape must be enhanced by means of appropriate landscaping in the street reserve (vertical landscaping may also be considered) to screen the carport and to soften the impact of the shade port to mitigate the aesthetic impact on the streetscape. Please indicate the landscaping measures on building plans.
4. In accordance with Section 66(2)(z) of the Land Use Planning By-Law for George Municipality, 2023, a contravention levy of **R12 510.98** (VAT included) shall be payable to the Directorate: Planning and Development on submission of building plans.
5. The above approval will be considered as implemented on the approval of as-built building plans and removal of unauthorised structures.

Town Planning Notes:

- (i) *A departure from the coverage development parameter is not required as the coverage does not exceed 500m².*
- (ii) *A building plan must be submitted for approval in accordance with the National Building Regulations.*
- (iii) *Stormwater must be dispersed responsibly, and the stormwater management and erosion measures must be addressed on the building plans.*
- (iv) *The developer is to adhere to the requirements of all relevant Acts, as well as all conditions stipulated by any other authority whose approval is required and obtained for this proposed development.*
- (v) *Additional building plan application fees, calculated in terms of the approved tariffs, will be applicable should structures already be commenced with or completed without the approval of the Local Authority.*
- (vi) *Building plans to comply with SANS 10400, and any other applicable legislation.*

(vii) The property may only be used for the intended purpose once a Certificate of Occupation has been issued.

(viii) The contravention levy was calculated as indicated below.

- Note that the lapa and converted garage have not been included in the levy as these have not been approved.
- Encroachments: $64.68m^2$
- m^2 value of the property = total municipal value / extent of property
- m^2 value of the property = $R1\ 830\ 000 / 1\ 088m^2 = R1\ 681.99 / m^2$
- Contravention levy = $10\% \times R1\ 681.99 / m^2 \times 64.68m^2$
- Total = R 12 510.98 (including VAT)

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: Planning and Development, P O Box 19, George, 6530 or Directorate: Planning and Development, 46 Market Street (Old York Hostel Building), George **on or before 30 JANUARY 2026**, 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

ACTING DEPUTY DIRECTOR: DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

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Notes:

- Lapa to be demolished.
- Unauthorised "flat" to revert as approved (garage).
- Appropriate vegetation to be placed for mitigation / screening purposes.

Remarks
 This drawing is copyrighted and belongs to JDS.
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PLEASE NOTE:
 Building without Council approval is illegal.
 The Contractor must ensure that council approved drawings is on site at all times.

Mr Wessels

**Proposed additions
on erf 8246,
George**

JDS Design Studio

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Municipal Submission
Date 26/11/2024

PROFESSIONAL ARCHITECTURAL
DRAWING BY JDS
JOHANNES JACOBUS PETRUS JACOBS
1308 PH (Johannesburg) on 24/10/2023
DRAWN BY: JJP
SACAP REG NO
D 0580

Drawn:
JJP Jacobs
SDP

443-03
Revision 0
Revision

Sheet Size A3
Owner signature

