

ERF 5625, GEORGE

APPLICATION FOR PERMANENT DEPARTURES IN TERMS OF SECTION 15(2)(B) OF THE GEORGE MUNICIPALITY LAND USE PLANNING BY-LAW, 2023



Prepared for
Bryon John Hughes
by



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Date: 15 September 2025 (Rev 1)

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1. OVERVIEW AND MANDATE

RS Town Planning Consultants has been appointed by the registered owners of Erf 5625, George to apply for permanent departures from the applicable building lines in order to regularise the portions of the existing structures on the property.

The power of attorney to submit this application is annexed as **Annexure A**.

2. BACKGROUND

The owner's agent submitted building plans at the end of 2024 for additions to the existing dwelling.

On 21 October 2024, a letter was issued by the Manager: Building Control which pointed out that some of the structures require an application for permanent departures in terms of section 15(2)(b) of the George Municipality Land Use Planning By-Law, 2023.

A copy of the letter is annexed as **Annexure B**.

This application is made in response to the abovementioned letter so that building plans can be approved in terms of the National Building Regulations and Building Standards Act no 103 of 1977.

3. APPROVAL REQUIRED

Application is made for the following permanent departures in terms of the George Municipality Land Use Planning By-Law, 2023 in respect of Erf 5625, George:

- a) a permanent departure in terms of section 15(2)(b) to allow two carriage way crossings on Erf 5625, George spaced 9.790m from each other as opposed to the prescribed 12m, and, to relax the minimum street boundary length from 30m to 29.51m as prescribed in terms of 45(4)(b) of the George Integrated Zoning Scheme By-Law, 2023;
- b) a permanent departure in terms of section 15(2)(b) to relax the Eastern side building line from 3m to 0.781m and the street building line from 5m to 4.212m to allow the existing "flat and store" to encroach the mentioned building lines; and
- c) a permanent departure in terms of section 15(2)(b) to relax the street building line from 5m to 0m and the side building line from 3m to 0m to allow the existing carport to encroach the mentioned building lines.

4. PROPERTY INFORMATION AND DEVELOPMENT PROPOSAL

4.1 Property Information

An overview of the relevant property details is summarised below:

- a) Description: Erf 5625, George in the Municipality and Division of George, Province of the Western Cape.
- b) GPS Coordinates: 33°57'30.25"S; 22°29'6.39"E
- c) Title Deed Number: T53858/2024
- d) Ownership: Bryon John Hughes
- e) Property Extent: 1180m²
- f) Title Conditions: No restrictive conditions.
- g) Servitudes: No servitudes referenced in Title Deed or indicated on SG diagram 733/72
- h) Bondholder: No bond registered.

4.2 Property Location

Erf 5625, George is situated ±800m north of Knysna Road with a physical address of 28 Tarentaal Road – its location is outlined in blue on **Figure 1** below.

A more detailed locality plan is attached hereto as **Annexure C**.

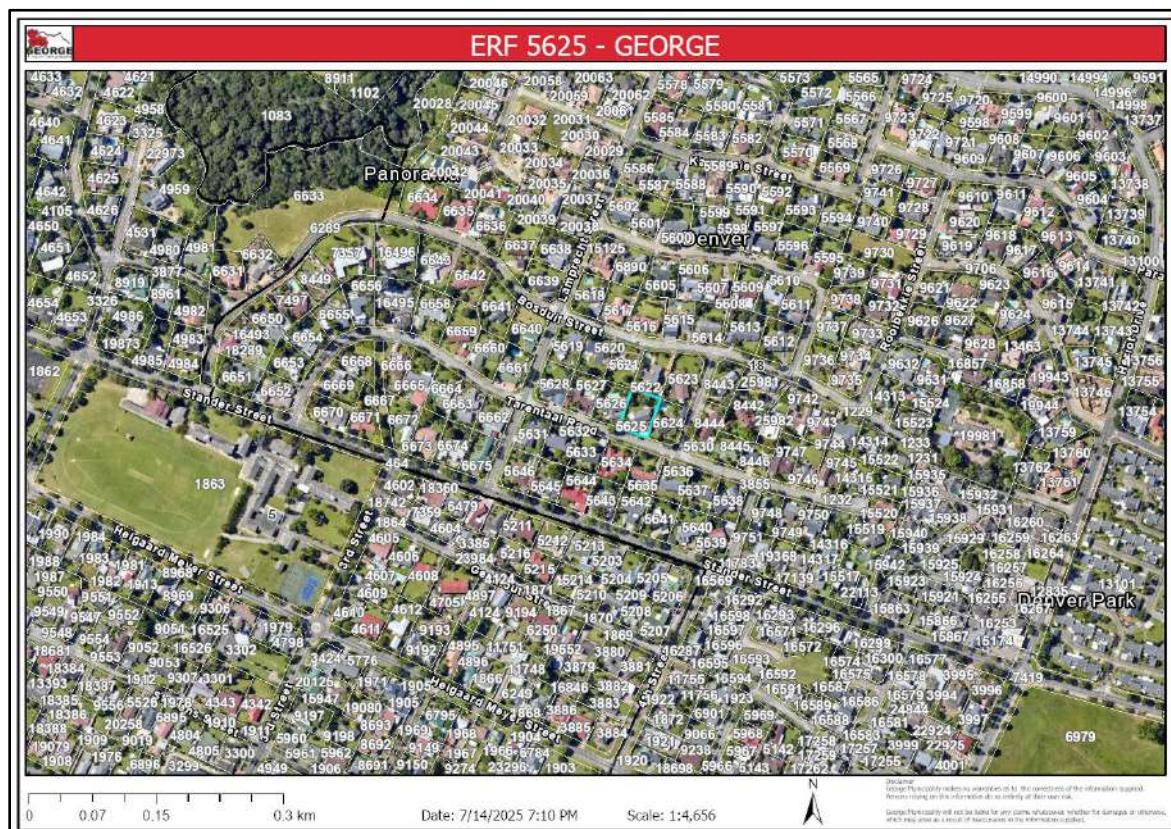


Fig 1 – Location of Erf 5625, George (Source: George Public Viewer)

4.3 Zoning & Character

Erf 5625, George is zoned *Single Residential Zone I* in terms of the George Integrated Zoning Scheme By-law, 2023 as reflected on **figure 2** below. The application area does not fall within a designated overlay zone.

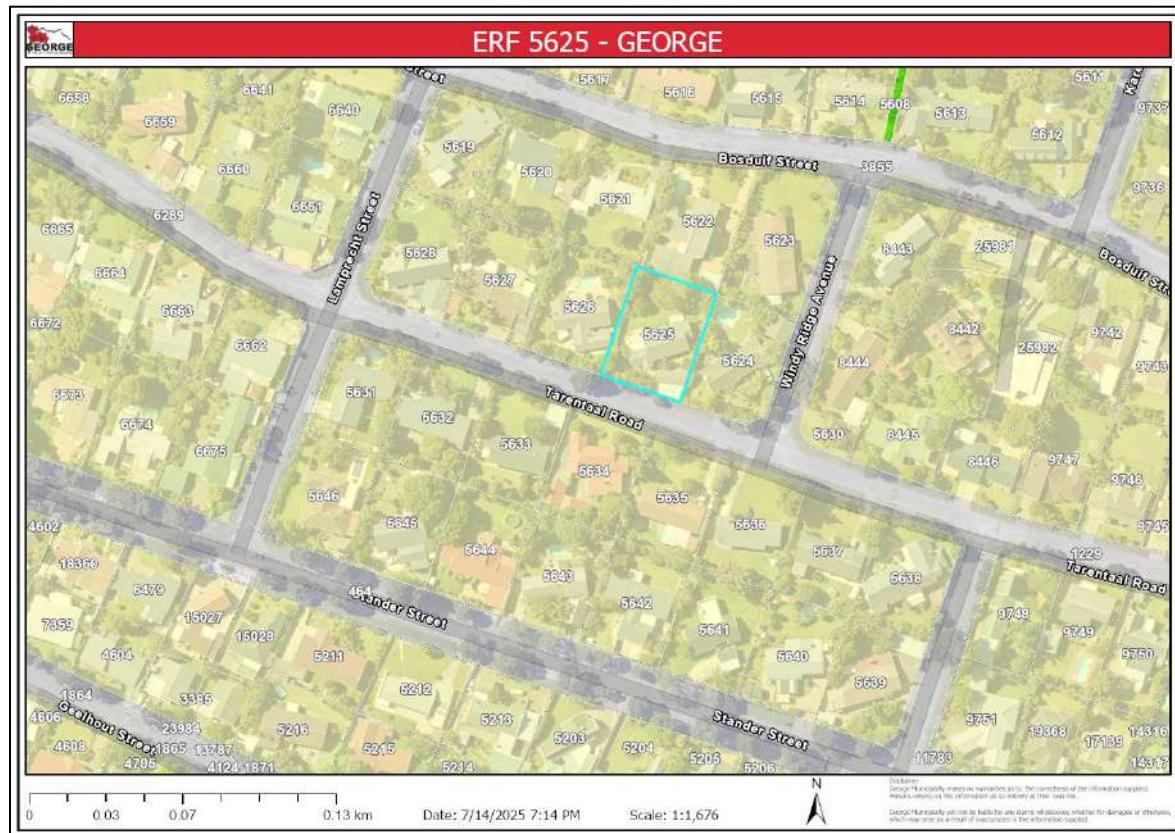


Fig 2 – Zoning Scheme Map extract (Source: George Public Viewer)

The surrounding area is characterised by low density, medium sized single residential dwellings.

Erven in this area typically vary between 1000m² – 1800m² and are developed with dwelling houses and outbuildings commonly associated with this zoning category.

4.4 SG Diagram & Title Deed

The Surveyor-General diagram (SG 733/72) is annexed as **Annexure D**. It does not show any registered servitudes over the subject property.

Erf 5625, Goerge is registered to Bryon John Hughes in terms of Title Deed T53858/2024 (**Annexure E**). A conveyancer's certificate has been obtained, confirming that there are no restrictive conditions that prohibit the approvals applied for – see **Annexure F**.

4.5 Bondholder's Consent

There is no bond registered over the subject property, thus no consent is required.

4.6 Existing Use

Erf 5625, George is developed with a single dwelling house. The subject property also includes an outbuilding comprising a flat, covered parking and storage area as shown in Figure 3 below.

Over time, several additions to the main dwelling and outbuilding were carried out. Some of these additions encroach on the designated street and side building lines.

The current owners have appointed an architect to prepare and submit the necessary building plan application. The intent is to regularise all existing structures, ensuring compliance with the applicable planning legislation and the building regulations.

4.7 Development Proposal

The purpose of this application is to regularise all existing building work as indicated on the Site Layout Plan shown as **Figure 3** below.

This requires the following land use approvals:

- A permanent departure to relax the side building line from 3m to 0m to regularise the existing “carport, flat and store” (indicated on figure 3 below); and
- a permanent departure to relax the street building line from 5m to 0m to allow the existing carport to encroach the building line (indicated in red as ‘as-built’ on figure 3 below).

The additional works indicated in red on figure 3 does not require land use approval, and include the following:

- as-built covered patios at the rear of the existing dwelling with a total area of 31.185m²;
- as-built bay windows of 3.11m² at the northern and western side of the existing dwelling;
- as-built dressing room of 13.048m² at the eastern side of the existing dwelling;
- as-built WC of 1.412m² at the south-eastern side of the existing building; and
- as-built covered entrance 6.123m² at the existing entrance in front of the dwelling.

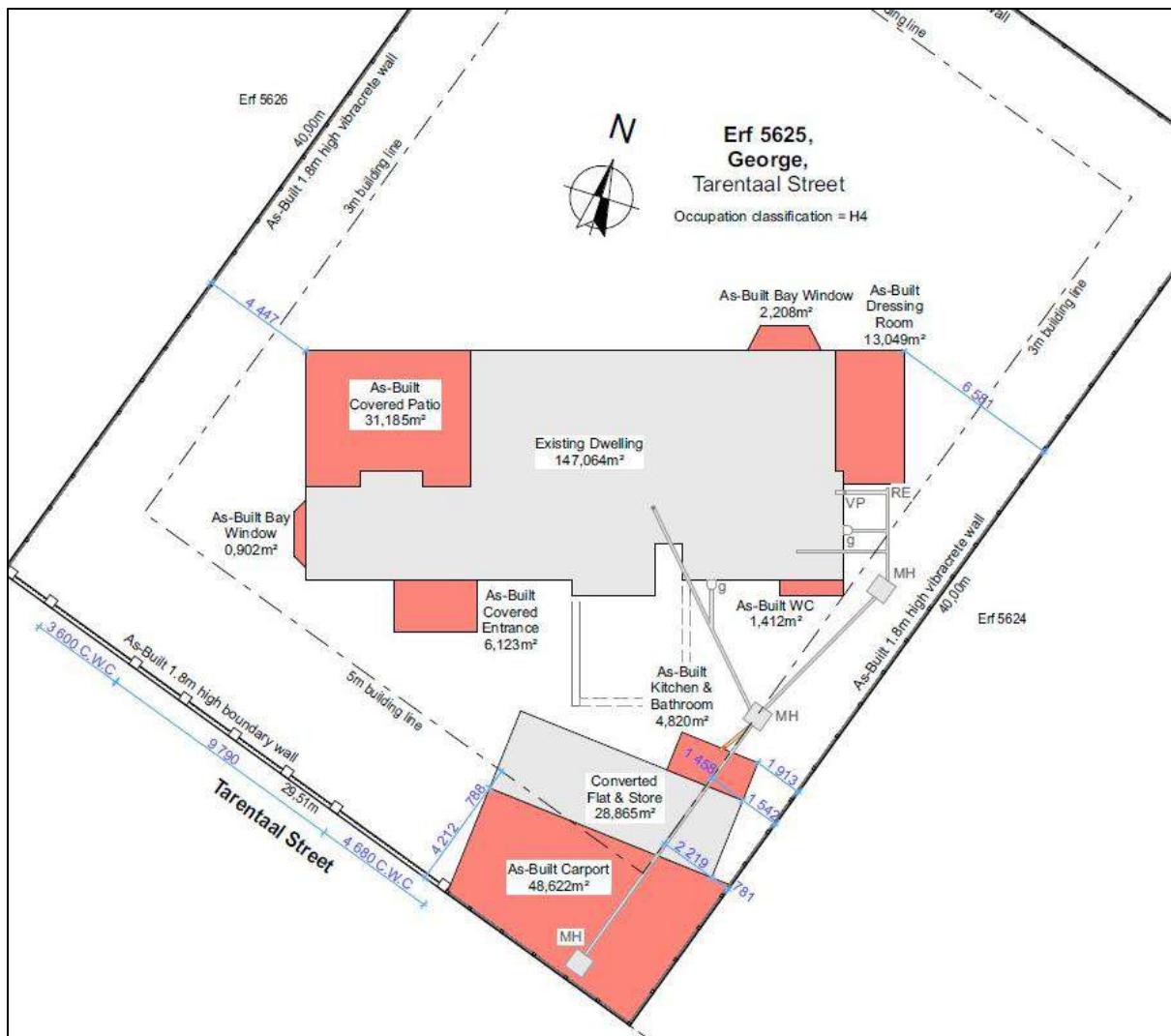


Fig 3 – Site Layout Plan showing as-built structures and encroachments

The site layout plan and building plans are attached as **Annexure G**.

5. IMPACT OF PROPOSED DEVELOPMENT

5.1 Impact on Environment and Heritage Resources

Erf 5625, George is not located within an established Environmental or Heritage Overlay zone. The erf is already developed and there is no loss of gardening space or vegetation that will be removed, nor are there any sensitive or indigenous vegetation that is impacted on.

None of the structures are older than 60 years. There are no heritage or environmental attributes associated with the subject property that are worth preserving.

5.2 Impact on traffic and streetscape

Erf 5625, George has two carriageway crossings on Tarentaal Road as indicated on figure 3 above. Both function as a combined entrance and exit. The carriage way crossings are spaced 9.790m from each other. Since the George Zoning Scheme By-Law, 2023 requires a 12m space, a permanent departure is required (see 3 above). The space between the existing carriageway crossings is sufficient and does not create any access or traffic-related issues.

The carport is situated on the street boundary but does not protrude onto the street or interfere with vehicular traffic, pedestrian movement or sight distances. Tarentaal Road is not a high-order road and carries very low traffic volumes.

The carport is constructed of material that is not considered out of character with the area. **Figure 4** below provides a view of the access point from inside the erf out onto the street. the



Fig 4 – View onto Tarentaal Road

5.3 Impact on neighbouring properties and character

The location of the encroaching structures relative the existing dwelling and the scale and height of these structures are of such a nature that it is not expected to have a noticeable impact on sunlight, views or privacy, and therefore no adverse impact on property values.

Figure 5 below shows the location of the covered parking in relation to the existing outbuilding. It is constructed at a height of $\pm 2.409m$ and does not create an overbearing effect or detract from the existing streetscape.



Fig 5 – Existing outbuilding and covered parking viewed from driveway

Figure 6 below shows the relevant elevations of the as-built carport on site. The existing carport has a low-pitched roof which minimises its visual impact, which drastically minimises its visual impact. The total height of the structure is $\pm 2,409\text{m}$.

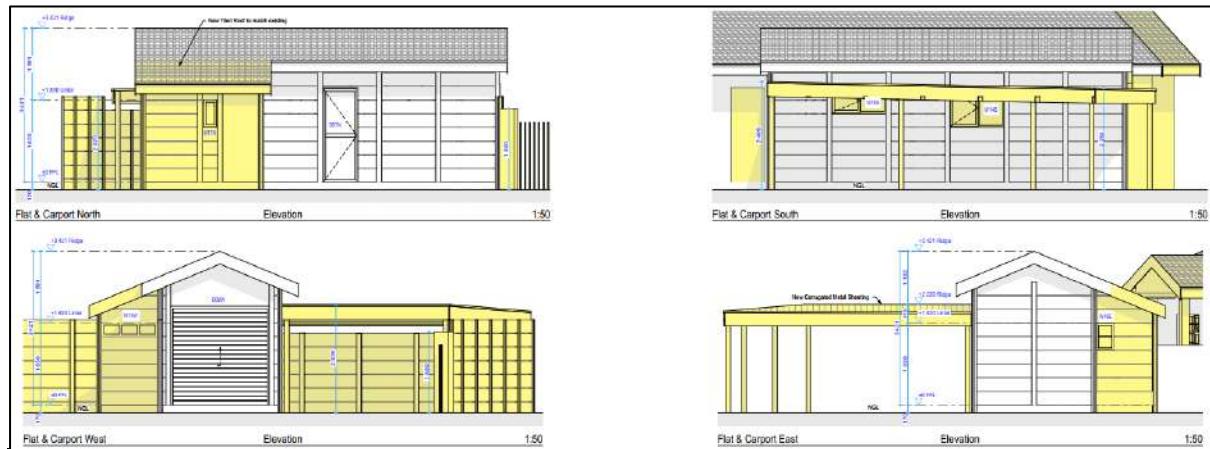


Fig 6 – All relevant elevations of the outbuilding which encroaches the street and side building line.

Figure 7 below illustrates the portion of the as-built kitchen and bathroom that encroaches the 3m South Eastern side building line by approximately 1.913m. The structure is constructed at single-storey level and does not overlook onto adjacent Erf 5624, George.



Fig 7 – As-built kitchen & bathroom that encroaches the Eastern building line.

Considering the location, scale and construction material of the encroaching structures, and given that these structures are commonly found within the surrounding area, it is highly unlikely that it will have any impact on character.

5.4 Impact on engineering services and Fire Fighting

The encroaching structures do not cause any obstructions for the purposes of firefighting. These structures are also not in close proximity to any dwellings on the adjacent erven, therefore it does not create a fire risk.

Furthermore, the structures do not obstruct access to existing engineering services. The current infrastructure remains accessible, ensuring no disruption or adverse impact to service delivery.

5.5 Need and Desirability

The structures in question are considered desirable for the following reasons:

- The existing and proposed additions are of an acceptable scale and in keeping with the existing character of the area.
- Approval of the application will not have an adverse impact on the natural environment, heritage resources or existing open spaces.
- The footprint of the existing and proposed structures is minor and will not cause an overshadowing effect or interfere with sunlight, privacy, scenic vistas or the skyline.

- The erf is relatively large and can easily accommodate the existing and proposed additions.
- The structures in question are not expected to cause any disturbance.
- Approval of the application will ensure compliance with the applicable statutory framework and allow the owner to submit building plans for consideration and approval.
- Property values are not expected to be affected at all.

6. LEGISLATIVE FRAMEWORK & POLICY FRAMEWORK

6.1 George Integrated Zoning Scheme By-Law, 2023

Erf 5625, George is zoned *Single Residential Zone 1*.

The development parameters are complied with, save for the building line departures. An overview of the applicable development parameters is summarised in Table 1 below:

	Restriction	SRZ1 (Dwelling House)	Compliant?
a)	Height	8.5m	Yes
b)	Coverage	500m ²	Yes – 24.06% used
c)	Building lines	Street – 5m Side & rear – 3m	No – permanent departures required (see par 3.1 above)
d)	Parking	2 bays per dwelling unit	Yes

Table 1 – SRZ1 Development Parameters

6.2 Policy Framework

There are no relevant policies or spatial plans applicable to the subject area that impact on the application.

7. CONCLUSION

The development proposal is considered consistent with the applicable legislative framework and the character of the area.

For the reasons mentioned above, the impact of the permanent departures sought is expected to be minimal.

It is requested that this application be considered favourably so that the owners can comply with the requirement to have building plans approved.

POWER OF ATTORNEY

Annexure A

I, **Bryon John Hughes**, in my capacity as registered owner of **Erf 5625, George**, hereby authorise **RS Town Planning Consultants** to submit the following application:

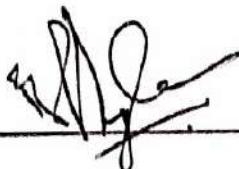
- application in terms of section 15(2)(b) of the George Municipality Land Use Planning By-Law, 2023 for the relaxation of the 3m side and 5m street building line to regularize the existing structures that encroach the said building lines.
- application to obtain any additional land use approvals in terms of the George Municipality Land Use Planning By-Law or any other legislation if required by the relevant Local Authority.

The undersigned nominates, constitutes and appoints the below agent with power of substitution to act as the registered owners' legal representative and to act in their name, place and stead and to also sign and receive all correspondence in respect of the matter and to take the necessary steps as required by the Local Authority to ensure that the application complies with the relevant statutory provisions.

Registered Owner name:

BRYON JOHN HUGHES

Signature _____



Date 08/07/2025

Authorised Agent:

Rossouw Smit

Signature _____



Date 8-07-2025



Fuzisa Nomlala 044 801 9088
 Mtembeni Dotye 044 801 9438
 Hannes Labuschagne 044 801 9126

Erf : 5625
 Plan No: 1771/24
 Portal Ref: 3685089
 GRG Ref: 3433718

GRIESEL

2024-10-21

BRYON JOHN HUGHES
 26 Tarentaal Street, George

Sir/Madam

SUBMISSION OF BUILDING PLANS STAND NO: 5625

You are hereby notified that the abovementioned application cannot be approved prior to the rectification of the following requirements:

Outcome Comments:

Refer to departmental comments.
 Braai to be indicated and specified on plan.
 The chimney should be indicated on site layout.
 Existing pipes should run to an outside stack & vent at bathroom 2.
 See comment from town planning department.

Comments from Departments:

Comments received from Town Planning

Building line relaxation is required.
 Confirmation that structures do not infringe on the boundary building line (seems like it from the aerial images).
 Provide previously approved plans.

A.Lombard

ALOMBARD
 044 801 9303

Comments received from Building Control

Braai to be indicated and specified on plan.
 The chimney should be indicated on site layout.
 Existing pipes should run to an outside stack & vent at bathroom 2.
 LABUSCHAGNEH
 0448019126

Comments received from Electrical Services

ETS: IN ORDER

KJoubert
 1473

Comments received from Technical Services (Street and Storm Water)



71 York Street, George | PO Box 19, George, 6530



044 801 9111



www.george.gov.za



FIVAZR

Comments received from Technical Services (Water and Sewerage)

Existing Sewer use
JOUBERTE

Comments received from Fire Services

Comments received from Eden Municipal Health Services

Comments received from Civil Services

Comments received from Traffic Services

Comments received from Financial Services

JOUBERTW

Comments from Environmental



.....
MANAGER BUILDING CONTROL/ BESTUURDER BOUBEHEER: M F TOYER



71 York Street, George | PO Box 19, George, 6530



044 801 9111



www.george.gov.za





Copy

Prepared by me

Marais Law Inc
 Suite 104, 1st Floor
 72 York Street
 GEORGE
 TEL 044 – 884 0409

CONVEYANCER
 CHARL FRANCOIS MARAIS
 (84321)

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R 1 320 000,00	R 1 544,00
Mortgage capital Amount	R	R
Reason for exemption	Cat.....	Exempt I.t. o section.....Act.....

DATA / VERIFY

30-06-2024

NOLUVO MTYATYAMBA

T 000053858 / 2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN

That

LYNNE BOTHA LPCM 82076

Conveyancer, appeared before me, Registrar of Deeds, at CAPE TOWN, he, the said Appearer, being duly authorised thereto by a Power of Attorney dated at GEORGE on the 26th day of JUNE 2024 and granted to him by

DENISE MARAIS duly authorised by virtue of a Special Power of Attorney signed at Cape Town on 25 April 2023 given to her by:

The Executrix in the Estate of the late SYBETH HUGHES
 ESTATE NUMBER 003965/2023

AND the Appearer thus authorised declared that

WHEREAS the late SYBETH HUGHES who was married out of community of property died testate on 10 July 2022;

AND WHEREAS the late SYBETH HUGHES and BRYON JOHN HUGHES who were married out of community of property to each other executed a joint will at George on 17 December 2020;

AND WHEREAS the undermentioned property was bequeathed to BRYON JOHN HUGHES in terms of the said joint will signed at George on 17 December 2020, subject to the undermentioned condition :

NOW THEREFORE he the said Appearer in his capacity aforesaid, did by these presents cede and transfer to and on behalf of :

BRYON JOHN HUGHES
Identity Number 501020 5055 08 4
Unmarried

his Heirs, Executors, Administrators or Assigns in full and free property

ERF 5625 GEORGE, IN THE MUNICIPALITY
AND DIVISION OF GEORGE, WESTERN CAPE
PROVINCE

IN EXTENT : 1180 (ONE THOUSAND ONE
HUNDRED AND EIGHTY) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No T17614/1976 with General
Plan No T P 8403 relating thereto and held by Deed of Transfer No
T56722/1998

- A. SUBJECT to the conditions referred to in Deed of Transfer No T11554/1924.
- B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Nr T17614/1976, imposed by the Administrator of Cape of Good Hope when approving of the establishment of GEORGE TOWNSHIP NR 27 in terms of Ordinance Nr 33 of 1934, namely –
 - (a) The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewerage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
 - (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
 - (c) This erf shall be used only for such purposes as are permitted by the Town Planning Scheme of the local authority and subject to the conditions and restrictions stipulated by the scheme.
- C. SUBJECT FURTHER to the following condition contained in clause 11 of the said joint will of the late SYBETH HUGHES and BRYON JOHN HUGHES dated 17 December 2020 and signed at George :
 - "11. We direct that the inheritance devolving upon any beneficiary under this will or a later codicil, as well as the proceeds, the reinvestment of such proceeds and the income thereon shall be free from the legal effects, including any accrual system, of any present or future marriage of such beneficiary and shall also be protected against the creditors of their spouses."

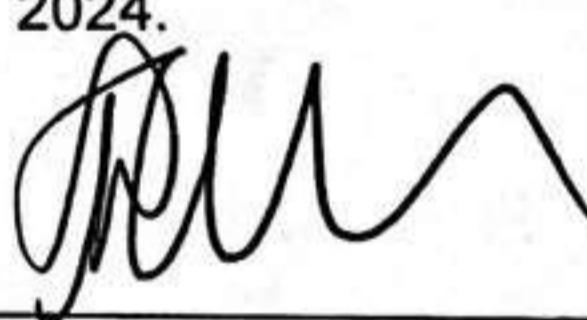
WHEREFORE the Appearer, renouncing all right and title which the said estate heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by these presents, the said Transferee his Heirs, Executors, Administrators or Assigns now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights and finally acknowledging the value of the property to be the sum of R1 320 000,00 (ONE MILLION THREE HUNDRED AND TWENTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town
on

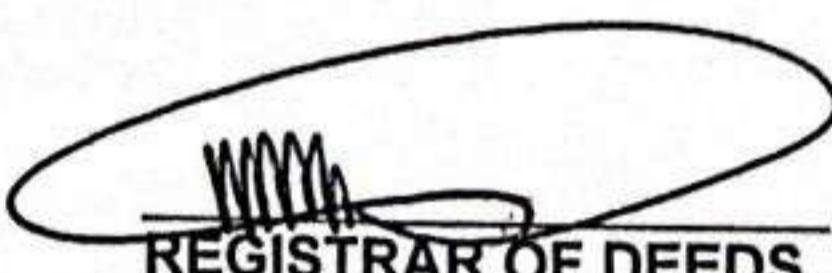
28 August

2024.



q.q.

IN MY PRESENCE



REGISTRAR OF DEEDS

CONVEYANCER'S CERTIFICATE

I / we, *Anname de Wet*
 (conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town regarding the following property(ies) (including both current and earlier title deeds / pivot deeds / deeds of transfer) :

Erf 5625 George, in the Municipality and Division of George, Western Cape Province

(property description(s))

in respect of which it was found that there *are / are no restrictive conditions registered against such property(ies) prohibiting it from being utilised / developed for the following purposes (as elaborated on in more detail in the accompanying application) :

Application in terms of section 15(2)(b) of the By-Laws, for a permanent departure to relax the 3m side and building line to 0m to allow the carport to encroach the building line. (proposed use / development / zoning of property)

(* please delete whichever not applicable)

LIST OF RESTRICTIVE TITLE CONDITIONS (if applicable)

NIA *dw*

Deed no	Clause no	Description

PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

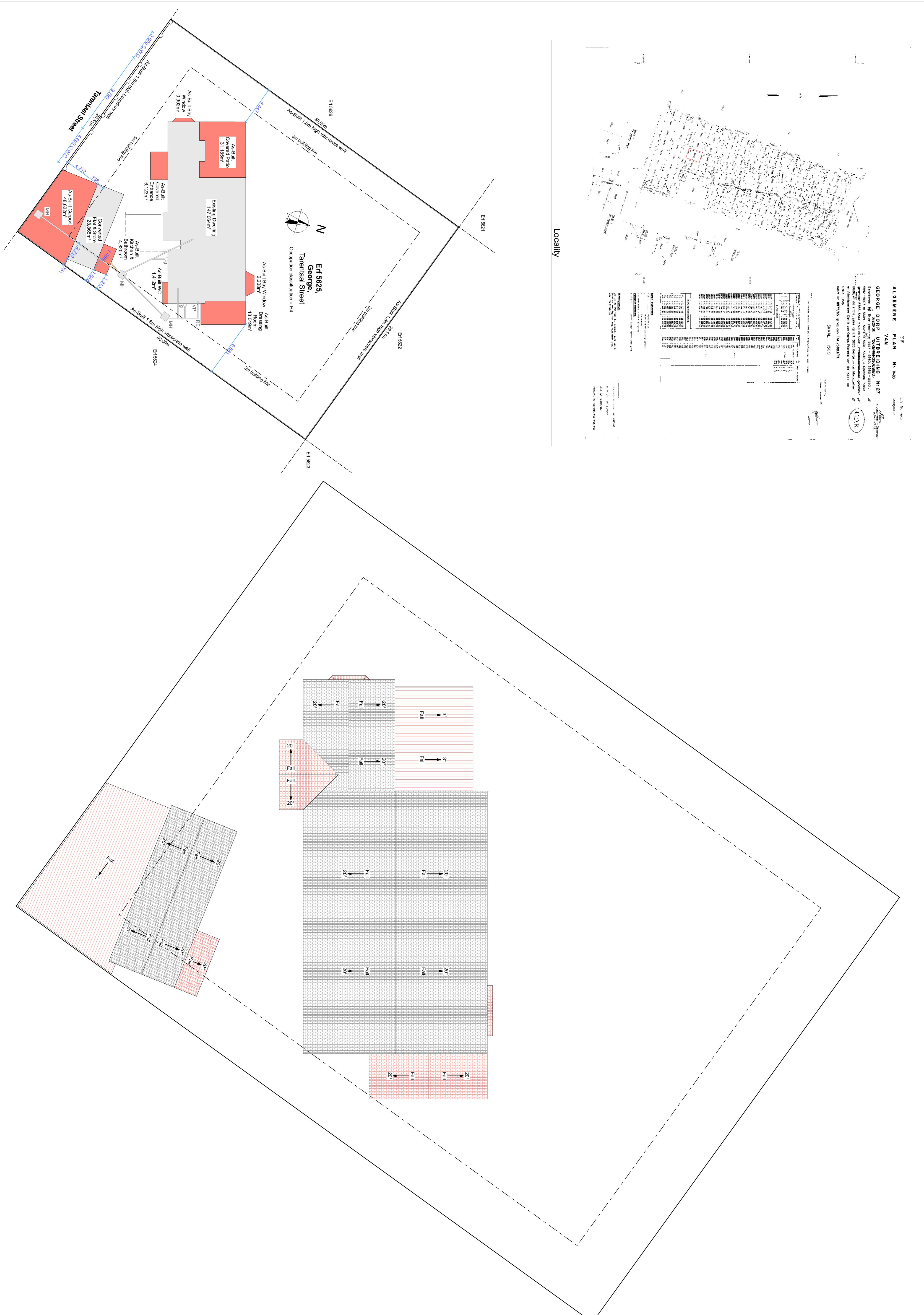
Removal / suspension / amendment of restrictions in terms of Act 84/1967 (Submit separate application)	Notarial Deed of Cancellation (Submit copy of signed agreement)	Consent (Submit copy of signed consent)	Expungement by means of 'rule nisi' application to High Court (Submit copy of Court order)
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Signed at *Mossel Bay* on this *9th* day of *July* *20 25*

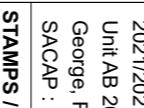
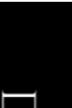
Signature *Anname*

Kindly endorse certificate by affixing firm's official stamp here and initialling it.

MILTONS MATSEMELA OOSTHUIZEN INC
 Montagustraat 71 Montagu Street
 MOSSELBAAI / MOSSEL BAY 6500
 Langstraat 85 Long Street
 GROOT BRAKRIVIER / GREAT BRAK RIVER 6525
 CALEDONSTRAAT 1 CALEDON STREET, GEORGE, 6529
 Posbus 2810 MOSSELBAAI 6500 /
 P.O Box 2810 MOSSEL BAY 6500
 Docex 13 - Tel: 044 801 6700





 DRAFTEK	
 PLAN. BUILD. INSPIRE	
	
 DRAFTEK	<p>2021/2021/525330/07</p> <p>Unit AB 20, Catherdal Square</p> <p>George, RSA 6530</p> <p>SACAP : PAD57692452</p>
STAMPS / SIGNATURES:	

