

Collaborator No.: 3779468
Reference / Verwysing: Erf 5241, George
Date / Datum: 10 April 2026
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APPLICATION FOR PERMANENT DEPARTURES: ERF 5241, GEORGE

Your application in the above regard refers.

The Deputy Director: Development and Environmental Management (Authorised Official) has, under delegated authority, 4.17.3.13 of 24 April 2025 decided that, notwithstanding the objection received, the application for Permanent Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2023, for the following applicable to Erf 5241, George:

1. Relaxation of the western common boundary building line from 3.0m to 2.3m to accommodate portion of a garage/toilet on ground floor and a home occupation on the first floor and to 1.6m for a staircase leading to the first floor;
2. Relaxation of the eastern street boundary building line from 5.0m to a distance ranging between 2.5m and 0.42m to accommodate portions of the garage on ground floor and a home occupation, gym and open balcony on the first floor; and
3. Relaxation of the maximum width of a carriageway crossing from 8.0m to 13.3m;

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

REASONS

- (i) The proposed departures are not regarded to present significant negative impact on the surrounding residential character of the area, streetscape or natural environment.
- (ii) Given that it is very small portions that encroaches the western boundary building line (adjacent to Erf 7727) minimal to no negative impact on sunlight, view or privacy are anticipated on the adjacent property.
- (iii) The proposed departures, with mitigation imposed, will not have a negative impact on development, public facilities or traffic circulation in the surrounding area.

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

CONDITIONS

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 of when the approval comes into operation.
2. This approval shall be taken to cover only the departure applications as applied for and as indicated on the site layout plan, drawing number: W/001, drawn by ArchiDraft, dated 13.01.2026 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. Parking for the home occupation must be indicated on the related building plan and must be provided prior to occupation being granted for the approved structure.
4. All windows to structures associated with this approval and situated above ground floor, facing towards Erf 7727, George must be designed to mitigate potential overlooking, to the satisfaction of the Municipality.
5. The above approval will be considered as implemented on the issuing of occupation certificate in accordance with the approved building plan.

Notes:

- (i) *A building plan must be submitted for approval in accordance with the National Building Regulations.*
- (ii) *Stormwater must be dispersed responsibly, and the stormwater management and erosion measures must be addressed on the building plans.*
- (iii) *Applicant must show all existing structures on site when submitting Building Plans for approval.*
- (iv) *A suitably qualified arborist/tree specialist must be appointed to assess the root spread, structural integrity of the trees, and any associated risks as **part of the building plan submission**.*
- (v) *As part of the evaluation process, it was noted that several trees are located on the common boundary between Erven 7727 and 5241, George (majority seems to be situated on Erf 7727). The owner/objector (Erf 7727) also mentioned that should roots be removed/damaged, due to the development, it may have an impact on the integrity of his tree. However, it is important to note that:*
 - *As a general principle, a tree is owned by the owner of the property on which the trunk is located. Where roots extend into a neighbouring property, such growth constitutes an encroachment, and the affected owner is ordinarily entitled to prune the roots up to the boundary line.*
 - ***Both property owners must take cognizance that pruning, felling or cutting of protected trees may only be performed once the required permit from DFFE has been obtained.***
 - *Notwithstanding the above, the owner of the tree bears a duty to ensure that it does not pose a hazard to adjoining properties.*
 - *Equally, the owner of Erf 5241 is obliged to refrain from undertaking any actions that may create or exacerbate a risk, particularly where root removal could compromise the structural stability of the tree.*
 - *In order to appropriately mitigate potential impacts, the owner of Erf 5241 must appoint a suitably qualified arborist/tree specialist to assess the root spread, structural integrity of the trees, and any associated risks (if any) as part of the building plan submission (letter to be submitted with building plan).*
 - *It must further be noted that the Municipality does not involve itself in matters relating to tree roots or branches encroaching across property boundaries. Such matters are regarded as civil disputes to be reasonably resolved between the respective property owners.*
- (vi) *The owner must comply with the National Forestry Act, Act No 84 of 1998, where required.*

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 1 MAY 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

SENIOR MANAGER: TOWN PLANNING

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