

**APPROVED MINUTES OF THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**



**Held on Wednesday, 17 July 2019 in the 1st Floor Boardroom at the
Offices of the Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town scheduled for 09:30**

1. Opening and Welcome

The Chairperson, Ms Corlie Smart, opened the meeting at 09:30 officially and welcomed everyone present.

2. Attendance

Committee Members:

Ms Corlie Smart (CSm)
Mr Tseliso Leshoro (TS)
Dr Nicolas Baumann (NB)
Mr Rowen Ruiters (RR)
Dr Andre van Graan (AvG)

Members of Staff:

Ms Penelope Meyer (PMe)
Ms Stephanie Barnardt (SB)
Ms Waseefa Dhansay (WD)
Ms Heidi Boise (HB)
Mr Andrew September (AS)
Ms Aneeqah Brown (AB)

Visitors:

Mr Chris Snelling (CSn)
Mr Johan Cornelius (JC)
Mr Richard Summers (RS)
Mr Mark Kenyan (MK)
Mr Andrew Dewey (AD)
Mr Victor Morris (VM)
Mr Johannes Smit (JS)
Mr Michael Pierre Levin (MPL)

Observers:

None

3. Apologies

None

Absent

None

4. Approval of Agenda

4.1 Dated 17 July 2019

The Committee approved the agenda dated 17 July 2019 with additional items.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 13 June 2019

The Committee reviewed the minutes dated 13 June 2019 and resolved to approve the minutes with minor amendments.

6. Disclosure of Interest:

- AvG: Item 9.1.

7. Confidential Matters

7.1 None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees

8.1.1 PM reported back on the following Tribunal matters:

- Alma Road, Rosebank

8.2 Recent Court Decisions

PM reported on the status of the Baboon Point, Elands Bay, Cederberg, Midnight Storm Development Court Case.

8.3 Site Visits

- Proposed Total Demolition of 6 Nursery Road, Rondebosch, Erf 45531 (S34 Total Demolition)
- Proposed Total Demolition at Erf 19, 29 Queens Road, Sea Point: Section 49 (Section 34 Total Demolition)

8.4 Potential Site Visits

- Proposed Subdivision, Rezoning and Development on Erf 46115, 2 Glen Darrach Road, Rondebosch (S38(4)).

9. Matters Arising

9.1 Proposed Total Demolition of 6 Nursery Road, Rondebosch, Erf 45531 (S34 Total Demolition)

Case No: 18071701SB0802E

Dr Van Graan recused himself from the discussion and left the room.

Ms Stephanie Barnardt introduced the case.

NB reported back on the site inspection undertaken on 15 July 2019. Site visit report prepared by AvG, dated 16 July 2019, and is attached (Annexure SI1).

Mr Johan Cornelius (JC) and Mr Richard Summers (RS) was present and took part in the discussion.

In summary it was noted in discussion that:

RS submitted:

- BELCom made two conflicting decisions. One to approve the demolition of the structures and also to refuse the application at a second meeting.
- BELCom requested detailed heritage indicators.
- The surrounding area should be of demonstrable significance to warrant imposition of conditions.
- The area within which Nursery Road is situated has no heritage value and not in a HPOZ.
- The Gees Judgement does not apply.
- It is not a proposed HPOZ and the survey referred to by RAMPAC was a proposal to the City of Cape Town to include Nursery Road in the HPOZ. There has been no public participation regarding RAMPAC's proposal. Focus was on Burg street
- The committee should differentiate between a good urban area and a good heritage area.
- JC indicated: that intactness is not necessarily an indication of heritage significance.
- Initially the structure was graded grade IIIC, but after CoCT investigated, it changed the grading to a grade IIIB.

In summary, the committee noted and took the following into account:

- The existing building's veranda on the north side has been extended.
- The interior of the house is largely intact and original, apart from the later extension to the rear.
- The adjoining buildings on either are single storey residential buildings.

- The adjoining area has a mixed scale of developments, ranging from small scale residential to double storey residential blocks and a three-storey building lower down Nursery Road. To the north, the buildings also vary from several retained Victorian/ early 20th century houses to three storey apartment buildings.
- The committee was of the opinion the structure has insufficient intrinsic value to warrant protection.
- Agreed that intactness does not necessarily entail heritage significance and therefore worthy of protection.
- The committee considers the structure to be a grade IIIC and not a grade IIIB.
- The surrounding environment is hybrid and inconsistent.
- Nursery Road is not considered to have enough heritage significance, and accordingly not a heritage resource.

DECISION

The appeal is upheld, and the demolition is granted without conditions.

Stephanie Barnardt

9.2 Proposed Total Demolition at Erf 19, 29 Queens Road, Sea Point: Section 49 (Section 34 Total Demolition)

Case No: 19020511HB0608E

Ms Heidi Boise introduced the case.

Mr Mark Kenyan (MK), Mr Andrew Dawey (AD) and Mr Victor Morris (VM) were present and took part in the discussion.

AvG reported back on the site inspection undertaken on 15 July 2019. Site visit report prepared by AvG, dated 16 July 2019, and is attached (Annexure SI2).

DISCUSSION:

In summary it was noted in discussion that:

The VM on behalf of the appellant argued that:

- Any further demolitions and erosions and demolition will have a negative impact on the area and streetscape of Queens Road.
 - Not only Victorian buildings should be conserved, should 1920s and Art Deco.
- MK on behalf of applicant / developer stated that:
- SPFB were notified of the section 34 application on 23 November 2018 to the address on HWC website.
 - The property is situated outside a HPOZ.
 - The building was substantially altered in 1988 and the Façade is not original.

- There are 3 blocks of flats adjacent to the property.
 - All the properties have the same setback.
 - Belcom was of the opinion that the building was a grade IIIC.
 - The Gees judgment was taken into account by BELCom.
- VM in response indicated:
- He did not receive the demolition application and he is appealing in his personal capacity and not on behalf of RAMPAC.
 - He was of the opinion that the structure is a grade IIB and enquired why any building graded III can be demolished.
 - That the Gees judgement does apply and that if a demolition application is granted the new development proposal must take the other buildings in the area into consideration.

In summary, the committee noted and took the following into account:

- The existing building is a detached house built in 1918.
- The interior of the house is largely intact, although there were alterations made in the 1980s.
- The adjoining buildings are single storeyed to the west and double storeyed to the east. It was noted during the inspection that a large-scale development is to be built on the adjoining property to the east.
- The adjoining area has a mixed scale of developments, ranging from small scale residential to large multi-storeyed apartment blocks such as the one to the south, opposite the site.
- The HWC's system of Grading is only a guide.
- Whilst it is agreed that not only Victorian buildings are worthy of conservation, this building has insufficient heritage significance to warrant retention as it has been substantially altered.
- Arguments about transportation are not heritage related.
- The appellant has not convinced the committee that the surrounding area constitutes a heritage resource which would justify the imposition of conditions on the replacement building.

DECISION

The appeal is dismissed.

Heidi Boise

10. New Matters

10.1 Proposed alterations to heritage building and development on the Remainder of Muldersvlei 34, Stellenbosch – For Noting

Case No: 19061307AS1906E

Mr Andrew September introduced the case.

Mr Johannes Smit and Mr Michael Pierre Levin was present and took part of the discussion.

DECISION

The appeal is postponed until the 21st of August 2019. The Committee resolved to undertake a site inspection on the 5th of August 2019 at 12:00.

Andrew September

10.2 Proposed subdivision, rezoning and development on Erf 46115, 2 Glen Darrach Road, Rondebosch (S38(4)).

Case No: 17112411AS1128M

Mr Andrew September introduced the case.

Mr Chris Snelling was present.

DECISION

The appeal is postponed until the 21st of August 2019. The Committee resolved to undertake a site inspection on the 5th of August 2019 at 12:00.

Andrew September

11. Other Matters

12. Adoption of decisions and additions

13. Proposed next date of the meeting:

21 August 2019

14. Closure : 11:24

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____

APPROVED

Annexure S11

Committee Site Inspection Report for: Proposed Total Demolition of Erf 19, 29 Queens Road, Sea Point

Submitted by Dr. André van Graan on 16 July 2019

Street Address: 29 Queens Road, Sea Point

Registered Owner:

Grading

Nature of Application: Total demolition of existing building. (Section 34)

Date of Site Visit: 15 July 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

R. Ruiters

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition of existing building- consideration of the existing building and the immediate context

Findings of Site Inspection:

In the site inspection the following items were noted:

1. The existing building is a detached house built in 1918.
2. The interior of the house is largely intact, although there were alterations made in the 1980s.
3. The adjoining buildings are single storeyed to the west and double storeyed to the east. It was noted during the inspection that a large-scale development is to be built on the adjoining property to the east.
4. The adjoining area has a mixed scale of developments, ranging from small scale residential to large multi-storeyed apartment blocks such as the one to the south, opposite the site.

Recommended Action:

To be considered at Appeals meeting on the 17th July 2019

Which committee should this report be submitted to:

HWC Appeals Committee

Which committee should this report be submitted to: APPEALS

Managers Comments:

Annexure SI2

Committee Site Inspection Report for: Proposed Total Demolition of Erf 45531, 6 Nursery Road, Rondebosch

Submitted by Dr. André van Graan on 16 July 2019

Street Address: 6 Nursery Road, Rondebosch

Registered Owner:

Grading: IIIB

Nature of Application: Total demolition of existing building.

Date of Site Visit: 15 July 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

R. Ruiters

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition of existing building- consideration of the existing building and the immediate context

Findings of Site Inspection:

In the site inspection the following items were noted:

1. The existing building's veranda on the north side has been extended.
2. The interior of the house is largely intact and original, apart from the later extension to the rear.
3. The adjoining buildings on either are single storey residential buildings.
4. The adjoining area has a mixed scale of developments, ranging from small scale residential to double storey residential blocks and a three-storey building lower down Nursery Road. To the north the buildings also vary from several retained Victorian/ early 20th century houses to three storey apartment buildings.

Recommended Action:

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Which committee should this report be submitted to:

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Which committee should this report be submitted to: APPEALS

Managers Comments:

Approved Appeals Minutes_17 July 2019



APPROVED