

**APPROVED MINUTES FOR THE MEETING OF  
HERITAGE WESTERN CAPE,  
APPEALS COMMITTEE**  
**Held on Wednesday, 16<sup>th</sup> August 2023, MICROSOFT TEAMS, scheduled for 08:30**

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## **1. Opening and Welcome**

The Chairperson, Mr Gregory Ontong officially opened the meeting at 08:30 and welcomed everyone present.

## **2. Attendance**

### **Committee Members:**

Mr Gregory Ontong (GO)  
Ms Corlie Smart (CS)  
Dr. Andre van Graan (AvG)  
Dr Nicolas Baumann (NB)  
Mr Stuart Hermansen (SH)

### **Members of Staff:**

Ms Nosiphiwo Tafeni (NT)  
Ms Naushina Rahim (NR)  
Mr Reagon Fortune (RF)  
Ms Waseefa Dhansay (WD)  
Ms Muneerah Solomon (MS)  
Ms Ayanda Mdludlu (AM)  
Ms Khanyisile Bonile (KB)  
Ms Sneha Jhupsee (SJ)  
Ms Corne Nortje (CN)  
Ms Chane Herman (CH)

### **Visitors:**

#### **Item 10.1**

Mr Alexis van der Merwe (Appellant, UCCRA-Upper Claremont Ratepayers & Residents Association)  
Ms Louise Hyde (Appellant, UCCRA)  
Ms Lydia van der Merwe (Appellant)  
Mr Piers Mansfield- Scaddan (Appellant)  
Ms Carol Gallarelli (Appellant)  
Ms Johan Cornelius (Applicant/ Respondent)  
Mr David Erleigh (Applicant/ Respondent)  
Mr Piet Louw (Applicant/ Respondent)

#### **Item 10.2**

Ms Katie Smuts (Appellant, Stanford Heritage Committee)  
Ms Amelda Lourens (Respondent)

#### **Item 10.3**

Mr Henry Aikman (Respondent)

#### **Item 10.4**

Mr Neil Basson (Applicant/ Appellant)  
Mr Dylan de Vos (Applicant/ Appellant)

#### **Item 10.5**

Ms Carina Wiggill (Appellant, Heritage Mossel Bay)

Mr Stéfan de Kock (Respondent)

### **3. Apologies**

Ms Penelope Meyer (PM)

### **4. Approval of Agenda**

#### **4.1 Dated 16<sup>th</sup> August 2023.**

The Agenda dated 16th August 2023 was approved. AvG moved to adopt the approval of the agenda and NB seconded.

### **5. Approval of Minutes from previous meeting**

#### **5.1 Appeals Minutes dated 12<sup>th</sup> July 2023**

The Committee unanimously resolved to approve the minutes dated 12<sup>th</sup> July 2023. S.H moved to adopt the approval of the agenda and N.B seconded.

### **6. Disclosure and Conflicts of Interest**

None.

### **7. Confidential Matters**

None.

### **8. Administrative Matters**

8.1.1 Appointments

8.1.2 Internal processes with ASD

#### **8.2 Outcome of the Tribunal Committees and Recent Court Decisions**

None

#### **8.3 Report back from HWC Council**

None

#### **8.4 Site Visits**

##### **8.4.1 Site Visits undertaken:**

Site visit undertaken for item 10.1 (24 Bishopslea, Upper Claremont) on 7 August 2023.

##### **8.4.2 Potential Site Visits**

#### **8.5 Discussion of the Agenda**

### **9 Matters Arising**

None

## 10. New Matters

### 10.1 Proposed Total Demolition on Erf 55183, 24 Bishopslea Road, Claremont HM / CAPE TOWN METROPOLITAN /CLAREMONT /ERF 55183 Case No: 22070704KB0704

Appeal against BELCOMs decision

The Committee undertook a site visit on Monday, 7 August 2023. GO, AvG and NB attended the site visit, the Site Inspection Report delivered by AvG.

Naushina Rahim (ASD, legal) introduced the item with the case officer Ms Khanyisile Bonile present for additional support.

Mr Alexis van der Merwe from the UCCRA, Mr Piers Mansfield-Scaddan and Ms Carol Gallarett presented for the Appellants.

Mr Piet Louw and Mr Johan Cornelius presented for the Respondent.

#### **CONSIDERATION**

Amongst other things, the following points were taken into consideration in formulating the decision by the Committee:

Site inspection undertaken by the committee. The site is not in a HPOZ, nor a proposed HPOZ. The LSDF designates the area as Urban Inner Core. It is situated in a strategic position between two heritage areas and therefore the consideration of the proposed replacement building is applicable.

- Due to its strategic location at the interface between these two heritage areas special conditions are considered to apply. These relate to the corner condition and termination of a street axis.
- The heritage survey conducted under the auspices of UCCRA is a substantial contribution to the understanding of heritage significance in the area.
- The general heritage management principles articulated by both parties relating to both precinct and site level apply and are endorsed.
- The report by Piet Louw is thorough and considers heritage aspects including urban design issues at both scales.
- The replacement building is considered to be congruent with the design indicators and has limited impact on heritage resources. The replacement building is considered to be acceptable given the specific context.

#### **DECISION**

**The appeal is dismissed.**

**The appeal committee endorsed the findings of BELCom.**

**The heritage design indicators were appropriate to the site and the precinct. The replacement building conformed to the approved heritage design indicators.**

### 10.2 Proposed Erf: 576, 21 Quick Street, Stanford: NM HM / OVERBERG / OVERSTAND/ STANFORD/ERF 576 Case No: HWC23032210CH033

Appeal against HOMs Decision.

Naushina Rahim (ASD, legal) introduced the item with the case officer Ms Chane Herman present for additional support.

Ms Katie Smuts presented for the Appellant (Stanford Heritage Committee)  
Ms Amelda Lourens presented for the Respondent.

### **CONSIDERATIONS**

Amongst other things, the following points were taken into consideration in formulating the decision by the Committee:

- Stanford, as a whole, is considered a heritage resource of considerable significance.
- Heritage resources relate largely to rural character and form, not necessarily to finer architectural detailing.
- Although the site forms part of the later area of development it still forms part of a larger precinct considered to be of heritage significance.
- The architectural proposal in terms of its massing, height and architectural detail does not respond to the rural character which the guidelines seek to address.

### **DECISION**

**The appeal is upheld.**

**The development proposal is contrary to the heritage guidelines which form part of the heritage survey, and which have been formally adopted by the Overstrand Municipality and which are endorsed by the Appeals Committee.**

### **10.3 Proposed Erf 917, Church Street, Worcester: NM HM / CAPE WINELANDS/BREED VALLEY/ WORCESTER /ERF 917 Case No: HWC23040517CH0406**

Appeal against BELCom's Decision.

Naushina Rahim (ASD, legal) introduced the item with the case officer Ms Chane Herman present for additional support.

### **CONSIDERATIONS**

Amongst other things, the following points were taken into consideration in formulating the decision by the Committee:

- The Appellant, Dr Kritzinger indicated telephonically that he would not attend the meeting.
- Dr Kritzinger further confirmed that he is appealing this matter in his personal capacity and not as an authorized representative of Breede Valley Municipality.
- The Respondent, Mr Aikman answered the questions from the Committee.
- From the existing masonry and construction details, the building appears to have been built in the early 20<sup>th</sup> century. It does not appear to be directly linked to earlier structures (which no longer exist) on the site.
- although the site is accessed from a pan-handle link to Church St, only the roof is partially visible from Church St.

### **DECISION**

**The appeal is dismissed.**

**The decision of BELCom is upheld.**

**10.4 Proposed Erf 82, 11 Blackheath Road, Three Anchor Bay: NM  
HM / CAPE TOWN METRO/ THREE ANCHOR BAY /ERF 82  
Case No: 21053105AM0608E**

Appeal against BELCom's decision.

Naushina Rahim (ASD, legal) introduced the item with the case officer Ms Khanyisile Bonile present for additional support.

Mr Neil Basson presented for Appellant.

**DISCUSSION**

Amongst other things, the following points were taken into consideration in formulating the decision by the Committee:

- The committee acknowledges the practicalities of accessing the garage on a very narrow road.
- There is precedence for a double garage door in the street.
- The front of the property is viewed obliquely as a result of the narrow street.

**DECISION**

**The appeal is upheld.**

**The revised plans to be submitted to the case officer for noting and stamping.**

**10.5 Proposed Erven 2480, 2481 & 2482, Mossel Bay: NM  
HM / EDEN/ MOSSEL BAY /ERVEN 2480, 2481 & 2482  
Case No: HWC23062904CH0730**

Appeals against HOMs's decision.

Naushina Rahim (ASD, legal) introduced the item with the case officer Ms Chane Herman present for additional support.

Ms Carina Wiggill presented for the Appellant.  
Mr Stéfán de Kock presented for the Respondent.

**DISCUSSION**

Amongst other things, the following points were taken into consideration in formulating the decision by the Committee:

- The historic stone wall would be damaged by the insertion of a palisade fence on top of the wall.
- The Applicant/ Respondent indicated that they are no longer opposing the appeal in the interests of expediting the project.
- 'Clearview' fencing is visually inappropriate in an urban heritage streetscape.
- Placing the palisade slightly back from the historic wall has a slightly less visual impact on the wall.

**DECISION**

The appeal is partially upheld.

The 'Clearview' fence is to be replaced with a galvanized palisade fence in the same position as the 'Clearview' fence indicated in the drawing number S01a. The detail of the palisading is to be agreed between the respondent and the appellant.

**11. Other Matters which are noted only**

11.1 None

**12. Proposed next date of the meeting to be held in person: 13 September 2023**

**13. Adoption of decisions and resolutions**

The Committee unanimously resolved to adopt the decisions and resolutions dated 16<sup>th</sup> August 2023.

**Closure:** The meeting was adjourned at 13:15

**MINUTES APPROVED AND SIGNED BY:**

CHAIRPERSON  DATE **13 September 2023**

SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_ 2023