

**APPROVED MINUTES OF THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**
**Held on Wednesday, 20 January 2021 via Microsoft Teams,
scheduled for 09:00**



1. Opening and Welcome

The Chairperson, Ms Katherine Dumbrell officially opened the meeting at 09:00 and welcomed everyone present.

2. Attendance

Committee Members:

Ms Katherine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH) (left 10h15)
Mr Jason Knight (JK) Item 10.2

Members of Staff:

Ms Aneeqah Brown (AB)
Mr Olwethu Dlova (OD)
Ms Cathy-Ann Potgieter (CAP)
Ms Zikhona Sigonya-Ndongeni (ZS)
Ms Nosiphiwo Tafeni (NT)
Ms Colette Scheermeyer (CS)
Ms Penelope Meyer (PM)
Ms Khanyisile Bonile (KB)
Mr Thando Zingange (TZ)

Visitors:

Item 10.1

Mr Stephen Parkes
Mr Philip Smith
Ms Laila Mahomed

Item 10.2

Mr Ori Saban
Ms Bridget O'Donoghue
Mr Torben Pheiffer

Ms Nandi Siegfried
Mr Luke Stevens
Mr Richard Summers

Observers: Mr Stuart Burnett (GPRA)

3. Apologies

Absent

None

4. Approval of Agenda

4.1 Dated 20th January 2021

The Committee resolved to approve the Appeals Agenda dated 20th January 2021.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 4th December 2020

The Committee resolved to approve the minutes of the Appeals Committee meeting which was held on 4th December 2020.

6. Disclosure and Conflicts of Interest

- 6.1 Item 10.3 (for noting in this meeting): KD
Item 10.2: SH

7. Confidential Matters

- 7.1 None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

PM reported back on the Cannon Brewery tribunal, raising concern over the Tribunal's current tendency to refer the decision back to HWC instead of making decisions.

The Committee concurred with PM's concerns and requested that she raise them through the appropriate channels.

With regards to the proposed development at the River Club in Observatory, the Department of Transport and Public Works has issued a notice of motion, citing HWC as a party, but taking issue with only parts of the tribunal's ruling. HWC will not be opposing.

8.2 Report back from HWC Council

The Council had an extraordinary meeting on 18th January 2021 regarding the Chairperson of the Council's resignation. Adv Mdludlu has been appointed in his place. This Committee was therefore left without a Chair, and only one Council member. At the meeting on the 18th, Mr Hermansen was appointed as a second Council member to this Committee, and Ms Dumbrell was appointed as Chair.

8.3 Site Visits Conducted

None

8.4 Potential Site Visits

None

8.5 Date of June 2021 Appeals Meeting

The Committee resolved that the June 2021 Appeals Meeting should be held on Tuesday 15th June 2021, as the previously circulated date is a public holiday.

9 Matters Arising

- 9.1 None

10 New Matters

- 10.1 **Proposed additions and alterations, Erf 86617, 16 Wherry Road, Muizenberg
HM/CAPE TOWN METROPOLITAN/MUIZENBERG/ERF 86617
Case No: 20092102TZ1030E**

Mr Thando Zingange introduced the case.

Mr Stephen Parkes (architect for the application), Mr Philip Smith and Ms Laila Mahomed were present and took part in the discussion.

APPELLANTS – City of Cape Town represented by Mr Smith and Ms Mahomed

- The appeal is against the HOMs decision to approve the plans.

DISCUSSION

Amongst other things, the following was discussed:

- The Committee noted the Art-Deco character of the area, and the degree of relative consistency with the Muizenberg HPOZ and receiving environment of the streetscape despite the presence of high walls. Buildings are generally orthogonal to the street, with projecting, roofed stoeps.
- The proposal appears to disregard the above-mentioned character.
- The proposed angled front elevation and resultant asymmetrical gable is out of keeping with the architecture of the surrounding area and reads as a Post-Modern architectural response.
- As such, the Committee is of the opinion that the intervention is not sensitive to the streetscape.
- The Committee noted that the doors and fenestration proposed must be in keeping with the existing structure.
- The Committee was of the opinion that plans must be revised to be sensitive to the surrounding streetscape.

FURTHER REQUIREMENTS

The Committee requires that the plans be revised to take account of the principles of axiality and orthogonal relationship to the street. It is possible to extend the house to the front, but this should be behind a parapet so that the existing roof can be read from the street. The fenestration and doors should take their clues from the existing. The revised proposal should come back to the Appeals Committee after consultation with the EHRM of the CoCT, with their formal comment attached.

**10.2 The Proposed Alterations and Additions of Erf 649, 19 Torbay Road, Green Point
HM/CAPE TOWN METROPOLITAN/GREENPOINT/ERF 649
Case No: 20030309KB0615E**

Mr Stuart Hermansen recused himself for this item. Mr Jason Knight joined the Committee for the item.

Ms Khanyisile Bonile introduced the case.

Mr Ori Saban, Ms Bridget O'Donoghue, Mr Torben Pheiffer, Ms Nandi Siegfried, Mr Luke Stevens and Mr Richard Summers were present and took part in the discussion. Mr Stuart Burnett, from the GPRA, observed.

APPELLANTS

- The appeal is against BELCom's decision to approve the proposed development.

DISCUSSION

Amongst other things, the following was discussed:

- The Committee noted the difficulty in assessing the rear portions of the structure – that is the Haytor Road elevation.
- The Committee noted that the proposed gable is substantially broader and therefore larger than the existing gables and that this would have a potential negative impact on both streetscapes from which it is visible.

- The Committee raised concerns over the scale and massing of the proposed structure.
- The proposed addition to the existing structure is noted to be substantial, and the form of the addition is sizeable in proportion to the existing structure.
- The Committee notes that the issue does not lie with the proposed internal alterations proposed within the existing house.
- The Committee also notes that the proposed structure is strongly at variance with the heritage fabric.
- The pitched roof is considered to be too high.

FURTHER REQUIREMENTS

The Committee requires that the plans be revised to omit the pitched roof and the accommodation within the pitched roof/attic space. Any addition to the rear building must be flat roofed. The addition to the rear of site must read as subsidiary to the main house. To achieve this, the roof must be lower than ridge-height of the main house. Therefore, the third storey is not approved. A mono-pitch roof over the garage would be acceptable in preference to a gable end showing to Haytor Road. The matter must return to this Committee for further consideration.

10.3 The Proposed Mixed-Use Development on Erf 8019. Sir Lowry Square, Woodstock HM/CAPE TOWN METROPOLITAN/WOODSTOCK/ERF 8019 Case No: 20091008KB0921E – This item is for noting only.

11. Adoption of decisions and resolutions

The Decisions and Resolutions of the meeting were unanimously adopted by the Appeals Committee.

13. Proposed next date of the meeting: **17th February 2021**

14. Closure: The meeting was adjourned at: 13:25

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON_____

DATE_____

SECRETARY_____

DATE_____