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## CONCERNED RESIDENTS GET FAVOURABLE RULING

Cities and town are faced with the difficult task of balancing the inevitable pressure of urban development with the concern by communities to protect and preserve the structures of heritage significance as well as the natural beauty which gives their areas a distinctive character. This similarly is a challenge for our area. While planning and zoning regulations have been developed by the City in consultation with stakeholders, including residents, so as to ensure that urban development happens in a way that is beneficial to all, the Sea Point Fresnaye Bantry Bay Ratepayers & Residents Association (SFB) are becoming increasingly concerned that this balance is not being maintained because the City of Cape Town is approving developments that disregard the agreed planning and zoning regulations – developments which residents generally consider to be inappropriate and undesirable for our area. Last month residents received the encouraging news that, despite the City approving one such development at 32 Upper Clarens Road, a number of affected residents in the area, together with various stakeholder bodies, including the SFB, appealed the decision to the Mayoral Committee on Planning Appeals Advisory Panel (PAAP). Thankfully, the appeal was upheld and the PAAP overturned the City's approvals and ruled in the residents' favour.

In this instance the developers submitted an application to have 32 Upper Clarens Road rezoned from General Residential subzone 2 (GR2) to General Residential subzone 4 (GR4). The classification of properties in accordance to these zones, determines and restricts the extent of a development, notably setting the maximum height of a building and the density of floor area relative to the size of the property (floor factor). Neighbours, other residents, Sea Point 4 All and the SFB, with the assistance of town planners, collectively objected to the application. The Mayoral Committee on Planning Appeals Advisory Panel overturned both the City's and the subsequent Municipal Planning Tribunal's approval to rezone the property and ruled that the current GR2 zoning is appropriate and that increasing the density or bulk by 20% would be excessive.

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However, this matter is not fully resolved since residents are concerned that the development of the property has already proceeded in anticipation that the application for rezoning would be successful. Building works undertaken on the property, which include structural elements appear to be in contravention of the applicable zoning regulations. Concerned residents and the SFB have approached the City requesting an inspection of the property to identify and remedy any unauthorised building works. Building beyond the approved plans can have dire consequences, since the Supreme Court of Appeals set the precedent in the case of Lester V Ndlambe Municipality that demolition is the appropriate remedy for unauthorised building works.

This ruling by the Mayoral Committee on Planning Appeals Advisory Panel sends a strong signal to prospective developers to abide by and respect the zoning regulations that have been put in place to ensure that the building and renovation of structures are appropriate in scale, and sensitive to the urban character of the area.