

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

Held on Wednesday, 8 September 2021 via Microsoft Teams, scheduled for 08:30

1 Opening and Welcome

The Chairperson, Ms Katherine Dumbrell officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Committee Members:

Ms Katherine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Aneeqah Brown (AB)
Ms Cathy-Ann Potgieter (CAP)
Ms Zikhona Sigonya (ZS)
Ms Penelope Meyer (PM)

2 Visitors:

Item 9.1

Ms Ute
Kuhlmann Mr
Andrew
Savage Mr
Ernest Ford
Mr Nic Smith
Mr Henry Aikman

Apologies

None

3. Absent

None

4. Approval of the Agenda

4.1 Dated 8 September 2021

The Committee resolved to approve the Appeals Agenda dated 8 September 2021.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 11 August 2021.

The Committee resolved to approve the minutes dated 11 August 2021 with minor amendments.

6. Disclosure and Conflicts of Interest

None

7. Confidential Matters

None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

CAP reported back on the following Tribunals:

Erf 405, Oldfield Road, Sea Point: Appeal dismissed. Erf 1430, Bradwell Road: Appeal dismissed.

8.2 Report back from HWC Council

KD presented the Appeals Committee Chairperson's Report. The issue of late appeals being brought to the Committee was raised. One problem related to Case Officers leaving HWC without an adequate hand-over process and the lack of formal records of communication with applicants/potential appellants. The trend of appeals against NID Responses was also raised as a cause for concern. Council supported the Report. It was further noted that the term of office of the current Tribunal Board was also noted to be coming to an end and a call for applications has been made.

8.3 Site Visits Conducted

None

8.4 Potential Site Visits

Erf 334, 21 Victoria Road, Bantry Bay. AvG, NB & AM resolved to undertake a site inspection on 4 October 2021 at 10am. The Committee noted that an interior inspection is not necessary. CAP to arrange with the owner.

8.5 Discussion of the Agenda

The Committee noted the Woodstock Ratepayers Association's requirement that we pronounce on whether matters are returned to I&APs at later stages of BELCom processes and who is responsible for doing so. It was noted that HWC is not responsible for public participation, but rather the applicant. Currently, the issue of consultation once a matter is within a Committee process is approached on a case-by-case basis, with the Committee reflecting its requirement for further consultation in the minutes of the applicable meeting. It was noted that this falls under the HWC Guidelines for Public Participation, which is within the purview of Council to amend. This Committee can raise the issue for Council's attention, but not make any pronouncements. The Committee would support HWC engagement with registered conservation bodies on this matter via a virtual workshop.

9 Matters Arising

- 9.1** Proposed Alterations and Additions, Erf 12255, 230 Victoria Street, Woodstock
HM/CAPE TOWN METROPOLITAN/WOODSTOCK/ERF 13355
Case No: 21051806SM06064E

Site inspection report to be tabled.

Ms Cathy-Ann Potgieter introduced the case.

Ms Ute Kuhlmann (Appellant: WRA), Mr Andrew Savage (WAAB), Mr Ernest Ford (WAAB), Mr Henry Aikman (for the Respondent), and Mr Nic Smith (Objek Architects) were present and took part in the discussion.

APPELLANT presented, amongst others, the following arguments:

- Appeal against BELCom's decision to approve the application.
- The Appellant submitted their comment to the proposals on 1 September 2021.
- The Appellant requires from the Committee to pronounce on whose responsibility/whether matters are returned to I&APs at later stages of BELCom processes.
- The Appellant wishes to place on the record that the Appeal is not meant in bad faith.
- There is precedent in the area for appropriate densification.
- There is a height discrepancy between the context and the proposed development.
- The proposed setbacks are inappropriate.
- The parking spaces have not been appropriately considered with regards to the relationship to the street.
- The Supplementary Heritage Statement states that the setback is not over 4m as claimed by the Applicant

Woodstock Architectural and Aesthetics Body (I&AP) presented, amongst others, the following arguments:

- Reiterated opposition to the proposal.
- It is possible to design a building that will adhere to the contextual building lines and respect the setbacks.
- These points have been shared with the Applicants, Appellants and HWC but have not been properly considered.

APPLICANTS presented, amongst others, the following arguments:

- The contention that they have inaccurately depicted the scale of the proposed development is without merit.
- The parking spaces do not impact on the usability of the space.
- The intention is to repair and maintain the existing fenestration and for it to remain in use as intended. The comment is therefore inaccurate in claiming otherwise.
- The issues of height and setback form the main basis of the comment submitted.
- There is a setback on Victoria Road. The setback closest to the corner is greater (4m) than that which is closer to Crimson Square (1.5m). As such, the image does not accurately depict the dimensions.
- The application is for 27.5m in height. The Appellant's image depicts an excess of 30m which is inaccurate.
- The setback is not parallel to the cadastral boundary. The building plan is rectangular, but the actual site is obliquely angled. This may be the cause for misunderstanding. There is a zero setback requirement for this zoning.
- The slab edge will not be visible through the existing openings. Both floors will be ventilated internally.

DISCUSSION

Amongst other things, the following was discussed:

- The HWC public participation guideline document does not provide requirements on practitioners/applicants to undergo public participation in the later parts of the BELCom process.
- In this case the comments and concerns of the I&APs have been ventilated, considered, and addressed by the Appeals Committee.
- The Committee reiterates that it is not within the purview of its mandate to amend such HWC guidelines but will raise it with Council who is empowered to do so.
- The Committee suggests that conservation bodies could consider lobbying for raising this issue in the Council context.
- The Committee notes that there are many aspects of the submissions that relate to town planning, however, it will address the applicable heritage issues.
- The issue is based on the impact of the development on the heritage character of the area. The fact that the building comes very close to the road, and with the relative size of the new development vis a vis the size of the existing art deco building, this is of concern to the Committee.
- The pedestrian experience of the streetscape will be impacted, and the structure could overwhelm the current contextual character.
- The impact of Crimson Square could be considered as a precedent; however, it must be noted that 230 Victoria Road is a corner site and not a mid-block location.
- Roberts Road is a typical narrow side road which is almost inevitably impacted by the juxtaposition of a main road context with the side street's finer grain.
- The Committee agrees that there will be a substantial impact by this development, but the extent thereof in the heritage context must be considered.
- The Committee also notes the expertise of BELCom in determining such issues. The Committee believes that BELCom appropriately applied themselves to this application. Notwithstanding their efforts, the Committee believes that the proposal needs to be reviewed.
- There is a continuity of street facades along this portion of Victoria Road, which have a particular rhythm, massing and form. There is an architectural coherency, which needs to be respected in terms of the densification process to ensure the retention of these heritage values.
- Further, the issue of dissonance between the existing street-facing façade and the orthogonal geometry of the new intervention above, would be mitigated by a greater set-back from Victoria Road.

FURTHER REQUIREMENTS

- The Committee requires that the architects revise the proposal to include a minimum set-back of 5m from Victoria Road for the new work. The revised proposal to be submitted to the Appeals Committee for consideration.

10. New Matters

- 10.1 Item 10.1:** Proposed Total Demolition, Erf 334, 21 Victoria Road, Bantry Bay
**HM/CAPE TOWN METROPOLITAN/BANTRY BAY/ERF
334 Case No:** 21030408XM0422E

Appeal pack to be tabled

Ms Cathy-Ann Potgieter introduced the case.

HELD OVER

The Committee resolved that AvG, NB and AM are to undertake a site inspection on 4 October 2021 at 10am.

13. **Proposed next date of the meeting:** 13 October 2021

14. **Adoption of decisions and resolutions**
The Committee unanimously resolved to adopt the decisions and resolutions dated 8 September 2021.

15. **Closure:** The meeting was adjourned at 11:20

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  _____

DATE 13 October 2021

SECRETARY  _____

DATE 13 October 2021

