

## MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Approved Minutes of a Meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 20 June 2018, at 09H30 in the 1st Floor Boardroom at the Protea Assurance Building, Greenmarket Square, Cape Town

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### 1. Opening and Welcoming

The Acting Chairperson Ms Antonia Malan officially opened the meeting at 09:39 and welcomed everyone present.

### 2. Attendance

#### Appeals Committee

Dr Antonia Malan (Co-Opted) (AM)	Appeals Chairperson
Dr Andre van Graan (AvG)	Appeals Committee Member
Dr Nicolas Baumann (NB)	Appeals Committee Member
Mr Rowen Ruiters (RR)	Appeals Committee Member
Mr Tseliso Leshoro (TS)	Appeals Committee Member

#### HWC Staff

Ms Colette Scheermeyer (CSc)	Deputy Director
Ms Penelope Meyer (PMe)	Legal Advisor
Mr Andrew September (AS)	Heritage Officer
Ms Heidi Boise (HB) left at 13:15	Heritage Officer
Ms Waseefa Dhansay (WD)	Heritage Officer
Mr Zethembe Khuluse (ZK)	Heritage Officer
Ms Stephanie Barnardt (SB)	Heritage Officer
Ms Aneeqah Brown (AB)	Admin Clerk
Ms Yolanda Moya (YM)	EPWP Intern
Ms Khanyisile Bonile (KB)	Graduate Intern
Mr Thando Zingange(TZ)	Graduate Intern

#### Visitors

Ms Adelaide Combrink (AC)	Dr Stephen Townsend (ST)
Mr Johan Cornelius (JC)	Mr Lyle Van der Merwe (LVdM)
Ms Rushni Ebrahim (RE)	Mr Antony Arvan (AA)
Mr Johan Mauherbe (JM)	Mr Thys Louw (TL)

#### Observers

Mr Bongsi Dube (BD)

### 3. Apologies

Ms Corlie Smart (CSm)

### 4. Approval of agenda

The Appeals Committee resolved to approve the agenda dated 20 June 2018 with additions.

### 5. Approval of minutes of the previous meeting

The Committee expressed concern that minutes are delayed and CSc confirmed that the matter has been discussed at Council and is being addressed.

**5.1 Dated 24 January 2018**

The Committee noted the minutes approved via email dated 24 January 2018.

**5.2 Dated 21 February 2018**

The Committee resolved that the minutes must be circulated to members via email for approval.

**5.3 Dated 18 April 2018**

The Committee noted the minutes approved via email dated 18 April 2018.

**5.4 Dated 16 May 2018**

The Committee resolved that the minutes must be circulated to members via email for approval.

**6. Disclosure of interest**

6.1 None

**7. Confidential Matters**

7.1 None

**8. Administrative Matters**

**8.1. Outcomes of Tribunals and Court judgements**

- Nothing to report on Tribunals.
- An appeal to be considered in respect of the Anson Square, Observatory judgement. The definition of a 'site' is still not clear enough, or appropriate, when applied to developments other than that particular case. PM will write an interpretation from the HWC perspective and circulate to all committees.

**Penelope Meyer**

**8.2 Distribution of Documentation**

It was noted that some Committee members experience difficulty in opening zip files from the HWC blogsite. This is probably due to internal IT problems and is being addressed by the website administrators where possible. Any such problems should be reported to staff.

**8.3 Site Visits**

The following site inspections undertaken by Committee members were noted:

- Proposed Total Demolition, Erf 551, 4 Oliver Road, Sea Point: Section 34.
- Proposed Total Demolition, Erf 1489, 12 Bradwell Road, Vredehoek: Section 34. In response to further information subsequently received from I&APs, the

site inspection report was amended to read as follows: 4. "The windows on either side of the porch have **very recently** been changed ....".

#### **8.4 Committees Workshop**

It was noted that a date in late August is being set.

### **9. Matters Arising**

#### **9.1 Proposed Total Demolition: Erf 1489, 12 Bradwell Road, Vredehoek: Section 34**

**Case No:** 17042814WD0503M

Members of the Committee reported back on the site inspection.

Ms Adelaide Combrink and Mr Johan Cornelius were present and took part in the discussion.

In summary it was noted in discussion that:

- The basis of the Appeal is that the original house has undergone several alterations since the 1930s, in particular to the façade, and that these have had an adverse effect on the overall appearance of the Art Deco design.
- More recent alterations (garage with room above and stoep enclosure) were ill-considered and have further compromised, if not destroyed, the authenticity of the Art Deco design.
- The Committee noted that the heritage issues include levels of intactness, integrity and rarity.
  - City of Cape Town recorded an opinion that there is enough intrinsic historic fabric internally and externally, and the significance also lies with the contribution of the building to the streetscape.
  - The interior appears to be sympathetically adapted and maintained with appropriate repairs, fittings and fixtures.
  - The Committee considered that the integrity of the facade has been retained, despite layers of alterations and additions. The changes are acknowledged but they have not destroyed the heritage-worthiness of the building.
  - There are very few other remaining Art Deco dwelling houses in Cape Town.
- The building lies within a proposed HPOZ of which the predominant character of the existing buildings is Art Deco. The building contributes to the character of the area and its grading of IIC is supported.

#### **DECISION**

The Committee dismissed the Appeal.

**Waseefa Dhansay**

#### **9.2 Proposed Total Demolition: Erf 551, 4 Oliver Road, Sea Point: Section 34**

**Case No:** 17103016WD1201E

Members of the Committee reported back on the site inspection.

Mr Johan Cornelius, Mr Lyle Van der Merwe, Mr Antony Arvan and Ms Rushni Ebrahim were present and took part in the discussion.

In summary it was noted in discussion that:

- The Committee noted that the property is ungraded and is not within a HPOZ.
- The Appeal is against the condition imposed by BELCom and conveyed in a letter from HWC dated 26 March 2018, that the replacement building should not be more than three storeys high.
- There is no analysis of heights and scale and massing in the area to which to refer. In the absence of this contextual information, it is problematic to impose height restrictions, let alone in terms of heritage-related impacts.
- The objection to the application for total demolition by Sea Point For All is not based on relevant or substantive heritage-related information.

#### **DECISION**

1. The Appeal against total demolition is dismissed.
2. The Appeal against the condition for a three-storey height restriction on the replacement building is upheld. The demolition permit is granted without conditions.

**Waseefa Dhansay**

### **9.3 Proposed Total Demolition: 51 Buitenkant Street, Erf 5277 and 5278, Cape Town, CBD: Section 34**

**Case No:** 17090506WD0610E

Dr Stephen Townsend and Mr Johan Cornelius were present and took part in the discussion.

In summary it was noted in discussion that:

- The application for a proposed restoration, alteration and partial demolition was not approved by BELCom on 25 October 2017 on the grounds that “there is sufficient heritage significance both intrinsic and contextual, to warrant its retention”.
- At the Appeals Committee meeting on 21 February 2018, the appeal was upheld and the demolition granted subject to:
  - Submission to and approval of the proposed plans by the Appeals Committee;
  - Opportunity to comment on the plans to be afforded to I&APs.
- The public comment process and responses of CIBRA and the City of Cape Town were noted.
- The Committee noted the opinion expressed by Dr Townsend in a letter dated 4 December 2017, that the “site is located within a heritage resource, a long-identified ‘heritage townscape’, and conditions should be imposed so as to ensure that the surrounding heritage townscape is not damaged by the replacement building.”
- The Appeals Committee noted Dr Townsend’s view expressed on pp.3-4 of his letter dated 4 December 2017, that: “Any future development of the consolidated property comprising Erven 5277 and 528, shall be restricted to an envelope generally in accordance with the envelope shown on the drawing xxxx”. The Committee has not been presented with relevant analytical documentation for setting conditions, nor has it approved the proposed envelope.

- The Committee agrees that the site is located in a strategic position within the HPOZ which is acknowledged as having high townscape heritage significance. It noted, however, that the envelope which forms the subject of this present submission (presented as images) has not been adequately motivated in response to that heritage significance.

#### **FURTHER REQUIREMENTS**

The Committee requires an analysis of the components of this townscape and the extent to which the proposal responds to the heritage significance identified.

**Waseefa Dhansay**

#### **10. New Matters**

##### **10.1 Proposed Alterations & Additions: 56 Main Road, St James, Erf 88327: Section 34**

**Case No:** 18021302SB0302E

Ms Stephanie Barnardt PowerPoint presentation

The Committee noted the Appeal and it will be discussed at a later date.

**Stephanie Barnardt**

##### **10.2 Notification of Intent to Develop: Farm 25112, Farm Maastricht, Tygerberg Road, Bellville: Section 38(2)**

**Case No:** 17080403HB0808E

Ms Heidi Boise gave a PowerPoint presentation

Mr Johan Malherbe and Mr Thys Louw were present and took part in the discussion.

In summary it was noted in discussion that:

- The original section 34 application for alterations to the barn was approved but not acted upon within three years and the permit has accordingly lapsed.
- The proposed revised alterations to the barn together with a proposed parking area were submitted as a NID application in August 2017. HOMS requested an HIA with focus on archaeology and visual impacts.
- Conservation bodies have been consulted.
- The Committee also noted that an archaeological report on the ruins next to the barn had been commissioned in 2012, which resulted in realignment of a pedestrian route to avoid the ruins and recommendations for preservation.
- The appellant stated that no heritage resources would be impacted by the parking area and it was not visible from the road.
- The Committee was of the opinion that there was insufficient potential impact on heritage resources to warrant the requirement of a HIA.

**DECISION**

The Appeal is upheld and no further studies are required.

**Heidi Boise**

**10.3 Proposed Alteration & Additions: Erf 3008, 184 Upper Buitenkant Street, Oranjezicht: Section 34**

**Case No:** 17110216HB1208E

Ms Waseefa Dhansay presented the matter.

In summary it was noted in discussion that:

- The section 34 application was approved by BELCOM on 8 March 2018 with conditions, including “(iii) A re-designed rear elevation which is to be set back 900mm as recommended in the CoCT commentary [sic].”
- GVAG approved the application, and CIBRA expressed concerns about the cladding material at the rear, and recommended contacting HWC for advice.
- The streetscape along Forest Hill Avenue is not considered to have heritage significance and therefore enforcement of a setback is not warranted.

**DECISION**

The Appeal is upheld.

**Heidi Boise**

**10.4 Unauthorised Alterations & Additions: Erf 1084, Old Police Station, St Stephen's Road, Pinelands: Section 34**

**Case No:** 17060808HB0731E

Ms Waseefa Dhansay presented the matter.

In summary it was noted in discussion that:

- At a meeting on 8 March 2018, BELCom requested further information and recommendations from a heritage consultant in order to assess the extent of heritage significance and impacts of interventions.

**DECISION**

The Committee resolved to undertake a site inspection on 9 July 2018 at 10:00am.

**Heidi Boise**

**10.5 Proposed Alterations & Additions: Erf 1827, 34 Elizabeth Avenue, Pinelands: Section 34**

**Case No:** 17112015HB0110M

Ms Heidi Boise PowerPoint presentation

The Committee noted the Appeal and it will be discussed at a later date.

**Heidi Boise**

**11. Other Matters**

11.1 None.

**12. Adoption of decisions and additions**

The Appeals Committee resolved to adopt the decisions.

**13. Closure of the meeting**

The Chairperson closed the meeting at: 14:06

**14. Date of next meeting: 18 July 2018**

**Apologies for the 18<sup>th</sup> of July 2018**

1. Penelope Meyer
2. Nicholas Baumann
3. Antonia Malan will not be co-opting

Chairperson's Signature.....

Date.....