

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a meeting of the Special Appeals Committee of Heritage Western Cape held on Wednesday, 1 August 2014, at 10H00 in the 1st Floor Boardroom at the offices of the Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town

1. Opening and Welcoming

The Chairperson Mr Richard Summers opened the meeting at 10H30 and welcomed everyone present.

2. Attendance

Appeals Committee

Mr Richard Summers
Dr Nicolas Baumann
Dr Antonia Malan
Mr Trevor Thorold
Ms Laura Robinson

Chairperson Appeal Committee
Appeal Committee member
Appeal Committee member
Appeal Committee member
Council member

HWC Staff

Mr Andrew Hall
Mr Jonathan Windvogel
Mr Olwethu-Oz-Dlova

Chief Executive Officer
Heritage Officer
Admin Officer (Secretariat)

3. Apologies

3.1 None

4. Approval of agenda

The Committee resolved to approve the agenda dated 1 August 2014 with amendment.

5. Disclosure of interest

5.1 None

6. Administration

Proposal to re arrange the scheduling of appeal meetings.

7. New Matters

7.1 Proposed Alterations and Additions, Erf 8988, 22 Plein Street, Paarl: Section 34

Mr Jonathan Windvogel mad a power-point presentation.

Mr Leonard Raymond (appellant) and Mr Eugene Da Silva and Ms Sarah Lewis (applicants) were present and took part in discussion.

In discussion it was noted that:

- The building in question has been graded IIIC pursuant to a formal survey by the Drakenstein Municipality which survey has been formally adopted by HWC's Council.
- The Appellant (DHF) raised concerns about the grading and indicated that they had obtained specialist input that the subject building is a "special building" of heightened heritage significance. The DHF failed to substantiate this contention with reference to expert opinion.
- The DHF based its appeal on the basis that the proposal related to "substantial" alterations and demolition but the proposed interventions, in the view of the Committee, are relatively limited in scale and nature (and therefore limited in impact).
- The DHF indicated that a site visit by the Committee is a critical prerequisite to the Committee discharging its functions and mandate in terms of the NHRA.
- The Committee felt that as a general rule, whether or not a site visit is required must be informed by several considerations including the significance of the resource in question and the extent to which the resource might be affected by the proposal.
- On the face of the documentation forming part of the application, the Committee was confident that there is sufficient and detailed information regarding the nature and scale of the proposed interventions and their likely impact on the significance of the building. Further, the applicant's architect (Mr. E. Da Silva) was provided with an opportunity to present the building plans and to describe the nature of the proposals in the requisite detail. This was sufficient to enable the Committee to make an informed appraisal of both the application and the issues raised on appeal – a site visit would not therefore have contributed in any meaningful way to the Committee's deliberations on the facts of this matter.
- The primary heritage significance of the building derives from its contribution to the streetscape, as well as certain examples of fine external and internal fabric. The proposal however does not impact on the streetscape at all and the DHF was unable to clarify precisely which aspect of the proposed alterations would adversely affect the internal fabric.
- The primary internal elements that would be affected by the proposal would be the fireplace and some side windows. Based on the significance of the site and its grading (as a Grade IIIC) the Committee felt that there is no merit to the contention that the intervention of HWC is required to preclude the proposals from being given effect based on a significant adverse impact to the significance of the resource. The fact that the buildings is graded IIIC does not preclude interventions affecting the fabric.
- Even if the contention by the DHF that the grading as IIIC does not reflect the "special significance" alluded to by Mr. Raymond on behalf of the DHF, the Committee felt confident that even if the building was graded IIIB that the nature of the proposals would not affect the integrity of the resource in question.
- Despite being pressed for clarification in several respects, including in relation to specialist input regarding the alleged special significance of the building and its particular significance in terms of 20th century architecture, Mr. Raymond was unable to put up any specialist expert input to substantiate this claim.
- Mr. Raymond did make repeated reference to having consulted experts in 20th century architecture and that his objection to the proposal was based on the specialist advice that the DHF had received in this regard. Mr.

Raymond was however unable to put forward any specialist expert evidence which would support his contention that the building was more significant than that in terms of Grade 3.

- The Committee also felt that Mr. Raymond was unable to substantiate in the requisite level of detail the precise manner in which the resource would be affected by the proposals. On this basis, the Committee took the view that the appeal was unsubstantiated. Further, and with regard to the nature and scale of the proposals, the Committee felt strongly that an appeal on this basis was unwarranted in the circumstances.
- The Committee noted that other relevant heritage organisations such as Paarl 300 Foundation and ACTAEM supported the proposal and this is indicative of how other conservation bodies considered the applicant's proposals in terms of impacts on heritage resources.
- It was recognised that Mr. Raymond felt that the internal alterations could be achieved in a manner without destroying the internal fabric, but equally Mr Raymond stressed that the internal fabric must be treated as a complete unit.
- The applicant's architect stressed that the proposal does not entail any changes to the external south facing façade and that the proposals are of a limited nature to the internal layout of the building to accommodate the owners' requirements for contemporary living space.
- The Committee noted that it is required to place strong reliance on the results of the formal survey which resulted in the grading of heritage resources (as in this case the survey undertaken by the Drakenstein Municipality). Unless there are compelling factors which are put before the Committee which factors would indicate that a reliance on that survey would be misplaced, or, if the survey itself had not accurately achieved the purpose in terms of the Heritage Resources Act, then there is no basis to question the veracity of the grading process.
- The DHF had failed in its appeal submissions to make any compelling argument as to any such factors being relevant (i.e. to substantiate a reconsideration of the grading of the building).

DECISION

The Committee resolved to dismiss the appeal for the following reasons:

- The building is grade IIIC pursuant to a formal survey by the local authority.
- The primary significance of the building derives from its contribution to the streetscape.
- The proposed interventions do not adversely affect the significance of the resource or its contribution to the streetscape context (the street façade not being affected at all by the proposal).
- The proposed interventions are of a limited nature, and there is no merit to the argument that the proposed alterations to the internal fabric are so significant that such measures cannot be approved. There is also insufficient merit to the suggestion that the proposed alterations will give rise to the cumulative erosion of the overall significance of the resource.
- The proposals do not impact adversely on the significance of the building.

Jonathan Windvogel

8. OTHER MATTERS

8.1 None

9. ADOPTION OF DECISIONS AND ADDITIONS
The Committee resolved to adopt the decisions.

10. Closure of the Meeting
The Chairperson closed the meeting at **12H00**

11. Date of Next Meeting **20 August 2014**

Chairperson's Signature.....

Date.....

Mr Andrew Hall
ACCOUNTING AUTHORITY
For Head of Department

Approved