

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a Meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 22 June 2016, at 09H00 in the 1st Floor Boardroom at the Protea Assurance Building, Greenmarket Square, Cape Town

1. Opening and Welcoming

The Chairperson Mr Richard Summers opened the meeting at 09H12 and welcomed everyone present.

2. Attendance

Appeals Committee

Mr Richard Summers (RS)
Dr Nicolas Baumann (NB)
Dr Antonia Malan (AM)
Mr Trevor Thorold (TT)
Ms Quahnita Samie (QS)

Appeals Chairperson
Appeal Committee member
Appeal Committee member
Appeal Committee member
Council Member

HWC Staff

Mr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CS)
Ms Jenna Lavin (JL)
Mr Nuraan Vallie (NV)
Ms Penelope Meyer (PM)
Ms Katherine Robinson (KR)
Mr Olwethu Dlova (OD)

Chief Executive Officer
Deputy Director
Assistant Director
Assistant Director
Legal Advisor
Heritage Officer
Admin Officer (Secretariat)

Visitors

Mr Ashley Lillie (AL)

Mr Anton Slabbert (AS)

Observers

None

3. Apologies

None

4. Approval of agenda

The Committee resolved to approve the agenda dated 22 June 2016.

5. Approval of minutes of the previous meeting

5.1. Dated 18 May 2016

The Committee resolved to approve the minutes with a minor correction.

6. Disclosure of interest

6.1 None

7. Confidential Matters

7.1. None

8. Administrative Matters

8.1. Outcomes of the Tribunal Committee

Nothing to report

Penelope Meyer

8.2. Recent Court Decisions

Nothing to report

Penelope Meyer

8.3. Site Visits

None to report.

Penelope Meyer

9. Matters Arising

9.1 None

10. New Matters

10.1 Proposed Total Demolition, Erven 3223 & 2988, 106 & 108 Kloof Street, Oranjezicht: Section 34

Ms Katherine Robinson made a power-point presentation.

Mr Ashley Lillie and Mr Anton Slabbert were present and Mr Lillie made representations on behalf of the appellant.

CIBRA had been notified of the time and date of the appeal hearing but the case officer had received no indication that CIBRA were going to be attending.

Mr. Lillie requested that the meeting adjourn at the outset and that a site visit be undertaken prior to affording the appellant an opportunity to make representation. The Chairperson indicated that the hearing would proceed and thereafter the Committee will undertake a site visit to inspect the property and context.

In discussion it was noted that:

- The buildings had been graded by the City of Cape Town as Grade IIIC.
- The legend reflecting the difference between historical and altered components of the buildings is incorrect throughout the presentation and appeal documents.
- The applicant/appellant is the owner of the property and has possessed the property for approximately 20 years. Mr. Lillie stressed that we were not dealing with an opportunistic development but rather a landowner which is trying to utilise the property most effectively.

- With regard to context, Mr. Lillie stressed that the area is totally commercial and that there are no residences in the vicinity of the subject buildings on Kloof Street. Mr. Lillie indicated that the process of commercialisation has led to a massive degradation of the context in this part of Kloof Street.
- Mr. Lillie indicated that the interior of the buildings had been altered to such a great extent that the interior was not relevant to the merits of the appeal.
- Mr. Lillie conceded that the form of the original buildings still survive but that the front façade had been much altered and therefore this detracted from the building itself. Mr. Lillie indicated that the front fabric had essentially gone apart from the only elements remaining of significant heritage fabric, namely the form and the barge boards.
- With regard to the several accretions to the property over time, Mr. Lillie submitted that these were of such a great extent that they are beyond restoration. The front wall and garden of the original building have long-since disappeared and replaced by a built-in parking lot.
- Mr. Lillie indicated that there were no conservation-worthy structures anywhere near the property. The closest conservation-worthy structures are situated towards the library which he suggested was a considerable distance away. Mr. Lillie indicated that directly opposite the building there is a series of unattractive late 20th century buildings.
- With regard to the future proposed development Mr Lillie indicated that there was an opportunity for a very fine terrace which does not detract from the significance from Kloof Street. Any re-development could be regulated adequately in terms of the City of Cape Town's zoning scheme.
- The applicant has appointed architects to investigate the viability of alterations to the existing buildings, but the range of other options which have been investigated for the property are not feasible.
- On the issue of grading the appellant agrees with Bridget O'Donoghue's assessment. Even if the building is deemed a Grade IIIC Mr. Lillie implied that the approach which required the developer to spend a huge amount of money to remodel the property for a more effective use only to serve the object of retaining the remaining significant features of the barge boards would be an excessive result.
- With regard to streetscape in general Mt Lillie suggested that this is not a particularly significant street corner.
- Without a permit in terms of section 34 for total demolition the applicant is unable to engage meaningfully with the City of Cape Town regarding possible alterations to the building.
- A building such as this (i.e. Grade IIIC) can be managed exclusively by the City of Cape Town. Refusing the application would leave the applicant caught between two authorities namely, the City of Cape Town and Heritage Western Cape. Mr. Lillie referred to meetings that had taken place between the appellant and the City of Cape Town which apparently had indicated an openness to engage in discussing alterations.
- The Chairperson cited several instances in the heritage statement which indicated a significance of medium has been assigned to several components of the assessment of significance and in response Mr. Lillie indicated the one should have regard to the sum of the parts rather than the parts themselves and for this reason it is the conclusion in Bridget O'Donoghue's report that is the most important one.
- Mr. Lillie submitted that the buildings in question are not of particular architectural value and architect Reid was a prolific architect and although a competent Reid was not a significant architect.
- Mr. Lillie concluded that if the building was intact it would possibly have qualified for a IIIB grading. The current offices are not functional and there is

- no viable alternative without catering for proper parking opportunities as the City of Cape Town would not approve it. In short, Mr. Lillie submitted that there is no meaningful long-term future for the buildings in their current form.
- The Committee acknowledged that a lot of argument related to the intrinsic and architectural significance of the building and that the contribution of the buildings to the local character and its distinctiveness are the key considerations. One ought to have regard to grain and authenticity and streetscape and consider the hybrid nature of the streetscape and those factors which contribute to the character of Kloof Street.
 - Essentially it has to do with hybrid qualities and character as well as the roof treatment and the gable ends.
 - With regard to the designation of the area as a Conservation Area originally, Mr. Lillie indicated that they weren't defined in a rigid way of consistently retaining conservation-worthy fabric. Mr. Lillie suggested that it wasn't the intent that everything inside the heritage area is to be retained and reiterated that the notion behind a conservation area allows the City to manage the massing of built form and the like.
 - The Committee resolved to adjourn and undertake a site inspection. It was agreed that there was no need to undertake a site inspection of the interior of the buildings as the qualities are determined by the exterior and the factors alluded to above.

DECISION

- Having undertaken site visit at 11h45 the Committee noted that the context within which the site is situated does have heritage significance. The heritage qualities of the area vary rapidly from street to street and it is this nature and quality of this part of the area which is significant. The site is situated at a critical interface between two zones of high heritage quality (Tamboerskloof and Hofmeyr Street).
- The buildings themselves make a definite and clear contribution to the hybrid nature of buildings in Kloof Street in terms of their setback, scale, built form, roof scape, gable treatment and associated elements (such as pilasters).
- It is the combination of built form and some remaining architectural features (which contribute to the overall aesthetic qualities of the buildings) and contextual significance that are sufficient to warrant a IIIC grading.
- Opposite the building is a terrace of late Victorian structure which although used for commercial purposes contribute directly to the streetscape and the heritage qualities of the area.
- If buildings of this nature and possessing such aesthetic qualities were allowed to be demolished in terms of a section 34 application then this would significantly undermine the management of this area as a HPOZ and likely undermine the objectives of a heritage overlay.
- The essential elements of this HPOZ are characterised by the hybrid qualities of Kloof Street, represented by different architectural styles. Series cumulative losses of buildings of this nature would gradually erode the significance and qualities of the HPOZ.
- The Committee supported the City of Cape Town's comments that there is sufficient heritage value remaining despite the changes to the buildings over time. The aesthetic character and contextual value of the buildings contribute directly to the qualities of Kloof Street.
- The BELCom decision was equally clear insofar as the merits of the application are not determined solely with reference to limited fabric (i.e. gables and barge boards). These are two intact elements but the significance of the building was

underplayed in the appeal and the building clearly contributes to the place character.

- The Committee does not support the conclusion in the Heritage Statement for the reasons above.
- The arguments around lack of feasible viable alternative uses might be valid from a commercial use perspective but these are not compelling grounds in terms of the criteria contemplated in the National Heritage Resources Act which would warrant the demolition of the building in question.

The Committee resolved to dismiss the appeal.

Katherine Robinson

11. Other Matters

11.1 None

12. Adoption of decisions and additions

The Committee resolved to adopt the decisions.

13. Closure of the meeting

The Chairperson closed the meeting at: 10:02

14. Date of next meeting 20 July 2016

Chairperson's Signature.....

Date.....