

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

Approved Minutes of a Meeting of the Appeals Committee of Heritage Western Cape
held on Tuesday, 23 March 2016, at 09H00 in the 1st Floor Boardroom at the Protea
Assurance Building, Greenmarket Square, Cape Town

1. Opening and Welcoming

The Acting Chairperson Dr Antonia Malan opened the meeting at 09H00 and welcomed everyone present.

2. Attendance

Appeals Committee

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

Appeal Committee member
Appeal Committee member
Appeal Committee member
Council Member

HWC Staff

Mr Mxolisi Dlamuka (MD)
Dr Errol Myburg (EM)
Ms Colette Scheermeyer (CS)
Ms Penelope Meyer (PM)
Ms Waseefa Dhansay (WD)
Mr Andrew September (AS)
Mr Olwethu Oz Dlova (OD)

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

Visitors

Mr E.K. Fleischhauer (EKF)
Adv Adam Brink (AB)

Mr Henry Aikman (HA)
Mr Johan Cornelius (JC)

Observers

None

3. Apologies

Mr Richard Summers (RS)

Chairperson Appeal Committee

4. Approval of agenda

The Committee resolved to approve the agenda dated 23 March 2016.

5. Approval of minutes of the previous meeting

5.1. Dated 17 February 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

Ms Meyer reported that two matters have been heard by the Tribunal Committee (Louw Road, Observatory and Livingstone Road, Claremont) but the outcomes have not been received.

Penelope Meyer

8.2. Recent Court Decisions

Ms Meyer noted that there is nothing to report.

8.3. Site Visits

The Chairperson noted that there is nothing to report.

Penelope Meyer

9. Matters Arising

9.1. Proposed Total Demolition, Re-erf 5396, 15 Contour Road, Hermanus: Section 34

Mr Andrew September made a power-point presentation to introduce the case.

Mr Fleischhauer, Mr Aikman and Advocate Brink were present and took part in discussion.

In discussion it was noted that:

- The site was graded IIIC in the Overstrand Heritage Survey; it is not in an HPOZ; it is a modest house of a type built in Hermanus in the 1930s in Arts & Crafts style, typically having a thatched roof, bayed front rooms, teak woodwork and brass work, picture rails, verandah, etc.
- The Overstrand Heritage and Aesthetics Committee did not support demolition, and suggested a grade of IIIB and adaptive reuse.
- A heritage statement was prepared by Ron Martin in June 2015 and supplemented by a heritage statement by Henry Aikman in March 2016. They concluded that, inter alia:
 - The historical association with WW II hero Mr Bushell cannot be sustained (the house merely belonged to his parents);
 - Some elements of the original house remain (front room form and layout and fittings and fixtures) but subsequent alterations and additions have compromised the external aesthetic quality of the house (especially the replacement roof fabric and style, and associated elements);
 - The house and remaining plot is set in a subdivided and modernized streetscape, degraded and of no heritage significance, and the old

- building cannot be seen from the street and does not contribute to the streetscape;
 - The original orientation of the house was facing south towards a distant sea view, and this vista is now blocked;
 - The condition of the building could be remediated, but to be liveable the house would have to be substantially altered and reoriented towards the Mountain View, which would relegate the remaining authentic portion to the rear of the building thus losing heritage significance.
- BELCom took the Martin report and OHAC view into consideration, deciding that “the building has sufficient heritage significance to warrant formal protection in terms of its intrinsic architectural and aesthetic values and its relationship with its setting”, and refused demolition.
- The basis of the appeal is that:
 - The orientation of the building to the land, and the changes that 80 years of development surrounding the property and to the property itself, have rendered it not conservation-worthy;
 - The applicant wishes to demolish the structure and to redevelop the property with new dwellings, as has taken place in the neighbourhood.
- While one member of the Committee had no objection to demolition based on the information provided, others noted that there has been little attempt to engage with the possibility of retaining the original structure, there are divergences of opinion over the quality of remaining form and fabric and its significance, and there is insufficient information in the documents to make a decision (such as plan form and volume of the main rooms).

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DECISION

The Committee resolved to undertake a site inspection. The case officer to liaise with Mr Fleischhauer.

Andrew September

10. New matters

10.1 Proposed Alterations and Additions, Erf 408, 8 Irwinton Road, Fresnaye: Section 34

Ms Waseefa Dhansay made a power-point presentation to introduce the case.

Mr Johan Cornelius was present and took part in discussion.

In discussion it was noted that:

- This house is one of a mirror pair, number 8 and 10, of semi-detached properties undergoing alterations and additions. They are owned by the same person, using the same architect. The interior and exterior work on no.10 was approved by Heritage Western Cape HOMS in 2014.
- CoCT HRS regards it as Grade IIIC and supports the proposal in principle, but recommending that careful attention is paid to the treatment of the sliding gate in relation to the streetscape; and the Ratepayers Association has no objection to the proposal.
- The plans for both houses are similar in that the removal of a wall and fireplaces on the ground floor will result in a more open plan format. The

fireplaces are currently centrally situated back to back between two rooms. One is to be reinstalled in another position.

- BELCom undertook a site visit; proposed a IIIB grading as the ground floor is intact and 'legible' as typical of the period and observed that alternative alterations are possible that retain the fireplaces and most of the wall in situ.
- The appeal is based on:
 - the inconsistent decisions regarding number 10 and 8 in the light of almost identical proposals; and
 - the significance of the building and interior, i.e. what is the extent of regulations or restrictions that can be imposed by BELCom on interior alterations to a grade IIIB or C heritage resource.
- If the significance of the buildings is accepted as grade IIIC, and given the precedent of number 10, then in this particular case the Committee is of the opinion that the intact features of the interior of the ground floor of no.8 are not of sufficient value to insist that they be retained in situ.

DECISION

The appeal was upheld. Plans to be approved without conditions.

Waseefa Dhansay

11. Other matters

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: **10:40**

14. Date of next meeting **20 April 2016**

Chairperson's Signature.....

Date.....