

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a Meeting of the Appeals Committee of Heritage Western Cape held on Wednesday,
22 March 2017, at 09H00 in the 1st Floor Boardroom at the Protea Assurance Building,
Greenmarket Square, Cape Town

1. Opening and Welcoming

The Committee nominated Dr Antonia Malan to Chair the meeting. The Acting Chairperson, Dr Antonia Malan opened the meeting at 09H15 and welcomed everyone present.

2. Attendance

Appeals Committee

Mr Rowen Ruiters (RR)
Dr Nicolas Baumann (NB)
Mr Tseliso Leshoro
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)

Appeals Committee Member
Appeals Committee Member
Appeals Committee member
Appeals Committee Member
Council Member

HWC Staff

Mr Jonathan Windvogel (JW)
Ms Penelope Meyer (PM)
Ms Katherine Robinson (KR)
Mr Andrew September (AS)
Ms Waseefa Dhansay (WD)
Mr Olwethu Dlova (OD)

Acting Assistant Director
Legal Advisor
Heritage Officer
Heritage Officer
Heritage Officer
Admin Officer

Visitors

Mr Richard Summers (RS)
Ms Clarice Arendse (CA)
Ms Patricia Botha (PBo)
Mr Bertus Swanepoel (BS)
Ms Karen Boshoff (KB)
Ms Adelaide Combrink (AC)

Mr Chris Snelling (CS)
Mr Piet Dekker (PD)
Ms Berta Hayes (BH)
Mr Piet Boshoff (PBos)
Ms Ameera Vallie Osman (AWO)
Mr Shamiel Osman (SO)
Mr Keith Jenkins (KJ)

Observers

None

3. Apologies

Ms Corlie Smart (CSm)
Ms Colette Scheermeyer (CSc)
Mr Mxolisi Dlamuka (MD)

Appeals Chairperson
Deputy Director
CEO

4. Approval of agenda

The Appeals Committee resolved to approve the Agenda dated 22 March 2017.

5. Approval of minutes of the previous meeting

5.1. Dated 15 February 2017

The Appeals Committee resolved to approve the minutes dated 15 February 2017 with amendments.

6. Disclosure of interest

- RR: item 10.2

7. Confidential Matters

7.1 None.

8. Administrative Matters

8.1. Outcomes of the Tribunal Committee

Ms Meyer provided an update of recent matters of the Tribunal.

Penelope Meyer

8.2. Recent Court Decisions

Nothing to report.

Penelope Meyer

8.3. Site Visits

9. Matters Arising

9.1 None

10. New Matters

10.1 Proposed Replacement of Thatch Roof with Tiling, Erf 633, 19 South Way, Pinelands: Section 34

Ms Waseefa Dhansay made a power-point presentation.

Ms Ameera Vallie Osman, Mr Shamiel Osman and Mr Keith Jenkins (the appellants) and Ms Adelaide Combrink (CoCT) were present and took part in the discussion.

In the discussion it was noted that:

- A Stop Works order was served due to unapproved alterations (removal of thatch roofing from garage and house and replacement with tiles) in Pinelands. No application had been submitted to CoCT (building requirements; within an HPOZ) or HWC (s.34 of NHRA).
- An application for a permit was then made to HWC, but the proposed work was not supported by CoCT or Pinelands Aesthetic Committee (Pinelands Garden City response was not available).
- The property is graded Grade IIIC (contributes to the street / immediate area) and is thus an identified heritage-worthy resource.
- The buildings are of c.1935 Pinelands typology in form, mass and scale, and thatch is a characteristic roof material.
- The Appeals Committee agrees with BELCom that heritage significance has been negatively impacted. BELCom further decided that "mitigating measures be taken to recover significance".
- A properly constructed and maintained thatch roof and ceilings need not be a liability in terms of fire risk or health.

DECISION

- The heritage-worthiness of the property (Grade IIIC) is negatively affected by removal of the thatch and replacement with tiles.
- There are insufficient grounds in the appeal for not taking full mitigatory measures, which means that the thatch must be replaced on the garage and house.
- The Stop Works order can be lifted on condition that:
 - A written agreement is made between HWC and the property owner that tiling on the garage is removed and thatch is reinstated on the garage and house, and that final approval is to be made by CoCT.

Waseefa Dhansay

10.2 Proposed Addition of 3 to 4 Storeys to the top of the Old Post Office Building, Erf 2051, Old Post Office, Corner of Bird and Plein Street, Stellenbosch: Section 34

RR recused himself and left the room.

Ms Katherine Robinson made a power-point presentation.

Mr Richard Summers, Mr Chris Snelling, Ms Clarice Arendse and Mr Piet Dekker (for appellant), and Ms Patricia Botha, Ms Berta Hayes (SIG), and Mr Bertus Swanepoel (owner), were present and took part in the discussion.

In the discussion it was noted that:

- The appeal by SIG maintains that the approved proposal has negative impacts on the building itself, its landmark quality, and views towards the building from The Braak, and that the design and materials do not comply with Stellenbosch Heritage Guidelines and the Municipal zoning scheme for Stellenbosch Historic Core.
- Some building elements of the old Post Office (1930s) have been moved and changed over time. In particular, alterations and additions were made in the 1960s. The proposal includes plans to replace some of these features in their original position.
- Changes to the proposal in response to a series of BELCom suggestions were part of a long iterative process of negotiation. The nature of the block can absorb an extra storey and additions behind, as long the proposal has appropriate detailed design and treatment.
- Design guidelines, such as choice of materials, can change according to current approaches to best practice. In this case, the lightweight appearance of the final design can be considered appropriate.
- The importance of the interface with The Braak (a proposed Grade I heritage resource) is very important. The overall morphology of the building facing The Braak, is retained.
- BELCom's final decision was that all issues have been addressed and that it is comfortable that there are no longer any unacceptable negative impacts on heritage significance.
- BELCom has done all that is necessary to negotiate and mitigate an appropriate solution in terms of the significance of the building. Strict attention to the final design details are very important, and this is a matter for the Municipality to approve.

DECISION

The Committee resolved that there are insufficient heritage grounds to overturn the BELCom decision and the appeal is dismissed.

Katherine Robinson

10.3 Proposed Minor Alterations and Additional Structure on Erf 1724, 46 Du Toit Street, Porterville: Section 34

Mr Andre September made a power-point presentation.

Mr Piet Boshoff and Ms Karen Boshoff were present and took part in the discussion.

In the discussion it was noted that:

- The property is graded Grade IIIC; its form, street façade and veranda are strong, typical features of *dorp* houses. The proposed carport abuts the side of the building and extends to the front edge of the veranda. A screening tree has been removed (and will be replaced elsewhere). The proposal impacts the streetscape.
- The appeal is against a decision by HOMS to approve the proposed carport (strictly as plans) on condition that the structure should be "set back 1 metre".
- Two options had been suggested: to set back from the building line by 1 metre; or to set back from the dwelling house by 1 metre. The position of the existing chimney stack was noted by the Committee.
- Procedural concerns were also raised regarding delays in processing of the permit. These were partly due to a lack of heritage-related contextual information from the applicant, and partly due to slow HWC systems.
- Authorised and unauthorised precedents and current building works were cited, but HWC is not able to take bad precedents into consideration. HWC is, however, engaged with the Berg River Municipality regarding heritage conservation responsibilities.
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DECISION

- The dwelling house is a significant heritage-worthy Grade IIIC building and its remaining street façade, form and characteristic features must be retained.
- The carport should be a free-standing structure that is set back from the building line and set away from the dwelling house (thus accommodating the chimney stack and allowing a depth of 5.4 metres).
- The carport door must be redesigned, not as a single width, but split into two.

Andrew September

11. Other Matters

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: 12H30

14. Date of next meeting

19 April 2017

Chairperson’s Signature.....

Date.....