

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Approved Minutes of a meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 30 June 2015, at 09H00 in the 8th 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 Acting Chairperson Dr Antonia Malan opened the meeting at 09H10 and welcomed everyone present.

2. Attendance

Appeals Committee

Dr Nicolas Baumann	Appeal Committee member
Dr Antonia Malan	Appeal Committee member
Mr Trevor Thorold	Appeal Committee member
Dr Piet Claassen	Council Member
Ms Quahnita Samie	Council Member

HWC Staff

Dr Errol Myburg	Chief Executive Officer
Ms Penelope Meyer	Legal Advisor
Mr Zwelibanzi Shiceka	Assistant Director
Mr Ronny Nyuka	Senior Heritage Officer
Mr Jonathan Windvogel	Heritage Officer
Mr Andrew September	Heritage Officer
Ms Heidi Boise	Heritage Officer
Ms Waseefa Dhansay	Heritage Officer
Mr Olwethu Oz Dlova	Admin Officer (Secretariat)

3. Apologies

Mr Richard Summers	Chairperson Appeal Committee
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4. Approval of agenda

The Committee resolved to approve the agenda dated 30 June 2015.

5. Approval of minutes of the previous meeting

5.1 Dated 12 May 2015

The Committee agreed to ratify the minutes adopted at the meeting of 12 May 2015.

6. Disclosure of interest

6.1 TT: item 10.2

7. Confidential Matters

None

8. Administration

8.1 Outcomes of the Appeal Tribunal

It was noted that no Tribunals had been heard.

8.2 Procedural matters relating to Appeals

PM and RS are working on procedures and the matter will be tabled at the EXCo for approval.

8.3 Declaration of interest and Confirmation of Employment

For noting.

9. Matter Arising

9.1 Proposed Alterations and Additions, Erf 15163, 22 Coronation Road, Walmer Estate: Section 34

In discussion it was noted that:

- The heritage resources section of the City of Cape Town has approved the revised plans. The Committee has no objection to the revised proposals but notes that the extent of the excavation and new construction at the lower ground floor level will possibly substantially undermine the existing ground floor of the building.

DECISION

The Committee decided to uphold the appeal and to allow the development to continue based on the revised plans (drawing no: IJ/1311 rev 01) dated 12 May 2015.

Ronny Nyuka

9.2 Proposed Partial Demolition, Additions to Existing Structures and Alterations "The Old School House", Erf 3653, 1 Theron Street, Paarl: Section 34

Mr Eugene Da Silva, Mr Johan Vegter and Mrs Celeste Vegter were present and took part in discussion.

The Committee undertook an inspection of the site on 26 May 2015.

The Committee observed that the building contains elements of old fabric which had been altered by a series of interventions over time. Most notably, in or during 1992 a series of interventions were affected which detract from the integrity of the structure and its heritage significance.

The Committee agrees with the contention by the applicant's heritage consultant that the street façade in Theron Street is an important heritage consideration. The Committee however disagrees with the contention on behalf of the applicant that the proposed alterations do not compromise the heritage significance of the streetscape. The proposed upper north gable alterations are considered to be unsympathetic to heritage concerns in terms of their scale and the treatment of the fenestration. The fact that the view of the upper north gable from Theron Street is partially screened by existing vegetation is not a valid heritage

argument. The proposed intervention on the upper north gable undermines to an extent the significance of the building. The louvred treatment effectively expands the opening of the proposed window in a manner which is incompatible with the vernacular of the area. The applicant's argument that the window is spread over the same size of the existing windows fails to respond appropriately to the manner in which the proposed intervention impacts on the overall heritage significance of the building, and the streetscape in particular.

The building is graded IIIB and the streetscape is of heritage significance. The north gable end therefore takes on an enhanced significance. The proposed fenestration type and material are considered problematic from a heritage perspective and the Committee requires revised plans to be submitted in connection with the proposed alterations to the upper north gable which would more closely correspond with the heritage-related concerns identified.

The Committee site visit report was tabled and the outstanding issue of the upper gable window was discussed. It was pointed out that the existing windows must be replaced with single centrally positioned window of reduced size that is compatible with the heritage significance of the building.

DECISION

The Committee resolved to uphold the DHF's appeal relating to BELCom's approval of the upper north gable. The Committee resolved with regard to the remainder of the appeal that the proposed alterations are **approved**. The proposed alteration to the upper north gable is **not** approved.

Revised plans for the upper gable window to be submitted to DHF for comment and then to BELCom for a decision.

Ronny Nyuka

9.3 Proposed Total Demolition, Erf 5028, Garmor House, 12 Plein Street, Cape Town: Section 34

PWD still is working on the matter.

Katherine Robinson

10. New Matter

10.1 Fixing Up of an Existing Carport and adding a New Deck, Erf 66, 5 Blackheath road, Sea point: Section 34

Mr Andrew September made a power-point presentation.

Mr David Tyrrell was present and took part in discussion.

In discussion it was noted that:

- At the second time that the item appeared at BELCom (in 2015), it was realised that there was a previous decision (in 2014) not to approve the proposed alterations and additions.
- The City of Cape Town HRS had discussed amendments to the plans with the applicant and the revised drawings were approved.
- The Ratepayers Association withdrew its objection after the matter had been dealt with by BELCom.
- BELCom's 2015 decision was made after a site inspection.

- The reasons for BELCom's concerns were in terms of impact on streetscape and the architectural integrity of this grade IIIB building.
- Further suggestions for reducing the scale and the impact of the proposals were provided by HWC case officer KR.
- The critical issues are the scale of interventions that are appropriate in this context. These include setbacks between the building and street; the accumulative intrusions such as carports and balconies, the massing of the materials related to the interventions, and the relationship between new horizontal elements and the existing vertical elements of the building.
- It is recommended that a heritage architect is consulted on detailing and the resolution of the horizontal and vertical elements KR to supply a list of recommended heritage architects to Mr Tyrrell.
- Revised plans based on a reduced scale of the intervention should be submitted to the City for comment (and comment from the Ratepayers Association) and then submitted to BELCom as a new application.

DECISION

The Committee decided in a vote of 4 to 1 that the existing plans cannot be supported. Therefore the appeal is denied.

Katherine Robinson

10.2 Proposed Alterations and Additions, Erf 11306, Klein Constantia Street, Paarl: Section 27

Mr Jonathan Windvogel made a power-point presentation.

Mr Henry Aikman was present and took part in discussion.

In discussion it was noted that:

- BELCom carried out a site inspection and decided at its meeting of May 2015 that the Committee was not able to condone illegal work on the building (a PHS), and requested that a remedial work takes place to restore heritage elements.
- The appellant alleged that at the site inspection it was suggested that the grading of the building should be reviewed.
- The appellant is of the opinion that the inappropriate interventions that have caused internal damage to the historic fabric were effected over a number of years, as well as more recently as a result of non-compliance with approved plans, and that these are of such an extent that the site should be graded Grade IIIB. If not, the Appeals Committee was asked to consider the option of reinstatement.

DECISION

The Committee decided that the interventions had had a negative impact on the significance of the heritage resource and the illegal work cannot be condoned. It was decided that the PHS should be graded a Grade IIIA heritage resource. The decision of BELCom is upheld and the appeal is dismissed. Remedial work must take place and the heritage motivation must address the issues raised by BELCom and as listed in the heritage statement (Annexure I) by Henry Aikman dated December 2014.

Jonathan Windvogel

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 12h15.

14. Date of Next Meeting **21 July 2015**

Chairperson's Signature.....

Date.....

Dr Errol Myburg
Interim Chief Executive Officer
ACCOUNTING AUTHORITY
For Head of Department

Approved