

Development Planning, Environment & Management Unit
Development Planning Dept, Land Use Management Branch

City Engineers Building
 166 K E Masinga Road, Durban, 4001
 P O Box 680, Durban, 4000
 Tel: 031 311 7847, Fax: 031 311 7859
 www.durban.gov.za

COPY

REGISTERED MAIL

GCFP No. : 21/7/11
 OUR REF : CU 003 04 2013
 YOUR REF :
 ENQUIRIES : U Thomas

Mrs R Bisseru
 8 Botanic Grove
 Berea
 DURBAN
 4001

DATE:



SPECIAL CONSENT DECISION NOTICE

APPLICATION NO. : CU 003 04 2013

DEVELOPMENT : PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING DWELLING RESULTING IN A THREE STOREY BUILDING ON A RELAXED BUILDING LINE AND SIDE SPACE

CADASTRAL DESCRIPTION : PORTION 32 OF ERF 2167 DURBAN

POSTAL ADDRESS : 8 GRATTAN PLACE

APPLICANT : MRS R BISSERU

DATE OF DECISION : 30TH JULY 2013

In terms of Clause 18, Clause 19(7)(i)(ii)(iv) and Clause 22(1)(bb)(i) of the Durban Scheme and Section 67bis of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended, the abovementioned application for the proposed additions and alterations to existing dwelling resulting in a three storey building on a relaxed building line and side space situated on portion 32 of Erf 2167 Durban at 8 Grattan Place, is **APPROVED** and this consent shall be of no force or effect if the following conditions have not been complied with:

- 1 **PLANS**
The development shall be in accordance with the plan CU 003 04 2013 submitted with the application.
- 2 **SUBMISSION OF PLANS**
Prior to the commencement of any development related to this approval, building plans of the proposed development shall be submitted to, and approved by, the Head: Development Planning, Environment & Management.

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REASONS FOR APPROVAL:

1. The proposal is in keeping with the changing nature of the area, as is evident in the new three storey developments in the neighbourhood.
2. The proposed relaxation of side space and building line is considered non-intrusive and is hereby supported. This is accounted to the existing garage and outbuilding was approved on a relaxed side space and building line. Further to this the proposal will not negatively impact on the amenities currently enjoyed on Wolfenden Grove as the streetscape will not drastically change.
3. Clause 22(1) (a) (bb) (i), is criteria the permits a three building on a sloping site. A sloping site, as defined is when a change in levels from the horizontal exists. The application site has two road frontages and is located on the slopes of the Berea. A combined difference in ground levels of 2.91m exists between Wolfenden Grove and Grattan Place; demonstrates the slope as referenced hereto.

You are hereby advised that the granting of this consent:

- (a) does not absolve the applicant from any duties or responsibilities which may be imposed on the applicant by virtue of the title deeds of the property;
- (b) does not bind the Council to issue or to authorise the issue of any licence, permit or further consent.
- (c) does not constitute an approval in terms of the National Building Regulations or any other law.
- (d) does not give an indication that the property can be subdivided at a later stage.

Further it should be noted that the provisions of Section 67 (1) of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended, provides that should no erection, alteration, extension, development or use be substantially commenced within a period of 18 months from the date of notification of this approval, or, should the use at any time be discontinued for a continuous period longer than 18 months, this consent shall lapse and cease to be valid.

Your attention is drawn to the provisions of Section 62(1) of the Local Government: Municipal Systems Act No. 32 of 2000 in terms of which any **applicant** whose rights are affected by this decision, may appeal against such decision. In terms of this section, any applicant desiring to appeal must give notice of their intention to appeal and reasons therefore by hand to the Head: Development Planning, Environment and Management, 166 K E Masinga Road (formerly Old Fort Road), Durban, within 21 days of the date of posting of this letter (not the date of receipt of this letter).

Note: An appeal fee (non-refundable) shall be payable on lodging of the memorandum with the Head: Development Planning, Environment and Management. Cheques shall be made in favour of eThekweni Municipality. In the event of the fee not being paid, the appeal shall be deemed as not being lodged.

If subsequent to the outcome of the appeal, you the applicant are still not satisfied with the decision of the Appeal Authority, then you may appeal to the Kwazulu –Natal Planning & Development Commission in terms of Section 67ter of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended.

Your attention is further drawn to the provisions of Section 67ter of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended, in terms of which any **applicant or any person who submitted written comments** and who feels aggrieved by a decision of the Council may appeal to: The Secretary, KwaZulu- Natal Planning & Development Commission, Private Bag X9123, Pietermaritzburg, 3200 against such decision. In terms of this section any person desiring to appeal must give notice of his/her/its intention to do so to the Head: Development Planning, Environment and Management, 166 K E Masinga Road (Formerly Old Fort Road), Durban, the applicant and/or any person who submitted written comments within 28 days of the date of posting of this letter.

In the event of an appeal being lodged, you, as the applicant, may not act upon the authority hereby granted until such an appeal has been dispensed with by the relevant Appeal Authority.

Yours faithfully



SENIOR MANAGER: LAND USE MANAGEMENT



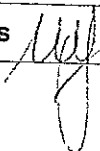
HEAD: DEVELOPMENT PLANNING ,ENVIRONMENT & MANAGEMENT UNIT

cc Valuations: Attention: Mr. Deeran Govender
Manager: Information – Buddy Govender

Cc Any person who submitted written Comments

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