

39 Lancaster Road

Final Decision

IN TERMS OF SECTION 34(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) AND SECTION 37 OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05 OF 2018)

Attention: Mrs Carolyn Robinson
Tree Tops Nursery School Association Limited
P.O. Box 50155
Musgrave
4062

A permit to demolish the existing dwelling to provide the opportunity to extend the existing Windmill school campus, and 2 small store rooms that have been added onto the existing garage off Montgomery Avenue was obtained in 2019. However, financial constraints lead to the re-use of the existing main building. Some alterations were carried out in order to conform to the needs of the school. It was thought that the demolition permit would cover these actions. This application seeks to rectify the failure to obtain prior approval for deviations to the original approved plans.

We acknowledge receipt of your application for a permit to carry out work on the above property on 15 December 2021 and completed on Sahr's on the 30 November 2022. The KZN Amafa and Research Institute (The Institute) reviewed the application on the 7 December 2022. Please be advised as follows:

Although the house that was altered without prior approval had already received a demolition permit through a previous application, the consolidated site was graded Grade IIIb due to the other house on the property being determined to hold heritage value, together with the fact that the property adjoins a group of listed Grade IIIa buildings.

It was determined that the alterations had not had a negative impact on the conservation worthy heritage resources on the property.

Please take note of the following:-

- (1) The Institute was unable to consider the merits of the application as the work had already commenced, alternatively, has been completed;
- (2) As a result, a permit cannot now be issued;

(3) Attention is drawn to the fact that failure to obtain a permit prior to the commencement of the work, was in contravention of the provisions of The KwaZulu-Natal Institute Act (5 of 2018), and as such is a criminal offence for which the culprit/s may be prosecuted;

(4) However, The Institute has decided to condone the failure to obtain a permit, as required, on condition that the work was conducted strictly in accordance with **LMDesigns drawing no GA 001, 002, & 003, dated 2021-12-06, received by the Institute on 15 December 2021**, and that all the work shown on the application is completed within a calendar year of the date of this letter.

(5) **Prior written approval from The Institute is required for any deviation to the approved plans.**

(6) No legal action will be instituted in this instance and this letter serves as approval for the work shown on the approved drawings.

PLEASE NOTE THAT THE ABOVE IS A STRUCTURE PROTECTED IN TERMS OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5 OF 2018). A PERMIT MUST BE OBTAINED PRIOR TO ANY WORK BEING CONDUCTED IN THE FUTURE. FAILURE TO DO SO IS A CRIMINAL OFFENCE THAT IS PUNISHABLE BY A TERM OF IMPRISONMENT OR A FINE, OR BOTH. THE PROPERTY MAY ALSO BE FORFEITED TO THE STATE. FURTHERMORE, A MORATORIUM MAY BE PLACED ON ANY DEVELOPMENT ON THE PROPERTY.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully



Ros Devereux
Head: Built Environment Section
KwaZulu-Natal Amafa and Research Institute





HERITAGE IDENTIFICATION, MANAGEMENT & PROTECTION

Enquiries: Ros Devereux

Email: ros.devereux@amafainstitute.org.za

Tel: 033-3946543

Date: Tuesday December 13, 2022

CaseID: 19976

Our Ref: 21/326

Mxolisi Dlamuka
Head of Secretariat and Administration
KwaZulu-Natal Amafa and Research Institute

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/608314>