



SECTION 34 APPLICATION
ASSESSMENT OF DEVIATIONS FROM APPROVED PLANS
273 LONGMARKET STREET, BO KAAP CAPE TOWN

prepared for
CEDAR FALLS
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Prepared by:

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1. INTRODUCTION

1.1 Background

The building under discussion is the replacement building on what has been referred to as the 'Noon Gun Tea Room site'. The building replaced the previous building which was demolished pursuant to permits granted by the City of Cape Town (CoCT) and Heritage Western Cape (HWC), respectively. Pursuant to a previous Section 34 Application process, HWC (Permit ref 17013102KR0201E dated 15 December 2017) approved full demolition of structure older than 60 years and considered the replacement building as presented in Plan 1612.09/A212/EL Rev 1. Both CoCT and HWC approved plans for replacement building, however the plans approved by the two authorities differ in certain minor respects.

This assessment compares the building as built with the plans approved by HWC in order to assess the potential impact on the historic receiving environment of the building as it now stands.

1.2 Legal framework

Application is made in terms of Section 34 of the National Heritage Resources Act (25 of 1999) as requested by the responsible heritage resources authority, Heritage Western Cape (HWC). Section 34 (1) Structures requires: *No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.* HWC permit (ref 17013102KR0201E dated 15 December 2017) approved full demolition of structure older than 60 years and considered replacement building as presented in Plan 1612.09/A212/EL Rev 1. The original structure which was the subject of the Section 34 Application has since been demolished in terms of a permit issued by HWC and the site has since been redeveloped. As such, no portion of the replacement building is older than 60 years. This application is made to regularise deviations from the plans approved by HWC pursuant to HWC permit (ref 17013102KR0201E dated 15 December 2017).

1.3 Scope and methodology

Plans as submitted to HWC and approved in connection with HWC permit (ref 17013102KR0201E dated 15 December 2017) and the City of Cape Town were compared and differences in the replacement building are noted herein. A site inspection was conducted focussing on assessing identified differences *in situ* and evaluating whether there is any heritage-related impact with the deviations. Using photographs and explanatory narrative, the results of this process are presented with conclusions and recommendations so as to aid HWC in assessing the case.

1.4 Consultation

In July 2017 *vidamemoria* were appointed by Rennie Scurr Adendorff Architects cc to provide a social historical study investigating social significance and to provide input into the statement of significance and proposed grading of the structure located at 273 Longmarket Street, Cape Town. The social historical study was considered by HWC at the BELCom meeting held 24 May 2017. The Bo-Kaap Civic and Ratepayers Association (BOCRA) were granted a further 30-day consultation period to consider additional information and for '*broader public consultation*'. BELCom requested that the heritage practitioner collate comments arising from the public participation process and establish whether any commentary arising from renewed public participation impacted on previous decisions regarding heritage significance and decide whether or not recommendations previously made to BELCom need to be amended.

The response to comments report confirmed previous findings that the house (which has since been lawfully demolished pursuant to HWC permit (ref 17013102KR0201E dated 15 December 2017) possessed insufficient heritage significance to warrant formal protection in terms of the NHRA and that the property was deemed to be ungradable / of insufficient heritage significance. BELCom considered the reports to have effectively captured the importance of the site and its locale.

The previous Section 34 application was considered at BELCom on numerous occasions and extensive participation was undertaken.

1.6 Declaration of Independence

The heritage team are independent and have no vested or financial interest in the project proposal being either approved or rejected by the relevant authorities. The team comprised Kathy Dumbrell and Quahnita Samie.

1.7 Site location

The site is located at the top of Longmarket Steet, Bo Kaap.



Figure 1: Locality plan

2. PLANS APPROVED BY HWC

Plans attached to HWC permit for demolition and replacement building, dated 15 December 2017, plan 1612.09/A212/EL Rev 1 were scrutinised. They show (see Figures 2, 3 and 4 below):

- a street elevation with five bays of arches and columns on the stoep and a gate into the portion of the building that is set back, and
- a side elevation with a series of arches on the first floor level and fence at ground level



Figure 2: Street elevation



Figure 3: Side elevation



Figure 4: ground plan with the proposed gate into the building circled in red. No gate on the Signal Street side of the building is indicated

3. SITE INSPECTION FINDINGS

3.1 The building

The site was inspected on 7 February 2020 and the following (illustrated in Figures 5 to 8 below) documented:

- the street elevation is a three-bay configuration of arches and columns on the stoep,
- the gate indicated in Figure 4 was replaced by a door in keeping with the other doors onto the stoep,
- the columns and arches on the side elevation were omitted, and
- a timber vehicular gate between pillars spans Signal Street.



Figure 5: street elevation of the building



Figure 6 (RHS): the side door



Figure 7: gate and pillars spanning Signal Street



Figure 8: gate and pillars in context

3.2 The receiving environment

The site is at the top of Longmarket Street, Bo Kaap. The scale, architectural language and massing of the immediate receiving environment is illustrated in Figure 9 to 13 below. The receiving environment comprises two and three stories C20th century dwellings in a mix of architectural styles. Massing is similar to that of the new building. The property is not located within a sensitive heritage context.



Figure 9: composite photograph showing the buildings directly across the road from the new building



Figure 10: side elevation of the building to LHS in Figure 9



Figure 11: (RHS) view over the Bo Kaap and city from the site



Figure 12: adjacent building to the new building, with view over the City in the background

4. ASSESSMENT OF IMPACT OF THE DEVIATIONS FROM APPROVED PLAN

Identified deviations from plan ranged in scale, with the replacement of a gate with a door being the deviation with least potential and experienced impact, to the changes in elevation and the insertion of a gate spanning Signal Street (as it is marked on the plans), which both have greater potential and experienced impact.

The replacement of the gate with a door was found, upon site inspection, to have very little impact on the overall character of the new building and no impact on the receiving environment at all.

The change in street elevation was, prior to site inspection, of greatest concern. The question was whether the three bays would create an over-scaled effect within the receiving environment. Upon site inspection, it was noted that the receiving environment is itself not cohesive and does not set the language for the new building to respond to. It was the opinion of the author and assessor that the three bay configuration of the new building does not create an over-scaled effect, either against the building or within the receiving environment. The proportions of the front elevation, as can be seen in the multiple viewpoints included in the figures above, are not negatively impacted by being a three rather than five bay configuration.

The change in side elevation does not impact the street experience of the building. The street address is most certainly Longmarket Street. Signal Street, as can be seen in the Google Earth streetview screenshot (while Google Earth date stamps the image 2020, it most certainly is older, predating the demolition of the tea room building), was only a portion of a road and blocked off even in the time of the tea room (see Figure 14 below). The experience of the side elevation would thus always have been limited to an oblique view (see Figure 7) and so the omission of the columns has not had a noticeably negative impact on the overall experience of the building. The railings, arches and doors retain the character of the original elevation.

The insertion of a gate spanning Signal Street was another concern prior to site inspection, but once it was ascertained that Signal Street was not previously a thoroughfare, but rather an anomalous portion of street, this concern was allayed. The impact to be assessed was merely the gate and pillars. It is noted that, upon site inspection, the gate was ajar and a member of the public came along Signal Street and through the gate into Longmarket Street. It would appear public access is not curtailed.

The gates are set back slightly from the street and are not visible from the street a block below the building. The architectural style of the gate and pillars is in keeping with the new building, while also in sympathy with the architectural language of the adjacent building. The gate and pillars do not look out of place in the streetscape. Their impact on the streetscape is thus more positive than negative.

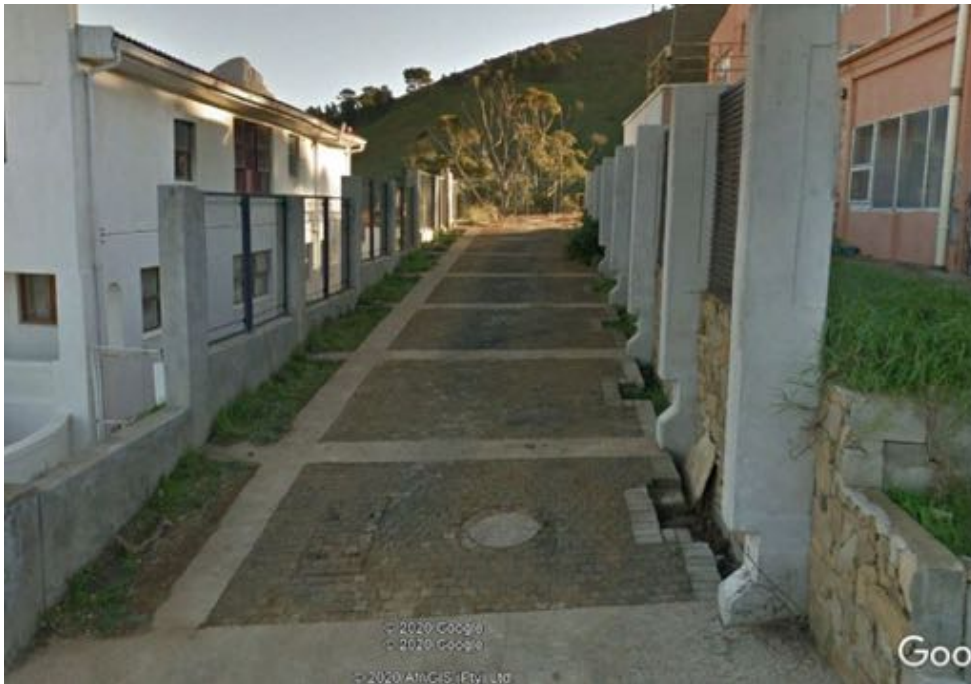


Figure 14: Google Earth streetview of Signal Street prior to 2017 (date stamp was created by Google upon accessing the site on 16 February 2020)

5. CONCLUSIONS

It was concluded after site inspection that deviations from the approved plan do not negatively impact the receiving environment and there are no adverse implications for heritage resources management. The immediate receiving environment does not comprise historic fabric, nor does it provide easily-identifiable heritage design indicators for the new building. The new (as built) building is an appropriately-scaled response to the immediate context, and can be considered to provide a positive contribution to the streetscape and receiving environment. The deviations from approved plan do not change the character of the replacement building illustrated in the plans approved by BELComm. The gate and pillars, while spanning what is indicated as a road on the plans approved by BELComm, do not appear to curtail public access to it. However, historic imagery indicates that this was a street in name only, as it was blocked prior to the demolition of the tea room. Architecturally, the gate and pillars are in sympathy with both the new building and its neighbour and have a positive overall impact on the streetscape. This addition to the design is not intrusive in the experience of the street or the new building.

In conclusion, it is the opinion of the assessor that deviations from the approved plans do not substantively alter the design intention approved by BELCom, nor do they have a negative impact on the receiving environment or on heritage resources. The deviations from plan can therefore be approved by HWC without heritage resources being in any way affected.

6. RECOMMENDATIONS

It is recommended that HWC not take legal action with regard to deviations from the approved plans, but rather issue the relevant permit or s50 letter to regularise the situation.