

'Intrusive' Oracle plans put on hold

Cape Town planners have been sent back to the drawing board in a five-year battle over the "intrusive" addition of four floors to a city centre building.



Judge Ashley Binns-Ward, in a Cape Town High Court judgment on Friday, 13 January, was scathing about the decision by the council's former head of building development management, Peter Henshall-Howard, to give the go-ahead for development of the Oracle, in Buitenkant Street.

The body corporate of the neighbouring building, Four Seasons, successfully applied for a judicial review of the council decision after obtaining an interdict to halt work in 2012.

In his review ruling, Binns-Ward ordered the council to reconsider the planning application by the Oracle's owners, the Simcha Trust, and to ensure that neither Henshall-Howard nor the council employee who drew up the report recommending approval were involved.

The Four Seasons body corporate complained that the Oracle extension - which has remained incomplete - had the effect of turning eighth-floor balconies into courtyards "confined between towering walls". For apartments on the ninth and tenth floors, it meant their view was replaced by a blank wall 3m from their windows.

Binns-Ward, who inspected the site before hearing the case, said the case was not about the loss of a view or about the

appearance of the Oracle building. Instead, it was about something "so exceptionally intrusive and objectionable that it would not reasonably have been foreseen" by anyone buying a Four Seasons flat.

Henshall-Howard had displayed a "fundamentally misguided belief that [the law] allows an uncoordinated and potentially disharmonious approach" to planning applications, he said.

Although Henshall-Howard has since retired, he still does ad hoc work for the council.

"It is desirable ... that someone without his preconceived opinion should decide the matter," said Binns-Ward, who awarded costs against the council.

Source: The Times

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