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Perceptions of Heritage and Conservation Control in
Lower-Income Communities:

The Case of Mamre

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Abstract

This study investigates the appropriateness of conservation controls in low-income communities. The imposition of development controls is a limitation on the private rights of individuals in the interest of the public good. This is essential in order to preserve heritage resources for future generations. However, questions arise around this practice when such limitations have a direct negative effect on the daily struggle for survival that many people face. Many poor people cannot bear the cost associated with maintenance and restoration of old buildings, and this puts many heritage resources at risk. Actors within bureaucracies also have their own goals to achieve, and this also influences the way that heritage is managed in low-income areas.

The central research question of this study is: *Are conservation controls in low-income communities appropriate?* This question was explored within the context of Mamre, a historical mission station approximately 50 km north of Cape Town. Firstly, several descriptive scenarios around which the research question could be explored were constructed, and this was followed by an investigation of the relevant literature. A contextual analysis of Mamre was also completed in order to gain an understanding of the character and functioning of the village. The case study then focused on two incidents where heritage-related building applications were made. Several instances where values conflict emerged from the study, and these enabled the researcher to draw some conclusions on conservation in low-income communities.

The study found that the concept of significance is not well understood by officials, and its application differs widely. It was also clear that the law is often applied in a well-intended but incorrect, and in fact at times illegal, manner. This study also found that mechanisms of financial support should be available in certain cases. In order to ensure effective conservation of heritage resources, the correct legal mechanisms and strong policy must be in place. This must be based on a thorough assessment of significance and it is essential that this is done with a good understanding of the context.

Keywords

Conservation control, heritage, low-income communities, Mamre, Urban Conservation Areas, bureaucracy, discretion

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Author's Statement

This 60-credit research project (mini-dissertation) is submitted in partial fulfilment of the degree of Masters of Philosophy in Conservation of the Built Environment. The course code is APG 7071 S. All other courses in the programme have been completed. The work in this document was undertaken during the Second Semester between 15 July 2010 and 23 December 2010.

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Cecilia de Bruyn, December 2010

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1. Introduction

This study is a case study. It originated in the encounters of the researcher implementing conservation controls in lower-income communities, from which it became apparent that great confusion exists regarding the implementation of controls and especially regarding the appropriateness of such controls in poorer areas. An essentially moral question was triggered: is it reasonable to expect owners to bear the cost of maintenance and restoration of historical buildings if they can barely cover their own living expenses? Is it appropriate to restrict private rights in the interest of the greater good if it has a direct impact on the quality of life of others?

The study commenced with a broad examination of this problem, resulting in a central research question around which an achievable study could be constructed. The research question was then subjected to methodological structuring during which the study was conceptualised and designed. In order to achieve an in-depth depiction of the research question in action, rather than a wider generalisation based only on published material, the case study method was decided upon. Reasons for selection of this method is elaborated on in the section on methodology. The semi-rural village of Mamre in the Western Cape was selected as a backdrop as it offered an ideal opportunity for an investigation of this kind. Not only did it offer several practicable case studies, but it is also a village that the researcher is familiar with. This presented the opportunity to gain insights that are generally not available in academic literature and which were valuable in understanding the unscientific perceptions and values of ordinary people. The methodology used in this study is elaborated on further in Chapter 4.

A literature review (Chapter 5) was conducted to ensure that all research work is based on peer-reviewed work and on a reliable body of knowledge. It also assisted in formulating questions for research and understanding the outcomes of interviews and other investigations. The literature review is followed by a contextual analysis of Mamre (Chapter 6) which will assist the reader in understanding the specific context within which this case study functions. The contextual analysis includes a short history and physical description of the place Mamre and attempts to give a statement of significance that was not influenced by the outcome of this research. Some current

issues which may have had bearing on this research project are also addressed in this chapter.

Chapter 7 is devoted to a detailed description of the two incidents selected to illustrate this case study. In both incidents the building and its significance as well as the development applications submitted is described in some detail. Upon completion of interviews and research work within the relevant bureaucracies, all results were evaluated and measured up against the information contained in the literature review. Certain clear themes emerged and these were developed into Chapter 8, the Conflict of Values.

The study is brought to a close by some concluding remarks, which contains conclusions on the most relevant themes that emerged from this research. Several possible future actions for officials and bureaucracies were also identified and included in this chapter.

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2. Central Research Question

The law serves to protect not only private property rights, but also the public interest. While individuals may perceive that they have the freedom to use property that they own as they see fit, certain restrictions such as planning and conservation controls can be imposed in the interest of the greater good. Such restrictions are usually imposed through a political process and changes to restrictions imposed by different governmental levels are made through a legislative process. Property rights are protected by the highest law of the land, as Section 25 of the Constitution of South Africa (Act No. 108 of 1996) states that no one may be deprived of property except in terms of law of general application. However, the rights of property owners may be limited by a law of general application such as land use planning or environmental protection restraints. However, expropriation is possible if it is in the public interest and if compensation is paid.

When citizens vote representatives into power it may be on the grounds of securing essential services, infrastructure or even the protection of constitutional rights. Especially in lower income communities, knowledge of the ruling system and accompanying planning and conservation controls may not be readily available. What if such owners have little knowledge about how these controls are enacted, and do not fully understand or necessarily agree to its purpose? It begs the question of whether it is appropriate to impose the same standards of control in higher-income communities as in communities which are economically and spatially on the margins.

Once limits on the rights of owners are enacted, they need to be enforced. Controls are always implemented by some form of bureaucracy, and the actors or individuals forming part of this bureaucracy will more likely than not be from a different background and will have different values from those of the communities that they serve. This is to be expected since planning and heritage professionals need to be qualified at tertiary level; implying a higher-income background. Given this difference in outlook, the motives of bureaucratic actors may come into question: is it a case of power being appropriated by officialdom, or is it that officials seek to preserve what they perceive as picturesque (pleasing to look at but unpleasant to live in)? Or do the reasons for decisions simply get lost in the daily workings of bureaucracy? Section

33 of the Constitution gives all citizens the right to just administrative action and establishes that any administrative action must be lawful, *reasonable* and procedurally fair (own emphasis). Would it be reasonable to impose the same conservation controls in affluent and lower-income communities?

Enforcement is the physical manifestation of decisions; therefore it is necessary to ask what happens to a decision once it has been taken. There is no substance to a decision which is not implemented – and in the case of conservation controls, implementation means ensuring that buildings are either formally protected or, if not significant enough, acknowledging that no further conservation approvals would be required.

The problem of the appropriateness of controls appears likely to function on two levels: firstly, as a system (implemented by a bureaucracy), and secondly at an individual level (how and why decisions are taken, and how those affected reacts to them).

The central research question of this study is: Are existing conservation or heritage-related controls in low-income communities appropriate? The investigation is limited to the case of the community of the semi-rural village of Mamre which forms part of the jurisdiction of the City of Cape Town in the Western Cape.

Firstly, the researcher investigates the understanding and expectations of the relevant authorities from a heritage resource-related viewpoint. This entails an exploration of authorities' views of the significance of heritage resources in Mamre and also how they believe controls should operate. This provides an understanding of the current bureaucratic context within which conservation in Mamre operates. Secondly, and chiefly, the study moves on to a detailed assessment of the appropriateness of existing controls by investigating *how* controls are implemented as a system (bureaucracy and social structures) and also at a personal level (how the Mamre community view these controls). It was anticipated that there would be discrepancies between what is expected and/or desired by the community and officialdom, and what actually occurs when conservation controls are implemented.

3. Introduction to Heritage Resource Management

In order to negate any confusion that may be caused by the myriad of role-players involved in the system of conservation control in South Africa, a brief introduction to the underlying legislation and different statutory role-players is necessary before the study proper commences.

3.1. Legislation

Property rights represent a constantly changing balance between individual freedoms and public interest (Townsend, 2003, p. 55). These rights are administered through a system of laws of general application which, in the case of conservation controls, include the following:

3.1.1. *The National Building Regulations and Building Standards Act (No. 103 of 1977)*

This act is commonly known as the 'building regulations' and it compels owners of properties to obtain an approved building plan before any building works can commence. Building plan approval is always the last step in the plan approval process, and before any plan can be approved the Building Control Officer must be satisfied that all other legislation have been complied with (Townsend, 2005, p. 59). Such legislation would include town planning and heritage legislation as described below.

The local authority is the decision-making authority with regards to building plans and may, in terms of Section 7 of the building regulations, refuse a building plan application if they are of the view that it will disfigure the area, be unsightly or derogate from the value of neighbouring properties (National Building Regulations and Building Standards Act, No. 30 of 1982). However, this section of the act is used infrequently and usually only as a safety net when the provisions of the relevant town planning scheme has not sufficiently provided for plan scrutiny and mitigation of impacts (Townsend, 2005, p. 59)

3.1.2. *The Zoning Scheme*

When purchasing land, an owner effectively purchases a bundle of rights that are attached to the zoning of the property. Zoning schemes establish development rights and also place limits or restrictions on certain uses. Parameters within which buildings must be constructed are also prescribed by zoning schemes (Townsend, 2005, p. 57). In the Western Cape, zoning schemes are established in terms of the Land Use Planning Ordinance (hereafter 'LUPO', Act No. 25 of 1985). LUPO enables changes in land use and changes to development restrictions through mechanisms such as rezoning, subdivision or departures from the provisions of the zoning scheme regulations. If a development proposal is consistent with the zoning scheme, no application is required. When additional rights are sought, the local authority is the decision-making body and they may, after public consultation and assessment of the proposal, approve or refuse an application. They may also impose conditions of approval, which is discussed in more detail in a subsequent chapter. The process also makes provision for the review of decisions through an appeals process; firstly via the Municipal Systems Act (No. 32 of 2000) and secondly via LUPO.

The Cape Metropolitan Council (CMC) Zoning Scheme is applicable in the case of Mamre. This scheme sets development parameters such as building lines, height restrictions and maximum coverage, and in order to exceed these a property owner needs to apply for a departure from the zoning scheme regulations. In Section 9, the scheme also makes provision for the protection of objects and places of historical or scientific interest or natural beauty. This section enables the local authorities to keep a register of heritage resources and it gives them the power to grant or refuse consent where registered buildings are affected. No buildings have been listed in terms of this section of the zoning scheme to date.

3.1.3. *The National Heritage Resources Act (No. 25 of 1999)*

In addition to the limitations that zoning schemes impose on development rights, certain other pieces of legislation may also be applicable. The National Heritage Resources Act (No. 25 of 1999) provides for both formal and general protections to enable the management of heritage resources. General protection refers to the wide net that is cast by Section 34 of the act to include all buildings older than 60 years. Decision-making powers in terms of this legislation lie with the provincial heritage

resources authorities, Heritage Western Cape, which *must* list a heritage resource if it refuses an application for alterations, additions or demolition which is made in terms of Section 34. The general protection then becomes a formal protection and the heritage resource in question can be graded in terms of the criteria defined by the act. Section 7 of the National Heritage Resources Act (No. 25 of 1999) outlines criteria of assessment and makes provision for formal system of grading of heritage resources. Grade I heritage resources are those with qualities so exceptional that they are of national significance, Grade II are of provincial significance and Grade III encompasses all other resources worthy of conservation (mostly of local significance).

3.2. The Role-Players

The National Heritage Resources Act (No. 25 of 1999) governs conservation in South Africa and it also creates the structures tasked with implementation of the law. A national body, the South African Heritage Resources Agency (SAHRA) has a coordinating function and oversees heritage resources of national importance. Conservation of all other less significant resources, however, takes place at provincial level and in the Western Cape the body responsible for conservation is Heritage Western Cape (HWC). Heritage Western Cape employs officials which must assess applications and make recommendations to the body's Built Environment and Landscape Committee (hereafter BELCom), which then takes decisions on applications. In order to retain a reference to these differences in power and delegation, this study will refer to these officials as *provincial officials* and to members of BELCom as *provincial decision-makers*. A third role-player from the provincial stable that will be encountered in this study is the Appeals Committee of Heritage Western Cape, which is responsible for hearing appeals against decisions made by BELCom.

However, conservation control takes place not only at provincial level but also locally under the auspices of the City of Cape Town. It is the intention of the act that heritage resources of local significance should be controlled by local authorities but these must first be deemed competent: a status that no local authority in South Africa has been granted yet. Many local authorities, such as the City of Cape Town, have put resources and staff in place but they all lack the legal standing to take decisions at this stage. The City's Environmental and Heritage Resource Management

Department may therefore only comment on applications for alterations or additions and demolition of buildings. This study refers to such officials as *local authority heritage officials*.

All planning-related applications, i.e. applications in terms of LUPO, are dealt with by the local authority's town planning department. This study refers to these officials as *local authority planning officials*. Some heritage buildings will always be included in the mixed bag of applications that this department receives. Upon receipt of applications, Town Planning must circulate applications for comment to other local authority departments such as Environmental and Heritage Resource Management. While Town Planning must take into account the comments received from the local authority heritage officials, they are not legally obliged to implement them. They must, however, comply with any conditions imposed by Heritage Western Cape.

A variety of structures therefore exist in the plan scrutiny process and there are various stages at which a heritage building would trigger certain actions that would put them on a different route than non-heritage buildings. In principle, Town Planning would circulate a plan to Environmental and Heritage Resources Management if they suspect that a building is older than 60 years, and the latter would comment on the plan and refer it to Heritage Western Cape. Provincial officials would comment on the plan at a BELCom meeting, and the proposal would be either approved or refused. A right to appeal would then be extended and, should the applicant or any affected parties not wish to pursue an appeal, the decision would come into force after 14 days.

The different conservation control mechanisms that are available through the National Heritage Resources Act and the zoning scheme will be described in more detail in dedicated sections of the subsequent text.

4. Methodology

The strong preference for quantitative “value free” research that dominated much of the past has given way to qualitative research, which is more suitable for conveying abstract concepts in a logical and substantiated manner. Qualitative research follows a non-linear, cyclical path: phases in the research process may be repeated, considered sideways and worked backwards. This ensures that conclusions truly fit the data, and not that the data fit conclusions (Neuman, 1994, p. 43).

4.1. Selection of Case Study as a Method of Inquiry

For the purposes of the study at hand, the case study method was adopted. Case studies, as a form of inquiry, have very different characteristics from conventional quantitative studies and they also serve a very different purpose. Traditionally, the view was held that scientific inquiry should aim to generalise in order to build, prove or disprove a theory. Case studies make no attempt to do this: they are rather undertaken in order to understand a specific phenomenon in which the researcher has an intrinsic interest (Stake, 2008, p. 125). They therefore seek out the particular rather than the ordinary and do not attempt to represent the world but only to represent the case itself (Stake, 2008, p. 142). The case study method is therefore appropriate in the case of Mamre, since generalisations about a village with as many peculiarities as Mamre would be futile and of little scientific value. This case study therefore attempted to provide an in-depth understanding or “thick” description of conservation controls in Mamre rather than a thinly spread generalisation of the wider world (Yin, 2003, p. 19). This offered the opportunity to explore Mamre as a phenomenon in its own world, thereby enabling the researcher to focus on the full scope and depth of the object or phenomena being described (Yin, 2003, p. 41).

The case study method also attaches considerable importance to context, which is imperative in a case such as Mamre. Its history as an outpost, mission station and haven for emancipated slaves created many contextual characteristics that set it apart from other early South African settlements. Any description of conservation related events will need to be understood against this unique context if it is to be of any merit.

This case study consists of a detailed description of two incidents where approval for alterations, additions or demolition of historic structures was sought. Mamre offered an ideal case, as it contains many residential buildings of similar form and origin. Most of these buildings contain old fabric and most have been altered in some manner. For these alterations, approval must have been sought; and in most cases this would entail an application in terms of the National Heritage Resources Act (No. 25 of 1999) due to the age of the buildings (over 60 years of age). Mamre also falls under the administration of the City Of Cape Town, which is a well resourced local government with reliable records and experienced professionals.

Having been professionally involved in Mamre for a considerable period, this researcher was well positioned as an 'insider' to understand the context of Mamre and to have insight into the workings of the community. The insider-position is, however, a double-edged sword as it may result in a biased or prejudged account of the case. These limitations were kept in check by ensuring that all assertions were evaluated against the views of others and against the literature. This study therefore represents an attempt to translate the practical experience of an 'insider-official' into a scholarly assessment of the two selected incidents.

4.2. Sequence of Events in the Research Process

Based chiefly on the methods of Yin and Stake (in Denzin, 2008), this case study employed the following method:

4.2.1. *Conceptualisation of Study*

The case study at hand started, as the majority of case studies do, with the researcher's intrinsic interest in the peculiarities of the case (Stake, 2008, p. 126). The researcher's long-standing involvement in Mamre offered a rare opportunity to gain an understanding that would not be available in more conventional sources such as published material. The study therefore attempted to draw on the realities of the insider positions of the researcher and interviewees to impart greater depth to the study (Townsend, 2003, p. x, 262).

The research commenced with a broad conceptualisation of the study and what it aims to achieve, and this resulted in the formulation of the central research question as outlined above. An understanding of the historical, cultural and physical context of the study area brought about by extensive interaction with Mamre assisted greatly in

this conceptualisation. Such conceptualisation of the research also aided in limiting the scope of the study into an achievable scale. Certain recurring themes and patterns emerged at this stage and these proved useful to develop into formal issues to be investigated during the research (Stake 139).

4.2.2. *Literature Review*

A sound literature base is vital in any research undertaking since it specifies more accurately what a case study will be exploring and also helps with the selection of a suitable case. Every attempt was made in this case study to produce a well founded relationship to literature, policy issues and other substantial sources (Yin, 2003, p. 4), however, since the current conservation legislation has only been in play for a limited time (since 1999), the literature had to be supplemented with information gained from primary sources such as official memoranda and interviews.

In order to ensure that a subject is investigated from all angles or viewpoints, it can be beneficial to base a literature review on divergent or rival theories. These can also help to avoid the study from expanding beyond the scope of the investigation (Yin, 2003, p. 27). In order to accomplish this, any themes identified from the literature review were investigated by examining the work of authors from different fields. In this regard, literature from sociology, anthropology and political science proved especially useful. The important role that bureaucracies and social systems play in conservation control generally and in Mamre specifically resulted in this study being placed more accurately within the realm of the social sciences rather than exclusively within that of the built environment.

4.2.3. *Selection of Unit of Analysis*

Once the study and its context has been conceptualised, the unit of analysis was defined by posing the question: "What is my case?" (Yin, 2003, p. 22). While the study at hand is illustrated by two main incidents (building plan applications), it is important to note that *the case* is the perceptions of officials and of the community of Mamre as a whole rather than the two individual incidents. In defining the unit of analysis, this researcher firstly had to define where the description started and ended and what was to be included and excluded (Yin, 2003, p. 22). At this stage the study

was 'bounded' and limited to ensure that it produced findings that were in line with the central research question which was originally formulated.

The study was therefore limited to the following:

- Proposals for the redevelopment of privately owned buildings rather than those owned by the Moravian Church. This ensured that the study retained its focus on individual perceptions rather than formally sanctioned institutional views;
- Cases which have been proposed recently, to ensure that the study addressed current conservation controls and the effects of recent (post-1999) legislation; and
- Cases where structures older than 60 years are present on site; to ensure that heritage legislation is invoked and that the study retained its focus on conservation controls (rather than town planning or other mechanisms).

4.2.4. Development of Descriptive Scenarios

For the purposes of this case study, two descriptive scenarios were developed in the form of two incidents of confrontation. While these scenarios provided structure to the research process, they were by no means fixed and unexpected findings were not excluded from the final analysis (Yin, 2003, p. 24). In fact, unexpected results often said as much about the case as those scenarios originally intended.¹ The development of the two descriptive scenarios (or incidents) can now be examined in more detail.

a) Incident One: The Titus Family of Adonis Street (Erf 326 Mamre)

Incident One was primarily selected due to its scope: most of the pieces of legislation used to effect conservation were invoked, such as the National Heritage Resources Act, the relevant Zoning Scheme and the National Building Regulations. It therefore offered the ideal opportunity for an in-depth look at how these tools are utilised and how they function together as a package. It also involved the full range of parties that may be involved in an application involving a heritage resource, such as the owners,

¹ An example of such an unintended result is the response to the question of whether people from Mamre are negative about the old buildings due to them being a reminder of Apartheid segregation. All respondents appeared honestly surprised when the question was posed and none agreed with it.

the applicant, local authority heritage officials, provincial heritage officials *and* provincial decision-makers (BELCom), and an appeals body. This enabled an assessment of power relations between actors and also provided the opportunity to examine perceptions of heritage and its management at different levels. The manner in which and the varying degrees of candour with which all actors presented their cases also offered insight on how actors employed their own individual strategies to achieve their desired results.

Certain recurring themes clearly emerged from the initial conceptualisation of the study and the literature review. It appears that while the letter of the law is very clear, the law is often very loosely or wrongly applied: the issue of imposition of regulations in *proposed* Urban Conservation Areas as *if* they were approved serves as a case in point. Furthermore, the assessment of the significance of heritage resources – a vital requirement for sound heritage resource management – enjoyed rather limited attention. Incident One therefore offered an ideal opportunity to investigate how significance is perceived by all parties, and how this significance is ultimately conserved - or not.

Interviews Conducted:

- *The Applicant's Representative: Mr. M. Jephtha*

Mr. Jephtha is an architectural technician from Mamre who acted on behalf of the owners, the Tituses, except at Heritage Western Cape meetings where Mr. Titus represented himself. The Titus case was specifically not mentioned in the first part of the interview in order to obtain an unclouded version of Mr. Jephtha's perception of heritage resource management and his understanding of the legislation involved. The second part of the interview focused on the Titus incident and how Mr. Jephtha perceived the order of events, the motivation behind actions taken and views on the outcome (to gauge the difference between what was expected and what transpired).

- *The Owners: The Titus Family*

The Titus interview aimed to understand the perceptions of an applicant from Mamre on heritage resource management and the bureaucracy that implements it. The Tituses' desire to erect a large modern dwelling that would contrast with the surrounding dwellings was instrumental in understanding local views of the

significance of the historical cottages. Their experience in dealing with the law, procedures and systems also offered insight on the degree of knowledge that lower-income owners have about power structures, and how they deal with these.

- *The Provincial Heritage Resource Management Official: Mr. M. Abrahams*

The provincial heritage resource management official involved supported the demolition and his views provided useful insight into a professional or bureaucrat's perception of significance, the application of the law and the process followed.²

- *The Member of BELCom and Provincial Decision-maker: Mr. L. Raymond*

One member of the provincial heritage resource management decision-making body, BELcom (Built Environment and Landscape Committee) was very vocal in his opposition to the demolition application. Mr. Raymond was interviewed on why he opposed the application, the significance of the building and his view on the outcome of the application.

- b) *Incident Two: The Jacobs Family of Winkler Street (Erf 285 Mamre)*

Although Incident Two initially appeared to be premature for inclusion in a case study due to its relatively recent date of submission, valid reasons existed for its inclusion. Firstly, this incident mirrors the legislation invoked by Incident One: although it may not have run its full course yet, it is certainly on the same track as Incident One. It offered the opportunity to interrogate actors in the midst of the process and to understand how their options are considered and decisions are taken. This allowed for the prospect of understanding the expected outcomes of the heritage process, and how role players rationalise their future actions to obtain their desired results. Secondly, this application was submitted by a different architectural technician, offering the opportunity to understand perceptions about the heritage system from more than one technician. Both being from Mamre and being active in the area for many years, they share most of the building application work in Mamre between themselves. Mr. Fortuin, the technician in the case of Incident Two, has also had several experiences of building plans being refused due to heritage considerations,

² It may be mentioned in passing that Mr. Abrahams is of mixed race, as are the people of Mamre and their representatives. This does not imply that they share similar views and sympathies because of their shared race, but in South Africa race is always a factor and this should be taken into account.

and has definitive views on the implementation of conservation controls. Finally, Incident Two presented an opportunity to evaluate the comment of the local authority heritage official involved in the Titus case against that of a similar official, since a different official was involved in the Jacobs case. Their recommendations were not dissimilar and it was found that a recurrent line of reasoning is generally followed by this bureaucracy.

It was not the intention to describe the two incidents in equal length or depth: the motive behind inclusion of the latter incident was to ensure reliability and validity of the former, more detailed or 'thick' case study. Incident Two was aimed at providing more accurate findings on perceptions around heritage rather than to function on its own as a stand-alone study.

Interviews Conducted:

- *The Applicant's Representative: Mr. J. Fortuin*

The architectural technician involved in Incident Two has extensive experience in dealing with building applications in Mamre and offered valuable insight into how the village perceives heritage and its systems. He is well known to be opposed to heritage resource management controls, and his views on why heritage is perceived negatively offered valuable insight into how the community views the process. His advice to his clients mid-way through an application also helped to understand the rationale behind decisions taken by owners.

It was originally intended to interview the owner, Mrs. Jacobs, to gain her perception of significance of the old cottages, however, she was unavailable on several occasions.

4.2.5. Ensuring Validity and Reliability

Validity of findings in this case study was primarily ensured by the use of triangulation of interviews.³ Given the limited written material on Mamre it proved challenging to use secondary sources to triangulate findings. This was overcome by using a variety of primary sources in the form of interviews with role-players from differing

³ Triangulation can be defined as a process of using several sources to clarify meaning and verify the repeatability of a finding (Stake, 2008, p. 133).

backgrounds and organisations. Findings of the interviews were then anchored to a timeline of events as contained in unpublished sources such as memoranda, minutes of meetings and audio recordings of the proceedings at these meetings. All segments of writing based on interviews were also referred back to interviewees to ensure that their contributions were used correctly.

This study was conducted with the aim of producing a case study that can form part of a cumulative body of knowledge (Yin, 2003, p. 27) rather than an isolated enquiry that contributes little to broader academic understanding. While the lack of secondary material was found to be a shortcoming, the view is held that through triangulation of interview sources an acceptable degree of reliability has been created in the primary sources utilised.

4.2.6. Develop Assertions or Generalisations about the Case

Once all case work was completed, certain central premises emerged and these exhibited a correlation with themes identified in the literature review. While case studies usually aim to avoid generalisation and theory building, generalisation could not be completely avoided and the study aimed to rather...

“...Encapsulate complex meanings in a finite report while using a sufficiently descriptive narrative for the reader to experience happenings themselves and draw their own conclusions” (Stake, 2008, p. 129).

Since the study at hand revolves to a great degree around perceptions, it is likely that both the researcher and the reader will bring conceptual structures to the case. It was the intention of this study to accommodate these preconceptions and to structure the report in a manner that would enable the reader to come to his or her own conclusions (Maanen in Stake, 2008, p. 137). The aim was therefore to ensure an academic grounding in literature while still permitting Mamre to tell its own story.

5. Literature Review

5.1. The Concept of Heritage

Any case study which is founded on different actors' perceptions of heritage must commence with an understanding of the nature of 'heritage'. Heritage can be many things, including a commodity, but mostly it is a dual and evasive concept. One commentator (Shepherd, 2008, p. 117) accurately places it between individual and collective conceptions of history: it is not one or the other, but rather hovers uneasily in the space in between. Heritage represents values and objects held in common but which are always experienced from an individual viewpoint. It is a fickle and dissonant concept, and a more accurate understanding of it can only be obtained if ideas of discrepancy and incongruity are retained at the forefront of any investigation. Heritage always involves a lack of agreement or consistency, and can be better understood by investigating spaces between the elements where such dissonance occurs rather than focusing on opposing arguments (Tunbridge, 1996, p. 21).

The notion of heritage is underpinned by the concepts of memory, remembering and forgetting. It is important to recognise here that the act of remembering is always an action taken in the present (Huysen, 2003, p. 4). The past is not a passive actor awaiting discovery, but it is rather reconstructed in the present and for the purposes of the present (Neyzi, 2002, p. 138).

Foucault's concept of the *discursive regime* offers an articulate way of considering the concepts of memory and forgetting. He states that one should not look at changes in knowledge itself, but rather in how knowledge is governed. Rather than drawing a line between 'ideology' and 'truth' one should look at how the effects of truth are produced within discourses which themselves cannot be considered to be true or false. Each society has its own discourses which it recognizes as true, and its own mechanisms for distinguishing between true and false. Actors in society, such as the state, politicians and intellectuals all claim a 'truer' version of collective memory, resulting in a constant process of change and development of discourses. In the same manner, one can break down the divide between memory and forgetting: forgetting is not the opposite of memory and is not false or misleading; it is rather a

way of *remembering otherwise*. It is an integral part of a constant process of revision and evolution of collective memory (Ebenshade, 1995, p. 72).

Historical memory used to function as a bond between a society and its past, with traditions and history giving relative stability to societies. This bond has been considerably weakened by the advent of modern media which has effectively turned the past into the present (Huysen, 2003, p. 1). Today, memory and forgetting have become social and political issues of global proportions and memory may be written over, erased and forgotten; creating palimpsests of memory. But it may also mean that memory can be regenerated in the clash between globalising forces and new productions and practices of local cultures (Huysen, 2003, p. 1, 14). Historical pasts and traditions have become increasingly removed from their geographical and political grounding, creating spaces or opportunities for the reorganisation of public memory. Huysen (2003, p. 10) therefore views the production of memory as *re-representation* rather than *representation* since it has become a tool which can be used to actively create the present. This author warns that there is danger in collapsing the essential tension that exists between the past and the present, especially if both become drawn into a timeless present based on a consumer culture (Huysen, 2003, p. 10).

The modern obsession with memory is evident from the advent of the wide range of heritage products and places during the 20th century. This obsession is underscored by a fear of forgetting and a deep anxiety about change and the shrinking horizons of time and space (Huysen, 2003, p. 25). Memory is then employed to guard against obsolescence and disappearance and to serve as a link to what is perceived to be a more stable and reliable past. However, such attempts to reconstruct or recall the past stem from a denial of the possibility of change, and this only serves to reinforce the status quo rather than facilitate the search for real solutions to the challenges of the present (Tunbridge, 1996, p. 4).

The question of how to structure memory is essentially a political question about... *'the nature of the public sphere, democracy and its future, the changing shape of nationhood, citizenship and identity'* (Huysen, 2003, p. 26). Public memory and its physical manifestation in the built environment therefore mirror deeper issues of how a society sees itself and how it functions. While memory is constantly negotiated and reinvented, it is never completely erased and traces of the past are always left

behind. This results in a 'littered landscape' or 'tangle of threads' within which previous truths are contained (Yeoh 1996, p. 305).

The majority of heritage also tends to be localised as the past leaves its traces at specific sites in the present. However, it is not simply a case of dealing with historical relics since places are always in a state of change. This continuous change is what shapes the character of places and makes them more than simple geographical spaces. Places can be deliberately structured in order to create a relation to the past: that possibility is the key link between heritage and physical planning (Tunbridge, 1996, p. 24).

5.2. Power

Mason (1998, p. 23) asks how conservation relates to issues such as development and social well-being; stating that politics function as two domains: the big "P" (institutional politics) and the little "p" (formal or informal power relations). Institutional politics is responsible for creating the legislative framework and structures within which bureaucracies function while formal and informal power relations govern how the law is interpreted and put into action. While the big "P" will be more extensively dealt with in the section on legislation and structures relevant to the case study at hand, the literature illuminates several interesting premises pertaining to the little "p".

Flyvbjerg's study of the Danish town of Aalborg (1998, p. 1, 27) illustrates the role of politics and power by the use of a case study of a transportation intervention. During the 10-year process that the project followed, plans were repeatedly amended due to the influence of those in power (including business interests, newspapers, etc), resulting in a project quite contrary to that originally intended. Flyvbjerg turns Bacon's statement of "Knowledge is Power" into "Power is Knowledge", stating that power does not seek knowledge, but rather that power uses knowledge to determine what ultimately becomes reality. Prior political decisions are rationalised and this ultimately defines the physical, economic, ecological and social reality. A blurred line exists between rationality and rationalisation: on stage rationality dominates, while a concentrated process of rationalisation of decisions take place backstage (Flyvbjerg, 1998, p. 35, 141). Decisions are often made and then rationalised by the way of technical expertise: this is the way it *ought* to be, and therefore it *is* this. This statement is augmented by Herzfeld (1992, p. 62) who states that there are

numerous ways in which state functionaries conjure *up* and conjure *with* the notion of rationality.

However, the interplay between rationality and power also serves to stabilise power relations. Decisions made through rationality / power relations can be justified by an appeal to reason; these decisions often gain greater legitimacy than decisions based on raw power-against-power relations. Technical arguments are then used to try and obtain consensus between decision-makers in an effort to create stable power relations and avoid confrontation. It should, however, be noted that 'stable' power relations are not necessarily 'balanced' power relations; they are simply a non-coercive working consensus. It is only within the framework of such stable power relations that rational rather than rationalised considerations can play a meaningful role (Flyvbjerg, 1998, p. 141).

Foucault's concept of power follows a diffuse form, with power being located in everyday practices as part of all relationships. Power is not a possession held by some and not by others and it can be positive or negative; constructive or repressive. Power is not employed by one individual over another but is rather the result of one action on another. This leaves room for resistance by individuals and allows them some degree of influence in the eventual outcome. He sees government as one form of power: it plays a sovereign role (for example, preservation of territory and application of the rule of law) but is also playing an increasingly 'pastoral' role whereby it takes an interest in the welfare of the population (Watson, 2002, p. 5).

5.3. Bureaucracy

Some interesting observations on the acceptance of bureaucracy by marginal communities emerge from the anthropologist Herzfeld's critique of a case study on the Portuguese fishing village of Nazaré. The case study considered the effects of the imposition of bureaucracy on a traditional village where belief in the supernatural, reliance on close kin bonds and other values has restrained modernisation until recent times. Herzfeld's main critique of the study centres on its literal interpretation of bureaucratic order. The study assumes that the outward acceptance of bureaucratic and cultural formalism represents a fundamental break with the village's

original, *Gemeinschaft*⁴-oriented past. Furthermore, it also states that morality is based on the rationality of a common interest in a 'modern' society and excludes the possibility of the existence of alternative loyalties. Herzfeld challenges these assumptions by stating that the continuum between pre-bureaucratic practice and a modern state is not a before-and-after-dichotomy; rather, people are hesitant to abandon their old values and consequently live in their own worlds under the mantle of a modern order. Bureaucracy therefore does not oppose the old beliefs but rather becomes an heir to them. People may not overtly accept bureaucratic action because they realise it is implemented by human beings like themselves, and they see the system as no more or less reliable than their original system based on values and beliefs. For Herzfeld, this illustrates one of the main dilemmas in understanding bureaucratic rationality: a bureaucracy announces the grounds on which it will 'work' and then, in a circular manner, includes or excludes all actions on their supposed conformity to these grounds. The 'system' therefore appears to transcend cultural peculiarities by depending on logic or reason, but this logic or reason never lies entirely outside of culture (Herzfeld, 1992, p. 51 – 57).

Finally, Herzfeld notes that the Nazaré case study neglects to address the reconstructive role that social actors play. The study assumes that in order to change a community into modern rationalists, nothing less than a fundamental change in the organisation of social relationships is necessary. This entails the replacement of patronage by rationality and a dependence on banks, salaries and modern conveniences develops and replaces any dependencies on social relations. Herzfeld counters this by stating that some traditional values will always persist as an organising framework for people attempting to come to terms with change, and these will eventually permeate the reactions of bureaucrats as well. Bureaucrats tend to fasten themselves onto an existing vocabulary in order to govern marginal communities, and both bureaucrats and community members accommodate themselves into this order. This does not mean that they are necessarily accepting it;

⁴ **Gemeinschaft** and **Gesellschaft** are sociological categories introduced by Ferdinand Tönnies in 1887 for two types of human association. **Gemeinschaft** is an association in which individuals are oriented to the large association as much if not more than to their own self interest. **Gesellschaft**, in contrast, describes associations where the larger association never takes more importance than individual self interest. **Gemeinschaft** are regulated by common beliefs about appropriate behaviour and responsibility of members. In such societies there is seldom a need to enforce social control externally due to a collective sense of loyalty that individuals feel.

to the contrary, both play the letter of the law against its intention in order to achieve their own desired outcome. It is hence the view of Herzfeld that it is the very cloak of uniformity offered by bureaucracy that allows individuals to reinterpret the rules and to take advantage of it to survive (Herzfeld, 1992, p. 51 – 57).

5.4. Control

The controlling mechanisms of bureaucracies and other structures also warrant further investigation. Conventional thought on bureaucratic control is greatly influenced by the Overhead Democracy Model, which was coined by Emmette Redford in 1969. This model puts forth the notion that citizens elect representatives into power, who then enact policies to be implemented in a straightforward manner by public agencies. This arrangement is then governed by electoral accountability (citizens control elected officials) and bureaucratic accountability (elected officials control bureaucrats) (Jones, 1995, p. 74). However, some empirical difficulties exist with this conventional model. Firstly, relationships are complex. Citizens seldom vote on the basis of policies but rather according to party loyalty or the appeal of a candidate. Elected officials therefore seldom carry a strict policy mandate with them into office, as would be expected from the Overhead Model. Secondly, it is also problematic to determine exactly where policy responsibility lies, as it is often not clear which levels and/ or departments should be involved. This is especially true for matters that straddle different fields and spheres of government. In the final instance, the Overhead Model also lacks credibility since it positions special interests as opponents of popular majorities rather than as agents of open governance or social change. The model views bureaucratic discretion not as a tool for problem solving, but rather as a barrier to the 'will of the people' (Jones, 1995, p. 76).

One rival theory suggests that the current approach to understanding control is incorrect as it is based on a search for an entity in an attempt to understand 'who' or 'what' is in control. This concept is reliant on time, while powerful ideas are often not bound to a specific occasion or era. In addition, powerful ideas are sometimes controlled by people who are blissfully unaware that they are in control. Jones (1995, p. 76) proposes that a set of practices or, in his words, 'solution sets' act as a link between problems and solutions. Both present and past solution-sets function in government and these sets are just as important as human participants in defining the urban regime. Solution-sets change over time, thereby constantly shifting the

control of bureaucrats. This is illustrated by the case of successful budget negotiations being concluded by a Police Department: is their success in obtaining their desired budget the result of special legitimacy due to accomplishments during a previous term, or is it due to crime spiralling out of control? Negotiations around such an issue must clearly be guided by conceptions which are shared by more than just individual players. Bureaucracy must therefore be seen as an adaptive system where control is not static, and an analytical model closer to pluralism would better explain how bureaucratic actions are controlled (or not) (Jones, 1995, p. 76).

5.5. Knowledge

It can be gathered from Flyvbjerg's argument 'Power is Knowledge', that power seeks change rather than knowledge and that it will use knowledge to achieve its desired results. Only knowledge conducive to the desired result may be produced, and unwanted knowledge may be suppressed or omitted (Flyvbjerg, 1998, p. 36). Given the limited access to information that lower income communities may have about systems of power and conservation controls, this leaves the gates of information very well guarded and creates an opportunity for power to be more easily appropriated by officials or politicians.

Considering the accessibility and use of information within power structures, the Principal-Agent Theory provides a constructive framework for contemplation: according to this theory an agent has more information about policy than the principal, creating an information asymmetry problem. This is illustrated by the relationship between a consulting accountant (agent) and a government body (principal): the accountants will have a better more in-depth understanding of accounting laws and practices, and the government body will be at their mercy in this regard. In order to operate in practice, however, the principal will need to formally or informally grant discretionary power to the agent. Controls, such as legislation, then ensure that agents do not act on their own and remain in line with the original agreement (Jones, 1995, p. 77). However, in practice the matter is seldom so simple, as it is often not clear who the principal is, or there may be multiple principals. In the South African context, would a City Council be an agent of National or Provincial Government, or is it a principal? Or is it neither but is appropriating the powers of a principal? Depending on the field of expertise and legislation involved, it could be either a principal or an agent, or play a multiple role, and information asymmetry may

be created wherever any principal-agent relationships comes into play. The information asymmetry problem also often allows bureaucrats to become unresponsive to agents, even in cases where they have similar goals (Waterman, 1998, p. 177).

The notion that an assembly of practices (or solution-sets) can function as policy is not unique. Another author label these as 'para-policies', which refers to incidences where policy is contained in the accumulation of individual decisions rather than in formal policy documents (Booth, 1996, p. 4). When discourse takes place, discourse-coalitions occur, leading to the establishment of a body of practices that becomes regular and systematic. Actors create 'story-lines' which allow them to draw on experience, and give meaning to phenomena that they deal with. As certain story-lines become accepted and applied, they gain a ritualistic nature and some degree of permanence and stature (Watson, 2002, p. 6, 7).

5.6. Discretion

Two broad categories of development control can currently be found in practice: regulatory and discretionary control. The former is based on administrative law and is utilised in most of the European Union and the United States. Development control depends on a thorough statement of what is permissible in advance, and decision-making is for the most part a process of confirmation that a proposal conforms to set development parameters. Decisions thus have less significance than they do in the discretionary systems that are in place in countries such as Britain. Discretionary development control is based on a tradition of case law and it is characterised by a suspicion of identifying the full scope of possible actions in advance. The relationship between a formally sanctioned plan and development control decisions is not absolute (Booth, 1996, p. 5) and cases are intended to be assessed according to their own merit and within their own context. Discretion was eloquently defined by Jowell in 1979 as... *"the room for decisional manoeuvre possessed by decision-makers"* (Booth, 1996, p. 110). While discretionary systems may be perceived as allowing too much room for interpretation by officials, it is not plagued by the 'return to Byzantium' or tangle of rules that make regulatory systems increasingly difficult to apply in practice (Booth, 1996, p. 96).

South Africa exhibits characteristics of both regulatory and discretionary development control. It is regulatory by prescribing what is permissible in spatial plans, zoning schemes and development frameworks, but it is discretionary in that applications must be assessed in terms of merit and desirability.

While it may appear that discretion is required to free decision-making from the inflexibility of rules, such rules are still essential to ensure that discretion does not become a matter of personal whim that leads to unjust decisions. Discretion and rules are interdependent and discretion exists as the area left behind by the surrounding restrictions – discretion is the hole in doughnut. Just as the hole cannot exist without the doughnut, discretion cannot exist without the rules (Booth, 1996, p. 110). The lack of absolute certainty that is inherent in discretionary systems is often seen by developers or property owners not to be a weakness but a strength, as it grants them the opportunity to argue their case. In an ideal world, the result would then be a negotiated best possible solution based on fixed limits set by development controls (Booth, 1996, p. 91).

Pre-specification of every action is therefore not always desirable as it makes administrative functions onerous and often does not permit different applications to be considered on their own merit. In order to govern the exercising of discretion, a set of behavioural rules is most often created within a bureaucracy, and it is not uncommon for these rules to be contrary to formal rules (Jones, 1995, p. 79). In South Africa, discretion is kept in check by the Bill of Rights, as contained in the Constitution, which specifies that ...*"Everyone has the right to administrative action that is lawful, reasonable and procedurally fair"* (RSA, 1996, Section 33). Therefore, while officials are expected to apply discretion, they must do it within a framework that ensures just administrative action. Should this not be the case, a decision may be taken on review and overturned.

5.7. Implementation

The implementation of heritage is paradoxical in its nature: on one hand, it arises (or should arise) from 'below', being decentralised, spontaneous and driven from grassroots levels. However, in practice it is imposed from 'above' through official processes of memorialisation (Shepherd, 1998, p. 118) and the imposition of legislated controls. By formalising a concept as ephemeral as heritage, symbolism

becomes static and the actors originally shaping meaning become inaccessible (Herzfeld, 1992, p. 69). One means of ensuring that conservation can accommodate different symbolisms and contexts is by ensuring that officials retain their power to assess cases on merit. This reminds of discretionary development control. However, implementation of heritage still needs to occur within the framework of the law and discretion must be within explicit bounds and must be consistently applied.

Decisions are not only implemented by bureaucracy, but also by the individuals that it seeks to regulate. Herzfeld (1992, p. 46) argues that while bureaucracy offers citizens some opportunity for disagreement, failure to achieve the desired results often carries social ramifications for citizens. This may be extended to officialdom, where failure (for instance, to deny a demolition) may hold professional ramifications for officials. Herzfeld further states that both bureaucrats and communities benefit by reinforcing images of a “faceless” system – in this way, both can rationalise their own failures – in his words, “save face by invoking the faceless”. The convention of complaining about bureaucracy only reinforces it further and it is easy for both individuals and organisations to activate bureaucracy as an excuse for their own inaction or failures (Herzfeld, 1992, p. 33).

Another challenge to the implementation of policy is the absence of supervision by policy-making branches or departments of bureaucracies. Different levels of interest exist at the enactment and implementation stages of legislation and policy, with the former mostly being the domain of politicians and the latter being the domain of officials. Attentiveness usually falls rapidly at the implementation stage and implementation then falls to those interested and active in the process. The danger also exists that a policy issue may be ‘captured’ by affected interests and applied or used for purposes contrary to its original intention. Such interested parties will then often work with regulators to point out problems caused by the policy or regulations (Jones, 1995, p. 79). The proficient manner in which business chambers often take policy interventions under their wing to further their own causes serves as a case in point.

In order for a system of development control to retain credibility, it needs to remain accountable. Returning to the Overhead Model, the electoral process is expected to hold decision-makers (politicians) accountable. While politicians will seldom be eliminated on the basis of one poor development control decision, cumulative poor decisions may result in their demise. Professionals, on the other hand, are

supposedly held in check by the professional codes of conduct that they subscribe to (Booth, 1996, p. 134). In a discretionary system of development control, standards can be used as a means of measuring flexibility in policy making. Such standards (or solution-sets) require not only the finding of facts but a thorough qualitative appraisal of the facts in terms of possible consequences and moral justification. This endows the system with responsiveness and enables it to change over time while still making the basis for adjudication of applications clear (Booth, 1996, p. 116). South Africa displays such discretionary characteristics in the practice of heritage impact assessment as required by Section 38 of the National Heritage Resources Act. Impact assessment allows for recommendations which are relevant to the likely impact and mitigation required but still based on generally accepted criteria.

5.8. Professionalism

While discretion provides for a necessary degree of flexibility, it does give those who hold discretion considerable power (Booth, 1996, p. 111). In recent developments in practice, the citizenry has become both subject and object in the assessment of development applications and a new tactic of power has arisen: the disciplines or professions (Watson, 2002, p. 5). The professions have experienced rapid growth in the last four decades and have recently seen the triumph of the idea of professionals as agents of formal knowledge over the idea of professionals as trustees of socially important knowledge. The professions rely on higher education as a prerequisite to associate with other professionals (Brint, 1994, p. 5), imparting to it a certain degree of exclusivity. This is further reinforced by the emphasis of professionals on creditation and membership of professional organisations (Brint, 1994, p. 5).

A distinction can be made between professional and administrative authority, with the former being subject to weak forms of accountability and control and the latter being more highly regulated and bound to clear hierarchies (Booth, 1996, p. 111). Application of more discretionary controls such as policy serves as an example of professional authority, while the straightforward application of the zoning scheme is more administrative in nature. Professionals demand a high level of self-governance and a common view that is held by professionals is that others are not technically equipped to deliver judgement on their professional views. Professionals usually enjoy higher status, (Brint, 1994, p. 6) which may be due to administrative officials not sharing a similar subculture of exclusion and self-promotion. However, the

democratically minded may have reservations about this exclusive attitude and view professionals as overly genteel, intrusive and inclined to puristically implement what they deem to be appropriate (Brint, 1994, p. 9). The tertiary education that is expected from professionals also implies a privileged upbringing which will colour the way in which professionals view the actions of lower-income communities and the manner in which they approach their work in such areas.

5.9. Public Participation

Given that conservation is (or should be) to a large extent a public process, it is important to understand how public participation functions in a lower-income environment. Most literature is in agreement that levels of participation are lower in poorer communities than in the middle and higher income groups. However, the consideration of variations in levels of participation *within* lower-income groups may offer a more complete view of the factors that actually drive participation. Many conservative commentators hold the view that government assistance fosters dependency and decreases personal motivation for participation. A different view holds that government assistance acts as a lifeline which suppresses any anger and resentment that might have inspired increased political participation in lower-income groups. A more complete view, however, is based on rational choice theories, and poses that lower-income citizens lack the financial resources, free time, civic skills or level of engagement necessary to participate or to be recruited for political action (Lawless and Fox, 2001, p. 363). It is likely that this lack of participatory skills or tools play a major role in leading citizens to become inactive in politics and government initiatives.

The importance of self-interest as a motivator for participation also cannot be underestimated. Citizens are more likely to participate in the political system when they are motivated by personal needs such as jobs and housing and those in the most dire circumstances often tend to be the most active participants. An important aspect which is often neglected in public participation studies is that of the impact of interaction with government agents. These interactions are critically important in the formation of political attitudes and this has been found to be even more apparent in lower-income communities. Citizens who feel isolated from government tend to be some of the most active participants, even beyond the standard threshold of engagement as a 'voter' (i.e. willing to be recruited for political action) (Lawless and

Fox, 2001, p. 362). One global study also found that the poor is considerably more active than the wealthy in contacting public officials and bringing their plight to the attention of the authorities (Krishna, 2008, p 11).

Finally, the role of education also plays a critical role, as participation in governance has been found to be more closely linked to education than to income (Krishna, 2008, p. 11). In most authoritative studies it has been found that additional years of education, even among low levels of schooling, greatly bolstered the likelihood of political engagement (Lawless and Fox, 2001, p. 364).

5.10. Townscape

The issue of streetscape and townscape emerged as a recurring theme during the Mamre case study and justifies more detailed exploration. A simple definition of townscape was conceived by the urban designer Gordon Cullen in 1961 when he stated that one building is architecture but two buildings is townscape. This definition draws attention to the relationship between buildings and gives importance to the spaces in between (Weddle, 1962, p. 239). The public realm includes those parts of the urban fabric that the public has visual and physical access to; and this includes streets, parks, squares and parts of some buildings. The concept is ambiguous, though, since many parts of the urban fabric that is visually accessible is in private ownership and therefore not technically or legally in the public realm (Lang, 2005, p. 7). This is of relevance to the study at hand since development control often seeks to control alterations to façades of buildings that are visually in the public realm but are privately owned.

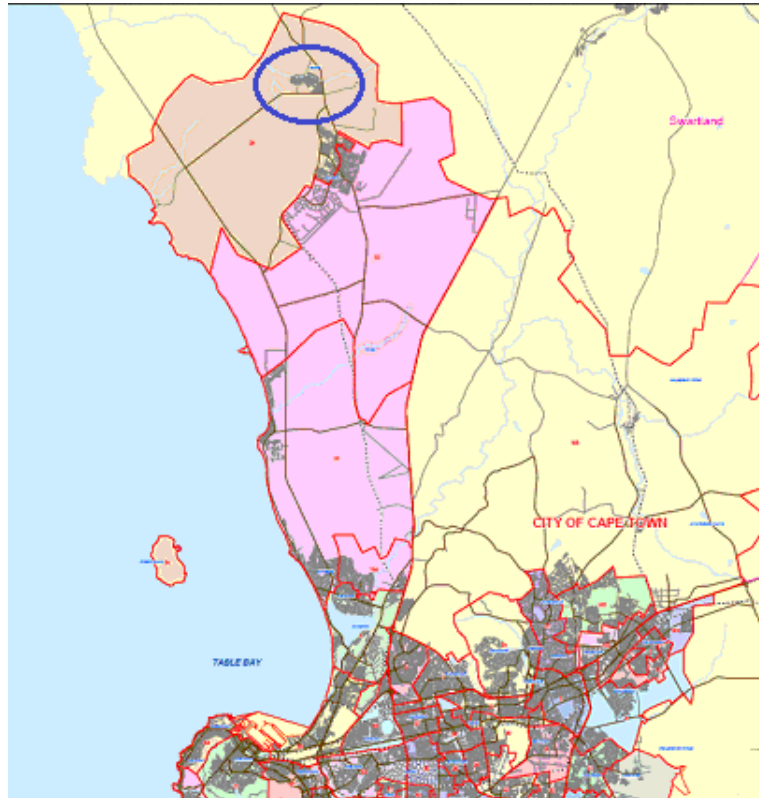
According to Lang (2005, p. 97), the character of a street is primarily determined by the length of street blocks and the elements contained in the cross section of the street. The latter would include the width of the road surface and sidewalks; the nature, setbacks and heights of abutting buildings or other enclosing elements, frequency of entrances to buildings and the presence or absence of windows. The use of buildings and activities at ground floor level also play an important role in shaping the character of the street, as does the nature and speed of traffic and the manner in which parking is accommodated (Lang, 2005, p. 8). The character of public spaces not only expresses public life, civic culture and the everyday discourse of citizens, but it also conditions it to a certain degree (Lang, 2005, p. 97).

In his discussion on whether aesthetic judgement in design control is a subjective or objective process, Madanipour (1996, p. 165) points out that the notion of context is playing an increasingly important role in the aesthetic judgement of planners and designers. Adherence to context is increasingly emphasised in design control, and this serves as a way of humanising and democratising any new proposals for development. After all, buildings that appear from the outside to represent poverty will always contain evidence of a process of aesthetic judgement on the part of the inhabitants (Madanipour, 1996, p.164) – whether this is in agreement with the tastes of others or not.

University of Cape Town

6. Contextual Analysis of Mamre

6.1. Background and History



***Fig 1: Location of Mamre in relation to the City of Cape Town:
Mamre is circled in blue (O'Donoghue, 2009, p.10)***

Mamre was established as a colonial military outpost known as Groenekloof as early as 1701 and it operated as such until the East India Company was on the verge of bankruptcy in 1791. The company unsuccessfully attempted to sell off its assets from around this time but could not find buyers for the homestead and farms at Mamre. These assets were then subsequently granted to the Moravian Church in 1807 to operate as a mission station (Fransen, 2004, p. 332). This mission station at Groenekloof was utilised to provide homes for the families of free KhoiSan who served in the Cape Corps under the newly established British government (Ward, 1998, p. 209). At the time when the mission was established, the Khoi chief Captain Hans Clapmuts and 70 of his followers were still living on one of the farms granted to the Moravians (Louwskloof).



*Fig 2: Approach to the historic church werf at Mamre.
The church in the centre of the view (Photograph Rennie & Scurr, 1999)*

A portion of the land at Groenekloof was divided into plots and cottages were built for the mission community members who numbered 101 in 1808 (Katzenellenbogen, 1988, p. 365). From this time, Mamre grew slowly with the incorporation and conversion of a neighbouring Khoi community who were still essentially living independently from local colonists. During the decade following the emancipation of slaves in 1834, Mamre expanded rapidly (Ward, 1998, p. 210) and white landowners often regarded it as an unwanted haven for potential workers (Katzenellenbogen, 1988, p. 365).

A second group of cottages for approximately 700 villagers were erected in 1835. These cottages followed the contours around the lower part of the valley along the river, and portions were parcelled off for use as garden allotments. This is a typical Moravian layout, as can be seen from other mission stations such as Genadendal. Cottages were typically two-room mud brick structures with a kitchen, with some sporting a small dormer gable (Fransen, 2004, p 332, 333). By the end of the 19th century, distinctions between those of slave origin and the original families had largely disappeared (Ward, 1998, p. 210) and a Mamre-ian identity had been established. Mamre became a close-knit community that shared a fear of being bought out by colonists; as can be seen from their extensive participation in petitions against subdivision of the granted farms in 1854. They preferred to keep the land as joint property (Katzenellenbogen, 1988, p. 366) and it remains as such today.



Fig 3: Aerial photograph 1945. Buildings older than 60 years are indicated in red and the two incidents described in this study are circled in blue. Note that north is at the top of the page (City of Cape Town GIS, 1945).

Historically, Mamre was administered by the Mamre Village Management Board, which was initially controlled by the church but became independent in the 1930's. Board members were elected by the community and religious affiliation was not a requirement for election. Plots (residential and agricultural) were still allocated for use by the church until as late as the 1950's,⁵ and parishioners had the responsibility for erecting their own cottages on allocated land (Katzenellenbogen, 1988, p. 366). The current system of ownership in Mamre was essentially established by the Rural Coloured Areas Act (No 24 of 1963) which made it possible for leaseholders to change their status to ownership by paying a survey fee. Some of the dwellings were also rented out privately (Katzenellenbogen, 1988, p. 366).

After an outbreak of typhoid in 1973, the Village Management Board installed piped water (completed in 1978) and closed the water 'eyes' (springs) and communal washing area situated along the river (Katzenellenbogen, 1988, p. 366). There appears to be much resentment toward government following this move and it is widely blamed for the destruction of the old way of life in Mamre.⁶ The establishment of Atlantis approximately 5 km to the south during the 1970's further decreased Mamre's isolation (Katzenellenbogen, 1988, p. 366) and accelerated modernisation in the village.



Fig 4: Cottages off Klinker Street. Left in 1999 (Rennie and Scurr, 1999) and Right, in 2009 (O'Donague, 2009)

Ironically, after the completion of the Koeberg Nuclear Station in 1983, Mamre had no electricity or tarred roads but did have a nuclear emergency evacuation plan (Katzenellenbogen, 1988, p. 366). After heated debate by the community, the Village Management Board sold one of the communal farms in 1987 in order to raise capital

⁵ Interview Cllr Mercia Arendse, 26 October 2010.

⁶ Horn and Moore, March 2008, Minutes of Mamre Workshop 26 January 2008.

to upgrade the village. This modernisation rapidly advanced the deterioration of the old cottages in Mamre. Wooden window frames were replaced by steel and thatched roofs by iron sheeting; and by the turn of the century (2000) only a handful of the original cottages were still intact (Fransen, 2004, p. 333).



Fig 5: Erf 64, Mamre. Left in 1999 (Rennie and Scurr) and Right, in 2009 (O'Donoghue)

6.2. Setting

Mamre has a unique setting which greatly contributes to its character. It is set within the undulating hills of the Swartland grain fields, with the village itself being located in the elbow of two low-rising mountains that create a sheltered and secluded backdrop. This, as well as its location roughly halfway between Cape Town and Saldanha Bay no doubt had great appeal to earlier settlers. The village is positioned at the confluence of two rivers flowing between the low-rising mountains, creating a picturesque riverine backdrop to the built environment. The village features many trees of significant age which, together with the agricultural allotments at the centre of the village, further enhances its lush rural ambience.



Fig 6: View across Mamre commonage to the south showing rural character of the village. Erf 285 (Incident Two) is indicated with a red arrow and the approximate position of Erf 326 (Incident One) with a blue arrow (Rennie & Scurr, 1999).

Prior to the establishment of Atlantis during the 1960's approximately 10 km south of Mamre, Mamre functioned as an independent and relatively isolated village on the edge of metropolitan Cape Town. Due to this spatial isolation, Mamre developed a unique identity of which inhabitants appear to be proud despite the economic setbacks that it may have resulted in. It is notoriously difficult to be accepted in Mamre if not born there, and new arrivals are known as “inkommers” (‘in-comers’) regardless of the amount of time that they spend living in the village.⁷

During a hearing by the Appeals Committee of the provincial heritage resources authority, several committee members described Mamre as one element of a distinctive Western Cape “mission station landscape” that is fast disappearing⁸. Considering the similar form, pattern and character that the four Moravian mission stations and several satellite missions (such as the nearby Pella) in the province share, there may be merit in understanding Mamre as part of such a larger historical landscape.

⁷ Interview Mr. M. Jephtha, 27 October 2010.

⁸ Audio recording of Appeals Committee meeting, 28 October 2009

6.3. Mamre Townscape

Mamre has a strong linear pattern, with roads laid out parallel to the river and following the contours. Most streets are long north-south streets with smaller roads or pedestrian paths linking through to the commonage in the valley. This creates visual continuity along the north-south roads and a strong visual link from any part of the village to the commonage below.



Fig7: Mamre viewed across the commonage – note the pattern created by the similar shape and scale of buildings across the commonage.

The roofscape is dominated by low pitched roofs (mostly 7° - 15°); formerly all thatched but now almost completely of corrugated iron. The roofscape is interspersed by chimneys throughout.



Fig 8: Mamre roofscape in the background showing low roof pitches.

An intimate character is created by the buildings which maintain a close relationship with the street, with most not being set back more than 3 m. This is further enhanced by narrow road reserves and a complete lack of sidewalks.⁹ The streetscape is framed by a continuous line of buildings parallel to the roads, few of which are more than a single storey in height. Boundary walls or fences are seldom more than 1.2 m high, which ensures that front gardens and building façades are highly visible. Organic wooden posts and simple wire fencing can often be found and this contributes to Mamre's rural qualities. Many dwellings are symmetric with a wooden front door at the centre. Windows are generally small and were historically divided by mullions; however, the majority of these have now been replaced with steel window frames and modern glazing. Verandahs or pergolas over the front façade are also often found (O'Donoghue, 2009). Vegetation is sparse, consisting mostly of low shrubs and the occasional tree.



Fig 9: Mamre streetscape c. 1910 showing pattern of houses stepping up street and close relationship with the street (Fransen, 2004, p. 129)

⁹ It is important to bear in mind that Mamre's streets were only formalised and tarred during the 1980's.



***Fig 10: Although now deteriorated, the pattern persists
(Own photograph, 2010)***

6.4. Current Issues

Certain recent issues greatly influence the manner in which Mamre currently functions as a village. Firstly, it is located on three large farms which have been held as commonage by the community since the village was granted to the Moravians in 1807. This enforces the rural character of the village and also creates a unique identity and commonality between residents. While the communal ownership of the commonage farms and agricultural allotments is not disputed, the community has fought a 10-year battle to regain custodianship of it from the Department of Land Affairs. This has no doubt added to the underlying resentment that Mamreers maintain toward structures of authority.

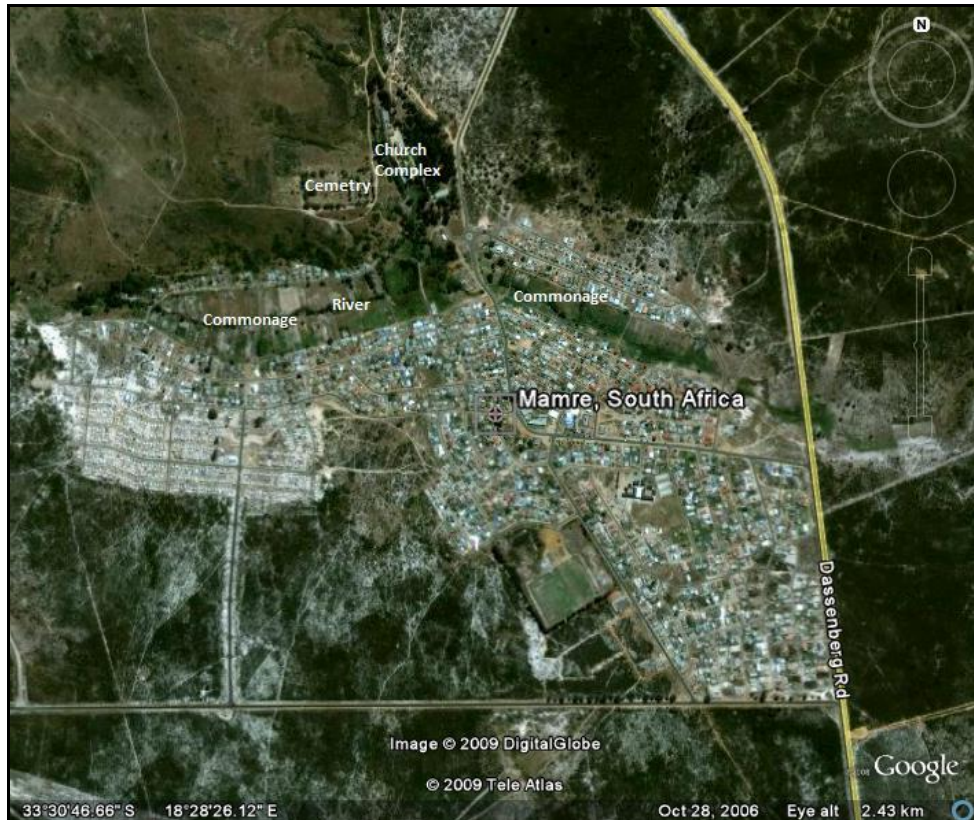


Fig 11: Aerial photograph showing Mamre commonage (O'Donoghue, 2009, p. 9)

Little love also appears to be lost between residents of Mamre and the Cape Town City Council. During an extensive public participation process conducted by the City's Heritage Resources Branch in 2008, certain recurring issues were brought up by several participants. As stated above, the closure of the springs and communal washing facilities was not received favourably. Many residents also claimed that their 'leiwater'¹⁰ system was closed up during this time, however, an archaeological study commissioned by the City during 2009 found no evidence that such a system was ever formally in place (Finnegan, 2008, p. 6). Other participants added that the City prohibited residents from keeping chickens and livestock¹¹ and prevented people from building on the hill, causing the historic cottages in Berg Street to fall into ruin¹². The City is also accused by many residents of 'stealing' Mamre's funds. This event refers to an amount of R 6 million that was transferred to the City from the Village

¹⁰ 'Leiwater' is a system of relatively formalised furrows that usually run along roads to provide irrigation water to residents. Each plot receives a certain time slot for irrigation in order to ensure fairness.

¹¹ Horn and Moore, March 2008, Feedback Mr. Barry Traut, 26 January 2008.

¹² Horn and Moore, March 2008, Interview Mr. Tommy Lanvoort, 10 January 2008.

Management Board when Mamre was included in the amalgamated Unicity shortly after 2000.¹³

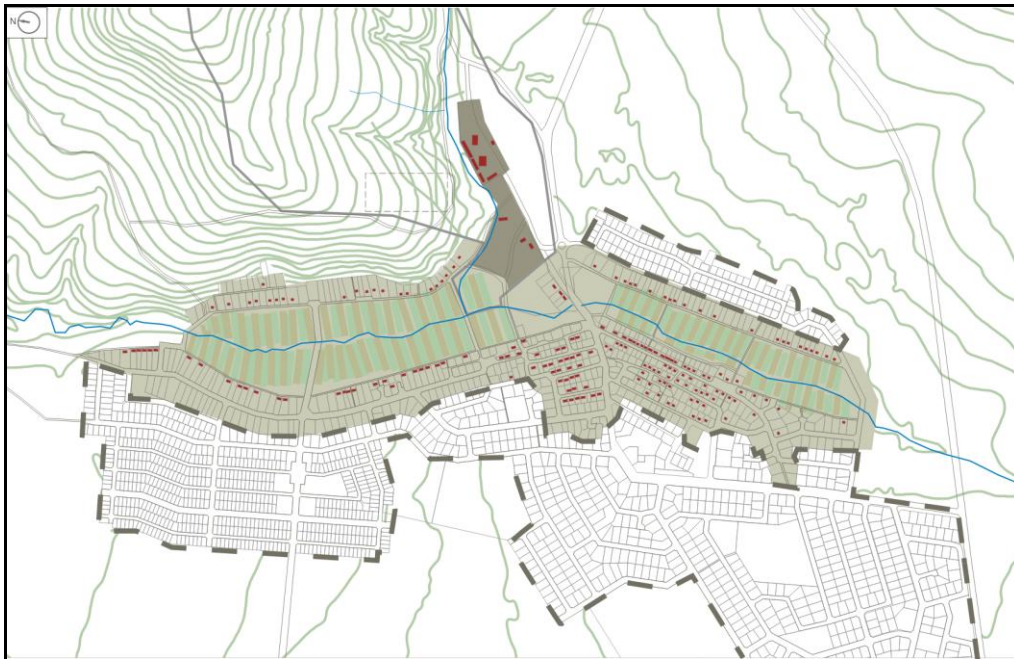


Fig 12: Proposed Mamre Conservation Area (central area in dark grey) surrounded by outlying buffer heritage areas (O'Donoghue, 2009, p. 20)

In an effort to conserve the remaining old cottages in Mamre, the City Council's Environmental and Heritage Resources Branch has identified an area which it aims to declare as an Urban Conservation Area in terms of the zoning scheme¹⁴. While the process of approval has not formally commenced yet, it was apparent from interviews conducted during this study that it will not be well received, mostly due to Mamreers viewing it as an unacceptable intrusion on their rights as private property owners.¹⁵

An issue that currently enjoys much deliberation in Mamre is that of the claims of the Khoi. A group of descendants of the original Cochoqua Khoi that inhabited the Louwskloof farm under Captain Clapmuts around 1810 has instituted a land restitution claim for much of the land between the Cape and Saldanah.¹⁶ This group makes use all possible forums to further their cause and has a degree of influence in any public participation undertaken in Mamre. An oral history project conducted in 1992 showed that while there is a level of denial among Mamreers about their slave

¹³ Interview Cllr. Mercia Arendse, 26 October 2010.

¹⁴ It should be noted that the demarcation or 'line' is rather random and has not been subjected to a process of public engagement. This is elaborated on further in the study.

¹⁵ Interviews M. Jephtha, 27 October 2010 and Councillor M. Arendse, 26 October 2010.

¹⁶ Interviews M. Jephtha, 27 October 2010 and Councillor M. Arendse, 26 October 2010.

origins, many clearly recognise their Khoi heritage (Ward, 1998, p. 210). This is bound to have an influence on how perceptions of authority among Mamreers are formed.

Finally, Mamre faces many of the challenges that characterise more urbanised areas: unemployment, theft and substance abuse is on the increase, and vandalism is rife to the degree that the thatch roof of the historic Mill was burnt and equipment stolen and sold as scrap metal.¹⁷ While these challenges are by no means unique, they serve to undermine the potential of the youth taking interest in and responsibility for their built heritage.

6.5. Significance of Mamre

The assessment of heritage resources is underpinned by the concept of significance. Heritage resources are deemed to form part of the national estate if they are of cultural significance or if they hold other special value for the present community and for future generations. This would include, but is not limited, to places and buildings of cultural significance, historical settlements and landscapes of cultural significance. They may also be a showcase of uncommon, rare or endangered aspects of South Africa's heritage or of importance in exhibiting particular aesthetic characteristics valued by a community.¹⁸

Mamre as a village is significant due to the occurrence of the historical church werf (itself protected as a Provincial Heritage Site) and the settlement which sprang up around it in the Moravian building tradition of the Cape. Indeed, it is rare, being only one of four villages built according to this particular urban morphology. Several old traditions associated with historic Mamre are also still in place, such as the brass band, adding a dimension of intangible heritage to the village's qualities. It also represents a facet of the country's history of slavery, as the village was settled by many emancipated slaves who became the forebears of many of its current residents.

¹⁷ Horn and Moore, March 2008, Interview Q. Newman, 17 November 2007.

¹⁸ National Heritage Resources Act, No. 25 of 1999



***Fig 13: Members of the Mamre Brass Band, 1994
(Photograph D. Shepherd)***

Regarding individual buildings, all of the historic cottages illustrate the typical Cape vernacular architecture of the time and most contain fabric of considerable age. However, insensitive alterations and additions have detracted greatly from the intrinsic quality of these buildings, and no more than a handful of cottages with original façades remain. The deteriorated state of the buildings also do further damage to their potential to be conserved as significant examples of early Cape architecture.

The historic church werf at Mamre, where all of the buildings were in existence before 1790 (Fransen, 2004, p. 332, 3) is recognised as a Grade II heritage resource and therefore enjoys formal protection as a resource of provincial significance. As a working arrangement within the relevant local authority, Grade III heritage resources are classified as either being Grade III A (the building has intrinsic significance), Grade III B (the building has some intrinsic significance) or Grade III C (the building contributes contextually).



Fig 14: Children lining up for church (Photograph D. Shepherd, 1994)

Although no formal grading has been assigned to the vernacular cottages of Mamre, it is the view of this author that the handful of cottages that remain in their original state have intrinsic significance and that these should be formally protected as Grade 3A heritage resources. The remainder of the cottages older than 60 years should be assessed individually and afforded protection where appropriate mainly for their contextual contribution to the village (3C grading). This concurs with the gradings recommended to the City Council's Environmental and Heritage Resource Management Department by the consultant that compiled the Mamre inventory (O'Donoghue, 2009, p. 4).

7. The Incidents of Confrontation

In order to arrive at a 'thick description' of how conservation controls are perceived in the case of Mamre, two incidents of alterations to historic dwellings were selected for in-depth investigation. These will now be considered individually.

7.1. Incident One: Erf 326, Adonis Street, Mamre

7.1.1. *The Building*

The first incident concerns the dwelling of Mr. and Mrs. Titus of Adonis Street. The fabric of the building is comprised of mud bricks and mud/ clay mortar, thick walls (700 mm in places) and remnants of a brandsolder¹⁹ is in place; suggesting that the original construction occurred well before 1900. During the 1980's extensive renovations were done during which the thatch roof was replaced with a flat corrugated iron roof and wooden window frames were replaced with steel frames. A parapet was also added to the front (north) façade, changing the parallel alignment of the building's roof pitch with the street. Despite the alterations the building retained its original L-shaped footprint, except for a covered entrance porch that was added to the front of the dwelling.²⁰

One interviewee dated the building to the 1830s based on the presence of old plane doors with roll mouldings which was widely in use at the time. All of the original wooden roof beams are also still in place.²¹

¹⁹ A brandsolder is a layer of clay or mud bricks laid on a reed ceiling to prevent the spread of fire from spreading from a thatched roof to the inside of a building (Fransen, 2004, p. 578).

²⁰ Interviews Mr. Len Raymond, 19 November 2010 and Mrs. Titus 14 November 2010.

²¹ Interview Len Raymond, 19 November 2010. Raymond is an acknowledged expert in this regard.



Fig 15: Street façade of dwelling on Erf 326 Mamre

7.1.2. Significance

The dwelling contains old fabric internally but features a much altered street façade. A conservation survey conducted June 2009 listed its heritage attributes as position, scale, alignment, envelope and integrity, and a Grading of 3C was recommended (O'Donoghue, p. 395). While the parallel alignment of the building with the street continues the pattern of other buildings in Adonis street, its parapet is at odds with the rhythm created by other pitched roofs and lean-to verandahs. While historic fabric remains internally, its significance is limited and better preserved examples of this type of vernacular architecture in Mamre are not uncommon. Other than its close relationship with the street, the building also makes a limited contextual contribution to the old part of Mamre.



Fig 16: The Tituses' Dwelling in Adonis Street. Note the dwelling on the right is of correct proportions while the roof pitch on the Titus dwelling has been turned and made almost flat during insensitive alterations



Fig 17: Modern steel window frames, brick window cill and old timber lintel above

7.1.3. Application

The Titus family applied for permission on 1 June 2009 to construct an outbuilding (known in town planning terms as a second dwelling) against the rear boundary of the property behind their existing Mamre cottage.²² This cottage is protected by Section 34 of the Heritage Act (a structure older than 60 years) and hence the Tituses were requested to obtain heritage approval and planning permission for a second dwelling. They consulted with the relevant local authority heritage officials and showed them their actual intended plan: to erect the second dwelling at the back and to construct a new, modern double storey in the stead of the old cottage at the front of the site.²³

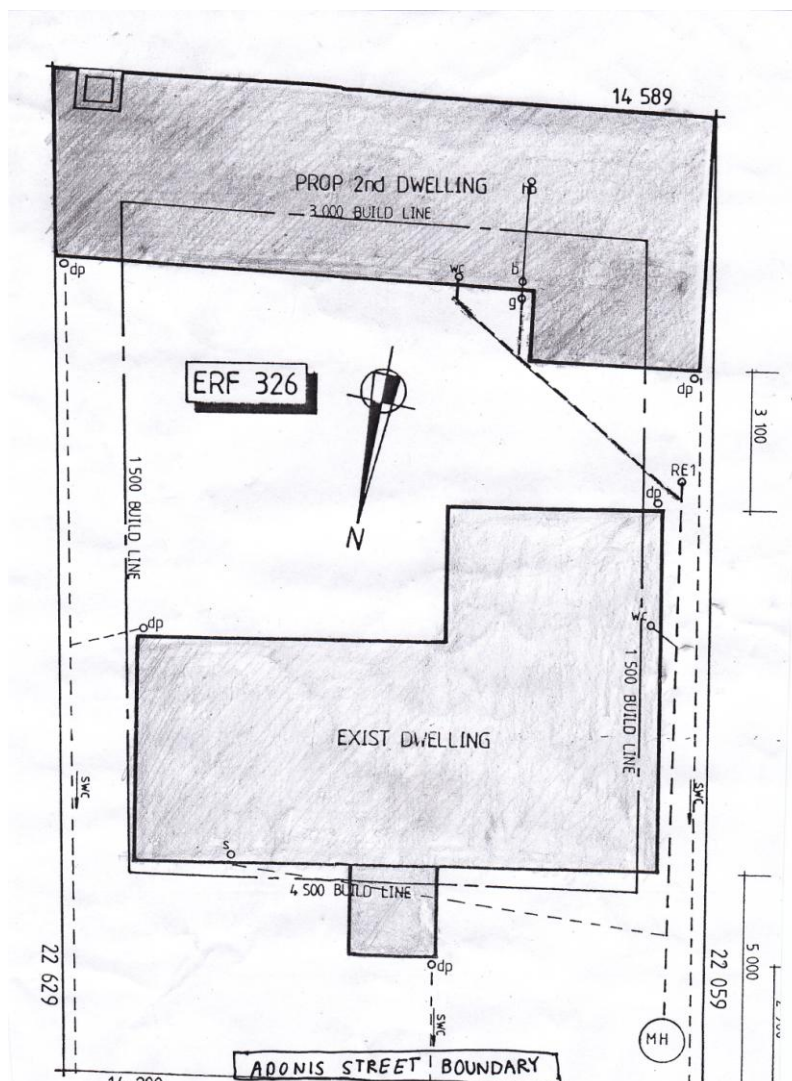


Fig 18: Building Plan submission, 1 June 2009 (M. Jephtha)

²² City Council building plan submission, 1 June 2009, M. Jephtha, no plan ref, undated.

²³ City Council building plan submission: House Titus, M. Jephtha, no ref, March 2009.

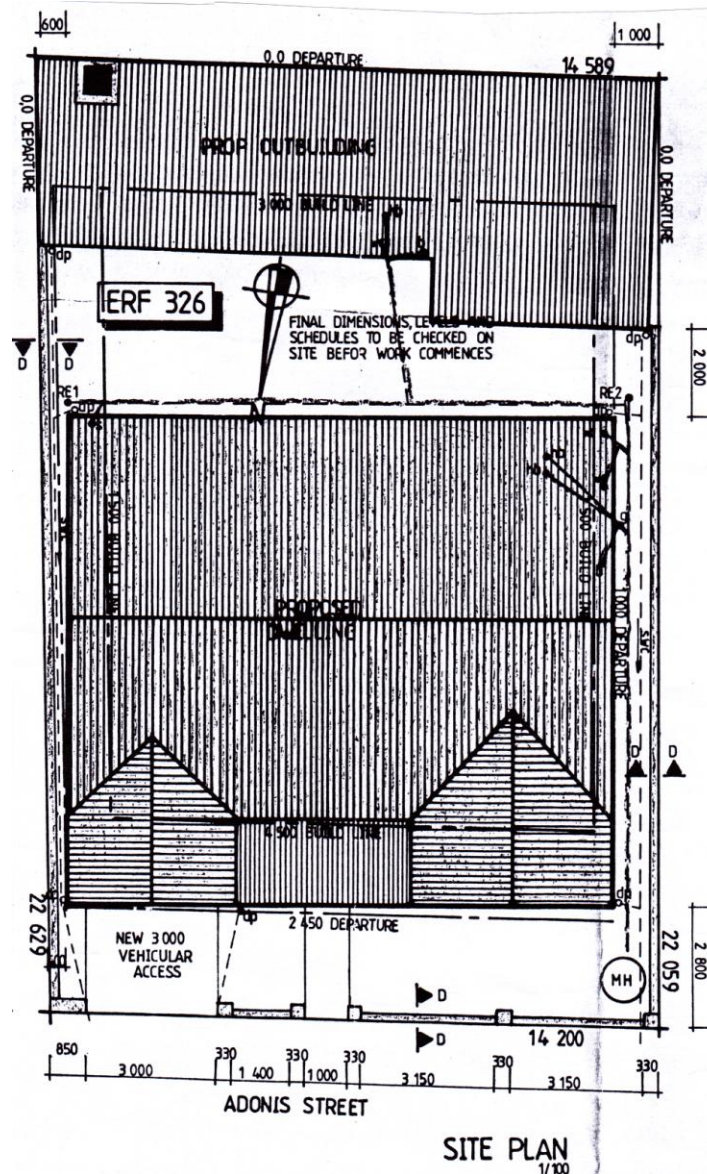


Fig19: Intended development on Erf 326 Mamre showing double storey to be erected to the front of the property

While the plan for the double storey was initially not a formal submission, the Tituses were advised to deal with their entire building project as one application. Local authority heritage officials were not opposed to the demolition as such but were concerned about the impact of the proposed new double storey on the streetscape.²⁴ The local authority heritage official involved therefore requested the town planning and building development departments to impose conditions to limit the impact of the proposed building on the streetscape. This was done since the Town Planning Department has legal powers in terms of the Section 42 of the Land Use Planning

²⁴ City of Cape Town, Environmental and Heritage Resource Management, Memorandum to Town Planning, 7 July 2009

Ordinance to impose conditions, while the Environmental and Heritage Resources Department does not. The subject property lies inside a *proposed* rather than an *approved* Urban Conservation Area; therefore the conditions of local authority heritage professionals cannot be lawfully imposed.

Mr. Titus was provided with a memorandum of comment from the local authority heritage officials to the provincial heritage authorities and was advised to submit a demolition application as prescribed by Section 34 of the Heritage Act.

This led Mr. Titus to the doors of the Provincial Heritage Authorities (Heritage Western Cape, hereafter HWC); the body responsible for issuing a demolition permit. After the first appearance of the matter at BELCom, Heritage Western Cape officials agreed that a site inspection needs to be undertaken.²⁵ An official visited the site and recommended that the demolition be approved, and the application was returned to BELCom for a decision on 27 August 2009. An intense discussion ensued at this BELCom meeting, with several BELCom members questioning whether conservation would be in the interests of the applicant given the deteriorated condition of the building. It was specifically asked whether any constructive purpose would be served to invest scarce funds into conservation of this building, given its location in a lower-income area. However, one BELCom member was vociferously opposed to the demolition, basing his argument on the integral role that the subject dwelling plays as part of the historic precinct of Mamre. His argument held sway and the application for demolition was refused. The relevant BELCom member also insisted that more senior officials be sent out to assess the building.²⁶

A second site inspection was therefore held (on an unrecorded date), and the two provincial heritage officials present recommended that demolition be supported. In their view, there were structural problems on three of the four outer walls, the roof was unsound and subsidence had occurred.²⁷ This recommendation was again put to the October 2009 BELCom meeting, where a third site inspection – this time by the BELcom member opposed to the demolition – was agreed upon. After conclusion of this site inspection by Mr. Raymond from BELCom, the refusal of the demolition application was affirmed on 14 September 2009 and the Tituses lodged an appeal. The appeals body overturned BELCom's decision in the favour of the Titus family for

²⁵ BELcom minutes of meeting 16 July 2009, Item 15.10.

²⁶ Interview Mr. Mu-Ammar Abrahams, 9 November 2010

²⁷ Interview Mr. Mu-Ammar Abrahams, 9 November 2010

the reason that the building does not contain enough heritage significance to justify its retention.

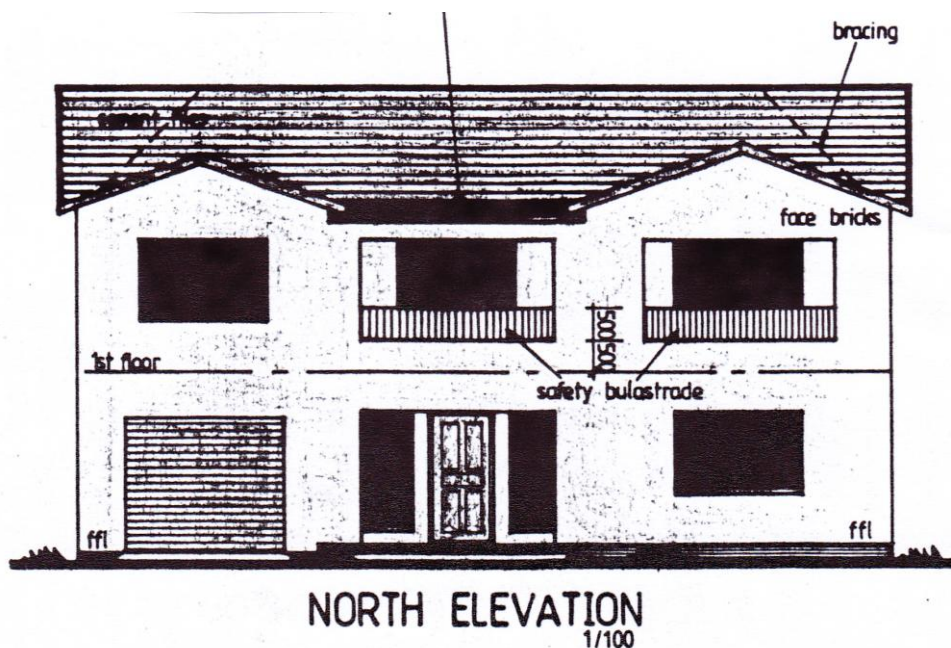


Fig 20: Street elevation of the proposed double storey building (M. Jephtha)

Plans for the full double storey dwelling were submitted to the City Council during January 2010 and they were approved shortly after.²⁸ Since Mr. Titus was in possession of a record of the Appeals Committee's decision to approve the demolition, since no departures were required, and since the proposal complied with the National Building Regulations, the Building Development Department had no reason to refuse the application.

7.2. Incident Two: Erf 285, Winkler Street, Mamre

7.2.1. The Building

More recently, a partial repeat of the Titus incident played itself out further down in Winkler Street. Mrs. Jacobs' dwelling probably dates from the same period as the Titus dwelling as it features thick mud brick walls and a layout typical of Cape vernacular cottages. While most of the fabric of the building is old, several alterations have been effected to the building over the years – most notably the replacement of thatch with corrugated iron and wooden window frames with steel. Interestingly, the

²⁸ City of Cape Town building plan submission ,18 January 2010, M. Jephtha, no plan ref , undated

building was turned front-to-rear when Mamre was formally laid out during modernisation in 1987²⁹. Mamre developed organically and it was evidently a challenge to fit dwellings neatly into a cadastral system; to facilitate this, the Jacobs dwelling was given access from the rear rather than from the front. This had a substantial impact on the manner in which the dwelling functions. The latest addition to the dwelling was done around 1990 when a detached bathroom was constructed close to the street building line. Except for a large crack in the northern wall of the historic cottage, the building is in a reasonable condition and it retains several original features such as the original half-door at the rear of the dwelling (now the front).



Fig 21: Original rear façade of the dwelling on Erf 285 Mamre; now the entrance,

²⁹ Interview Mrs. Jacobs, 14 November 2010.



Fig 22: Original front façade of the dwelling, now the backdoor



Fig 23: Detail of the front entrance (originally the backdoor; the wide proportions and weathered appearance of the door shows its age.



Fig 24: Internal view of crack running through the northern wall of the dwelling on Erf 285.

7.2.2. Significance

During the 2009 conservation survey of Mamre, the position, scale, age and alignment of the Jacobs dwelling were listed as heritage attributes, however, the building was recommended to be ungraded. The detached bathroom greatly diminishes the building's contribution to the streetscape. Furthermore, the building's 7.5 m setback from the street that resulted from the 1987 modernisation is uncharacteristic and excessive in the context of Mamre. The inversion of the building from its front to its rear also compromised the integrity of its floorplan. The building is therefore deemed to contribute little to its context and while it does contain old fabric, it is not substantial enough to warrant a formal grading.

7.2.3. The Application

The Jacobs family submitted an application on the 23rd of June 2010 for substantial alterations to their home, wishing to add an additional 71 m² to the existing 75 m². Since the dwelling is older than 60 years, it enjoys the same protection as the Titus dwelling in terms of Section 34 of the Heritage Act.

The application was circulated to the City Council's heritage officials, who were not supportive of the proposed alterations and additions. Most of the additions were to be

done to the street façade and these were deemed to be detrimental to the character of the street. The use of features such as glass bricks were also considered to be inappropriate.³⁰ The application was referred to Heritage Western Cape on 3 August 2010 and no further action has been taken by the applicants to date. A decision should be forthcoming during 2010.

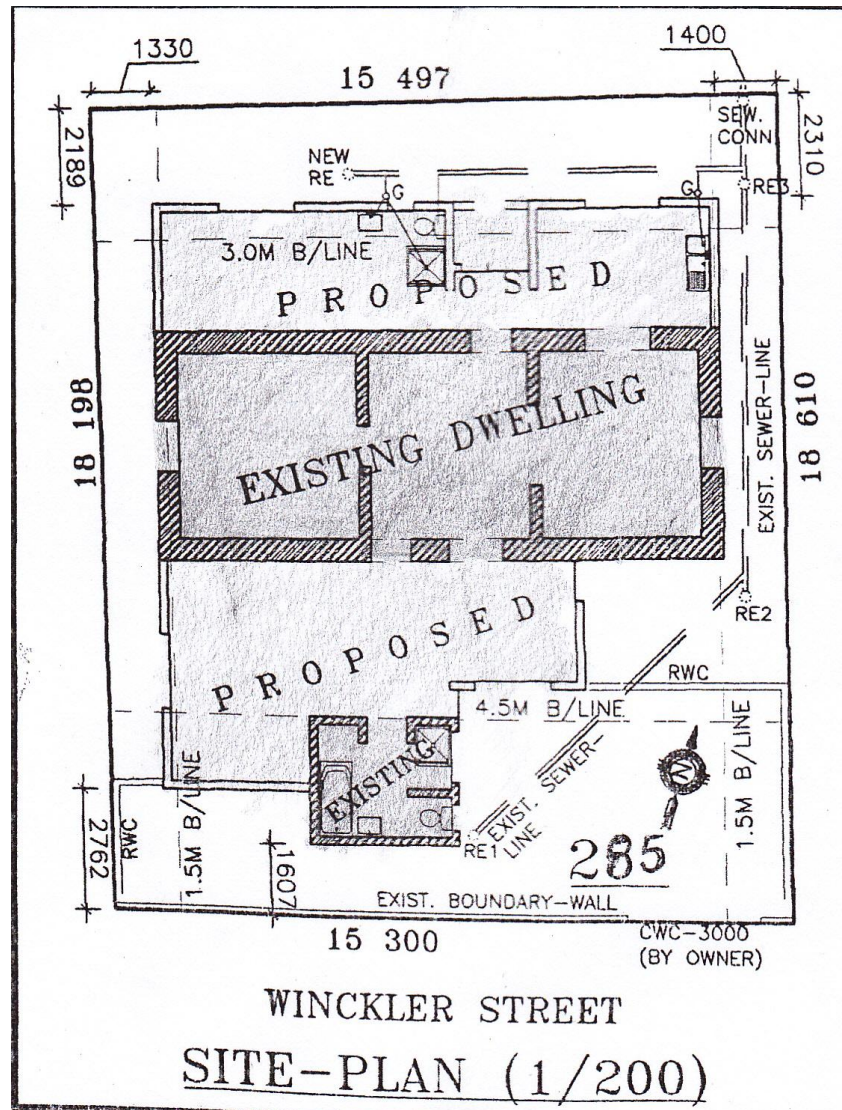


Fig 25: Existing and proposed parts of the building on Erf 285 Mamre.
The existing bathroom at the south is a modern (1980s/ 90s) addition (J. Fortuin, 2009)

³⁰ City of Cape Town, Environmental and Heritage Resources Branch, memorandum of comment to Heritage Western Cape, 3 August 2010

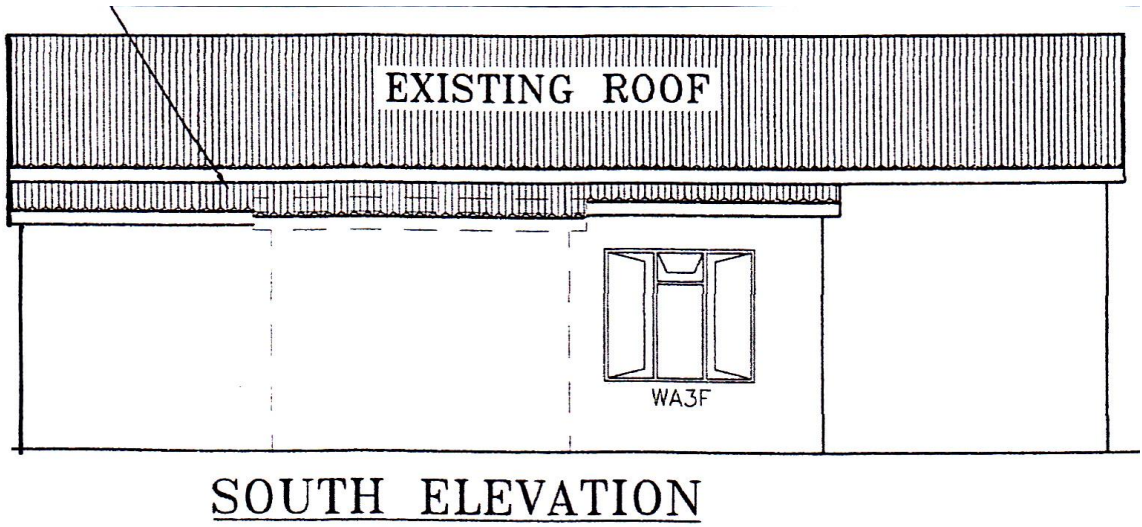


Fig 26: Proposed new street façade, Erf 285 Mamre (J Fortuin, 2009)

University of Cape Town

8. The Conflict of Values

The incidents investigated during this case study revealed several themes that share commonality with issues described in the literature review. These themes offer insight into the working of bureaucracy within the context of a lower-income community and these will now be explored in greater detail.

8.1. Perceptions of Significance

8.1.1. The Community

During 2008 the City Council's Environmental and Heritage Resources branch conducted a series of workshops in Mamre to identify possible future heritage projects for Mamre. It was dubbed the 'Mamre Revitalisation Project' and entailed three full-day workshops with community members as well as extensive interviews with individuals from Mamre. Several interesting themes emerged around perceptions of heritage during the interactive sessions, particularly when community members were asked to identify possible future projects for Mamre. Proposals had to be made separately for the Mamre village and the church werf, presenting a rare opportunity to explore perceptions around the heritage of the village separate from the obviously significant historical church werf. Some appropriate ideas were popular, such as the establishment of horse trails, a blacksmith shop and an environmental information centre. These ideas are considered to be appropriate by this researcher since they reinforce the link between Mamre's rural past and the current environment and have the potential to demonstrate Mamre's heritage to locals and visitors. However, some ideas that appear rather peculiar in a heritage context were also popular, such as a filling station, shopping mall and an office complex³¹. Given that these ideas were produced after two full days' presentations and discussions on the value and principles of conservation, it appears remarkable that such modern, intrusive land uses were proposed at a heritage workshop. However, when these findings are juxtaposed with interviews conducted for this study, they become less odd than they appear at face value.

³¹ Horn and Moore, March 2008, minutes of Mamre workshop, 26 January 2008.

Most interviewees in this study asserted that the younger generation have different views and values from the older generation principally because of a fervent desire for modernisation and change. Many of the desired changes are no doubt rooted in convenience; however, a wider (societal) shift also appears to have taken place. In the words of one interviewee, in Mamre it is now a case of ‘everyone for himself’³², indicating that a process is underway through which original community-based values are being replaced by individual self-interest. This alludes to a shift from a Gemeinschaft-oriented to Gesellschaft-oriented association. However, as seen from the ideas of Herzfeld (1992, p. 51 – 57), modernisation does not necessarily present a fundamental break with the village’s original Gemeinschaft-oriented past, as alternative loyalties may very well persist. This is demonstrated by the many contradictions found in Mamre: for example, while Mamre-ers aspire to an idealised modernity, many keep horses that freely roam the village. While they subscribe to modern bureaucracy, many still support the claims of the Khoi and their yearning to re-establish some form or another of a pre-colonial social order. Elements of an earlier rural symbolism have therefore been retained and these are not always comfortably accommodated by the rather static rules and regulations that comprise conservation control (Herzfeld, p. 69).



Fig 27: Double storey building under construction around the corner from both Incidents. Is this what is desired? What does it say about perceptions of significance? (Own photograph, 2010)

³² Interview M. Jehphta, 27 October 2010.

During the conception of this study, it was supposed that there may be negativity toward the old Mamre cottages as they could be perceived as symbols of repression experienced under apartheid rule. However, most interviewees were resolute in their views that it is due to negative association with poverty rather than repression that Mamre-ers so fervently aspire to modernity. Simply put, one insider-interviewee labelled it as a pursuit of fashion which includes not only buildings, but also furniture and the lifestyle that accompanies such material objects.³³

Change can only be denied by the retention of the status quo (Tunbridge, p. 4); but such a denial is not a realistic possibility in Mamre given the pressure for modernisation from both outside and from within the community. It is within this grey area between modern and traditional perceptions and values that change (such as that reflected in building applications) must be assessed and appreciated.

8.1.2. Officialdom

Perceptions of significance not only differ between community members and officials, but also vary greatly among officials. During the assessment and decision-making process in the Titus incident, two directly opposing views emerged and these set the stage for a confrontation of some importance.

Provincial heritage officials argued that the Titus dwelling is plagued by structural problems and that the dwelling is anything but a fine example of Cape vernacular architecture. In one official's view, the building does not have any distinct architectural style as most of the building dates from a period when most Mamre-ers effected extensive alterations to their dwellings (around the time of modernisation, 1970s and 1980s). The building therefore has no significance and the rapid dismissal of the case by the Appeals Committee (in this official's opinion) substantiates this view.³⁴ This official's views were countered by a member of BELCom who strongly opposed the demolition on the grounds that substantial old fabric still exists and that the building contributes to the Mamre streetscape. The BELCom member stated that while the outer appearance of the building has been compromised, the building is intact internally and that insensitive external alterations are reversible. The survival of most of the original batten doors and all of the original roof beams was cited as

³³ Interviews Cllr. Mercia Arendse, 26 October 2010 and Mirkin Jephtha, 27 October 2010.

³⁴ Interview Mu-ammar Abrahams, 8 November 2010.

evidence of such old fabric. Regarding the streetscape, he also stated that the Titus dwelling contributes to the tight grain in Adonis street, which is one of the few streets in old Mamre that has not been compromised by modern intrusions.³⁵



*Fig 28: Internal fabric plastered over and painted.
A board ceiling has also been installed below the original reed ceiling.*

Two strands of enquiry emerge from this: significance of the dwelling itself and significance of the dwelling as part of its context. It is clear that directly opposing views existed regarding the significance of the building itself and the BELCom member articulated the problem well by questioning whether it is the inside or the outside of a building which should be eligible for listing as a heritage resource. In his view the internal fabric should enjoy protection regardless of the highly altered state of the exterior of the Titus dwelling.³⁶ The National Heritage Resources Act is not explicit on this matter and the correct place for this debate would be as part of the assessment of significance of individual heritage resources. However, the consideration of the *context* of the Titus dwelling elicited less clear-cut views and these extend to the heart of the matter of significance in this lower income community.

³⁵ Interview Len Raymond, 19 November 2010.

³⁶ Interview Len Raymond, 19 November 2010.

The great number of contradictory views regarding context indicate that there is little agreement on what the context is and/or on the importance of the individual dwellings that comprise it. The views of local authority heritage officials and BELCom coincided in that all deemed Mamre as a village to be significant and all agreed that the streetscape should be afforded some form of protection. One provincial official presented conflicting comments; firstly arguing that Mamre... *“is a historical precinct of high quality”*, but subsequently stating that it has a coarse grain with varied buildings, most of which have been insensitively redeveloped. In his view, nothing of the original context remains, however, at the Appeals Committee meeting he still expressed support for the City’s proposed conditions to regulate the streetscape.³⁷ At this point it should be noted that heritage legislation is generally used to protect individual buildings and, in practice, context is mainly conserved through local government legislation (such as Urban Conservation Area controls imposed in terms of the zoning schemes).³⁸ This may have been this provincial official’s reason for supporting the proposed local authority proposals in this regard. It is noteworthy that no discussion took place around the use of the Heritage Areas mechanism that is offered by Section 31 of the Heritage Act. This mechanism enables provincial authorities to protect areas of significance; however, there are currently no cases where this mechanism has been employed so its efficiency as a control has not been tested as yet. However, it must also be noted that such provisionally proclaimed Heritage Areas are required to become local authority responsibilities as soon as the latter is deemed competent.³⁹

During an interview conducted for this case study, the provincial heritage official expanded his views regarding context by referring to Mamre as a township which was never planned to be a heritage resource.⁴⁰ In his view, townships are located in the least desirable locations (usually on the fringe), and such locations are not appropriate for the creation of heritage. This official stated that Mamre’s social nature and oral traditions are more important than the built fabric and this, rather than individual buildings, should be afforded protection. He maintained that authorities read more into physical heritage than is appropriate in an effort to be inclusive and

³⁷ Audio recording of Appeals Committee Hearing, 28 October 2009

³⁸ Heritage legislation does provide for the conservation of context, however, in practice the processes required for the provincial heritage resources authority to declare heritage areas are too onerous to pursue except in exceptional circumstances.

³⁹ National Heritage Resources Act, No. 25 of 1999, Section 31

⁴⁰ The official’s view is nonsensical as no structures are ever consciously planned to become heritage resources, monuments excepted.

that this ultimately impacts on the ability of the community to operate effectively in modern times.⁴¹

As discussed in the literature review, heritage arises from both 'below' and 'above', being decentralised and driven from grassroots levels but being imposed from 'above' through official processes (Shepherd, 2008, p. 118). Vernacular buildings are built for their utility and are therefore not intentionally planned to become heritage resources. It is therefore incorrect to view Mamre as a poor location for conservation, as Mamre came to life and developed without any conservation knowledge or objectives in mind. The challenge rather lies in the management of values which are held in common but always experienced individually (Shepherd, 2008, p. 118), and in managing the inherent inconsistency and dissonance between role players that will inevitably occur (Tunbridge, p. 24). In this regard, physical planning can play a practical role as a link to heritage by structuring places to deliberately create or retain a relation to the past (Tunbridge, p. 25). It is in this realm that conservation controls function and where they can be applied to retain and/ or enhance the physical manifestation of values (heritage buildings). The creation of new values then occurs through continued reinterpretation and deliberation of significance by successive generations.

8.2. Structures of Authority

8.2.1. Dissent within the Ranks of Province

Some of the most pertinent underlying issues in the Titus incident surfaced from conflict *within* the provincial heritage authority involved. The difference in opinion between heritage officials and decision-makers sheds light not only on the process but also on relationships of power and influence within that bureaucracy.

The first indication of dissent within the provincial authorities lies with the number of site inspections conducted in the Titus case. Due to time constraints and the limited number of specialists available, few applications that reach BELCom are ever granted the privilege of a site inspection. The Titus case was subject to no less than three site inspections by the provincial authorities: firstly by a junior official, secondly

⁴¹ Interview Mu-ammer Abrahams, 8 November 2010.

by two senior officials, and finally by a representative of BELCom.⁴² Views regarding the demolition differed between all these officials and decision-makers and from this and subsequent discussions it appears unlikely that an unambiguous view on the application would ever be reached.

The officials involved all supported demolition on the grounds of the deteriorated condition of the building and the extensive changes effected over the years, and on the grounds of practicality and cost. The BELCom representative opposed demolition mainly on the grounds that substantial old fabric remain inside the dwelling, and that this is worthy of conservation regardless of the condition of the building or its exterior appearance. While one may be quick to dismiss this latter viewpoint to the idiosyncrasies of one individual, it certainly warrants closer investigation. The BELCom member's view was that the provincial officials do not appreciate that a dwelling is made up of details, but rather judge a building on the basis of a snapshot taken from the street (outer appearance). His observation was based on the assertion that none of the provincial officials have sufficient experience in architectural history and the detailed analysis of buildings. This lack of consideration given to internal details was carried through to the Appeals Committee; the members of which (in the view of the BELCom member) also have limited knowledge of the analysis of historic fabric.⁴³

Regardless of whether the skills of officials and committee members are adequate or not; the author of this study has to concur that very little argument regarding the internal architectural details of the dwelling was presented at the appeals hearing. Only the case of the Tituses, as opposed to the case of *the building*, received any serious consideration. The provincial officials in reality had encouraged the applicant to take the matter on appeal⁴⁴ and, in retrospect it, seems that there was little chance of failure.

On a broader scale, the BELCom member held that it was the intent of BELCom to protect the Titus dwelling to prevent potentially damaging alterations to the streetscape until a more encompassing solution could be reached for all of Mamre. The declaration of Mamre as an Urban Conservation Area is an example of such a solution that would be appropriate. Be that as it may, the BELCom member's view is

⁴² Interview Mu-ammam Abrahams, 8 November 2010.

⁴³ Interview Len Raymond, 19 November 2010.

⁴⁴ Interview Len Raymond, 19 November 2010.

based on a long term solution, and in his view heritage institutions such as BELCom and the Heritage Council bear the responsibility to foresee what must be protected in order to retain heritage resources for future generations rather than this generation.⁴⁵ And here lies the rub: it appears that differences in viewpoint may not so much represent fundamentally opposing views of heritage and significance, but rather differing views regarding cost and practicalities. The comment of the provincial officials appears concerned about the plight and rights of the individual applicant rather than the building, while the BELCom member demonstrated concern primarily for the building and its historic fabric.

In considering the disagreements that took place, one is reminded of Jones' concept of 'solution-sets' that act as a link between problems and solutions (1995, p. 76). Solution-sets are sets of practices that create a stable but not necessarily balanced working agreement. They may change over time, shifting control between different departments or bureaucrats. In the Titus incident, control appears to have shifted from the official decision-maker (the BELCom member) to supporting heritage officials. This illustrates that control is not static and also how adaptive a bureaucracy can unintentionally be.

8.2.2. The Struggle for Influence at the Local Level

a) *Imposition of Conditions*

In the Titus incident, the local authority heritage officials were not opposed to the demolition of the heritage building per se, but were strongly opposed to the double storey which was intended to take its place. Since they had no legal powers to prevent its approval, they circumvented the problem by requesting the City's town planning and building development staff to impose conditions by using the legislation applicable to their functions. A memorandum from the local authority heritage official to these two departments state that the Titus demolition will be supported if certain conditions are imposed, such as that double-storey parts of the building be positioned towards the rear, no face brick be permitted and that a wooden garage door rather than a roller-shutter door be installed.⁴⁶ The Jacobs incident shows a similar pattern: while town planning and building development were not involved in

⁴⁵ Interview Len Raymond, 19 November 2010.

⁴⁶ City of Cape Town, Heritage Resources Section, memorandum to Town Planning, 7 July 2009

this incident, the City Council's heritage official commented that the use of glass bricks would not be supported and that all additions must be plastered and painted.⁴⁷ On face value these appear to be efforts to legislate for taste.

The National Building Regulations and Building Standards Act (No. 103 of 1977, hereafter 'Building Regulations') does not confer officials with any power to impose conditions when approving a building plan in terms of Section 7: an application must be either approved or refused. Conditions may, however, be imposed when demolition permits are issued but these *must* relate to the safety, health and convenience of the public or the safety of another building or installation only.⁴⁸ Planners, on the other hand, operate in terms of the Land Use Planning Ordinance (No. 15 of 1985, hereafter LUPO), which confers the planning authorities with the power to impose conditions 'it may think fit' when planning applications are considered. This, however, does not give them *carte blanche*. The grounds on which applications may be refused gives further direction in that any conditions imposed must be compliant with the following criteria:

- It must be consistent with proposals contained in a structure plan;
- It must be based on safety and welfare; and/or
- It must be based on the conservation of the natural and built environment.

It appears that in the Titus incident, the City's heritage professionals cottoned onto the latter criteria as a means to ensure that their desired conditions are implemented; in effect inserting themselves into the planning department in order to be able to use planning legislation. However, the officials erred as any condition relevant to the above points may not be simply imposed: it has to be *directly related* to the development and the authorisation sought. Conservation conditions specifically may only be incorporated into the chain of decision-making under Section 36 of LUPO (the section dealing with refusal or approval of applications) if they are relevant to the criteria above *and* directly related to the authorisation sought.⁴⁹

Given the legal framework within which conditions function, the actions of the City's heritage officials in both incidents certainly need to be treated with reservation. Heritage officials may only act if a case is situated in a formally declared

⁴⁷ City of Cape Town, Heritage Resources Section, comment to Heritage Western Cape, 3 August 2010

⁴⁸ City of Cape Town, Town Planning Directorate Staff Circular No. 2 of 2010

⁴⁹ City of Cape Town, Town Planning Directorate Staff Circular No. 2 of 2010

conservation or special area in terms of the zoning scheme, which was not the case in either incident. The officials requested that conditions regarding the shape and form of new buildings on the sites be imposed, which they could not legally do. In the Titus incident, the formal application submitted concerned a second dwelling at the rear of the property only; therefore conditions could not be imposed to the front of the property since it is not directly related to the application. In the Jacobs incident, street and rear building line departures were sought; and the local government heritage official used this opportunity to prevent the use of elements perceived to be undesirable; such as glass bricks. Conditions relating to the aesthetics of a building may only be imposed if the building is situated in an area that is formally protected as a conservation area and not, as here requested, as part of the approval of a departure.

While it is likely that the actions of the local authority heritage officials were well intended, their actions provide a classic example of the grey area between rationality and rationalisation that Flyvbjerg refers to (1998, p. 141). On stage, i.e. during meetings and consultation with the Tituses and other actors, a rational front was presented through a formal memorandum of comment to Heritage Western Cape.⁵⁰ Backstage, though, officials went to considerable lengths to further their own interests: preventing the intended double storey from being constructed in the Titus incident, and a promoting the construction of what they believed to be a more sensitive building in the Jacobs incident. In the Titus incident a separate memorandum was even dispatched to the town planning and building development departments, essentially requesting them to use their legislation to implement conditions which the heritage officials could not impose. This points to concerted processes of backstage rationalisation in an effort to achieve certain desired results.

It also recalls Flyvbjerg's (1998, p. 141) statement that 'power is knowledge', 'rather than 'knowledge is power'. Officials misappropriated their knowledge of legislation in order to achieve their desired results and one needs to ask whether they would have done this in the Titus incident if the Tituses had the same knowledge of the law as themselves. Power ultimately determines what become reality and it appears that the Tituses eventually received a fair assessment of their plan only due to their dogged

⁵⁰ City of Cape Town, Heritage Resources Section, memorandum to Town Planning, 7 July 2009. This memorandum stated that demolition *could* be supported but noted the concern that demolition may impact on the streetscape.

persistence in the matter – in essence re-appropriating and using their own power as citizens.

Finally, the City's actions also pose a challenge to the principal-agent theory as elaborated on in an earlier section. In both incidents described in this study, the City was neither the principal nor the agent, but its officials appropriated the powers of the principal, skewing the balance of power in their favour. Mamre is therefore not a case of multiple agents, but rather of multiple parties acting as agents, which confuses the process and ultimately compromises the integrity of conservation control.

b) Proposed vs. Approved Urban Conservation Areas

Many zoning schemes make provision for the declaration of Urban Conservation Areas. These empower the City's heritage officials to take decisions on applications in such areas, and enable them to limit the impact of alterations and additions. The Cape Metropolitan Council (CMC) Zoning Scheme is applicable in the case of Mamre. In terms of Section 9 of this zoning scheme, the Council may include any object or place of historical or scientific interest or natural beauty on a register and notify the owner that it has been registered to be preserved under the scheme. An owner would then need the written consent of the local government to destroy or damage such a listed place.⁵¹

Barrett (1993, p. 436) alludes to some of the reasons why officials are so keen to promote Urban Conservation Areas as a tool to control development in historic areas. Conservation strategies are often weak when compared to arguments in favour of redevelopment, as they are frequently based on vague concepts or generalisations (Barrett, p. 436) – for instance, it is challenging to argue for the retention of significance in the stead of economic gain or job creation. Officials may therefore believe that they need something stronger than an argument based on significance and then turn to the law to mask that lacuna. However, the 40-odd years of experience with Urban Conservation Areas in the United Kingdom has given rise to suspicion about the rationale behind the designation of places as “special”, and many suspect that designation often have different or hidden causes. Conservation policies are increasingly being used to reassert some local control over redevelopment, and

⁵¹ CMC Zoning Scheme as Amended 18 May 2007, Section 9

the rationale, objectives and terms and definitions of conservation has become stretched to the limit (Barrett, 1993, p. 436).

In the case of Mamre, memoranda written by City heritage officials make extensive mention of Mamre's "status" as a proposed Urban Conservation Area. In both incidents this was touted as a reason for not supporting building applications, but its use to oppose an application is essentially flawed. As elaborated on in an earlier section, the right to just administrative action in South Africa is enshrined in the Bill of Rights, which determines that administrative action must be... "*lawful, reasonable and procedurally fair*" (RSA, 1996, Section 33). The actions of officials *must* at all times accomplish all of these three things, and failure to do so presents an applicant with the opportunity to take a case on review. The cost of such a review is prohibitively expensive and this effectively rules out this possibility. Nevertheless, the implementation of a proposed Urban Conservation Area *as if* it is approved is not lawful, in fact it is illegal, and it compromises not only a constitutionally protected right of applicants, but also the integrity of the system of heritage resource management. Officials who abuse their power reliant of the lack of knowledge and financial resources of their victims must ultimately be exposed.

At this point it may also be added that the line drawn around the proposed Urban Conservation Area is not without contention. This researcher found that very few officials knew the origin of the line and finally confirmed that it was drawn by a German student as part of a university project in 2006⁵². This unverified and unapproved line is now being imposed *as if* it is official City Council policy and, not only is this practice illegal and unfair; it also leaves the City Council open to legal challenges. Inclusion or exclusion from an Urban Conservation Area has very real and significant impacts on property values and the ability of an owner to make alterations and additions, and should therefore be subject to more scrupulous assessment. The location and extent of conservation areas should be workshopped and debated by interested and affected parties, ratepayers organisations and conservation bodies; none of which occurred in the case of Mamre.

⁵² Interview David Hart, 22 December 2010.

8.3. The Challenge of Implementation

The growth of conservation as a field has extended its range into a variety of contexts, increasingly bringing conservation policies into conflict with the needs of redevelopment (Barrett, p. 452). This is well demonstrated in the case of Mamre by the divergence between what community members desire and what officials think is appropriate in the historical core. Since sensitive areas differ widely in fabric and in the types of pressure for change, conservation policies must be flexible enough to allow for this diversity. In the South African planning environment, an important planning principle is that all applications must be judged on their own merit and that precedent cannot be cited to ensure that this takes place. Akin to this, conservation policies cannot be implemented in an identical manner but must make provision for the uniqueness of each heritage place. As elaborated on earlier, officials have discretionary power which provides them with this flexibility to apply policy appropriately to different contexts. However, decisions often lack detailed, small-scale monitoring of change and especially detailed assessment and explicit description of the character of heritage areas. Improvements on this front would enhance the effective and appropriate implementation of policy at the local level. In-depth knowledge of a townscape (its historic development and current composition) would also counter the disadvantages of rigidly defined criteria which may not be suitable to the specific time and context (Barrett, 1993, p. 454). Officials therefore have a wide degree of professional freedom to make recommendations and/ or decisions which obviously need to be sound and well reasoned – however,

“The claim to be available and accessible to all is fundamental to the nature of heritage in post-apartheid South Africa. In fact, it tends to be managed and controlled by highly bureaucratized and, I would add, largely unaccountable structures and agencies” (Nick Shepherd, 1998, p. 118).

This can be illustrated by an informal survey of all planning (departure) applications in the old part of Mamre submitted to the City’s Town Planning Branch between June 2009 and May 2010.⁵³ Almost half of these applications were approved within 12 days, which is remarkable since all of them concern old buildings which would automatically trigger Section 34 of the National Heritage Resources Act (No. 25 of

⁵³ A total of 19 planning applications were submitted for Mamre during this period, 9 of which were located inside the proposed Urban Conservation Area. Four of these 9 applications were approved within 12 days (Planning Application Tracker, Report exported 24 August 2010).

1999). Given the time that it takes to circulate applications to the City's Heritage Branch and also that such applications must be approved by the provincial decision making body (Heritage Western Cape), it appears unlikely that the majority of these applications followed the prescribed route for heritage buildings. While the Town Planning Branch is not obliged to circulate all applications to the City's Heritage Branch, they must satisfy all legislation before a plan may be approved and such legislation would most certainly include the Heritage Act. Being a department that is driven by tight deadlines and which is judged on numbers of applications processed, the only plausible explanation for the rapid turn-around time is, in the view of this author, that the lengthy heritage route was simply omitted. While a detailed analysis of all planning applications submitted is not the chief concern of this study, a cursory glance at all of the Mamre applications confirm that heritage requirements were not met: there is no record of them being circulated to any heritage bodies. This reminds strongly of Herzfeld's (p. 51 – 57) observation that the cloak of uniformity offered by bureaucracy allows individuals to reinterpret the rules and take advantage of it in order to reach their own goals which in this case would be faster turn-around times on town planning applications.

Barrett (1993, p. 452) argues that analysis of the appeals process in conservation is an ideal way to judge the health of local conservation policies and their ability to withstand redevelopment pressure. An instance of this is the case of Bristol in the United Kingdom, where unambiguous and understandable conservation policies have ensured that not a single decision has been overturned on appeal since 1970. If this is the case, the appeal in the Titus incident leaves much to be desired. Mamre is not an approved Urban Conservation Area and since no heritage policies have been officially sanctioned at local level, the National Heritage Resources Act is the only lawful tool left to officials to effect conservation. It is therefore not surprising that officials contrive alternative strategies in an effort to reach their conservation objectives.

Finally, the challenge posed to implementation by the absence of supervision by policy-making branches is quite apparent from the Mamre case. Policy makers formulate the rules but then exit the picture, leaving officials and those with an interest in the matter to implement conservation (Jones, 1995, p. 79). This creates the opportunity for bureaucrats to invent their own solution-sets to give effect to conservation, and without effective monitoring there is no guarantee that these solution-sets will be compliant with the law. Policy needs to be implemented and

monitored more effectively in order to create confidence in the conservation controls for property owners and officials alike (Barrett, 1993, p. 449).

8.4. The Issue of Streetscape

In both the Titus and the Jacobs incidents, local government heritage officials used the concepts of streetscape (or townscape) and character as grounds for not supporting applications. These concepts appear to have been of great consequence in the assessment of significance in both incidents and therefore warrant further exploration.



Fig 29: Mamre streetscape showing repetition of similarly scaled dwellings and elements such as low garden walls, doors and windows that contribute to Mamre's character (City of Cape Town, undated, Brochure No. 15).

The concept of townscape promotes architecture to a larger urban scale, and is of use in the assessment and conservation of the character of an area. According to Barrett (1993, p. 445) the cumulative effect of small-scale changes on the character of an area can be detrimental. Minor fabric changes and functional (land use) changes may easily become compounded and ultimately erode character irreversibly. The effective management of such minor changes is therefore vital in the conservation of townscape and character. The nomination form for provincial heritage sites in the Western Cape⁵⁴ offers some clues as to how significance can be assessed with regards to aesthetic value: in the case of a historic precinct, character

⁵⁴ Heritage Western Cape, Nomination Form for Provincial Heritage Sites

is deemed to be created by the individual components which collectively form a significant streetscape, townscape or cultural environment. The efforts of local government heritage officials to protect townscape and character in the incidents described in this study are therefore not unfounded, and their actions would have held merit if they had suitable legislation in terms of which to act. In order to effectively conserve character, the correct legal instruments (such as the Urban Conservation Area mechanism under the zoning scheme or Heritage Area in terms of the National Heritage Resources Act) therefore need to be in place, and these need to be based on a full assessment of character based on a deeper townscape analysis (Barrett, p. 445).



Fig 30: Mamre streetscape c. 1930 (Fransen, 1993, p. 186)

In the case of Mamre, a detailed assessment of character is lacking and this reduces certainty around redevelopment for both applicant and officials. The concepts of townscape and character have been co-opted into the bureaucratic rationality by officials, and the assessment of plans is reliant on officials' understanding of these concepts. However, Herzfeld (p. 51 – p. 57) cautions that such rationalisation may result in the rules being applied in a circular manner, as it becomes a case of the bureaucracy announcing the grounds on which it will function, and then including or excluding actions on their conformity to these self-proclaimed grounds. It also illustrates how officials can attach themselves onto a specialist, architectural vocabulary (in this case the concepts of streetscape and character) and play the letter of the law against its intentions to achieve their own desired results (Herzfeld, p. 51 – 57).

8.5. Financial Considerations

Several of the interviewees in the case study averred that the historical Mamre cottages cannot be retained and restored in the manner desired by officials due to the prohibitive cost of many aspects of traditional building methods, such as thatching. Not only are traditional building materials costly, they are also not readily available at regular building emporiums; nor are the traditional skills available any longer. This encourages owners to rather use inappropriate modern materials.⁵⁵ When this subject was broached during public participation in Mamre in 2008, the majority of workshop participants were of the view that the government should provide top-up funding if they are to impose conditions compelling home owners to refurbish their dwellings in a heritage sensitive manner (Horn and Moore, 2008)..

If one considers the preamble of the Heritage Act, it is clear that heritage bodies have not only a regulatory function:

“This legislation aims to promote good management of the national estate, and to *enable* and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations.....” (Preamble, National Heritage Resources Act No. 25 of 1999; own emphasis)

Statutory authorities are currently playing more of a regulatory than enabling role and this implies that limited support, least of all financial, is being given to the protection of heritage resources. This is especially challenging in lower-income communities where funds for appropriate refurbishment are unlikely to be available to owners. Another piece of conservation legislation, the National Heritage Council Act (Act No. 11 of 1999) does make some provision for monetary assistance. In terms of this act a national body, the National Heritage Council, was established, and this body bears responsibility for national coordination of heritage policies and initiatives. It also has as its objective the development, promotion and protection of national heritage. Section 10 of this act enables the National Heritage Council to make grants to any person, organisation or institute in order to promote and develop national heritage activities and resources. However, since the National Heritage Council has been

⁵⁵ Interviews Cllr. Mercia Arendse, 26 October 2010, M. Jephtha, 27 October 2010 and Mr. J. Fortuin, 14 November 2010.

chiefly concerned with intangible heritage, a negligible amount of funding is available for the protection of built environment heritage resources.⁵⁶

During the Titus appeal hearing one official (who was not assigned to the Titus case) interjected and appealed to the Committee to request the Heritage Council to assist owners of these kinds of properties to retain some of them. He conceded that not everything can be saved but requested assistance to at least conserve a representative group or number of properties.⁵⁷ In the view of this researcher, this official's request is not unreasonable and worthy of future investigation.

In a study of the Bokaap conducted during the 1970s it is argued that financial support by government is essential if South Africa wishes to ensure a future for its past. In the Netherlands and Britain, both leaders in the field of conservation, approximately 50% of all restoration work is subsidised. While South Africa is a country of limited means, some kind of subsidisation would still be appropriate since the nation as a whole derives benefit from the conservation of a heritage resource (Townsend and Townsend, 1977, p. 134).

In contrast to the above position, it can also be argued that the proposed alterations and additions in both incidents described in this study are hardly modest, and that the applicants must have some form of funding available to give effect to their building plans. Due to the difficulty in securing finance for building alterations in lower-income areas most projects in Mamre are cash builds,⁵⁸ indicating that the owners in both incidents must have some savings. One can also argue that owners always have the option to relocate to the modern part of Mamre if they do not agree with conservation controls imposed in the historical area. However, aside from the lacklustre property market in Mamre, certain social values also dissuade owners from relocating. It is convention in Mamre for the youngest son to inherit a property with his parents retaining life rights. The older generation that staved off the drive for modernity and kept the old cottages are now making way for a younger generation with different tastes and fashions.⁵⁹ One interviewee pointed out that Mamreers should be allowed the opportunity to break free from the shackles of poverty and must be allowed to

⁵⁶ Interview Len Raymond, 19 November 2010.

⁵⁷ Audio recording of Appeals Committee Hearing, 28 October 2009. The interjection was made by provincial Deputy Director Mr. C. van Wijk

⁵⁸ Interview M. Jephtha, 27 October 2010.

⁵⁹ Interview M. Jephtha, 27 October 2010.

modernise, but, importantly, that this must take place without discarding a heritage that may only appreciated at a later stage.⁶⁰

8.6. Deterioration and Condition of Buildings

In both the Titus and Jacobs incidents, owners and officials alike argued that the deteriorated condition of the buildings and the associated cost of repair and maintenance serve as a reason for requiring demolition or why building plan applications should be supported. Reasoning that was employed by BELCom at the time was that there is no such thing as an unrestorable building, and that decisions should not be influenced by the condition of a building but only by the assessment of significance.⁶¹

During the Titus appeal hearing, the provincial official involved acknowledged BELCom's view that anything can be fixed, but added that it will be at a cost that is unattainable for the owner. Committee members concurred with this, stating that *under these circumstances* (i.e., in lower-income communities) it would be unreasonable to expect restoration. Concern was expressed that it may create a precedent for other applicants but that it would, again, be acceptable *under these circumstances* and that a precedent would not be created since each case must be assessed on its own merit.⁶² This calls to mind the issue of discretion and it is, in the view of this author, justified that discretion be applied at this point of consideration. It ensures that conservation legislation is not applied blindly and universally but that context and the particulars of the situation are taken into account. The development of further policy or guidelines would, however, greatly assist officials in the consistent and coherent application of the law in this regard.

⁶⁰ Interview Len Raymond, 19 November 2010.

⁶¹ The new BELCom which was appointed in August 2010 has changed its stance in this regard.

⁶² Audio recording of Appeals Committee meeting, 28 October 2009



Fig 31: Three buildings showing various states of intervention – cement brick, corrugated iron, a modern lean-to and a ruin in the foreground (Rennie & Scurr, 1999)

8.7. Public Engagement

The local ward Councillor for Mamre was approached on several occasions by both the Titus and Jacobs families for assistance with their building applications. When interviewed, she was completely up to date with the developments in each incident, indicating a high level of participation by both sets of owners.⁶³ While Mamre is a community of limited means, it is well above the City average with regards to levels of education.⁶⁴ This corresponds to Krishna's observation (2008, p. 11) that the degree of participation is more closely linked to education than to income in lower-income communities.

The impact of interaction with government agencies in the formation of attitudes also cannot be underestimated, and this impact is even more pronounced in lower-income communities. Citizens who feel the most isolated from government tend to be some of the most active participants (Lawless and Fox, 2001, p. 362), and this appears to be evident in Mamre which is not only geographically but also bureaucratically isolated from the rest of the political region. This may go some distance in explaining the great degree to which the Councillor was involved in building applications.

⁶³ Interview Cllr. Mercia Arendse, 26 October 2010.

⁶⁴ Republic of South Africa, Sensus 2001.

9. Conclusion

All heritage places in South Africa are protected and managed in terms of the same legislation; however, all of these heritage places have very different characteristics and contexts and, more particularly, different administrative regimes. It was seen from the case of Mamre that there are distinct unwritten rules that govern property, such as the institution that the youngest son inherits but that women take all property-related decisions. It was also seen that a great drive for modernity dominates all redevelopment proposals and this is likely to have a detrimental effect on any efforts to conserve buildings of heritage value in the village. However, at this point one needs to ask who's heritage is it anyway? Is conservation in the interest of Mamre, of the Province or of the country as a whole? In this case study it has been apparent that neither of the owners in the incidents described attached much value to their dwellings as heritage resources, and it begs the question as to whether absentee conservationists should have the power to dictate the conditions in which others must live – especially in lower-income situations. Given the pressure for redevelopment and the reality that individual property owners have certain rights, the denial of change in Mamre cannot be considered to be a realistic option. Redevelopment proposals need to be considered in a manner that finds a midpoint between what is desired and the minimum that is required to be retained without impacting negatively on the significance of the village.

However, it should be noted that the determination of significance is no easy feat. If a building is old and protected⁶⁵ by heritage legislation it is not necessarily significant, and a comprehensive assessment of significance will be critical in order to determine whether any further conservation controls would be appropriate in Mamre. Such an assessment will need to go beyond a simple inventory: from the incidents described in this study, it has emerged that not only do buildings need to be assessed individually (to understand their fabric), but also in terms of their contribution to the streetscape and townscape. A comprehensive description of streetscape elements to be retained and encouraged should be done and it should be detailed enough to give officials and property owners the guidelines they so clearly lack. From the case

⁶⁵ This protection refers to Section 34 of the National Heritage Resources Act (No. 25 of 1999) which is a general protection for all buildings older than 60 years. Once it is properly assessed, a building must be either formally protected or owners must be permitted to alter or demolish it.

study it is apparent that most officials and decision-makers deem Mamre to have some degree of significance, but none seem certain on what basis and for what reasons. A deeper character analysis and townscape (streetscape) analysis will go a long way to help role players understand what it is they are conserving in Mamre, and why. Indeed, it is clear from this case study that this is essential.

Once a deeper understanding of the requirements for conservation in Mamre is established, it is imperative that the correct mechanisms be put in place to enable implementation of conservation controls. In the view of this researcher, the Urban Conservation Area mechanism (in terms of the relevant zoning scheme) or the Heritage Area mechanism (in terms of the National Heritage Resources Act) would be appropriate *should* a detailed assessment of significance conclude that conservation is warranted. It is also necessary to develop policy and guidelines specific to Mamre to enable officials to conserve Mamre's heritage in a transparent, consistent and lawful manner. Such policy should address characteristics and concerns unique to Mamre, and it will provide role players with answers to many of the questions raised in this study.

Policy is, however, only as effective as its implementation, and the bureaucracies involved will need to anticipate this and equip themselves to implement as soon as the legal mechanisms become available. As seen from this study, detailed monitoring of changes to both fabric and streetscape is crucial in preventing the erosion of character in heritage areas. The National Heritage Resources Act makes provision for heritage inspectors at provincial level and these may go some distance in preventing further loss. Coupled with enhanced powers at local level via the urban conservation area mechanism, such measures should equip officials with sufficient clout to truly have an impact on conservation in the historical core of Mamre. As policy gets more effective and better understood, confidence in it will grow and negativity regarding conservation controls should abate. In an ideal world, regular feedback to policy makers on the efficacy of conservation controls would then occur, enabling them to anticipate amendments or to use it as precedent in the declaration of other conservation areas.

Another avenue that would be worth exploring, especially in the case of lower-income communities, is that of possible financial assistance via Section 10 of the National Heritage Council Act. Should a detailed assessment of significance in Mamre conclude that, as this researcher suspects, Mamre as a village is worthy of

conservation, a motivation for some form of 'top-up' fund should be prepared and proposed to the National Heritage Council. This may take the form of a subsidy that covers the difference in cost between a metal and a thatched roof, or the institution of an annual lime-washing initiative. The latter would not only conserve buildings but also the social and oral traditions that surround them.

In closing, it should be borne in mind that control is always fluid and the result of sets of actions and/ or perceptions, and that control changes over time and shifts between role-players. Communities and officials all play key roles in determining the rules and norms of conservation, and it important that these rules should always be part of an open debate to ensure that they are current and accurately balanced between social and conservation needs.

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10. Bibliography

10.1. Published Sources

10.1.1. Secondary Sources

Barrett, H. Investigating Townscape Change and Management in Urban Conservation Areas: The Importance of Detailed Monitoring of Planned Alterations. In: *The Town Planning Review*, Vol. 64, No. 4 (Oct. 1993), pp. 435 – 456. Liverpool University Press

Booth, P. 1996. *Controlling Development: Certainty and discretion in Europe, the USA and Hong Kong*. UCL Press

Brint, 1994. *In an Age of Experts: The Changing Role of Professionals in Politics and Public Life*. Princeton University Press, Princeton

Denzin, N & Lincoln, Y. 1998. *The Landscape of Qualitative Research*. Sage Publications, California

Ebenshade, R 1995, Remembering to Forget: Memory, History and National Identity in Postwar East-Central Europe, *Representations*, no. 49, Special Issue: Identifying Histories: Eastern Europe Before and After 1989, Winter 1995, pp. 72 – 96.

Herzfeld, M. 1992. *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*. University of Chicago Press

Huyssen, A. 2003. *Present Pasts: Urban Palimpsests and the Politics of Memory*. Stanford University Press, Stanford

Flyvbjerg, B. 1998. *Rationality and Power: Democracy in Practice*. The University of Chicago Press, London.

Fransen, H. 2006. *Old Towns and Villages of the Cape*. Jonathan Ball Publishers, Jeppes town

Fransen, H. 2004. *The Old Buildings of the Cape*, Jonathan Ball Publishers, Jeppestown

Fransen, H. 1993. *A Cape Camera: The Architectural Beauty of the Old Cape*. AD Donker Publishers, Jeppestown.

Jones, B.D. 1995. Bureaucrats and Urban Politics: Who Controls? Who Benefits? In: Judge, D, Stoker, G and Wolman, H (eds). 1995. *Theories of Urban Politics*. Sage Publications, Thousand Oaks, California. p. 72 - 93

Katzenellenbogen, J.M. Mamre – History and Development. In: South African Medical Journal. Vol. 74 (1 October 1988), p. 364 – 366.

Krishna, A. (ed). 2008. *Poverty, Participation and Democracy*. Cambridge University Press, New York

Lawless, J L and Fox, R L, Political Participation of the Urban Poor. In: *Social Problems*. Vol 48, No. 3 (Aug 2001), p 263 – 385. University of California Press

Madanipour, A. 1996. *Design of Urban Space: An Inquiry into a Socio-Spatial Process*. John Wiley & Sons, Chichester.

Mason, R. 2006. Theoretical and Practical Arguments for Values-Centered Preservation. In *Journal of Heritage Stewardship*. Vol. 3 No. 2

Neyzi, L 2002, Remembering to Forget: Sabbateanism, National Identity, and Subjectivity in Turkey, *Comparative Studies in Society and History*, vol. 44, no. 1, Jan 2002, pp. 137 – 158.

Phillips, D C. 1987. *Philosophy, Science and Social Inquiry: Contemporary Methodological Controversies in Social Science and Related Applied Fields of Research*. Stanford University.

Shepherd, N. 2008. Heritage. In N. Shepherd and S. Robins (eds.) *New South African Keywords; A concise guide to public and political discourse in postapartheid society*, Jacana Press, Cape Town

Stake, R. Qualitative Case Studies. In: Denzin, N and Lincoln, Y (ed). 2008. *Strategies of Qualitative Inquiry* (3rd Ed). Sage Publications, Inc, Thousand Oaks, CA (p. 119 – 148).

Townsend, L. and Townsend, S. 1977. *Bokaap Faces and Façades: A Record of the Passing Scene in Cape Town's Malay Quarter with a Brief Account of its Architecture and the Muslim Inhabitants*, Howard B Timmins, Cape Town.

Tunbridge, J E and Ashworth, G J. *Dissonant Heritage: The Management of the Past as a Resource of Conflict*. John Wiley and Sons.

Ward, K. and Worden, N. Commemorating, Suppressing, and Invoking Cape Slavery. In: Nuttall, S. and Coetzee, C. 1998. *Negotiating the Past: The Making of Memory in South Africa*. Oxford University Press, Cape Town.

Waterman, RW and Meier, KJ, 1998, Principal-Agent Models: An Expansion? In *Journal of Public Administration Research and Theory*, Vol 2 p 173 - 202

Watson, V. *Change and Continuity in Spatial Planning: Metropolitan Planning in Cape Town Under Political Transition*. Routledge.

Weddle, AE, 1962, Book Review: *Townscape* by Gordon Cullen Architectural Press London, 1961, In *The Town Planning Review*, Vol. 33, No. 3, p. 239 – 242.

Yeoh, B 1996, Street-Naming and Nation-Building: Toponymic Inscriptions of Nationhood in Singapore, *Area*, vol. 28, no. 3, Sept 1996, pp. 298 – 307.

Yin, R. 2003. *Applications of Case Study Research*, Second Edition, Sage Publications

10.1.2. Legislation

Constitution of the Republic of South Africa, Act No. 108 of 1996

Cape Metropolitan Council (CMC) Zoning Scheme as amended 18 May 2007, City of Cape Town

Land Use Planning Ordinance, No. 15 of 1985

Municipal Systems Act, No. 32 of 2000

National Building Regulations and Building Standards Act, No. 103 of 1977

National Heritage Council Act, No. 11 of 1999

National Heritage Resources Act, No. 25 of 1999

10.2. Unpublished Sources

City Of Cape Town, 2009, *Guidelines for Building Work in Mamre Heritage Area*, City of Cape Town Brochure Series, Brochure No. 15. This brochure was compiled to give owners in Mamre guidelines on alterations and additions that will be appropriate to Mamre's historic context.

Finnegan, E. 2008. *Interim Report: Leiwater System in Mamre*. Archaeology Contracts Office, University of Cape Town. Unpublished report commissioned by the City Council's Environmental and Heritage Resources Department.

Horn, A. and Moore, A, March 2008. *Mamre Heritage Revitalisation Project Phase 1: Project Report*. Eco Design Architects and Consultants. This report summarises the public participation undertaken during a project that aimed to identify possible heritage projects in Mamre.

O'Donoghue, B. 2009. *Mamre Inventory*. City of Cape Town. This inventory of buildings in the historical core of Mamre aimed to list physical features of structures and to recommend a grading. This report will be used as a basis for further work towards declaration of an Urban Conservation Area.

Rennie & Scurr Architects. 2001. *Built Environment Conservation Study for Blaauwberg Municipality*. This study was commissioned to assist the City Council to

identify heritage resources in its area. The study covers all of Blaauwberg District and is therefore not an indepth analysis.

Townsend, S. 2003. *Development Rights and Conservation Constraints*, Unpublished PhD

10.3. List of Interviewees

Councillor Mercia Arendse, 26 October 2010, Atlantis. Councillor Arendse has been a political representative in Mamre for numerous years.

Mr. Mu-Ammar Abrahams, 9 November 2010, telephonic interview. Mr. Abrahams was a provincial heritage official at the time of the Titus incident.

Mr. Mirkin Jephtha, 27 October 2010, Milnerton. Mr. Jephtha consults in Mamre as an architectural technician and drew the plans for the Titus' building plan application.

Mr. Jackie Fortuin, 14 November 2010, Mamre. Mr. Fortuin consults in Mamre as an architectural technician and drew the plans for Mrs. Jacobs' building plan application.

Mr. Len Raymond, 19 November 2010, Paarl. Mr. Raymond was a member of Heritage Western Cape's decision-making body, BELCom, at the time of the Titus incident. He is an acknowledged expert with regards to restoration of old Cape buildings.

Mr. David Hart, 22 December 2010, telephonic interview. Mr. Hart is a senior official at the City Council's Environmental and Heritage Resource Management Department and has extensive experience working in statutory conservation bodies.

Mrs. Titus, 14 November 2010, Mamre. Mrs. Titus is the co-owner of the dwelling around which Incident One revolved.

Mrs. Jacobs, 14 November 2010, Mamre. Mrs. Jacobs is the owner of the dwelling around which Incident Two revolved.