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Our Ref: DEBNOE 1007. appeal
 MEPA: PA 707/10
 4th August 2017

The Chairperson,
 Planning Review Board
 Planning Authority
 St Francis Ravelin
 Floriana



Dear Sir

Ref: . Dar Guiseppi Cutajar, Farmhouse Ix-Xaghra tax-Xini, Bieb Ir-Ruwa, Limits Of, Rabat (Malta)

My clients have been refused permission to alter / expand a residence at Bieb ir-Ruwa, Limits of Zabbar.

The refusal was published on the 12 of July 2017.

The reasons for refusal were twofold:

1. It is claimed that no adequate evidence was submitted that the legally existing structure was used a permanent residence prior to 1992 and that the minimum habitable floor space is over 100 square metres .
2. The proposed polycarbonate roof did not respect the vernacular of the existing structure and the rural context , thus running counter to policies in SPED.

I will start with the second point .

As per enclosed copies of letters from MEPA in 2011, the insistence of using the polycarbonate roof came from Mepa itself at a meeting held at Mepa offices on the 15th

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December 2011 and was not anything we had originally suggested. This idea of having a polycarbonate roof was practically enforced upon my clients by Mepa. Now it is given as a reason for the refusal. We do not wish to follow this route and would happily go back to the plans as suggested from day one as per item 1e.

With regards to the first point , i.e. the proof of residency, I must point out that this application was presented in 2010. This is two years prior to another application was put in by my client's sister for the sanctioning of a newly built house on in the same area. (ref PA 2099/12).

We had registered an aerial photograph of the premises as in 1967 (item 3b), an old 1967 site plan and by March 2011, we had sent in copies of my client's ancestors and the registration of their abode on the electoral registry, item 15.

This is confirmed in the discussion in PA 2099/12 as the directorate wrote m: *" During the process of the application, reference was made to a pre 1967 structure (see aerial photo at doc 22a), which appears to have been eventually extended and subdivided into separate dwelling units. However, it should be pointed out that the building visible on the 1968 PA/02099/12 - 91 - Valid, Available To Public - Emmanuel Debattista (Perit) - 27/4/17*

The Directorate continues with : *91 survey sheet does not form part of the dwelling relative to the current application (refer to doc 63), and the enforcement report in ECF320/11 confirms that the entire dwelling is illegal (refer to doc 13). The current application is the fourth attempt to sanction a series of unauthorized accretions to an original pre-1967 structure, following the refusal of applications PA7288/95, PA6358/07 and PA7376/07."*

It also stated *"Application PA707/10 proposing additions to an old residence is still being processed."*

I believe these two applications should have been processed together, the aerial photograph and 1967 site plan used to show that the original and only residence was the building under my client's application and this application should have taken precedence. My client's property was the family's original place of abode.



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Our property is not being converted into a residence, it always was a residence for farm folk who live in this building, farming the land in the vicinity. My client can confirm and has confirmed that as a minimum , she is the third generation of the family who is connected to this residence. The land is mostly still tended to by the family.

At the end of the day, the property was the family residence, though at the present time it has not yet been brought up to scratch , does not have any enforcement notice on it, is shown on the 1967 survey sheet and aerial and yet , I feel we are queried on the authenticity of our proof as another has used the same information , two years after us and now with an approved permit.

Finally, the residence's area is 135 square meters as confirmed in the first DPAR by the Directorate.

For the above two reasons , we ask that the application be seen in its entirety , including the file history, the presented information and the timing of this presentation .

On these considerations , we believe the permit should be approved and we look forward in discussing this at the appeal's meeting .

I thank you for your attention and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Noel Debattista', with a stylized flourish at the end.

Noel Debattista A & CE