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Environment and Planning Review Tribunal.

Request for Appeals on Decision in accordance with Article 13 of the Environment and Planning Review Tribunal Act 2016,

Application Number: PA 6334/16
Proposal: To extend and rehabilitate an existing farmers residence
Location: Site at (Farm), Tar-Remel, Zebbug,

In accordance with the provisions of Regulation 12(5) of the Development Planning (Procedure for Applications and their Determination) Regulations, 2016 please find hereunder the following comments and supporting documentation

Reason for Refusal 1.

The proposal runs counter criterion 2(a) of policy 6.2A of the Rural Policy and Design Guidance (2014) since it fails to provide sufficient evidence that the residential use of the original building is legally established and covered by development permission. Also, the building does not qualify for conversion into a dwelling since it's internal floor area is less than 100sqm, running counter to criterion 2(d) of policy 6.2A. Hence, the proposal runs counter to Thematic Objective 1.10 and to Rural Objective 3 of the Strategic Plan for Environment & Development which only allow for rural development which is legitimate or necessary.

Reason for Refusal 2.

The proposal runs counter to criterion (3) of policy 6.2A of the Rural Policy and Design Guidance (2014) since it includes substantial vertical and lateral extensions to an old building.

Appeals Reason 1

Extracts from the national archives (DOC1) show that the dwelling was first registered in the name of Francesco Vella on the 13/07/1944 (the site plan attached show that the construction was larger than the existing unit DOC 2). The Public Registry has no record of Mr. Vella ID card number since at that time the ID card system was not yet introduced, however after researchers were conducted at the Notary Archives it transpired that his granddaughter Antonia Cardona (ID: 544448M) was still alive and resided in Haz-Zebbug. After Mrs. Cardona was traced and interviewed she could declare under oath that her grandfather resided at the rural dwelling in question until his time of death. Also extracts from the 1948 electoral register places Paolo Vella son of Francesco Vella residing at a "farmhouse" Triq il-Buskett. This conclusively proves that the dwelling was previously inhabited by Mr. Vella before falling in disuse after his death.

Appeals Reason 2

There is an inaccuracy in the DPA report where it is being stated that the extension will be constructed on two floors, this is totally false since the proposed extension is on one floor while the existing dwelling is constructed on two floors (refer to elevations docs 13e) this is in line with criterion (3) of policy the Rural Policy and Design Guidance (2014) since it does not include vertical extensions and the lateral extensions are limited to 150 sqm which can be reduced further if the patio is eliminated.

The existing dwelling is constructed over two levels with the ground floor level having an area of 45msqm while the upper floor has an area of 42 sqm and therefore the total area of the existing dwelling is 87sqm excluding the outer stairs which have a footprint of 9sqm this makes the total footprint of the existing dwelling equal to 96 sqm which is within the parameters of criterion 2(d) of policy 612A1 Finally, and contrary to what is being stated in the DPA report para 4 the applicant's husband Mr Cassar is a registered farmer and therefore the proposal is also in line with policy 212B of the RPDG (2014)

We respectfully request that the Planning Appeals Board takes into consideration the fact that this is an outline permit application and details of plans and layouts can be discussed further in the full development application and takes into consideration the inaccuracies reported in the DPA report.

Kind Regards,

Perit Giorgio Schembri