

366
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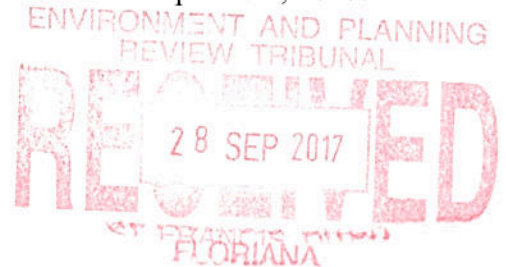
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Our Ref: 064/17

The Chairman,
Environment & Planning Review Tribunal,
Block B
St. Francis Ditch,
Floriana.

27th September, 2017.



PA Ref No. PA 5376/10
Location : Turrus Placidus, Triq Gharghur, San Gwann, Malta
Proposal : To sanction existing villa as built.

Re: Appeal Against Refusal

Dear Sir,

With reference to the above-mentioned application that was refused (decision published on 30th August, 2017), I would like to appeal the refusal for the following reasons

With regards to Reason of Refusal No. 1;

ECF 482/10 was issued for the basement, pool and additions not according to Approved plans. Works continued on site following the issue of this enforcement notice and in breach of the said notice. This application is hence being dismissed in terms of Article 97 (9) of the Development Planning Act (2016).

I would like to point out that the application in question is “To Sanction” and therefore all works carried out on site are being asked to be sanctioned.

With regards to Reason of Refusal No. 2;

The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of regulation 17 of Legal Notice 162 of 2016. The illegal development consists of the demolition and redevelopment of a pre-1967 structure and its change of use into a stable complex.

I would like to point out that the application in question is “To Sanction” and therefore all works carried out on site are being asked to be sanctioned.

With regards to Reason of Refusal No. 3;

The proposed development is of an excessive scale and constitutes overdevelopment of the site. This is not in the interests of the amenity of the area as a whole. Thus it runs counter to Thematic Objective 1.10 which seeks to channel urban development to development zones in order to protect the environment and limiting land take up within the rural area. It also runs counter to Policy 6.3 of the Rural Policy and Design Guidance (RPDG) 2014 which limits extensions to existing dwellings in the ODZ to 200sq.m. The development creates adverse visual impact in the rural area and thus it also runs counter to Policy 1.2H of the RPDG (2014) and Rural Objective 4 of the SPED which aim to protect and enhance the character and qualities of the rural landscape.

It is important to note the location of the site. Although the site is located ODZ, it is located in a very committed area as can be seen from the site of the area in question apart from the fact that the site in question is adjacent and opposite to a large number of residential building (hamlet).

With regards to Reason of Refusal No. 4;

The massive area under development and hard landscaping has resulted in the loss of a large quantity of soil and has led to significant soil sealing. This is unacceptable in the rural area and runs counter to Policy 1.2D of the RPDG (2014) and Thematic Objective 7.6 and 7.7 of the Strategic Plan for the Environment and Development.

No soil has been thrown away and the area can be redesigned to include larger areas of soft landscaping.

With regards to Reason of Refusal No. 5;

The stables are constructed fully in stone. Hence they run counter to Policy 5.2 (4) of the Rural Policy and Design Guidance (RPDG) 2014 which requires new stables to be either in natural timber or in stone up to 5 courses and the rest in timber. In addition since no details of the stables and horses have been given, no assessment in terms of planning, environment and animal welfare could take place and thus they are not endorsed by the AAC and ERA as warranted by Policy 5.2 of the RPDG (2014). Furthermore the lack of information runs counter to the submission criteria set in PA Circular 4/16.

The stables can be amended to be according to policy 5.2(4) of the rural Policy and Design Guidance. These works can either be a condition in the permit or carried out before the permit is approved by removing the top part of the stables and constructing in timber

With regards to Reason of Refusal No. 6;

The entire field is to be turned into a hard landscaped area and formal garden. This totals an area exceeding 2 tumoli over and above that already committed. This is excessive and runs counter to policies 1.2H and 6.3 of the Rural Policy and Design Guidance (RPDG) 2014 and Thematic Objective 1.10 and Rural Objective 4 of the Strategic Plan for the Environment and Development.

Larger areas of soft landscaping can be introduced and plans will be submitted during appeals to back this up.

With regards to Reason of Refusal No. 7;

The boundary wall along the country road has been demolished and rebuilt. It is built in dressed (recycled) franka stone and up to 11 courses in height. Moreover the access has been formalised by having a concave entrance - away from the country road - and equipped with a gate over 3m high in wrought iron. Thus the height, layout, design and materials employed run counter to Policy 1.2H and 2.9 of the Rural Policy and Design Guidance (RPDG) 2014 and Rural Objective 4 of the Strategic Plan for the Environment and Development.

The entrance gate has been set back from the road to allow a better and safer entry and exit to the site. Regarding the height of the wall, again it is important to note the location and context of the site in question.

With regards to Reason of Refusal No. 8;

The site is located within an archaeologically sensitive area. The works already carried out on site may have resulted in accidental discoveries had they been monitored appropriately. Thus any unreported accidental discoveries made during unmonitored works is detrimental to the archaeological record and limits the understanding of the cultural landscape. The structure that has been demolished and redeveloped was a pre-1967 structure and thus it may have had vernacular, cultural or architectural interest. This, if any, has been lost since no documentation has taken place. Furthermore no full planning assessment may take place of this new structure since no information (section, elevations and plans) was given for either the previous building nor the current one as required by PA Circular 4/16. The development as carried out has thus had an adverse impact on the cultural heritage potential of the area and thus runs counter to Thematic Objective 8 of the Strategic Plan for the Environment and Development.

My client has confirmed that no archaeological features were found during the works and that the building that was demolished did not have any vernacular, cultural or architectural features. More information will be presented during the appeal's sitting

During the process of the appeal's board I will be presenting more information as I have only been involved in the application after the refusal and a change of architect was inserted to Planning Authority for me to become the architect of the application in question.

Please also note that the site in question is within a committed area (please find attached a block plan showing the approved residential areas together with a copy of each individual permit issued) .

In view of the above grievances applicant respectfully requests this Honourable Tribunal to revoke the decision of the 7th August 2017, whereby the Development Permission was refused, and order the issuance of the Development Permission in respect of this permit.

Whilst thanking you in advance, please do not hesitate to contact me if any further information is necessary.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Edgar', with a stylized flourish extending to the right.

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Edgar Caruana Montaldo
B.E.&A.(Hons.), A.&C.E.