

11, Sea Haven Apartments, Triq is-Simar  
Xemxija Hill, St. Paul's Bay SPB4057, Malta  
M: 9986 1472 E: joeformosa@onvol.net

Our Reference: p282-mtarfa appell

Environment and Planning Review Tribunal  
Block B, St. Francis Ditch,  
Floriana

Postal address: PO Box 172, Marsa

November 10, 2017



PA: PA/02997/17  
Location: Pompei, Triq il-Palma, Mtarfa  
Proposal: Demolishing of existing residence and garage between Triq il-Palma and Triq I-Imtarfa; Construction of 3 garages and 5 residential units.

Dear Sir,

I refer to the above development permit application which have been refused by the Planning Commission as communicated by letter dated 2<sup>nd</sup> November 2017.

The proposed development has been refused for the following reasons:

*The proposed three storey development exceeds the height limitation of the area which is to retain the predominant two storey building height and therefore runs counter to the provisions of Policy NWMT1 of the North West Local Plan. The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas.*

*The proposed development runs counter to the provisions of policy P38 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that 'Type 3' basement will only be allowed where there are existing commitments for such basements within the perimeter block (as delineated in Figure 18(a)).*

I am writing on behalf of my Client to appeal against the Board decision for the following reasons:

SPED Policy UO2.3 advocates a contextual approach towards controlling building heights within UCAs. Policy P4 of the DC policy guidelines 2015, states that:

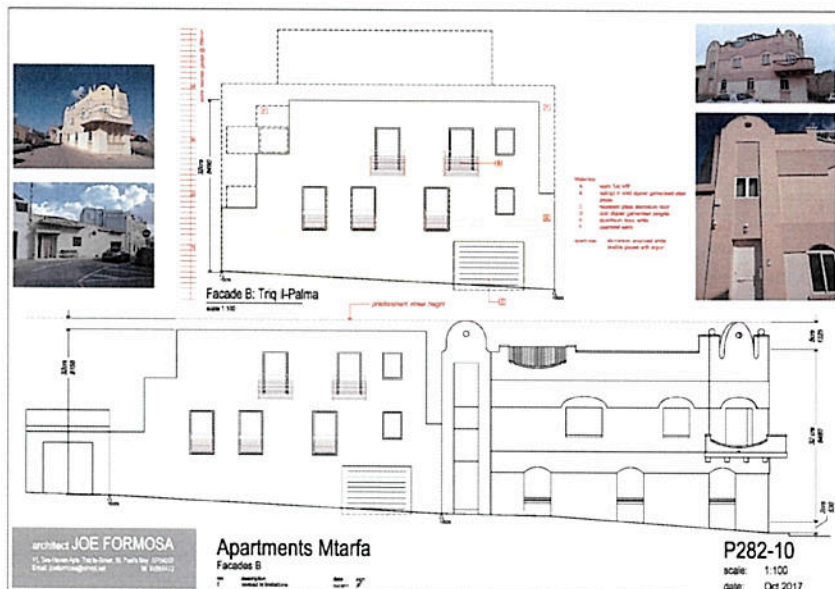
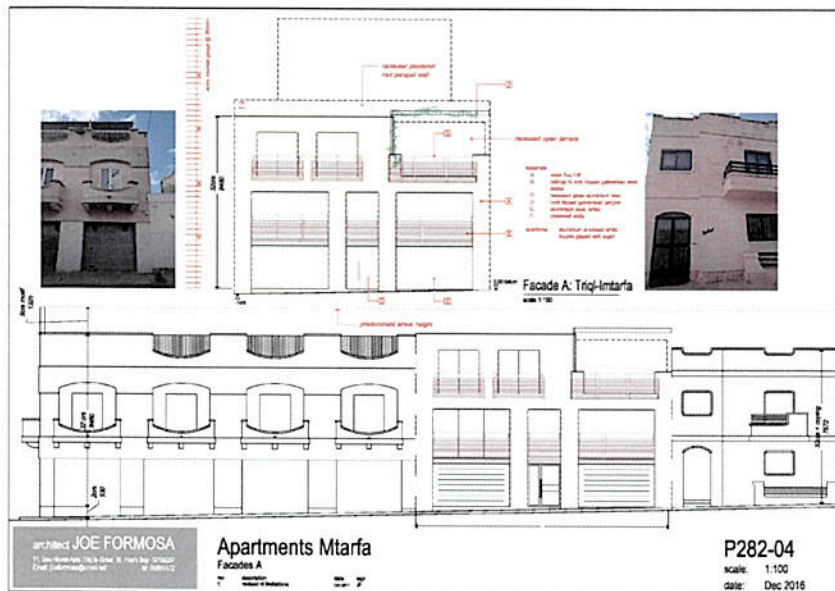
*In the case of Urban Conservation Areas, the existing committed prevailing height to width ratio will be derived through a streetscape analysis .....*

I also refer to Figure 25 of the Policy guidelines demonstrating 'high quality modern interpretation' within an existing urban area.

It is clear that building heights in UCA are not determined by the number of storeys, but by the height in metres with respect to existing adjacent buildings.

The building height of the proposed development along the street alignment does not exceed the building height of the adjacent corner building despite being at a higher level along the street slope. The proposed development has a street building height of 32 courses on both Triq il-Palma and Triq l-Imtarfa. It comes same level where it touches the existing building at Triq l-Imtarfa, and lower where it touches on Triq il-Palma. This is clearly indicated in the submitted façades ie drawings P282-04 and P28205.

The proposed development is lower than the predominant street height determined by the adjacent building, hence, it is designed in accordance to policies.



The proposed development does not intend to increase 'density' as in two-storey development. The development comprises ONLY two residential floors which are overlying garages ancillary to residential usage and avoid undesirable on street car parking without effecting density.

Streetscape analysis has always been considered in the determination of building heights in UCA. I refer to a precedent **PA6878/05** in UCA Sliema whereas a 3-storey structure has been approved within the same

building height of the adjacent 2-storey development. I also make reference to **PA/02981/15** recently approving a 3-floors plus 1 setback residential development in UCA Sliema in a streetscape consisting of similar 2-storey row houses.

In addition to building height considerations, the facades of the proposed development have been dealt with so that the street level garages and the overlying residential floor are visible as one floor: the respective apertures have been grouped together without any projecting balconies so that the two floors are considered as one single ground floor unit.

The second reason of refusal considering the garages as Type 3 basement is irrelevant since the garages are above street level and not considered basement.

In our opinion, the development does not breach any policy guidelines, and should be approved.



Joe Formosa A&CE