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Monday, Tuesday, Thursday 3.00 - 5.00p.m.

Registered Mail
RR543863497MT



Our ref: C/R/LIA1

Your ref: PA4907/15

Date: 27th July, 2016

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~~01 JUL 2016~~

The Secretary
Environment and Planning Review Tribunal
St Francis Ditch
Floriana



MAILROOM
ST FRANCIS RAVELIN - FLORIANA

REF: PA4907/15 – To construct terraced house with garage at Triq San Lawrenz, San Lawrenz

Request for appeal by third party

I am writing on behalf of the following registered objectors who are kindly requesting that the EPRT revoke the Planning Commission's approval decision of the above application.

Paul and Carmen Caruana of "San Gorg Preca" of
Triq Wied Meriell, San Lawrenz

Roger and Janet Mayo of
St Anna Court, Flat 5, Triq San Lawrenz, San Lawrenz

Kevin and Cora Theuma of
St Anna Court, Flat 4, Triq San Lawrenz, San Lawrenz

Twanny and Tanya Axiaq of
St Anna Court, Flat 3, Triq San Lawrenz, San Lawrenz

Charlie and Rita Calleja of
"Casa d'Amore", Triq il-Gebbla tal-General, San Lawrenz

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MAILROOM
ST FRANCIS RAVELIN - FLORIANA

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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- 4 AUG 2016

ST FRANCIS DITCH
FLORIANA

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We are requesting that the approval decision be revoked for the following reasons:

Development was approved at ODZ edge without a side garden

We cannot understand how this development was recommended for approval and eventually approved at the edge of the development zone, and therefore overlooking ODZ, without a side garden. It is inconceivable that a permit is granted for a dwelling with a party wall overlooking an ODZ with false apertures or recesses but without a side garden. Such a type of development could only be considered had a side garden been included. The applicant does not have a side garden since he does not have further land on the ODZ side and instead of requesting this basic requisite from the applicant, knowing that the applicant could not fulfil such an obligation, the Planning Authority decided to merely accept recesses within a solid wall as proposed by the applicant. This permit, unless revoked, will create a dangerous precedent whereby any future proposal on other development zone edge side may be approved without a side garden and with false apertures or recesses. This would be a travesty to the effort being done in ensuring that development zone edge buildings have appropriate facades facing ODZ of a high standard. Side gardens are being constantly requested by the Planning Authority at the edge of development zones, including in ODZ settlements and in PC applications submitted to determine land use, height and alignments for lands included within the development zone in the 2006 rationalisation exercise – so it is inconceivable that a side garden was not requested for this new development at ODZ edge.

Development accepted as an internal development without sufficient information

The application was informed at screening stage that the development does not have frontage on a public street. Instead of recommending a refusal, the DPAR recommended approval on the premise that it qualifies as an internal development and one unit was being created. However, the application had the following basic information missing:

1. No information was submitted on the location and width of the passage leading to the proposed building;
2. The passage leading from the official schemed road to the building was not included in the site plan;
3. The owner of the land through which the applicant is to accede the dwelling in question was not notified.

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Furthermore, in the plans submitted in application PA1161/07 which requested an addition at the back of the second floor of the existing residential block on Triq San Lawrenz at the back of which the current application PA4907/15 was approved, the existing ground floor plans show clearly land bounded by a boundary wall and no thorough access through this land to the site of PA4907/15 is shown.

Another case bearing similarity

I would like to mention PA2349/13 which was for a similar site located at the back of an existing building in Xaghra. MEPA had approved this development in view that although the site had limited official street frontage, it had a large side garden with a properly treated elevation facing ODZ, while the EPRT had revoked the permit since it clearly infringed a number of policies, including that this particular site did not have sufficient frontage on an official alignment. In this current case we are appealing, the site does not have any street frontage and was approved as an internal development while it does not have any elevation facing ODZ in view that it does not have any side garden. This is a much worse scenario than the permit revoked in PA2349/13.

Approved drawings have serious flaws

The approved drawings have serious conflicts and flaws. In the ground floor plan a lift is shown. This lift does not show in the first floor plan and roof plan, while it shows in all levels in the approved section. This is a serious flaw which shows that the drawings were not sufficiently assessed prior to approval and which also bears ground for revocation of the permit.

We therefore kindly request that this development is not approved and we wish to be notified with respect to any developments, including the proposed EPC sittings. We also reserve the right to make further submissions throughout the course of this request for appeal.

Yours truly,



Edward Scerri, A & C E

