

219  
PA



Perit Daniel Grima

Architect & Civil Engineer

No.565B, St Paul's Street,  
St Paul's Bay, SPB 3418,  
Malta.

Tel. No. +356 21578384

Mob. No. +356 79708668



11<sup>th</sup> June, 2019

TO THE ENVIRONMENT & PLANNING REVIEW TRIBUNAL

With reference to Planning Authority planning application number PA/09510/18 for the proposal: 'Change of use from dwelling to guest house (class 3A) with overlying apartment. The latter includes internal alterations, i.e. removal and/or additions of walls, new opening types, both internal and along the facade and an additional recessed floor with pool. The proposal also includes fixing of two illuminated signs.' at No.81/82, Triq Hal Luqa c/w, Triq ic-Cimiterju, Paola, Malta.

I am writing on behalf of my Client, Mrs. Ms. Theresa Galea (ID No. 00259658M).

My Client would like to object to the decision taken by the Planning Authority for reasons below:

1. *The proposed development runs counter to the general principles noted in Chapter 3 of the Strategic Plan for Environment and Development, in that this development is not acknowledged by the Malta Tourism Authority.*

Please refer to the attached copy of MTA Clearance Letter (their Ref. No. T/86/19) which was uploaded in e-Apps on the 4<sup>th</sup> May 2019 (doc. 226a). Kindly note that the MTA representative had told me that they will upload this in e-Apps themselves and hence I refrained from uploading it myself. Also please note that this certificate was issued within the stipulated time frame granted by way of deferral dated 15<sup>th</sup> March 2019 (doc. 176a).

2. *The proposed development runs counter to the provisions of policy P39 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that in Urban Conservation Areas, the setback from the façade must never be less than that of the committed adjacent properties on one or both sides, where applicable. The proposal runs also counter to Urban Objectives 2.3 and 2.4 of the Strategic Plan for Environment and Development which promote a context driven approach for the control of building heights within Urban Conservation Areas in order to protect the traditional urban skyline.*

Please note that the revised drawings (docs. 178a-178f) do not include 1cm difference in height from that existing (pre-1968 property); the latter holds for the overall building height including recessed floor of the proposed building. Given that each floor is over 2.6m in internal height and also given the state of the roofs, being a danger due to concrete spalling, it follows that in the revised drawings the dangerous roofs are being demolished and lowered to tally with sanitary laws and regulations whilst the façade will remain untouched due to heritage restrictions. In doing so the existing structures at roof level including the proposed extension of the existing staircase, the lift shaft and any other proposed structure will not exceed the top of wall level of the existing

boundary wall (apparmorta) at roof level. Hence, in reality the existing overall building height has been reduced to up to top of wall level of the existing façade (height of façade).

3. *The proposed development does not ensure an accessible environment for all its users and visitors. The proposal therefore runs counter to policy P11 of the Development Control Design Policy, Guidance and Standards 2015 and to Urban Objective 4 of the Strategic Plan for Environment and Development, which aim for the integration of the requirements of people with special needs in the design of buildings and facilities.*

Please refer to doc. 181a wherein CRPD gave us their clearance (copy attached). This was uploaded in e-Apps on the 29<sup>th</sup> March 2019, within the stipulated time frame granted by way of deferral dated 15<sup>th</sup> March 2019.

4. *The proposed development runs counter to the provisions of policy P12 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that permission is not normally granted for non-residential development in buildings also occupied by dwellings where a separate access to the non residential use cannot be provided.*

Permission is not generally granted means that it might be granted. Infact the EPC Board stated in its meeting dated 15<sup>th</sup> March 2019:

*Further to the discussion of the application referred to above by the Planning Commission in its meeting of 15 March 2019, you are requested to submit ... a declaration that the use is a casa bottega which shall be operated by the owner.*

This document (doc. 179a) was uploaded in e-Apps on the 29<sup>th</sup> March 2019 (vide attached declaration from applicant's lawyer on behalf of the applicant) and hence within the stipulated time frame granted by way of deferral dated 15<sup>th</sup> March 2019.

Kindly note that this pre-1968 property is one of 5 properties in Malta designed by the same Architect and having a unique balcony. Considering its size this property is too large for today's type of living apart from the fact that its restoration and maintenance costs a lot of money. The applicant by way of this application is going to invest large amounts of money to restore this property to its formal glory, apart from trying to get tourists to the South of Malta, where such guesthouses lack even though the history and historical places these villages enjoy.

I would like the respective Appeal Tribunal to grant us a third sitting in front of the EPC Board to discuss the revised drawings which were submitted as per Board instructions prior to the last sitting. Kindly note that the undersigned could not be present for the sitting being that I was in hospital due to stones found in my kidney and hence unable to defer the said sitting for another date. If need be I can get proof of the above from hospital.

In view of the above facts, my Client sincerely hopes that the Appeals Tribunal shall look upon his application favorably.

Yours truly,



**Perit Daniel Grima**

BE&A (Hons.) MSc. Struc. Eng. (Surrey) A&CE