



Our Ref: miscT852

17th January 2020

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



Attention: The Chairperson, EPRT

Dear Chairperson,

Application No: PA/02685/19
Location: 14, Wincy, Triq De Rohan, Marsascula
Proposal: Demolition of existing villa and excavation on site to form levels.
Construction of 12 basement garages, 2 maisonettes at ground floor level, 7 in number apartments at first to third floor level and 1 penthouse at set-back floor level with pool.

THIRD PARTY APPEAL

I am submitting this appeal against the above-mentioned permit on behalf of the registered objector, Mr. Michael Buttigieg, I.D. Card no. 0486455M, who lives in the contiguous property, 'Feluka', Dawret it-Torri, Marsascula.

The site subject of this application, is currently occupied by a villa, and despite being contiguous to Mr. Buttigieg's villa, it is zoned differently to Mr. Buttigieg's property (vide the Marsascula local plan Map MS3).

The site for which the permit has been issued, is zoned for three floors and basement, while Mr. Buttigieg's property is zoned as a villa area of two floors and semi-basement. The former site is also subject to Policy SMCO01 - 'Urban Conservation Areas and Design Priority Areas'.

As such, unlike other areas zoned to be similarly developed, this particular area has to be treated much more sensitively; due to the proximity of an area, which is zoned differently. This is recognised in the Marsacalca Local Plan by making this particular area subject to the restrictive, guiding Policy SMCO01

While the DPA report acknowledges this important restrictive policy and recommended a refusal of the application, it is my considered opinion that the EPC did not give this policy its due importance; and despite amendments to the drawings, the approved drawings still have an overbearing impact on the villa area, and, in particular on Mr. Buttigieg's villa, which is contiguous to and shares a common party wall with the site on which permit PA/02685/19 has been issued.

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Planning-wise, it is to be expected that this particular site would be treated as the transition between the two different zoned areas insofar as it straddles the boundary between the two differently zoned areas

It is my considered opinion that the currently approved drawings do not achieve this because the permit is that for a building the full height of which is 16.3 metres with no stepping down from the maximum allowable height towards the villa zoned area.

Furthermore, a substantial blank party wall results out of the approved plans; and this was highlighted in the PRT additional comments, following the submission of revised drawings and commented as follows:

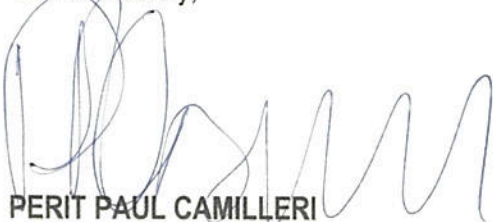
- *With regards to the reason for refusal, the new proposal is introducing a 3.80m side curtilage in the front part of the site facing the villa area and is proposing within this area the entrance to the garages and an elevated paved area with pool (ref. to elevation doc.105D and ground floor plan doc.105A). Although the Architect introduced a side curtilage it is noted that the villa adjacent to the proposal will be a fully detached one with a 3m mandatory curtilage all around thus the proposal. The introduction of the curtilage just in the front part, will not address the issue raised and will create a blank party wall 1-storey high.*

Furthermore the previous proposal, at drwg.62D, was including a transition solution with stepped terraces that was mitigating the different height limitation between the two areas. The new proposal, at drwg.105D, with the removal of the stepped profile, does not take into consideration the provision of Policy P6 and is hence considered to have a negative impact within the surrounding area and the streetscape.

Following this, another submission was made with slight revisions, but essentially retaining the 'overbearing' aspect of the building, insofar as the maximum height of 16.3 metres and the blank party wall were still retained; and based on these drawings the permit was issued.

If anything, the height of the building should have been reduced to the average height between the maximum potential height of 10.5 metres for Mr. Buttigieg's villa, and the maximum potential height of 16.3 metres for the site, the subject of this application (vide attached drawing); and that a side garden, (and not just a site curtilage to accommodate the entrance to the garages and an elevated paved area with pool) for the total depth of the plot, from the front to the rear of the plot, the width of which to comply with sanitary regulations guiding backyards. The guidelines for villa development with regards to other issue such as balconies, etc. should also apply for this site.

Yours sincerely,



PERIT PAUL CAMILLERI

Encl: drawing