

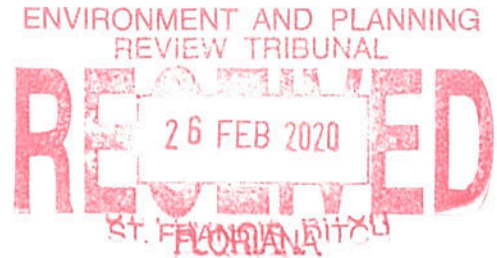


PATRICK REFALO
B. E & A. (HONS) (MELIT.), A. & C. E.
ARCHITECT, CIVIL AND STRUCTURAL ENGINEER,
COST AND PLANNING CONSULTANT, PROJECT MANAGER

PA 72

24th February 2020

*Environment & Planning Review Tribunal
St Francis Ravelin
Floriana*



PA number: PA/08682/19
Location: Red Rose, Triq il-Kbira, Zebbug
Proposal: To construct a reservoir, carry out alterations at ground and first floor and demolish existing washroom. To propose extension to existing terraced house consisting of full storey at second floor and an overlying receded floor. To install a passenger lift in existing shaft.

Appeal against Refusal of PA/08682/19

With reference to the Refusal of PA/08682/19 published on the 12th February 2020, I, on behalf of the applicant, hereby contest the decision and forward a number of points in favour of reconsideration of the application.

The first reason for refusal stipulates the following;

'The height of the proposed building exceeds the maximum Local Plan height limitation of two floors and the corresponding height in metres (11.4m / 8.0m) for the site, as specified in Annex II of the Development Control Design Policy, Guidance and Standards 2015. The proposal therefore also runs counter to Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.'

The request in favour of reconsideration is based on the following number of justifications;



PATRICK REFALO
B. E & A. (HONS) (MELIT.), A. & C. E
ARCHITECT, CIVIL AND STRUCTURAL ENGINEER,
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As depicted in the current South Malta local plan, the site lies within a particular and specific context. The property, along with 4 third party dwellings, are within the development residential zone while all the other properties along the same public road and streetscape are within the Urban Conservation Area of Zebbug. Although the local plan stipulates a 2 floor zone, along the years, a number of application have been approved for a 3 storey high structures. This is clearly depicted in Figure 1 below. Considering all these commitments it is in the interest of the Planning Authority and Planning Review Board to solve such anomaly.




Moreover, one of the key aims of the DC 2015 has been the importance to reach uniform streetscape and building height within the particular context. The relationship between the new and existing buildings within the context shall always be considered and it is clearly mentioned in G3, P6, G14 and P34.

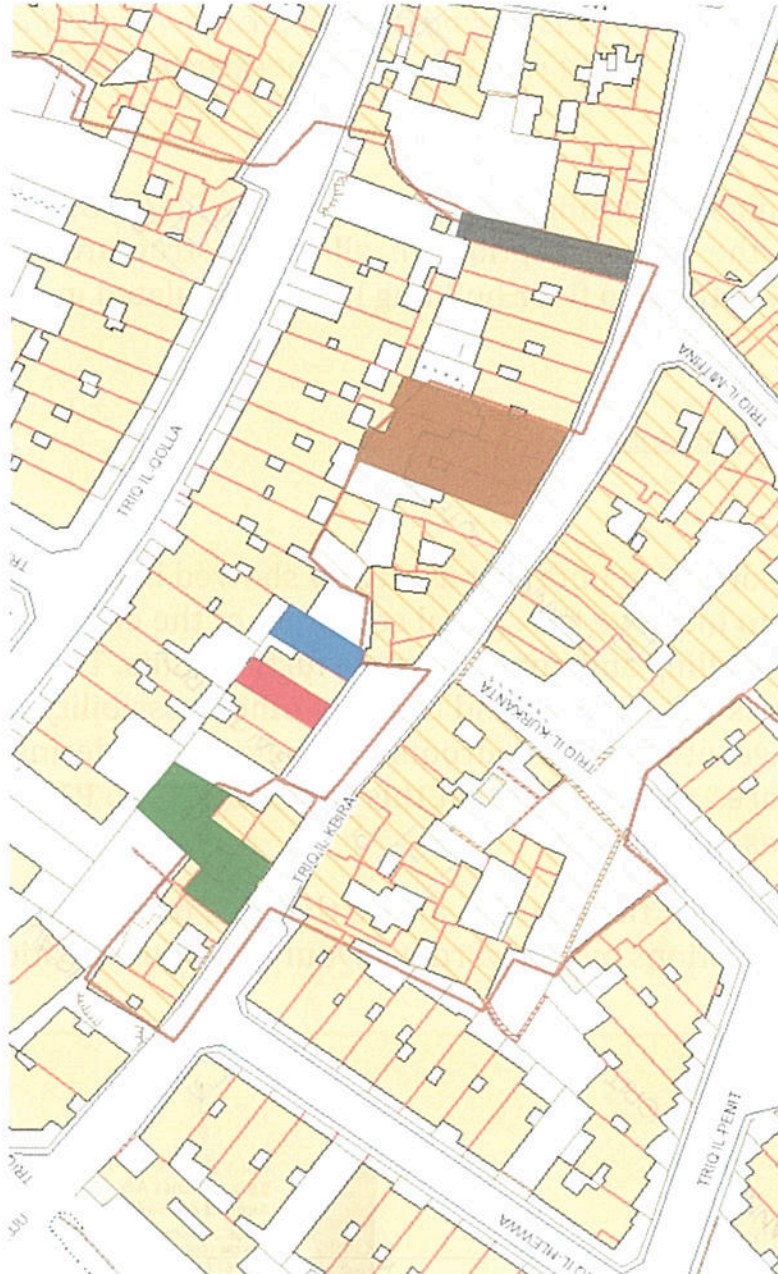
Furthermore, in very similar cases such anomaly was solved by applying the Building Height Relaxation. One similar case is that in Triq L- Assedju L- Kbir 1565, Mellieha, where the Local Plan stipulates a 2 floor zone but a number of 3 storey high structures already existed. In approved planning applications PA/3364/16, PA/780/15 and PA/2559/15 the EPC Board particularly noted that the area in question is already committed with previous permits for three storey developments with overlying penthouses/washrooms. Such height was permitted with the height relaxation policy applicable prior to the approval of the Local Plan. Thus, in this particular scenario Tribunal Review Board shall understand that the current height limitation does not reflect the real situation within the area and streetscape.



PATRICK REFALO
B. E & A. (HONS) (MELIT.), A. & C. E
ARCHITECT, CIVIL AND STRUCTURAL ENGINEER,
COST AND PLANNING CONSULTANT, PROJECT MANAGER



PA/4387/05 PA/5063/07 PA/5607/19		
PA/3865/95 PA/2201/19		
PA/1922/94 PA/0427/97		



Three Storey Building Commitments along Triq il-Kbira, Zebbug

Figure 1



PATRICK REFALO
B. E & A. (HONS) (MELIT.), A. & C. E
ARCHITECT, CIVIL AND STRUCTURAL ENGINEER,
COST AND PLANNING CONSULTANT, PROJECT MANAGER

The second reason for refusal stipulates the following;

'The proposed structures at second floor level run counter to the provisions of Policy P39 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that developments having a street facade height of up to 10.5m, shall only have a roof structure not exceeding 36sqm '

Again, a number of commitments most notably DN/01830/00 and PA/2201/19 exists adjacent to the site in caption. In all cases structures larger than 36sqm where approved over the two floor building height stipulated in the South Local Plan

Further Justifications:

It is also important to note that as clearly showed in the proposal, the main aim of the applicant is to improve the spatial condition of the existing structure, create a decent size family dwelling and not to increase further units. The existing spatial condition of the dwelling is very limited and the only other possibility is to convert the use of the private garage into further bedrooms. However, considering the lack of parking spaces with in the area and the fact that this runs counter to P18, such possibility cannot be considered as practicable.

Finally, I hope that the board is aware that this development should not be hindered and the justifications put forward in favour of reconsideration are fair and reasonable.

Yours sincerely,

Patrick Refalo

B.E. & A. (Hons.), (Melit).

PERIT



Perit Patrick Refalo
B.E. & A. (Hons.), A. & C.E.
Architect and Civil Engineer
A: 105, Josmund, St. Thomas Street, Fgura,
FGR 1605
T: 2767 3375 M: 7909 5015
E: peritpatrickrefalo@gmail.com