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**Our Ref:** 106/19

**Date:** 28<sup>th</sup> April 2020

The Secretary,  
The Environment and Planning Review Tribunal  
St. Frances Ravelin  
Floriana



**Application number:** PA/09730/19

**Applicant:** Mr. Carmel Micallef

**Location:** Site at L-Ghemieri, Bahrija, Rabat

**Proposal:** To construct one storey residence as an infill between two existing buildings.

On behalf of our client, we wish to appeal from the decision taken by The Planning Commission with respect to the above-mentioned application.

The Planning Commission refused this application for the following reasons:

**1** - The proposal is not considered justified to be located in the Rural Area since the creation of a new dwelling outside development zone does not comply with approved Government policies, plans and programmes for rural areas. Hence, the proposal runs counter to the Thematic Objective 1.10 and Rural Objective 3 of the Strategic Plan for Environment & Development which only allow for rural development which is legitimate or necessary.

**2** - The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016 since the backyard is to be at least 3m clear and free from any structures.

Our client is a resident of the property next door to the plot in question, being a one storey garage. Please find his ID Card attached as a proof of residence.

Since 2004 our client has been trying to legally establish a proper accommodation for himself by developing his narrow plot of land laying between two blank party walls of approved buildings.

The garage is by no means a proper accommodation for our client as it does not provide acceptable living conditions resulting in being detrimental to his health. We believe that residential use in this specific case should be considered legitimate when one examines the context and the circumstances of the case.

We understand Authorities concern that such approval *might lead to intensification of density in the given area*, but in this particular case the density is not going to increase as what we are speaking about is providing a dwelling for a person who is currently living in the garage next door. The dwelling proposed will provide a good quality standard of living whilst the garage will remain as a domestic garage, as originally approved, hence, there will be no increase in the number of residential units. Our client has no intention of developing the site further than indicated in the proposal.

The Planning Commission issued a refusal based on the SPED regulation which states that we must “ensure that socio-economic development needs are met whilst protecting the environment and limiting land take-up within rural areas”.

The *socio-economic growth* is the process of social and economic development in a society. We strongly believe that our clients merits the social growth mentioned in the SPED (2015) considering his current living conditions, as long as it pose no threat to natural environment.

We wish to note, that ERA which is the respective authority for environmental matters did not raise any concerns in this regard, as there is clearly no threat to natural environment, being given the state of the plot and the context (proposed development being an infill between existing buildings). The plot has no agricultural character nor potential. The land take-up mentioned in SPED 2015 had already happened.

SCH also did not object to the proposal as it does not pose any threat to cultural heritage.

Moreover, we wish to underline that residential permits have been given by PA to third parties within the same cluster of buildings. During the Board Hearing we have been told that Planning Authority had refused a similar case in the past due to the proposed use not being legitimate within the rural area. We wish to note, however, that back then the context was completely different as the proposed development would not have been an infill but a stand-alone residential unit which is not what we have proposed.

We have also addressed the Sanitary issue raised in the Case Officer's report, however, this fact was disregarded by Planning Commission.

Should the original decision be overturned and a permit be issued to our client for construction of his residence on committed land between two existing and approved buildings it will pose no harm to third parties and/or our natural or cultural environment. On the contrary, it is our opinion that apart from addressing a social issue, it will also improve the streetscape by providing continuity of the facades whilst covering the two blank party walls abutting the site.

Hoping that our client's request will be favourably considered,

Yours sincerely,



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Dr Pierre Farrugia, Perit