



4th June, 2020

Environment and Planning Review Tribunal
Planning Authority
St. Francis Ditch
Floriana

Dear Sirs,

Re: PA/00722/20

I write on behalf of Sarah Abela, of Casa Pawlina, 8th December Street, Victoria, Gozo, and refer to the matter in caption, which permit was refused as per letter of the 4th May 2020, and published on the 13th May 2020.

The grounds of appeal that my client considers valid are the following:-

- i. That the site in question is not considered justified to be located in the rural area as a new dwelling just outside the limits of a development, as can be vividly seen from the aerial photographs in question, and this because further down the road abutting the edge of the development, there is a cluster of buildings making it a committed area. That is, there are developments along the road, abutting into ODZ land, outside the shaded Cat. 3 settlement.
- ii. The site abuts on a zone where certain developments are permitted and to the North is an adjacent planning commitment with a blank two-floor-high party wall, thus qualifying same as an edge plot, as per explanatory note of the Development Zone Rationalisation Maps and Paragraph 7, Bullet 5, of the Local Plans Interpretation Document, 2007. This was envisaged in the Government Strategy Outlines with the issue of the Local Plan.
- iii. The explanatory note in the rationalisation exercise explains the possibility of providing for an end plot development. Scheme boundaries ending in blank party walls are considered to generally qualify for an additional edge plot with a lateral side garden in the interest of harmony, beauty as well as a sense of completion and proportionality in the development.
- iv. The materials and massing being proposed bring a lot of the local vernacular within the building's design, and the proposed dwelling is perfect in consonance with the surrounding rural development, and has a beneficial effect by screening the mass of the third party blank wall, as described herein.



- v. To the South of the site there is a passage leading to the fields beyond site, and a cluster of buildings with two swimming pools. The site will not be committed further with this development, but on the contrary it will create a façade with a side garden instead of the existing unsightly blank wall.
- vi. It is clear that the legislator admits that not all maps take into consideration the situation at the edge of the existing development and that this particular enclave was circumscribed without recourse to proper examination on the ground. It would have been only natural to include the site of this application within the rural settlement.
- vii. The Superintendence of Cultural Heritage is in favour of the development from a Cultural Heritage point of view.

In the circumstances, my client is appealing to the Environment and Planning Review Tribunal, within the statutory terms afforded by Law, and in terms of Article 13 of the Environment and Planning Review Tribunal Act, is requesting the reversal of the decision and the approval of the said permit as above described.



Edward DeBono LL.D