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Date: 12th June 2020
Our Ref: 246/04
Your Ref: PA 5398/16

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

RE: Outline application for the construction of farmhouse, in view of farmhouse demolished to make way for Triq ta Ghar Lapsi. Old farmhouse visible in 1967 survey sheets.

Location: Site at, Ta Bennieri, Triq ta, Ghar Lapsi, Siggiewi, Malta

With reference to the above mentioned site and following the EPC's refusal we kindly ask the Review Tribunal to re assess this application and reach its own conclusions.

In view of the above we would like to clearly state that:

1. We fail to understand why the directorate is still claiming that the root of the original title is not explained. This is clearly explained through the provision of all contracts since when this estate was divided between two Apap Bologna's siblings. Subsequently one of them sold his share to the previous owner from whom the applicant bought these farms together with two portions of lands. On this same land, we have applied to reconstruct the demolished (by the Government of Malta due to road widening) buildings. For further clarifications please refer to minute 167b.
2. Furthermore, if one refers to the Court Sentence (Qorti Civili – Prim' Awla) Citation Number 418/2005 (copy attached), within His sentence (page 31) Onor. Imhallel Raymond C. Pace, clearly defines the meaning of a 'ricetto', "li huwa bini li fih jintlaqqhu u jogghodu fih in-nies, deskritt fl-ewwel kuntratt li kellu bitha u tarag minn barra u hawt tal-ilma, kamra li fiha jinhaznu l-provisti, stalla u wkoll kamra fejn jinzammu l-barrin"
3. In submission 253A, Pages 4 till 8, one finds the detailed descriptions of the properties carried out by Architects Enrico Calleja, Egidio Lapira and Francesco Caruana back in 1887. Within this description, one finds an official door number which every property had.
4. Within the submitted documents (253A), not only is there a detailed description, but it is also evident that each property was numbered. These door numbers clearly mean:
 - i. It distinguishes each and every separate unit.
 - ii. the official door number of the property. This is further sustained by the fourth property, which had two doors, one numbered '25' whereas the other door was not numbered.

5. In view of the above, it is clearly evident that the property had more than one dwelling unit
6. From the 1967 Aerial Site Photo (258A), it is important to note that these three farmhouses were rural buildings similar to the one mentioned in PA/5874/08, which is located on the opposite side of the road. In this application, the Planning Directorate stated (3.4) that 'with regards to the legality of the building proposed for rehabilitation, the proposal is in line with paragraph (1) of Policy 6.2A in view that the building in consideration is clearly visible on the 1967 site aerial photo and hence it may be considered as legally established'.

We thus fail to understand why the directorate is not following the same procedure in this case and categorise the applicants properties as pre-1978 building. Thus, conforming with Condition 1 of Policy 6.2C.

7. When evaluating PA65/02, the DCC Board had to assess the request as applied: - Partial demolition of existing dilapidated structure and erection of dwelling. These structures were the remains of these four farms which were left after the road widening as per 1978 Aerial Site Photo. It is important to reiterate that the applicant only owed these rooms and had no legal right in utilising the applicant's property, which was demolished by the Roads Department, in order to justify his request.
8. It is also inconceivable to acknowledge the fact that as a compensation for the three farms that globally had a floor space of 350m² spread over two floors, the previous owner accepted the construction of two rooms having a global area of 40m², which were built 27m away from the present road alignment and the remaining rooms.
9. In PA65/02, the Board had accepted that the residence was on the first floor which was demolished, how can PA, now not accept this application if it is being proven that more than one property existed on site.
10. We have applied to rebuild a smaller property of what was originally built 100m away from the new location for the following reasons:
 - a. the original location of the three farms now forms part of Lapsi Road.
 - b. Build the same original ground floor footprint.
 - c. This building is replacing what was originally built and which Lands Department demolished.
11. When considering the above explanations, our proposal conforms with the Rural Objectives 1.7 and 4.3c of the Strategic Plan for Environment and Development as well as it gives back to the applicant the enjoyment of his rights which were taken away when the road widening took place.
12. Finally a similar application (**PA 1687/19**) was recently approved for the re-location of rooms due to road widening. This application is precisely identical to our application

Yours Sincerely,

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o.b.o R.S. Design Assoc.

