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Our ref: GN/B/A1

Your ref: PA8695/20

Date: 12th June, 2021

The Secretary

Environment and Planning Review Tribunal

P.O. Box 172

Marsa



REF: To extend penthouse approved in PA10836/17

Site at 16, Panama Court (at third and fourth floor level), Triq Fonsu Maria

Galea c/w, Triq tal-Qattus, Birkirkara

Request for appeal

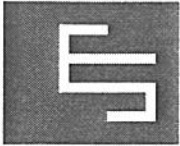
I am writing obo the applicant to submit a request for appeal in connection with the above application for development which has been refused by the Planning Commission. I am submitting this request for appeal for the following valid reasons:

Reason for refusal is null and not applicable for the site

The only reason for refusal quoted by the Planning Commission with respect to this application states as follows:



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Special Commendation in Innovative Design, Rehabilitation and Conservation 2017
Double Special Commendation in Public Open Spaces 2018



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The proposed extension at the setback floor level runs counter to the provisions of Policy P35 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that when a building faces an open area a setback of at least 4.25 meters will be required. The proposal therefore also runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.

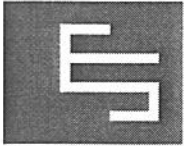
The site in question does not face an open area. It is located at the corner of two streets – Triq tal-Qattus and Triq Fonsu Maria Galea. We cannot understand from where the Planning Authority decided to refer to these two streets or their intersection as an “open space”. Policy P35 is very clear where the 4.25m setback has to be applied independently of any drafted sight lines:

When buildings face open areas including piazzas and the countryside or are seafront, a setback of at least 4.25 metres will be required (Figure 48).

The site in question does not face a piazza or countryside or a seafront and the reason of refusal quoted by the Planning Commission is therefore null and not applicable in any way.



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Sight line is being considered as per policy P35

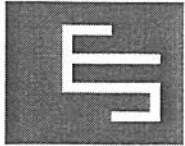
Excerpt from policy P35:

Where the proposed building has a street façade of at least 12 metres, the uppermost floor above such height will be setback from the street façade. Such setback will be determined using the sight line principle, provided that it is never less than 3 metres. A sight line is to be taken from a point at 1.6 metres height located at the opposite side of the street to the building height along the building alignment, and extended until it meets the maximum height defined in the Local Plans.

Triq Fonsu Maria Galea is a relatively narrow road and there does not seem to have been any issue with respect to the setback on this street, even because we did not propose any alteration to that effect from the approved PA10836/17 with respect to Triq F.M. Galea. On the other hand, the width of Triq tal-Qattus is very clearly divided in two in the alignment plans for the area, as can be evidenced from the geoserver. The sight line therefore should be considered from the alignment line on the opposite side of the width of the lane of this street on the side of the site, given that its width is clearly divided in two, and in the section shown on doc 1H that is how the sight line is being calculated.



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Furthermore, given that the façade has approved projected cantilevers along the whole length of the roof of the 3rd floor, it does not make any sense projecting the sight line along the façade itself while ignoring this cantilever. The sight line has therefore been projected along the edge of the cantilever since it is through this point that the setback floor may be seen from the street level.

Therefore, in a nutshell, the following are the arguments why the refusal decision should be revoked:

1. The quoted reason for refusal is null and inapplicable since the site is not located opposite any open space;
2. The sight line should be considered from the alignment line located on the opposite side facing the site and along the extremity of the cantilever since the street width is clearly divided in two separate lanes by the alignment plan and the cantilevers are physically obstructing the view of the setback floor from the street.

We therefore kindly request that the refusal decision on this application be revoked and the request for appeal respectfully upheld.

Yours truly,

Perit Edward Scerri obo Mr William Gatt



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