

Your Reference

Our Reference

Date

PA 1530/21

154/07



The Director
Environment & Planning Review Tribunal
St. Francis Ravelin
Floriana

Re: THE SKY APARTMENTS, TRIO KAN, GWANN BORG, LUQA.

I would like to submit an appeal to the permit PA 1530/21 which was refused on the 7th May 2021. This application was "to sanction difference in building height and to propose external alterations to façade".

This application was refused for the following reasons:

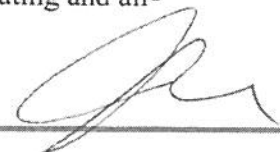
1. "The overall height of the building exceeds the max local plan height limitation and the corresponding height in meters as established in Policy P35 of the DC15.
2. "The proposed development profile runs counter to the provisions of policy P35 of the DC15 which clearly states that the allowable maximum height is to include an obligatory solid 1m parapet wall on the exposed facades at the uppermost roof level.

This block of maisonettes, apartments and penthouses is situated overlying a number of garages at basement level. The street is quite flat and practically there is very little gradient along the façade of this block.

The basement level is situated eight courses below the pavement level and is roofed over ten courses high by means of pre-stressed concrete slabs, which have a thickness of 460mm. In fact, the beam over the gate leading to the garages had to be raised by another one and a half courses in order to provide a minimum clear height of 2.1 meters underneath this beam.

In order to achieve a clear height of at least two point four meters above the higher part of the ramp, the ground floor level was constructed over twelve courses high.

The other floors were constructed over eleven courses high. Due to the sizes of the rooms, the thickness of the structural slab varied between 30 cm and 15 cm. Taking into consideration the space required to pass the services like the electrical conduits, the water pipes, the drain pipes, as well as underfloor heating and air-



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conditioning pipes, the clear internal height between the floor tiles and the underside of the slab is 2.75 meters. If a false ceiling were installed, then the clear internal height would end up just around 2.6 meters.

The fact that these premises are constructed higher than the maximum permissible height limitation does not have a deleterious impact on the adjacent premises. In fact, on one side of our premises there is a three-storey building consisting of number of garages at ground floor level, an apartment at first floor level and another apartment at second floor level. All of these properties belong to different owners. Attached is photo No. 1 showing the adjacent premises in relation to our premises. This clearly shows that at the second floor level, our building is only one course higher than the adjacent premises. Therefore, in the event that an additional floor is constructed on the adjacent premises, the two blocks will have the same height.

With this slight increase above the maximum height limitation, my client did not gain any additional units but only some more internal height in each and every residential unit.

This difference in height can be mitigated by shifting slightly back the parapet wall over the penthouse so as not to be visible from the street or else removing it. The services are situated at the back of the roof area and are not visible from the street. A 1m railing can screen these.

This solution was accepted by the Planning Commission when considering application PA 5540/20. It was acceptable that the parapet wall (opramorta) at roof level does not exceed the height limitation of the area and that a 1m railing be located around the services area. However when considering this application, the same board used a different measure.

This problem of exceeding the permissible height limitation was encountered on many other sites, mainly those on a flat terrain, which cannot benefit from the gradient of the street. While sites at a corner and with a sloping street can benefit from an additional floor and will have an additional floor over that permissible when viewed from the lower street, this additional height cannot be utilised when sites are on a flat terrain. (Photos 2 & 3)

A look at existing blocks of apartments in the close vicinity shows a number of blocks all exceeding the maximum height limitation. One of these blocks is right opposite our site and it is nearly five storeys high. Attached please find Photo No 4. Also on Triq Hal Tarxien and on Triq Patri Indri Schembri, there are a number of



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blocks constructed five storeys high, thus exceeding the maximum height limitation.
(Photo No. 5 - 9)

When one looks at the solid one meter parapet wall over the penthouse, this is not pleasant at all and looks like a blank area. If this parapet wall is setback some distance from the façade so that it is not visible from the street, it will definitely look aesthetically better. (Photo No 10)

During the past years, the DCC board has approved a number of application in which the parapet wall at roof level was not constructed. I would like to refer to a number of similar cases whereby the Planning Board instructed for the removal of the parapet wall, as well as a list of approved permits that have accepted the parapet wall exceeding the height limitation.

1. **PA 0381/17** The appeal's board allowed the removal of the parapet wall to accommodate new units over airspace within the maximum height limitation.
2. **PA 4073/15** was approved without the 1-meter wall.
3. **PA 6233/16** was approved with the lowering of slabs over non-habitable rooms to accommodate the services and with no parapet wall.
4. **PA 4993/16** An additional recessed floor above the height limitation was approved in view of the scale of the project, the considerable effort involved in conserving the scheduled buildings and the lack of visual impact of this floor."
5. **PA 1155/16**
6. **PA 4443/17**
7. **PA 4846/16**
8. **PA 0310/17**
9. **PA 1007/16**
10. **PA 0758/16**
11. **PA 3702/16**
12. **PA 3161/17** approved with an overall height exceeding the height limitation.
13. **PA 7187/17**

