

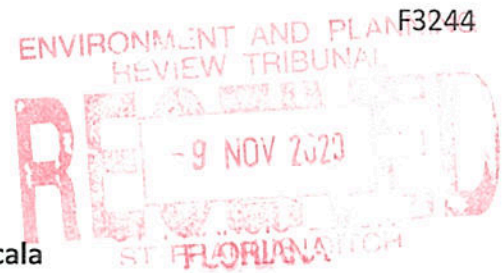


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28<sup>th</sup> October 2020

The Environment and Planning Review Tribunal  
St. Francis Ditch  
Floriana



**Location:** 126-140, Triq is-Salini, Marsascula  
**Application No:** PA/01550/20  
**Proposal:** Demolition of existing dilapidated buildings, excavation and construction of two retail outlets (Class 4B) and eight overlying apartments.

### Appeal against Refusal of Development Permission

We are hereby submitting an appeal to the Environment and Planning Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016, in connection with decision notice published on the 14<sup>th</sup> October 2020 relative to PA/1550/20, Refusal of Development Permission dated 30<sup>th</sup> September 2020, location and proposal as captioned above.

The following are our grounds for appeal:

**1. Reason for Refusal 1.**

Loss of historical fabric, objection by Superintendence of Cultural Heritage (SCH), proposal running counter to Thematic Objective 8 (T08) of the Strategic Plan for Environment and Development.

We submit that there is no loss of historical fabric, that there is no diminishing of its cultural significance and that of its intermediate context, that the objection of the SCH should have been considered by the EPC **in the light of our submissions dated 11<sup>th</sup> May 2020**, by the where we gave a full explanation of the reasons why we were not agreeing with the SCH, reasons including but not limited to,

- i. there are **no** features of vernacular architecture
- ii. the row of six houses has been **destroyed** by others over time with a hotchpotch of styles to such an extent that the row is hardly recognizable now; extensions onto the terraces, different styles of



- architecture and porticos etc. have clearly rendered the row **beyond recognition**, if it can be called a 'row' at all now.
- iii. Over time, even very recent time, the adjacent properties and the streetscape have been **completely altered** by the removal of terraces, the building of extensions onto the terraces, the removal of porticoes etc. along the entire stretch of waterfront right into the head of the bay, a scenario that SCH did not take into account.
  - iv. the masonry blocks of the terraces are **too severely eroded to be able to carry any structural loads** and incorporation of the terraces within the development is also precluded due to the severe salt penetration/chlorination; the stones are beyond repair and in fact the building is in a very dilapidated and collapsed state.

All these reasons had been fully and comprehensively submitted in writing to the PA in the above-mentioned **report of the 11<sup>th</sup> May 2020**, which report we would kindly ask the board to consider in detail, an exercise which the EPC failed to do, as attested by the EPC Chairman's cutting us short during the last EPC hearing of our application.

On this **procedural point**, we would like to kindly submit to the EPRT that we were not given the chance or opportunity to rebut the SCH recommendations in the manner we justifiably intended. We started to explain our arguments (those noted above) but after a while, the chairman of the EPC said that the recommendation was to refuse and that 'we had said enough' (*ghidttu bizzatejjet*), although we reiterated that we had more to say. The Chairman cut the matter short, did not allow us to continue and asked the other members to vote (*se ngħaddu għall-vot*), which they did without delay.

We were ready and prepared to discuss **other options** and to ask for the opportunity to submit **other solutions**, but this was not granted on the grounds that the recommendation was 'to refuse'. In our opinion, such a recommendation does not justify an order to silence us, and therefore we are **officially protesting** on this point of procedure at EPC level and asking for a remedy by this Tribunal.

Moreover, since the issue of the DPAR, and before the EPC hearing, while researching on **similar case studies**, we discovered two planning cases involving SCH matters which strengthen the argument in favour of our proposal. We were ready and prepared to submit all this orally to the board for its consideration, but we were





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unfairly cut short, as stated above, without being given the **procedural opportunity** to do so by the inappropriate action taken by the chairman of the EPC.

**2. Reason for Refusal 2.**

We had intended to tell the board that this reason for refusal could be easily remedied and addressed by complying to the PA's request with revised drawings with respect to the distance of balconies to the party walls according to the provisions of Guidance 46 of the Development Control Design Policy, Guidance and Standards 2015.

However, for reasons stated above, we could not orally put forth/submit our intention to the board, as the board made short shrift of our 'discussion'.

For reasons stated above, we kindly ask the Tribunal to overturn the EPC decision on PA/01550/20 by granting permission for the proposed development.

Kind Regards

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William Soler  
Senior Architect  
DeMicoli & Associates

Encls: Receipt of Payment for Appeals  
Copy of DPAR  
Site Plan