



Architecture Structural Engineering Project Management

Perit David Ellul Mercer

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The Chairman

PA Appeals Board

Re: Appeal the Decision of PA/02610/21



To Whom it May Concern.

I am writing to you on behalf of my client Mr. Matthew Abela Gauci, applicant of the above PA/02610/21 application.

We are appealing the decision to refuse our application for the change of use of a garage to a class 4A shop on grounds that a similar if not identical application PA/03515/20 a few doors down within the same street and scheme was submitted to the planning authority and approved on 5th August 2020.

Upon analysing the planning process of the other application, it was noted that it was originally recommended for refusal for the exact same reasons as our application word for word, and yet the board went on to accept the application.

The grounds of refusal for both applications where as follows:

“The proposed development runs counter to the provisions of policy NHHO 02 of the North Harbour Local Plan which do not list Class 4 units as permissible uses in Residential Priority Areas. The Partial Review of Subsidiary Plans: General Policy relating to Regeneration/Consolidation Initiatives cannot be adopted in this case, since the site is located within a Residential Priority Area, The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas”.

In spite of a similar situation, our application was refused as follows:

“The proposed development runs counter to the provisions of Policy NHHO 02 of the North Harbours Local Plan which does not list Class 4A Offices as permissible uses in Residential Priority Areas. The Partial Review of Subsidiary Plans: General Policy relating to Regeneration/Consolidation Initiatives cannot be adopted in this case, since the site is located

within a Residential Priority Area, The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas”.

The other one was approved as follows:

“Board noted the small scale of the proposed class 4B and is of the opinion that it would contribute to the amenity of the area, this in line with SPED UO 3.2 and TO 1.5. The scale of the proposed shop is a local use in line with Local Plan NHHO-02”

Considering that ours too is a small scale (being just a 1 car garage exactly like the other one) and it too will contribute to the amenity of the area the refusal of said application is discriminatory to my client. How is it fair that one is approved just a mere year ago and ours blatantly refused.

I kindly ask you to review this decision and overrule it for a favourable one.

Yours truly,

A handwritten signature in black ink, appearing to read 'Perit David Ellul Mercer'. The signature is written over a horizontal line. The ink is somewhat dark and the strokes are fluid and cursive.

Perit David Ellul Mercer

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