



Thursday 23rd September 2021

The Environment and Planning Review Tribunal

<i>Works</i>	Demolition of existing structure and construction of 4 basement garages, 1 ground floor maisonette, 3 overlying apartments and 1 receded penthouse.
<i>Location</i>	42, Triq Tal-Mirakli c/w 50/ 52/ 54/ 56, Triq N. Cottoner, Lija
<i>Applicant</i>	Raygine Developers Ltd Attn: Mr Raymond Briffa
<i>OUR REF</i>	--
<i>PA No.</i>	3362/20

On behalf of Mr. Antoine Borg Micallef (ID no. 221388m), resident at 21, Triq Sant' Andrija, Lija and in relation to the above mentioned approved third party application (PA/3362/20 – decision published 25/08/2021), the appellant feels aggrieved by this decision and is hereby submitting this appeal.

To this end, please find attached the following:

- A copy of the decision Notice (DocA1)
- A copy of the approved site plan (DocA2)
- Receipt of Payment (DocA3)
- Drawing of the approved vis-à-vis the actual proposed streetscape (DocA4)
- Photos of existing streetscape in between UCA & proposed site (DOCA5)
- Photos from appellant's property showing existing blank party walls (DOCA6)

The claims raised by the appellant are the following:

1. **The streetscape analysis provided during application stage is both incorrect and misleading, which has in turn resulted in a poor transitional solution as required by DC15.**
 - 1.1 The approved streetscape analysis along Triq N.Cottoner (Doc 303g in PA/3362/20) was drawn in a way that portrays the above proposed development as being 4 plots away from the UCA boundary. In actual fact – vide DOCA4 & DOCA5 – there is **just one plot** consisting of a ground and first floor maisonettes separating the proposed development from the UCA boundary. This implies that the proposed development lies within the transition zone to the UCA as referred to in Policy P6 of DC15.



- 1.2 The elevation shown in between points B and C on the approved streetscape analysis are actually **perpendicular** to the street and should have not been included in the analysis. This is a developed elevation which is not what one actually sees on site, vide DOCA5.
- 1.3 Including the extra 7m frontage (points B to C) in the streetscape analysis gives a **false impression** that the proposed development is further away from the UCA boundary.
- 1.4 Policy P365 of DC15 states that *"In the case of Urban Conservation Areas, the height limitation is established following the streetscape analysis in line with Policy P35. The design of such development will ensure that (a) its profile and building envelope, including boundary/parapet walls, are compatible with that of buildings on the adjoining plots (b) it is visually appropriate and will not result in excessive bulk or mass.....in the case of two differing height limitations, the projected topography profile will always be projected upwards to the lower height limitation. The building will subsequently be stepped such that at no point along its depth the height limitation is exceeded, unless compensated by an equivalent area measured along the section of the building and provided that there will never be more than a 3.4metre high wall, measured externally. Furthermore, such a building profile will enable the opening of apertures as opposed to generating blank walls."* The proposed development will have a building envelope which is **not compatible** with the adjoining plots and shall result in an **excessive bulky mass** when compared to the UCA area close-by. In addition, the building is **not stepped and exceeds the façade height limitation with no compensation of an equivalent area** along the building (vide DOCA4 – actual streetscape elevation). In fact, all the floors are built to their maximum scheme potential save for small 1m deep by 3.5m wide terrace at third floor level and a 2m side setback at penthouse level.
- 1.5 At consultation stage during the application process even the Superintendence of Cultural Heritage objected in view that the *"proposal would not permit an appropriate transitional height and design immediately outside this protected area"*.



2. **The façade along Triq N.Cottoner reads as 6 floors as opposed to the 5 floors specified by Policy P35 of DC15.**

2.1 Policy P35 of DC15 states that *“a street façade of 14.1 metres, where the total height is 17.5 metres – no more than five levels above the highest pavement level”*. The **proposed development reads as 6 levels from Triq N.Cottoner** and not 5 levels. This issue was **also brought up in the DPA report by the case officer** as follows: *“This difference in the topography of the site, will result in 6 levels, when seen from Triq N. Cottoner, which is in conflict with the provisions of policy P35 of the DC15, which limits the number of levels to 5 for development with a height limitation of 14.1m / 17.5m. The architect was requested to remove the type one basement from the upper street and provide only 1 garage access to the proposed parking. Revised proposal still did not address this issue and hence proposed number of levels cannot be positively considered”*.

3. **The development as approved will result in an increase of blank party walls directly overlooking a UCA area.**

3.1 The higher this proposed development will be the **more difficult it will be to achieve a transition** between the scheme and UCA designated area. The one plot in between will not be enough in the event of future development to make a sensible transition from both a massing and blank party wall perspective.

3.2 The existing approved permit will result in a **7.85m (circa) high blank party wall**, over the already existing 4.4m (circa) third party blank party wall directly abutting the garden.

3.3 The 1m setback at third floor level has **no significant impact on reducing the blank wall effect** and is just an illusion in the elevation drawing. If a side elevation of the same party wall was provided one will notice that this will only result in a small setback of just 3 square metres compared to the 25 square metres blank wall at that same level, without taking into considerations the underlying blank wall.



- 3.4 As pointed out by the Superintendence of Cultural Heritage during application stage only by reducing the proposal by one full floor and receding away the top floor can a proper transitional height and design be met: *"This office strongly recommends an overall reduction of the proposed height by one full floor. Furthermore, SCH recommends the receding of the top floor away from the protected area, in order to facilitate transition into UCA."*

In view of the above, and further submissions that the appellant reserves the right to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to review once again the permit with a proper submission of the existing/proposed streetscape by reducing the proposal by a full floors as to achieve a proper transitional solution outside of the Urban Conservation of Lija, and this under those terms and conditions that the Tribunal may deem appropriate.

Regards,
Perit Andrew Farrugia