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28th September 2021

The Chairman,
Environment and Planning Review Tribunal
Block B, St Francis Ditch
Floriana.

Sir,

Re: PA/08765/20



Applicant: Louis Stellini - 8, Triq Marija Bambina, Xaghra

Description of works: To propose internal alterations to the existing residential dwelling from PA/02108/19 including; a shift in the location of the lift and new internal openings, to propose an extension at 2nd-floor level and construction of washroom at receded floor level.

On behalf of Louis Stellini, I am hereby filing an appeal against the decision taken by the Planning Authority on the 1st of September 2021 and published on the 15th of September 2021.

The application was refused on the basis that:

"1. The proposed development runs counter to the provisions of policy P1 of the Development Control Design Policy, Guidance and Standards 2015 which specifies to take into consideration the existing legal developments on site. 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.

2. The proposed development runs counter to the provisions of policy G3 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that design interventions in terms of urban form and architectural quality will be gradually and incrementally introduced in order to achieve a better transition between developments while safeguarding the qualities of the more sensitive area. 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"

It is submitted that this is absolutely incorrect both at law and in fact.

Preliminary Issue

That primarily the appellant wishes to point out that this application was appointed for the first time to be heard on the 1st of September 2021 and the architect on that date had to attend a Court sitting wherein she was summoned as a witness and asked for an adjournment, which request is duly documented. A copy of this request sent via email by Architect Deborah Busuttil is being hereby attached and marked as Doc A.

Despite this being the first sitting and despite the fact an adjournment was requested the Board decided to ignore the request for an adjournment and subsequently passed on to decide and reject the present application.

That the right to a fair hearing was thus manifestly breached and no opportunity was given to the applicant to substantiate and justify his application during the sitting.

Merits of the Case

In the first reason for refusal the Board decided that it is seeking to protect and enhance the character and amenity of urban areas. What needs to be pointed out is that the proposed development seeks to develop the property into a dwelling and not some hideous, small apartments. Thus the uniformity will not be lost. The character will remain the same. The applicant feels that there absolutely no value in the present facade, and in fact there is no recommendation for this to be retained. The area is slowly evolving and the present application seeks to continue this evolution.

More importantly the site is already covered with another planning permit, specifically PA 2108/19. In fact the present application seeks to obtain a permit to carry out internal alterations to the existing residential dwelling from PA/02108/19 including; a shift in the location of the lift and new internal openings, to propose an extension at 2nd-floor level and construction of washroom at recessed floor level.

Thus the changes being proposed between the present application and the permit already issued being PA/02108/19 are minimal. One of the main differences is ironically enough that the height of the proposed development shall be lower than which was already approved in PA/02108/19.

Additionally in the same street there is already a property which height is considerably higher than the present application re-enforcing the fact that there is considerable commitment in the area and the proposed application is well within what is already built in the area, thus keeping the same style.

The second reason for refusal is very similar to the first refusal being that development application should achieve a better transition between developments while safeguarding the qualities of the more sensitive area. As explained in the previous paragraphs the proposed development was well thought and does not have any features which do not go in line with the developing trend in the area.

In fact in the area there are also development commitments, including but not limited to the planning permit which the appellant already possesses, being PA 2108/19.

In view of the foregoing it is being respectfully requested that this Board overturns the decision reached by the Planning Commission on the 1st September 2021 and published on the 15th of September 2021 and grants the permit being sought by applicant.

Evidence of the payment of the relative fee is attached to this appeal.

**Av. Daniel Calleja
83, Triq Sir Luigi Camilleri,
Rabat, Ghawdex**

AIC Deborah Busuttil