

Environment and Planning Review Tribunal
 Block B
 St Francis Ditch
 Floriana



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Our Ref: OV003

22 October 2021

Dear Sir/ Madam,

RE: Appeal to PA 8623/20

I am writing on behalf of my clients Ms Marthese Vassallo and Mr Louis Borg regarding planning application **PA 8623/20 To construct a terraced house and to extend an existing dwelling** at 9, Triq Sansun and Alley off, Triq Mikelang Sapiano, Xewkija. Permission has been granted on the abovementioned planning application and the decision publication date is 29.09.2021.

The proposed development is being contested as the construction of a terrace at receded floor level will result in direct overlooking onto my client's property at No 9 and 10, Triq San Gwann Battista, Xewkija (currently on a promise of sale agreement to purchase the property). In addition, according to drawing PA/08623/20 - 62d, the internal yard is bounded by a low wall which will result in overlooking from the ensuite bathroom and an eye sore to my client when services are installed within the internal yard. Kindly refer to the attached block plan showing the location of my client's property (in red) and the proposed terrace and internal yard (in green).

As per **Development Control and Design Policy, Guidance and Standards 2015** consideration of the neighbouring residential amenity is a key parameter of good design and is an issue tackled specifically in **Section 4, Architectural Quality** of the document.

Policy P45 highlights the importance of design with high amenity standards, specifically: "*development will be required to provide high amenity standards, in relation to visual and aural privacy in line with the provisions in Policy P41 and Standard S7.*" Unfortunately, the approved development compromises the amenity of the client's property as it detracts from the visual and aural privacy.

In line with the above, **Section 4.6 Architectural Quality** – Quality checklist for Periti, Assessors and Decision Makers includes neighbourhood amenity as a parameter to be considered for proposed developments. More specifically it questions: "*Is the development a good neighbour to adjoining buildings or public areas? Are the proposed uses compatible?*"

Furthermore, **Guidance note G20** regarding setback floors and horizontal additions states that: "*They should not unduly affect the amenities of the neighbouring properties in terms of daylight, outlook and overlooking.*"

It also states that:

"In all situations, the effect of such additions, extensions and alterations on the amenity of adjoining properties should be considered, and every effort made to minimise any potential adverse impacts".

The proposed development goes counter to all of the above policies.

Other policies tackle similar situations such as P22 which does not allow permanent access to or use of the roof of a garage in the side curtilage of a house as it results in overlooking onto the neighbouring property.

The development covered by PA 8623/20 is surrounded by third party properties. In such situations it is not permissible to construct windows in the party walls as they result in direct overlooking onto neighbouring properties. In this case however a terrace with a 1m parapet wall was allowed on my client's party wall, the terrace is in fact directly above the garden and pool area of my client's property.

For the above reasons the decision is being contested and I kindly request that the proposed development is re-considered to ensure that there is no adverse impact on the neighbouring properties, in particular with the issues raised above.

Please refer to the attached drawings:

OV003 A001: Block Plan

OV003 A002: Floor Plans

PA 8623/20 Permit drawings

Kindly contact the undersigned should you require further details.

I look forward to receiving your early response.

Yours sincerely,



Greta Caruana Smith

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cc Ms Marthese Vassallo and Mr Louis Borg