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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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ST. FRANCIS DITCH
FLORIANA

27th October 2021
Our Ref: 407/1826-31

The Chairperson
Environment & Planning Review
Tribunal
Floriana

PA 2141/21 – Appeal

I write on behalf of Mr Anton Schembri of Mon Dieu, No.178, Dawret Hal-Ghaxaq, Ghaxaq with reference to the decision dated 29th September 2021 by virtue of which the Planning Authority refused permission for the proposed development.

Refusal Reason 1:

The proposed residential development as part of the existing building, housing stables at the lower levels, is objectionable in terms of amenity, and runs counter to the provisions of policy P45 and G24 of the Development Control Design Policy, Guidance and Standards 2015 which specify that residential development must be designed to provide high amenity and accommodation standards. 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

1. *We bring to the attention of the Appeals Board that in a previous similar application on same site PA 2830/19– the Planning Commission Board did not find any difficulty to approve residential development on same site.*
2. *Added to this, and adjacent site PA 3900/19, for residential development, having the same constraints was approved a few months ago. We have also submitted a block plan showing location of a recent Permit issued PA 3900/19, where it was specifically identified that the underlying use was stables. DOC 84C*
3. *SEO had no issues with approving the proposed drawings, since these are perfectly in line with LN 227 of 2016.*

The residential development a triplex terraced maisonette, of generous proportions is in line with both P45 and G24, of the Development Control Design Policy, Guidance and Standards 2015.

With respect to the concern of the Planning Commission with respect to the ‘mix’ of stables and residential, we would like to point out that the ground floor is being proposed as a Class 4B shop, and the residence proposed is at first floor and upwards. Thus, there is a defined distance between the basement level use and the first floor.

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Moreover, we have searched plotting sheets to try to locate the underlying Permits. The only permit which was traced to the site is PAPB 382/72, which refers to; To affect additions and alterations at 1st and 2nd floor at an adjacent site on the right side of this proposal. No other permit has been traced for the underlying level, even though the properties have been re-developed circa 1980s. Thus the legitimacy of the underlying uses is not really established.

Finally, we humbly request the Tribunal to consider, that a decision on same site was taken recently for the construction of an apartment block PA 2830/19, which was later dismissed due to the non-submission of the UIF fees. Thus, the same Planning Commission had decided a few months before in favour of an identical residential proposal on same site.

For these reasons therefore we consider that this appeal should be upheld.

Encl. (1)	PA Decision;
(2)	Siteplan

Kindly acknowledge receipt of this letter.

Regards



Perit Robert Grech A. & C.E.