

20th April 2022

Submission of Appeal

The Secretary,
Environment and Planning Review Tribunal,
Floriana.



Dear Sir,

Application No. : PA/06419/21
Location : 4, 'Golden Wings', Flat 11, Triq Emvin Cremona c/w Triq R.
Caruana Dingli, San Gwann
Proposal : Sanctioning as built, not as approved in PA/3393/19.
Sanctioning includes a fixed canopy in terrace.

I am writing on behalf of the applicant, Mr Charlie Calleja, to submit an appeal against the refusal issued by the Planning Authority in respect to the above-mentioned application.

This refusal is dated 21st March 2022 and was published on 30th March 2022. A copy of this refusal is attached.

The reason given for the refusal were four and with regards to these reasons I want to point out the following:

- a) With regards to point (1) please note that the canopy is in fact retractable and the only fixed elements are the supports at the front.
- b) With regards to point (2) it is to be noted that the extension to the right-hand side bedroom is in fact a glazed extension of the bedroom. Two of the three walls forming this extension are made up of sliding doors, which can be opened to provide the required ventilation and provide more than enough light. Thus, the bedroom does not lack light and ventilation and, a light & ventilation report was prepared and submitted at the request of the Planning Commission, however it seems that it was not considered. A copy of this report is attached.



- c) Contrary to what was stated in (4) of the reasons for refusal, namely that there is an illegal development with regards to the subdivision of the penthouse unit at setback level, I want to point out the following:
- I. **The building is covered by Development permit PA/03393/19 issued on the 13th January 2020. One of the Approved Documents of this permit is PA/3393/19/98A. This consists of the plan of the Penthouse Floor, which clearly shows two penthouses at Proposed Penthouse Floor.**

Furthermore, applicant bought the premises completed and fully serviced, which shows that a compliance certificate for the premises had been issued by the Planning Authority.

Similarly, the second penthouse is also serviced with water and electricity which also means that a compliance certificate had been issued by the Planning Authority.

This clearly means that applicant's property conforms to that approved by Drg. No. PA/3393/19/98A, which was submitted and approved after Drawing No. PA/3393/19/57C, which is quoted in the DPA report.

In fact, the list of Approved Documents does not include Document No. 57C but Document No. 98A. A copy of this approval is attached.

Applicant cannot be held responsible for any shortcomings by the Planning Directorate.

The above was discussed during the hearing with the Planning Commission who agreed with the argument put forward, but it was still included in the refusal of the application, as one of the reasons of refusal.

- d) With respect to point (3) of the reasons for refusal, it is being stated that the structure encroaching within the setback area does not respond to the overall design aspect of the approved building, and thus runs counter to the provisions of Guidance of G50 of DC 2015 which specifies that the use of materials should not be incongruous on lead a lack of unity or cohesiveness in the building appearance.

I want to point out that by virtue of development permit PA/05222/20 the construction of a demountable structure in the front garden was approved. The materials and construction of this structure is identical to that of the canopy, subject of this application. In view of this, it is felt that this is definitely not a valid reason for the refusal of this application. Attached is a copy of the elevation of the building, as approved by the development permit PA/05222/20, which shows the structure in the front garden.

In view of the above, the applicant is hereby respectfully requesting the Environment & Planning Review Tribunal to rescind the decision and issue the relative development permit.



VELLA, MICALLEF & ASSOCIATES

ARCHITECTS & CIVIL ENGINEERS
120, Triq il- Haddiema, Zurrieq.

Further documentation, including photos, will be submitted during the course of the hearing of this appeal.

I also request the following to be summoned as witness, during the course of the hearing, namely

Mr Neville Mangion – Case officer
Perit Joseph Bezzina – Planning Authority

Whilst thanking you for your attention, I remain

Yours faithfully

L. Micallef, A. & C.E.
Warrant No. 98