

MFF/ic/2463

The Secretary,  
Environment and Planning Review Tribunal  
PO Box 172  
Marsa



Dear Sir,

**Re: PA 6470/16 – Site at 63, Triq is-Santwarju – San Gwann**

On behalf of applicant, Mr. Sandro Bianco we are herewith appealing against the refusal of the above permit as per notification dated 15<sup>th</sup> February 2017.

The reason for refusal claims that the proposed depth and height of development do not conform to a decision taken by the Environment and Planning Review Tribunal on a development application for the same site in viz. PA 3763/14. Moreover, it states that the proposal is in conflict with Policy P6 and Guidance G3 of the DC 15.

In this connection, we submit that:

1. The proposed back elevation has been abundantly receded at the levels overlying the first floor from the change in land-use zoning as indicated in the Policy Map of the North Harbour Local Plan.

In fact, the Residential Area as indicated in the North Harbour Local Plan extends into the garden much more than what has been actually proposed to be developed and therefore the claim that the proposal infringes Policy P6 and Guidance G3 of DC 15 is not correct.

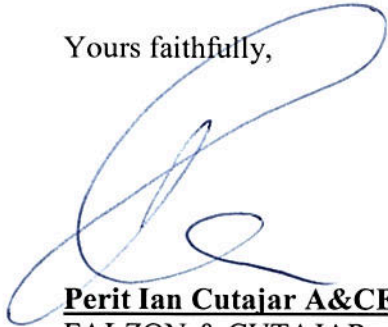
2. Contrary to the situation of the properties owned by the objectors, the back elevation has been in fact designed so as not to overlook the existing villas situated on Triq il-Pellikan and Triq l-Ortolan. The apertures at the back have been oriented and overlook the applicant's own garden so as not to overburden the villa area with additional lack of privacy that the villa owners currently have to accept as a result of the position of the other existing apartments, most of which are in fact owned by the objectors of this application. In fact, the owners of the villa properties have not objected to the proposal, either as per this application or in the previous application PA 3763/14.

Without prejudice to the above, we would also submit that the area is committed with similar buildings and therefore the proposed development is also in conformity with the Partial Review of Subsidiary Plans: general policies relating to regeneration/consolidation initiatives and to the Development Planning Act 2016 Article 72 (2d).

We therefore submit that the proposed development should be approved and the requested permit should be issued.

Appellant reserves the right to submit further written and oral submissions during the hearing of the appeal.

Yours faithfully,



**Perit Ian Cutajar A&CE**  
FALZON & CUTAJAR  
Architects and Civil Engineers.