

2nd party

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The Environment and Planning Review Tribunal
St Francis Ravelin,
Floriana



Dear Sirs,

Re: Appeal against Planning Application - PA/04174/16.

I wish to appeal the decision taken by the Planning Commission on the 17 February 2017 on the merits of Privacy which this development will prejudice my private property and residence.

Referring to the DEVELOPMENT CONTROL DESIGN POLICY, GUIDANCE AND STANDARDS 2015, 4.1 NEIGHBOURHOOD AMENITY, 4.1.3 PRIVACY BETWEEN BUILDINGS (P41), the latter stating that:

"No window or balcony will overlook the aperture of a habitable room of another dwelling, except where the distance is equal to, or greater than, the distance specified in Standard S7 or where privacy may be ensured by aperture design or the provision of screening. In the case when the distance is less than that specified in Standard S7, provision is to be made for the staggering of apertures such that they will not be directly opposite one another, if the plan configuration and façade proportions permit."

PRIVACY STANDARDS (S7)

"In new large-scale and comprehensive developments, there will be a minimum separation of 6 metres between the main apertures of habitable rooms, where these directly overlook another dwelling."

The Development under reference PA/04174/16 is adjacent to my private residence (house) and overlooking my garden at the rear. The layout plans on the first floor show a balcony overlooking the internal court yard of my residence across the corridor of the house each having three windows that overlook my living room, study, bedroom and bathroom. The layout plan on the second floor show a window of a room labelled study which overlooks the same rooms in my house. The distance between the apertures of the proposed development in PA/04174/16 to the rooms of my house is 3.5 metres. In addition the apertures in the proposed development are directly level to the apertures in my home.

Finally, the drawings as submitted for approval were quite misleading since it appears that the area behind the garage is a backyard. Infact the garage is fully surrounded by my property and hence the back balcony at first directly overlooks this property.

In view of the above I kindly ask the Tribunal to reject this application or else amend the application in such a way that the party wall is raised to a height that protects the privacy of my dwelling. In the meantime we reserve the right to present further comments/submissions during the course of the appeal.

Whilst thanking beforehand I look forward to your reply.

Mr Joe Avellino.

cc: Perit Henry Attard; Dr. Mark Simiana