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**Date:** 10<sup>th</sup> May 2017  
**Ref:** 194-14

Environmental and Planning Review Tribunal  
 Block B,  
 St. Francis Ditch,  
 Floriana



*Re: PA/ 07310/16 – To sanction internal and external as built variations, construction of pool and basement*

On behalf of applicant Mr. Alan Agius

Following refusal decision notice of the 19<sup>th</sup> April, please see reasons for refusal and counter arguments below;

*Reason 1: The proposed development runs counter to the provisions of policy NHSE09 of the North Harbours Local Plan which specifies that with regards to category B streetscapes, only minor alterations to the facades (e.g. changes to apertures), over and above those allowable in Grade B+ may be allowed, provided that traditional proportions, fenestration, architectural characteristics, materials, colours, detailing and textures are used. The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas*

This application is not proposing new changes to the façade, more than what was already approved in PA/01035/15. In fact, it only seeks to make a minor change to the position of the door to make it more symmetrical with respect to the aperture above and the window on the same level.

*Reason 2: The proposed development is incompatible with the urban design and environmental characteristics of the Urban Conservation Area. It would not maintain the visual integrity of the area and so does not comply with Urban Objectives 2 and 4 of the Strategic Plan for Environment and Development.*

The applicant intended to create these cornices using stone moulding that will be attached to the façade stone work. This work has been done in the meantime. The end result will not be different to stone moulding that is an integral part of the door jamb. Nevertheless, if this method is still a problem with the directorate, the applicant was willing to do the necessary structural works to change the masonry around the door to incorporate the moulding within the jamb masonry. Furthermore, we were not informed that the system proposed was unacceptable to the directorate prior to the case officers report.

Reason 3: The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms of article 11 (2C) which states that for non-habitable spaces in basements only, a warranted engineer certifies that they are adequately ventilated and illuminated for their intended use

We understand that this reason for refusal is due to the fact that the Engineer's report that was submitted was incomplete or had a missing reference to a standard. An engineer's report was however sent. The engineer delayed the submission of the updated report due to unforeseen reasons and the deadline elapsed. This was submitted following the case officer's report.

Yours sincerely,



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**Mark Arrigo**

B.E. & A. (Hons), M.Sc.(Surrey), A. & C. E.