



Environment & Planning Review Tribunal
Block B, St. Francis Ditch,
Floriana

12th July 2018



Case Number: PA/03420/17
Location: 76, Triq it-Teatru L-Antik c/w Triq Zekka, Belt Valletta, Malta
Proposal: Demolition of existing offices at 1st, 2nd and 3rd floor level and construction of 5 residential units (Class 1)

Dear Sir / Madam,

Reference is made to the planning application mentioned in caption which was refused on the 1st of June 2018. Decision was published on the 13th of June 2018.

The application was recommended for refusal as per Summary below:

The proposed development is not acceptable since the proposed structure at roof level would have a negative impact on the Area of High Landscape Value and therefore does not comply with DC2015 and Strategic Plan for Environment and Development, 2015 in terms of building height and visual impact

Reasons for refusal:

1 The proposed overall height (setback floor) of development runs counter to Urban Objectives 2.3 and 2.4 of the Strategic Plan for Environment and Development which promote a context driven approach for the control of building heights within Urban Conservation Areas in order to protect the traditional urban skyline.

2 The proposed development runs counter to the provisions of policy P39 of the Development Control Design Policy, Guidance and Standards 2015 which requires setback floors not to intrude into important long-range or short-range views. 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.

3 The proposed overall building height (setback floor) conflicts with Grand Harbour Local Plan policy GV 14 Urban and Architectural Design by which all new re/development schemes will be expected to observe specific design requirements which are in context with the area and skyline; as well as Grand Harbour Local Plan policy GB08 Height Limitations which states that in the consideration of applications which include changes to existing building heights, the Planning Authority will adopt a flexible attitude which will take account (amongst others) of the following criteria: i) the Urban Conservation Area status; ii) the roofscape;

iii) the skyline when seen from outside the site area; viii) any other relevant planning consideration.



Documents 110f – Montage A, 110g – Montage B, 110h – Context Analysis and 110i – Planning Analysis were submitted for the board's consideration with respect to the reasons for refusal as stated above, however the board did not go into any merit of the validity or otherwise of the documents and outright refused the application on the first sitting without giving the undersigned chance to discuss any change to the proposal.

Further to the above the applicant and the undersigned were requested by the Superintendence of Cultural Heritage to provide various documents and agree to a site visit. Photographic surveys of the interior and of the exterior, a condition method statement of the building and a report of the historical phasing were provided, and a site meeting was set on the 8th of May 2018. During the visit representatives of the SCH commented that the proposed demolition of the upper floors was deemed acceptable but raised concerns about the receded floor – as expected in line with case officer's comments; and suggested that the timber balcony at first floor is retained. The following day (9th May) the DPA report was issued, however SCH did not provide the undersigned any report or otherwise that include the comments made on site, hence their original recommendation remained in view of the fact that there was time for them to update their recommendation. Various attempts had been made prior to the submission of this appeal to get a written confirmation in this respect, but all failed. Following the site meeting of the 8th of May the applicant was ready to remove completely the receded floor and retain the timber balcony as requested by SCH, however during the board meeting the undersigned was not given the chance to put forward this proposal.

We thus feel that the whole of the application was unjustly thrown of the window on minor matters that would have been easily addressed, and for which a second hearing is usually reserved. Moreover the final proposal presented was in fact already a reduction from the original submission; 4 apartments instead of the original 5 submitted, thus removing the receded floor would only have deducted one bedroom from the top duplex apartment. A very minor change when considering the whole proposal.

Perit Mark Abela

Warrant no: 626

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