

Perit A. Fenech Vella B.Arch, A&CE, ACI Arb

Architect & Civil Engineer (Warrant No 73), Arbitrator

Office : 45, Ta Xbiex Seafront, MSIDA. MSD 1514

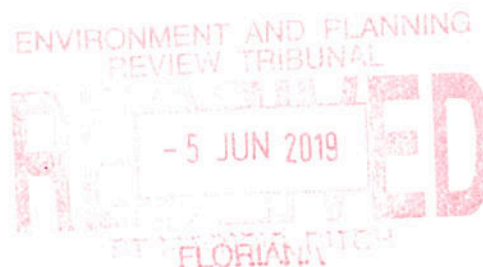
tel : +356 21340369 fax: +356 21310882

e-mail : peritafv@afv-arch.com

our ref : 19001-22

01/06/2019

The Chairman,
Environmental & Planning Revision Tribunal
P.O. Box 172
Valetta CMR 02



Sir,

RE: PA06196/18 MOSTA

On behalf of my client, Roderick Muscat (ID Card No 0415080M), I wish to lodge an appeal against the approval of a minor amendment issued on the above application for extensions to the back balcony of a new top flat of an apartment block which was approved with the main application.

He was a registered objector to the main application and corresponded through his email anony4456@gmail.com.

The reasons for our appeal are based on Sanitary issues based on LN 227 of 2016 since the size of the yard is critical in that it is the end of the arrow shaped site and in fact ends in a point and is therefore, already below the standards required by law and cannot afford to be reduced on the basis that the law is there to ensure sufficient natural light and ventilation not only to the upper unit but also to the underlying tenements.

Whereas one may contend that technically the approval is correct if one were to examine only the cross section passing through the centre of the receded floor's back door, as the depth of the back yard is 3.0 m and so satisfies Art 16, and , if considered as a backyard can take a 1m projection.

However ,it does not satisfy Art 13(2) , which states that

"Every dwelling, except for corner dwellings, with a depth of more than 15m, requires a backyard equivalent to at least six metres width or to the entire width of the plot width if such plot width is less than 6m..."

As things stand the clear space of the yard is barely 2.7sm when the smallest, even for an internal yard is set at 4.5sm; reducing the larger opening at roof level, as approved at 5sm to this amount will destroy even this limited light to enter into the already over cramped shaft.

Considering also the proposed construction of the 2 side wing walls, the negative effect is even greater

It is also arguable that one can interpret this as a corner site as the facade has only a splayed alignment and is not a true corner where the law and practice have eased on the backyard and light shafts due to the fact that true corners have rooms with all round exposure to the streets. In this case in fact the plan is based on what would be a narrow site but with slanting part walls and whether the facade is splayed or not does not have any effect on its layout.

In view of the above, I, therefore respectfully ask your tribunal to examine this case in the light and spirit of the law and it's objectives because, after all, it's main aim is to protect healthy living. The proposal is not a temporary measure but one that will effect continuously and uninterruptedly the health of the underlying tenements .

We therefore, kindly request you to revoke this approval. Thank You.

A handwritten signature in blue ink, appearing to read 'Anthony Fenech Vella', with a long horizontal line extending to the right.

Anthony Fenech Vella A&CE

Encl: Copy of Permit/ Levy Payment/Site Plan/