

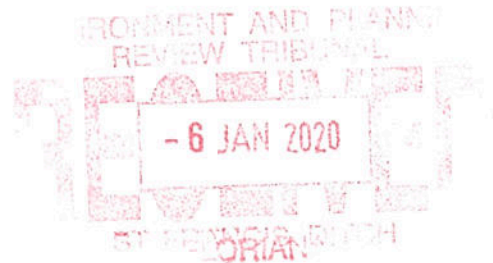
9
PA

Perit Pierre Sapiano
10, West Street, Naxxar, NXR 1431
Tel. 79256978
Email: pierresapiano@gmail.com

The Chairman
EPRT
St Frances Ravelin
Floriana

4/1/20

Dear Sir,



RE: *Appeal from decision taken on PA 4266/19*
Location: 29 Maria Aurora, Triq il-Gradilja, Attard

I am hereby submitting an appeal against refusal on PA 4266/19, which application has been refused for the following reasons:

1 The proposed development runs counter to the provisions of policy P31 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that a minimum of 20% of the site area, or in case of existing developments not less of what was previously approved, shall be provided for soft landscaping. 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.

2 The proposed development runs counter to the provisions of policy P28 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that the proposed site coverage shall not exceed 40% of the site area or, in case of approved development, shall not exceed the percentage that was previously approved. 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.

SITE COVERAGE

One of the reasons for refusal is based on the fact the proposed site coverage is exceeding that approved in original permit PB 2621/84. The directorate concluded that the site coverage approved in PB2621/84 is 41.18% while that being proposed is 42.36%.

We contend that the original approved drawing is subject to interpretation and in our opinion and calculations, the approved site coverage is closer to 42%, contrary to what the directorate is concluding. Furthermore, we contend that the marginal increase in site coverage can be favourably considered on the basis of commitment following DC 2015 policies P1 and P28.

The site in question forms part of a row of 20 semi-detached dwellings that are surrounded by terraced development on one side and ODZ land on the other. 18 out of these 20 villas have a footprint well in excess of the 40% threshold, as summarized in the following table.

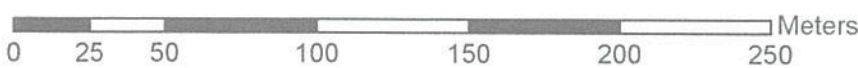
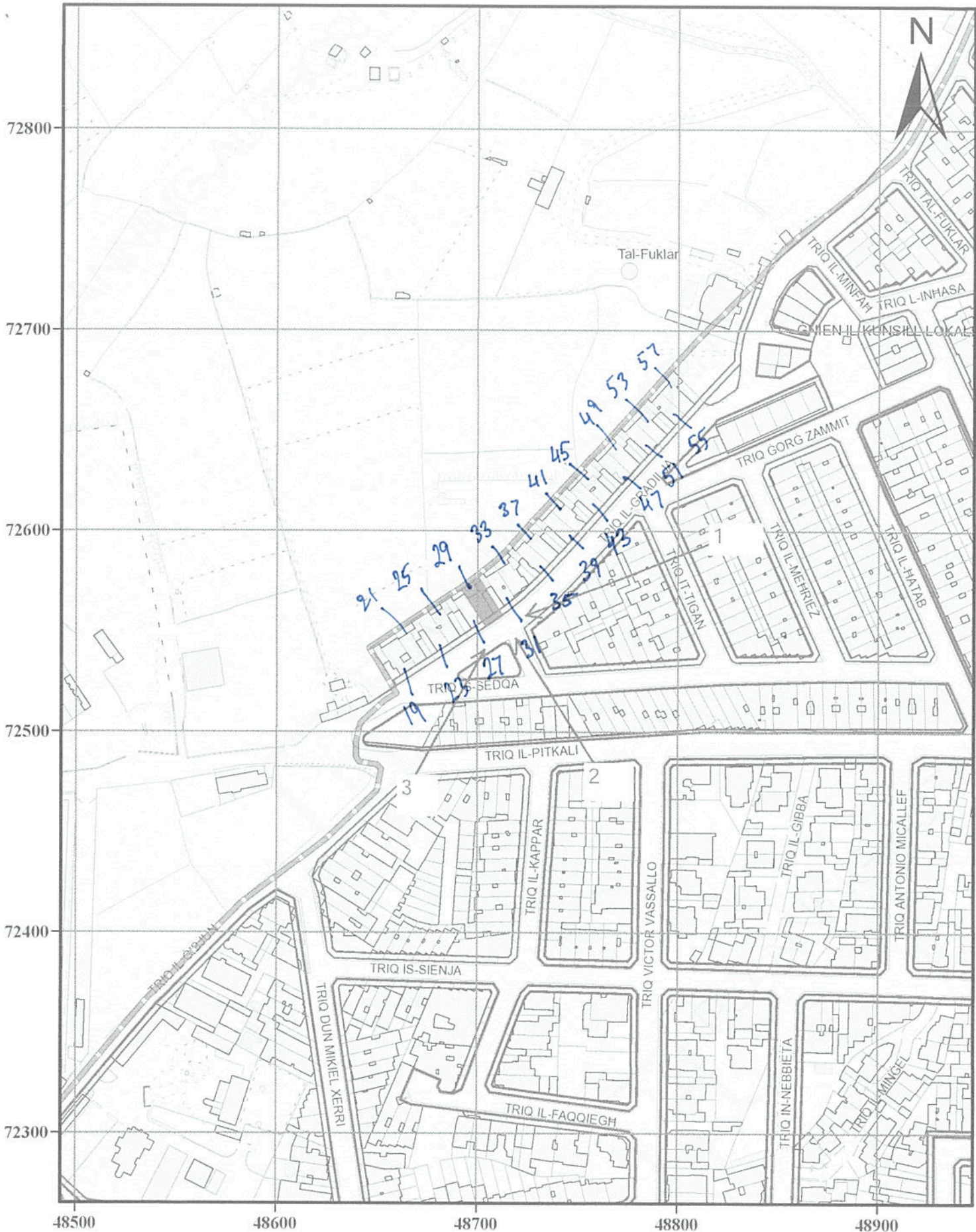
Perit Pierre Sapiano
 10, West Street, Naxxar, NXR 1431
 Tel. 79256978
 Email: pierresapiano@gmail.com

door number	site coverage	measured from
19	51%	PA 2471/07
21	48.44%	aerial maps
23	50.40%	aerial maps
25	49.35%	PA 186/16
27	48%	RG 4197/17
29	42.36%	PA 4266/19
31	50.08%	aerial maps
33	46.68%	PA 5324/19
35	48.60%	DN 571/05
37	44.37%	PA 557/09
39	>50%	PA 5992/09
41	NA	
43	>50%	PA 7053/17
45	NA	
47	>50%	aerial maps
49	>50%	aerial maps
51	>50%	PA 3209/18
53	44%	aerial maps
55	49%	aerial maps
57	46.20%	RG 1831/18

Established percentages have been taken either from approved drawings, (the table above provides the relevant Planning Application number), or, in cases where such drawings were not available, a measurement using aerial maps was taken, and relevant percentages worked accordingly. A site plan indicating the door number of every property is also being attached.

Generally, all plots being considered have a common rectangular configuration having an area of around 225sq.m. with a 3m front, side and back garden. Such configuration results in a percentage footprint of close to 50%.

Highlighted in yellow is the applicant's property showing the lesser site coverage of all plots. Policies P1 and P28 in DC 2015 clearly specify that proposals should be considered in the light of existing commitments in the immediate vicinity. The entire villa area has been assessed and the level of commitment of coverage that is actually in excess to that proposed by the applicant is high at 90%.



1:2,500 Date Printed: 17/03/2019

Public Geoserver

Compiled and published by the Mapping Unit, Planning Authority ©PA.
 Reproduction in whole or in part by any means is prohibited without the prior permission of the Mapping unit.
 Data Captured from: 1988, 1994, 1998, 2004 & 2008 aerial photography and updates from 2012 orthophotos.
 Truncated U.T.M. Coordinates. Levelling Datum M.S.L. (Mean sea level). Contours when shown are at 2.5m vertical interval. Not to be used for interpretation or scaling of scheme alignments
 Copyright © PA - Planning Authority. Not for resale



PLANNING AUTHORITY
 St. Francis Ravelin, Floriana
 Tel: +356 2290 0000, Fax: +356 2290 2295
 www.pa.org.mt, mappingshop@pa.org.mt

Perit Pierre Sapiano
10, West Street, Naxxar, NXR 1431
Tel. 79256978
Email: pierresapiano@gmail.com

LANDSCAPING

The application has also been refused on the basis of lacking landscaping. The directorate is arguing that the proposed landscaping is less than that approved in PB2621/84 wherein total landscaping totaled 50 sq.m. while that proposed is just over 40 sq.m.

Once again, we contend that the originally approved drawings are subject to interpretation and we do not agree with the 50sq.m. figure established by the directorate given that in our opinion, the approved landscaping is closer to 45sq.m. this apart from the fact that policy P 31 states that the landscaping area should be 20% of the site area, which works out to close to 45sq.m.

Finally, we would like to bring to the board's attention that there are two landscaping zones, namely the front garden area, and the back garden area. The proposed front garden area matches perfectly that approved in PB 2621/84 given that the entire 3m front garden is being proposed for landscaping.

The back garden is lacking 5sq.m. however, one questions how are SPED objectives being hindered as a result of this minimal reduction given that the back garden is not visible from any point beyond the applicant's external boundary walls. We contend that the current proposal is a net improvement on the current situation given that the backyard is being enlarged and embellished through the shifting of the garage and the construction of a splash pool. In terms of landscaping, there is also a net improvement with a considerable increase in soft landscaping when compared to the current 1.2m deep landscaped zone.

Furthermore, following the same argument on the basis of commitment as established in policies P1 and P28, none of the other 90% of villas in the entire villa area are in line with policy P31, and for this reason also, we request the board to overturn this second reason for refusal.

Conclusion

On the basis of such issues, I request the EPRT to overturn the board's refusal to this development. I reserve the right to make further submissions as necessary.

Regards,



Perit Pierre Sapiano