



EDWARD SCERRI
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Our ref: C/R/L/O/A1

Our ref: PA5766/20

Date: 15th February, 2021

The Secretary
Environment and Planning Review Tribunal
PO Box 172
MARSA

REF: PA5766/20 – To construct a terraced house with underlying basement – site at Ta' Vincenzo, Triq San Lawrenz, San Lawrenz

Request for Appeal and request to suspend execution of permit

I am writing obo the following representees who are submitting a third party request for appeal with regards to the approval decision taken by the Planning Commission:

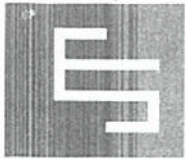
Paul and Carmen Caruana of
"San Gorg Preca", Triq Wied Merill, San Lawrenz

Roger and Janet Mayo of
St Anna Court, Flat 5, Triq San Lawrenz, San Lawrenz

Kevin and Cora Theuma of
St Anna Court, Flat 4, Triq San Lawrenz, San Lawrenz




Malta Architect Awards:
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Special Commendation in Innovative Design, Rehabilitation and Conservation 2017
Double Special Commendation in Public Open Spaces 2018



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Twanny and Tanya Axiaq of

St Anna Court, Flat 3, Triq San Lawrenz, San Lawrenz

Carmelo and Rita Calleja of

"Casa d'Amore", Triq il-Gebra tal-General, San Lawrenz

Lorenza Sciberras of

Annunziata, Flt 1, St Anna Court, Triq San Lawrenz, San Lawrenz

We are appealing from the approval decision re this development for the following reasons:

The development goes clearly against policy P33 of DC15 policy document which states clearly that:

Only one additional internal residential unit may be allowed subject to provisions in Policy P27, unless a Planning Control (PC) application is submitted whereby new public roads are formed within the proposal, such that all units within the proposed development front such public roads.

The space on which the proposed dwelling will have frontage and through which it will be accessed is not a public road. It is a private unsurfaced space through which only a number of garages have their access. There are no other approved dwellings which have their access from this space. The proposed development consists of a single garden with a single car garage. It is therefore clearly a residential development which qualifies as an internal development which is unequivocally not acceptable according to the above quoted policy. The space on which the proposed development will have a frontage cannot be even considered as a public alley, for the same reason being outlined above.



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In terms of DC15, the following is the definition of a public road:

Public road is a road established within the Local Plans or through a PC application, or any road that is maintained by the Local Council or the Transport Authority wherein the public has free, unencumbered and unrestrictive access and having a width defined by the Transport Authority regulations.

Given that the access of the approved dwelling does not have any other dwelling approved within this access and given that it does not fall within this definition of a public road as outlined above, the development does not respect policy P33.

The development goes against LN227/16 Development Planning (Health and Sanitary) Regulations which in article 11 states:

Each dwelling must have a frontage on a road, valley or coast.

The proposed dwelling does not have a frontage neither on a road, nor on a valley or coast. It will have frontage on a space which is beyond the space in front of the row of garages. Furthermore, the space in front of the existing garages is not a road. It serves as an access to this row of garages. Also as outlined above, the space does not fall within the definition of a public road. It must also be noted that the side garden does not overlook a valley.



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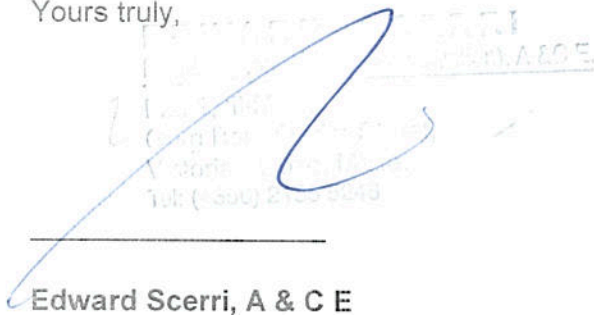
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Request to suspend execution of permit

Given that the execution of the development is premature prior to a decision being taken by the Tribunal and the execution of the permit would also irremediably alter the current characteristics of an undeveloped area, we also kindly request that the execution of this permit be suspended until a decision is taken with respect to this request for appeal.

For the above reasons, we respectfully ask the Tribunal to revoke the approval decision with respect to this application for development.

Yours truly,



Edward Scerri, A & C E



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