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ENVIRONMENTAL PLANNING  
REVIEW TRIBUNAL

16<sup>th</sup> February 2021

Refer: **Application PA/04048/20**

**RECEIVED**  
18 FEB 2021

ST. FRANCIS DITCH  
FLORIANA  
**APPEAL AGAINST THE COMMISSION'S DECISION TO  
REFUSE DEVELOPMENT PERMIT  
FOR APPLICATION PA/04048/20**

Reference is being made to the refusal by the Development Control Commission of application PA/04048/20 in respect of application to convert a two-story semi-detached villa to two semi-detached maisonettes including construction of staircase and internal alterations.

The refusal states that the proposal runs counter to policies P29 and P32 of the Development Control Design Policy, Guidance and Standards 2015 and therefore runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development.

Appeal is hereby entered from the refusal on the following grounds:

With regards to Policy P32;

*"With regard to Area Typology A3b (semi-detached and full-detached villas and bungalows), the minimum Gross Floor Area will be 150 sqm."*

As outlined in the glossary of the DC15, up to 10% of this gross floor area may be external space. Therefore, a minimum internal floor area of 135 sqm is required. As can be seen in the submitted plans:

The lower dwelling has a total internal floor area of 146sqm and a total external floor area of 230 sqm. This is made up from an internal floor area of 135 sqm and an external floor area of 18 sqm at first floor level, along with an internal floor area of 11 sqm and an external floor area of 212 sqm at ground floor level.

The upper dwelling has a total internal floor area of 151sqm and a total external floor area of 135 sqm. This is made up from an internal floor area of 135 sqm and an external floor area of 16 sqm at second floor level, along with an internal floor area of 16 sqm and an external floor area of 119 sqm at roof level.

As can clearly be seen, both dwelling do in fact have the required Gross Floor Area, and are therefore in compliance with policy P32.

With regards to Policy P29;

Given the two large scale developments of maisonettes and apartments in the same street, PA/612/19 and PA/04390/93, which roughly cover half the area of the block in question (site plan attached), the application of policy P1 of the DC15, which takes into account existing commitment to the site, needs to be applied. This was in fact the conclusion on this regard in the original Case Officer Report.

Progression of permits for development east of site;

PA/0709/10

- Alteration to nine blocks of apartments approved with the "*use of the site to a strictly residential use (i.e. eliminating the commercial aspect of the buildings)*".
- Each block has 9 to 10 apartments.

PA/2188/18

- Conversion of Blocks A to G from residential to tourist resort.
- Addition of Block X (not part of PA/0709/10) to tourist resort and conversion to offices.
- Subdivision of apartments in Blocks A to D. Each block now has between 14 to 19 apartments.
- Conversion of Block E to commercial uses at ground floor and subdivision of floors 1 to 4 into 13 apartments.
- Additional construction to Block E for further offices and stores.
- Conversion of Blocks F and G to commercial blocks (Beauty clinics, gym, pool, offices, etc).

PA/0612/19

- Conversion of Blocks H to K from residential to tourist resort.
- Addition of apartment at ground floor in Block A and B. Each block now has between 19 to 20 apartments.
- Conversion of Block F to residential use at floors 1 to 3 and subdivision of these floors into 13 apartments.
- Conversion of Block G to residential use and subdivision into 18 apartments.
- Demolition and redevelopment of a larger Block X into meeting and conference centre. No regard to detached dwelling PA policies was given.

With regards to Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas, it can be clearly seen that the area is largely committed to the subdivision of dwellings and therefore the subdivision of this villa will be in line with the current planning direction, and hence character of the area.

This is not the case of a developer converting numerous blocks in a villa area into high density apartments and commercial premises, with the related impacts on the urban fabric of the area, but rather an elderly father dividing his home to share with his son, in an effort to continue to reside in his home, under the watchful eyes of his son.

Therefore, for these reasons I would like to request the Appeals Board not to accept the recommendation contained in the Authority's report and to order that application as submitted be approved and granted.

**LOUIS BORG**  
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