

The Environment and Planning Review Tribunal



PA/06979/19

Marquita Azzopardi

Vs

The Planning Authority

Appeal of the said Marquita Azzopardi
Humbly submits:-

The appellant applied for full development permission in terms of the abovementioned application in respect of her property 'Soleil', no. 1, Triq Loreta Sciberras, C/W Triq Luigi Galea, Qrendi, all in terms of the said application.

By means of a decision delivered on the 15th of January 2021, and duly published on the 27th January 2021, the Planning Authority issued a refusal in respect of the aforementioned application for the reasons specifically as mentioned:-

1. *The development as proposed runs counter to the provisions of Guidance G3, G23 and G14 of DC15, which specify that new developments should seek to provide visual interest enriching the quality of the context within which they are located. Any new development should endeavour to conform to the pattern and design features set by the existing adjoining development to maintain the character of the area.*

2. *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.*

The appellant feels aggrieved by the said decision and humbly submits an appeal therefrom.

The appellant grievances are clear and unequivocal and consist of the following:

The appellant application is in full compliance with the existing policy for the area where the appellant development was being proposed. In fact, the project was recommended for approval by the Development Permit Application Report wherefrom it results that all relevant agencies required for approval offered no objection of any substance to the development, as can be seen from the Case Officer's report relevant to the application.

The appellant carried out amendments as proposed in respect of the external design of the development.

The appellant humbly submits that she should not be prejudiced by the fact alone that hers is the first application in the immediate area, once that there is a policy which forms part of the relevant structure plan and to which she has complied in full.

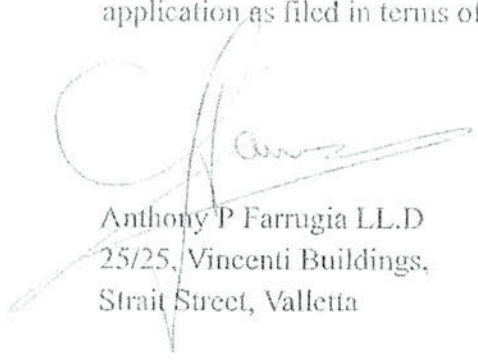
The appealed decision suggests that in spite of the relevant zone being in a development area, and where particular exigencies as required were fully satisfied, the zone is being given the status of a protected area.

The appellant is able to make reference to many decisions even confirmed by This Tribunal where in spite of a development not being in strict conformity of policy in the structural plan and thereby also being recommended for refusal (unlike this case), in view of similar developments in the wider area (not in the immediate vicinity denoting commitment) permission was granted in view of the opinion that in so far as possible, development should not be impeded.


None of the buildings in the immediate vicinity of the proposed development are of heritage importance, and it would be fair to observe that eventual development of the area may be indicated. Certainly, modernisation of such structures, some clearly dating back approximately 30 years, would benefit the area and not retract from its value.

The appellant makes reference to all submissions made by her and documents filed as part of the application process for due consideration by This Tribunal and the contents of which should be deemed part of this appeal and complimenting said appeal.

The appellant therefore humbly requests that This Tribunal revoke the appealed decision of the 15th January 2021 as aforesaid for the reasons herewith given, and consequently to issue permission for the appellant application as filed in terms of law.



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