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02nd June 2021

Tribunal ta' Revizjoni
Tal-Ambjent u l-Ippjanar
Floriana



Our ref.: 19010-04
 Tribunal Ref.:
 Application nr: PA/03514/20
 Location: Site at, Triq San Pawl tal-Qliegħa, Mosta

Proposal: Construction of two garages at ground floor level.

**Mr Saviour Agius
vs
Planning Authority**

The appellant respectfully submits:

- A) The applicant made the submission of this application in 2020.
- B) This application was refused by the Commission on the 21st April 2021 and the decision was published on the 05th May 2021.
- C) The applicant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:

- A copy of the Decision Notice (Doc 88a)
- A marked site plan
- Receipt of payment to the Environment & Planning Review Tribunal

The application has been refused for the following reasons:

1. *The proposed construction of garages is not one of the permitted uses listed in the Rural Policy and Design Guidance, and there is no justification for its location outside the development zone. The proposal is therefore being considered in conflict with Rural Objective 1.7 of the Strategic Plan for Environment & Development which seeks to control the cumulative effect of rural development, and to the Thematic Objective 1.10 which only allows for rural development which is legitimate or necessary*
2. *The proposed development would give rise to potential traffic hazards and adversely affect the free and safe flow of traffic; since as stated by Transport Malta, vehicles would not be able to enter and exit the two proposed garages in a forward facing gear from the adjoining road. Proposal therefore runs counter to policy P14 of the Development Control Design Policy, Guidance and Standards 2015, and to Thematic Objective 10.4 of the Strategic Plan for Environment and Development which aim for the improvement of traffic management and road safety.*



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3. *The proposed development shall result in unjustified further formalization within the rural context, while the proposed cladding shall lead to adverse visual impact to the surroundings. In this regard, proposal is considered to run counter to Thematic Objective 1.10 and to Rural Objective 4 of the Strategic Plan for Environment and Development (SPED) 2015, which aims for the protection and enhancement of the rural landscape.*

4. *The proposed demarcation walls will result in land fragmentation into parcels of less than 1 tumolo, and therefore the proposal is in conflict with criterion 4 of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014.*

The Appellant submits the following in reply to the Planning Authority's reasons for refusal:

- 1) As can be seen from the photos and approved permit PB/784/84/364/84, the site in question has already been legally disturbed and paved with two existing stores, thus the proposal will not uptake any undeveloped land since it is already committed. The proposal will give a purpose to the existing use. Moreover the use of the site will be in line with the adjacent development, since the area is already legally committed with the same use.

- 2) All the adjacent garages in the street have the same access and as noted in the similar application PA/04787/17, Transport Malta had no objection. It is very unclear how in this application Transport Malta raised an objection. For sure, there is a conflict on TM's position.

- 3) The extension is of just 4 courses to the existing boundary wall, which is also proposed to be cladded in rubble. Benefit of this extension and change in material will help visually from a design point of view and will therefore look more suitable within the existing surrounding context (Refer to attached Photo Sheet).
Thus proposal will not be running counter to Thematic Objective 1.10 and to Rural Objective 4 of the Strategic Plan for Environment and Development (SPED) 2015, since the proposed cladding in rubble stones will bring enhancement to the existing rural landscape.

- 4) The land fragmentation mentioned in reason for refusal No. 4 refers to the back garden of the site, which is being proposed to be subdivided. To address this reason for refusal, we are ready to remove the proposed wall from the proposed development.

To this effect and following further submissions that the appellant reserves to make, we respectfully request the EPRT to overturn the decision and approve the development permit under the terms and conditions that the Tribunal may deem appropriate.



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Possible witnesses:

1. The appellant.
2. Consultants to the appellant.
3. Officers of the Authority
4. Consultants on traffic and street management.
5. Representatives from Transport Malta and Transport Planning Unit.
6. Representatives from AAC/ERA and other government entities/authorities.

With respect,

Perit Jeremy Scerri
f/dplan architects