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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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ST. FRANCIS DITCH
FLORIANA

Director of Planning
Planning Directorate
Malta Planning Authority
Floriana

07 April 2020

Application Number: PA/02222/19

Location: Site at (Garage), Triq l-Arcisqof Pietru Pace, Rabat (Gozo)

Proposal: To extend existing floor and construct an overlying penthouse

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.,
We hereby submit our counter arguments for appeals.

Reason for refusal 1

The existing height and the proposed vertical extension are exceeding the height limitation of two floors plus 3 courses basement (GZ-EDGE 1) of the Gozo and Comino Local Plan (as per Map 14.9-A) and the corresponding street facade height of 8.90m and overall height of 12.30m as per policy P35 and Annex 2 of the Development Control Design Policy, Guidance and Standards 2015. 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.

Counter Argument to reason for refusal 1

The site is located in an area that is characterised by buildings which are predominantly four floors with overlying penthouses this is clearly depicted in the streetscape elevation that has been submitted in min 91e (which has been erroneously superseded by the Planning Directorate), in the DPA report the case officer is correctly remarking that the same street is governed by a changing height limitation as per Local Plan Map 14.9-C. This is correct, however over the years the Planning Commission has recognised the fact that the sudden change in height limitation along the same street especially when the site is back to back with a row of buildings along Triq Fortunato Mizzi which is also predominantly 4 floors plus semi basement, does not serve any purpose and have so much so that 2001 [PA/06226/01](#) has been granted for the 4 floors and washroom of mixed development, this has been confirmed in 2007 with [PA/04240/07](#) and most recently in 2018 with [PA/08341/18](#) this site also located on Map 14.9-C and



info@archdesignmalta.com



48, PSD LTD Triq Nutar Zarb H'AAttard



+35699001975

covered by Policy GZ-EDGE-1, however in the case it is being argued that the height of the building is considered acceptable due to other commitments on site, to further enforce this argument make reference to [PA/03309/19](#) approved on the 24/10/2019 again this site is located on Map 14.9-C and covered by Policy GZ-EDGE-1 in this case once again it was argued that a facade height of 12.3m is being considered as acceptable due to other commitments on site (refer to PA 3309/19/42b), these sites are located on Map 14.9-C and covered by Policy GZ-EDGE-1 in fact they are located in front of my client's site and have frontage on Triq Santa Maria and a main elevation on Triq L-Archisqof Pietru Pace which fronts on ODZ. In this case the site is located between two sites as indicated on the streetscape elevation at min 91e and the attached street view photomontage the facade height is the same height as the adjacent building. For the reasons listed in this counter argument we respectfully ask the Planning Commission to consider (a) the commitments on site (b) the fact that the development will have minimal or no impact to the character and amenity of areas since the area is already committed with this type of buildings.

Reason for Refusal 2

The existing garage runs counter to the provisions of policy P19 and standard S5 of the Development Control Design Policy, Guidance and Standards 2015 which limit garage door openings to a height of 2.8m and a width of 3.4m, and an internal height of 3.4m to the underside of the structural slab.

Counter Argument to reason for refusal 2

The amended plans submitted with this report show that the garage door is being reduced to a height of 2.8m measured from the highest street level and a door width of 3.4m, the garage is now in conformity to policy P19 and standard S5 of the Development Control Design Policy, Guidance and Standards 2015

Reason for Refusal 3

The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms adequate natural light and ventilation

The amended plans submitted with this report provide a minimum 3m clear front unroofed area to the bedrooms overlooking the backyard and therefore in conformity to the average depth requested by the SEO in min 96.

Regards,
Simon Spiteri

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