

Kimberley Buttigieg

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Sent: 22 July 2021 10:33
To: EPRT Info
Cc: Anne Casha; Conrad Casha
Subject: [Ext] PA/01792/21

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[EXTERNAL]



Dear Sir,

I am writing on behalf of Mr. Conrad Casha (Holder of Identity Card Number 195767M) and Perit Anne Casha B.E. & A (Hons.) A. & C.E. (Holder of Identity Card Number 146773M) of Lloret, 44, Triq Salvu Aquilina, Mosta MST 3162 who are hereby lodging an appeal from the Planning Authority's decision issued with regards to Application PA/01792/21.

1. First of all it is incomprehensible how such development application could be processed with a summary application. In this respect reference is made to PA 02901/21, also a summary application, which is located a few metres down the road and comprising works of much less extensive nature which application has been turned down and a full development application is being requested. On the contrary in the present case, a summary application was submitted and approved. Despite having submitted an objection, my clients were deprived of the opportunity to make their case before a deciding board.

2. My clients regret to note that their representation has been totally ignored - the points raised in their representation were in no way addressed in the PA decision namely:-

(a) The adjacent development is proposed to be three storeys higher than the residence of my clients which will undoubtedly be aesthetically detrimental and will bear a negative impact on their family's quality of life including but not limited to when they use outdoor spaces of their house.

(b) Their proposed development would exacerbate and accentuate the already existing parking problem in the area. Indeed the PA decision has downplayed this parking problem to "the shortfall of 1 parking space" (para.4 of the decision) - which clearly is not the case.

(c) The proposed basement plan (Doc. 11b) indicates that excavation is planned to be carried out right till the party wall i.e. less than the seventy six centimetres limit stipulated by law, hence it is clearly in breach of Article 439 of Chapter 16 of the Laws of Malta which reads:-

"439. It shall not be lawful for any person to dig in his own tenement, any well, cistern or sink, or to make any other excavation for any purpose whatsoever at a distance of less than seventy-six centimetres from the party-wall."

(d) Furthermore, reference is also made to Article 443 of the Chapter 16 of the Laws of Malta which stipulates:-

"443. (1) It shall not be lawful for the owner of any building to open windows at a distance of less than seventy-six centimetres from the party-wall."

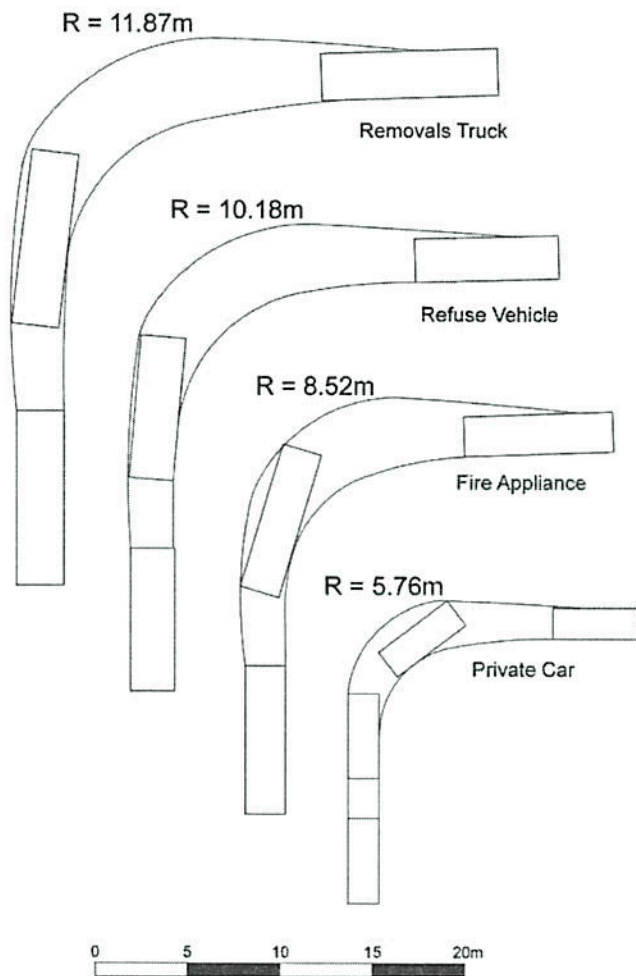
(2) In the case of balconies or other similar projections, the distance prescribed under sub-article (1) of this article shall be measured from the external line of that side of the balcony or other projection, which is nearer to the party-wall, to the internal line of such wall."

(e) Given that the development also includes the digging of a reservoir at practically level -2, it is important that a geotechnical study will be carried out so as to examine the underlying rock structure and how all this work might affect the stability of the neighbouring houses including that of my clients.

(f) The PA decision did not provide for any method statement to be submitted despite the entity of the proposed development.

3. Furthermore, my clients would like to point out the following:-

- elevation and plan do not match section (wrt to setback of garage entrance and window above - no setbacks allowed from building line - P34, P44 of DC 2015)-
- garage door should have a minimum clear height of 2.1m - S4 of DC 2015 (bulkhead for roller garage door mechanism to be deducted);
- fig.34 of S4 (DC 2015) stipulates 5.76m turning radius for private car whereas proposed swept path has radius 2.77m



- frameless glazed railings already exist in the street (this was in original proposal but was replaced in amended drawings)
- depth of basement footprint exceeds the 30m limit (over 3m) as stipulated in P27 (DC 2015);
- no consideration was given to adjacent gardens (P27 of DC 2015); existing buildings in street have deeper backyards/ gardens
- front garden cannot be built underneath - extension to basement below front garden not allowed(P38 of DC2015)

In the light of the above, my clients humbly request this Tribunal to uphold this appeal and consequently reverse the decision of the Planning Authority above mentioned.

Yours sincerely,

Dr. Joseph Zammit LL.D.