

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

Case Ref: PA/01570/20

Application type: Full development permission

Applicant: Mr Frankie Schembri

Architect: Perit Eve Degiorgio

Proposal: Proposed subdivision of existing property, demolition of the subdivided property and proposed construction of basement domestic store, ground floor garages and overlying apartments

Location: 2, Triq il-Kaccaturi, Zebbug (Gozo)

Appellants: Din I-Art Helwa



THIRD PARTY APPEAL

Whereas the appellant humbly submits, and premises as follows

The following document is an appeal from the Planning Commission's decision to approve this application, which decision was published in the Government Gazette on the 23rd June 2021.

The appellant is a third-party registered objector and interested party for all intents and purposes at law.

The appellant feels aggrieved by the decision referred to above, and by means of this application is requesting this Tribunal to revoke the Planning Commission's decision on the development permission referred to.

GROUND OF APPEAL:

1. DISREGARD OF TRADITIONAL CONTEXT COUNTER TO SPED, T.O.8.7, UO2.4, UO3.6, G.O.1, IN BREACH OF CHP 552 ART. 52
2. DISREGARD OF LOCAL PLAN - DESIGN PRIORITY AREA GZ-URCO-2
3. DISREGARD OF DC15 P42 – FAILURE TO CONSIDER IMPACT OF BLANK PARTY WALLS DUE TO DEVELOPMENT OF FULL EXTENT OF SITE
4. FURTHER PROVISIONS OF DC15 NOT OBSERVED, G2, G23
5. UNJUSTIFIED DISREGARD OF PLANNING POLICY AND BASELESS DISMISSAL OF EXPERT CONSULTEES RECOMMENDATION, IN BREACH OF CHP 552, Art. 72(2)

1. DISREGARD OF TRADITIONAL CONTEXT COUNTER TO SPED, T.O.8.7, UO2.4, UO3.6, G.O.1, IN BREACH OF CHP 552 ART. 52

The development was approved at 5-storeys despite the area being defined by traditional low-lying two-storey developments that together form a characteristic Gozitan streetscape.

As approved the development will mar the traditional character of the area and alter its traditional skyline. The approved development would also result in the creation of a **permanent** blank party wall impinging on the locality's short and long-distance views.

The development was approved in this form and height on the basis of DC15 Annex 2 and article 13(2) of LN 227 of 2016, without due consideration of the impact of the development on the existing **traditional** urban landscape.

The authority failed to adhere to the SPED objectives that aim to ensure that the character, distinctness, pleasantness, and amenity of such distinct urban areas, especially in Gozo, are protected and enhanced and not permanently disfigured through the approval of such destructive and conflicting developments.

The approval of this application is therefore in breach of the following SPED objectives:

TO8.7 – To safeguard and enhance biodiversity, cultural heritage, geology and geomorphology by Controlling activities which might have an impact on areas, buildings, structures, sites, spaces and species with a general presumption against the demolition of scheduled and vernacular buildings

UO2.4 - To improve the townscape and environment in historic cores and their setting with a presumption against demolition of property worthy of conservation by Development within historic sites is to be carried out in such a manner so as to ensure that the historic sites' skyline is not adversely affected

UO3.6 - To identify, protect and enhance the character and amenity of distinct urban areas by Establishing appropriate building heights and development densities

GO1 - To ensure that the social and employment needs of Gozo are met and to protect the distinctiveness of Gozo's settlements, cultural and natural environment to support the implementation of Eco-Gozo's

The Planning Commission's decision to give highest regard to Annex 2 and LN 227 of 2016 led to the approval of a development in breach of SPED. As such, the Planning Commission's decision went against Art. 52 of CHP 552.

2. DISREGARD OF LOCAL PLAN - DESIGN PRIORITY AREA GZ-URCO-2

The Planning Commission not only disregarded the SPED but ignored the provisions of the Local Plans that designate the site as a Design Priority Area when it approved a development that will have a damaging impact on the aesthetic integrity of this traditional urban landscape.

The development was approved not only at a height and form that detracts from the site's visual amenity but with a design that does not respect the surroundings and fails to respond to its traditional characteristics as required under GZ-URCO-2.

3. DISREGARD OF DC15 P42 – FAILURE TO CONSIDER IMPACT OF BLANK PARTY WALLS DUE TO DEVELOPMENT OF FULL EXTENT OF SITE

As noted above, due to the application of Article 13(2) of LN 227 of 2016 without consideration of the visual impact of this provision, the development will result in permanent blank party walls mainly visible from the back of the property.

The Authority failed to give any consideration to the impact of the back elevation of the approved development on the traditional environs and in doing so approved the application in breach of P42.

4. FURTHER PROVISIONS OF DC15 NOT OBSERVED, G2, G23

The Planning Commission approved an overbearing massing that would dominate this characteristically low-lying streetscape, as well as permanent blank party wall marring all views around the site. No consideration was given to the impact of the proposal both on the immediate surroundings, and on long-distance views. The visual impact on the roofscape was also ignored.

Given the above, in approving the development the Planning Commission also failed to observe G2, G23.

5. UNJUSTIFIED DISREGARD OF PLANNING POLICY AND BASELESS DISMISSAL OF EXPERT CONSULTEES RECOMMENDATION, IN BREACH OF CHP 552, Art. 72(2)

The Planning Commission failed to apply article 72(2) of CHP 552 correctly when it chose to disregard existing planning policy regulating this site and failed to duly consider the reasonable and pertinent objections and concerns raised by the Design Advisory Committee.

The DAC repeatedly noted the unsuitability of this proposal due to the low-lying traditional surroundings and reiterated the fact that the proposed development is out of scale with the context.

Despite these valid concerns raised, the Planning Commission proceeded to approve the 5-storey apartment block without providing adequate justification for its decision.

For these reasons and others which may result during the hearing of this case, the appellants are humbly requesting this Honourable Tribunal to annul the decision taken by the Planning Commission and revoke the permit.

Perit Tara Cassar
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List of witnesses:

1. The appellants and the applicant
2. The Planning Authority
3. Employees of and consultants to the Planning Authority
4. Architects and field experts
5. Members of the Design Advisory Committee
6. Heritage Expert
7. Objectors
8. Other witnesses