

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

Environment & Planning Review Tribunal
Block B, Saint Francis Ditch
Floriana

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September 2, 2021



Application Ref: PA/01830/21
Location: 56, Fra Duminku Mifsud, Għargħur
Proposal: Proposed change of use from private garage to studio apartment

Dear Members of the Tribunal,

With reference to the above-mentioned development permit application, which was decided on the 6th of August 2021, please find below the reasons for appeal against the decision.

- 1 The proposed development runs counter to the provisions of policy P45 and G24 of the Development Control Design Policy, Guidance and Standards 2015 which specify that residential development must be designed to provide high amenity and accommodation standards, with a satisfactory layout of the indoor/outdoor living space. 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.

We wish to clarify that the proposal well exceeds both:

- the minimum dwelling area¹ in view of the proposed 72m² gross floor area, which exceeds the minimum requirement by more than 30%
- the sanitary requirements through the provision of internal yard for a restricted site, and internal height of 3m. In fact, the proposal has been endorsed by the sanitary office of the planning directorate.

With reference to policy P45 and G24 of DC2015 we fail to understand in what manner the proposal is countering these policy and guidance notes. Assessing the proposal against policy P45, other than the already satisfied sanitary requirements, one can note that the layout satisfies the requirement in terms of:

- plan depth; plan is less than 30m in depth (in line with P27)
- outlook; the dwelling faces directly onto the street

¹ which is 55m² for a one-bedroom unit

With reference to guidance note G24, one must note that:

- an external area of circa 7.5m² is provided at back of site
- the plan depth at circa 12m, is not significant, therefore allowing good natural lighting and cross ventilation access
- since unit is 30% larger than minimum requirement, it should offer ample space for amenity spaces such as domestic storage and laundry areas.

In view of the above, the provision of “high amenity and accommodation standards with a satisfactory layout of indoor/outdoor living space” is amply satisfied. With respect to the attainment of Urban Object 3 of SPED, which seeks to “protect and enhance the character and amenity of urban areas”, I cannot see in what way the proposal is going against any of the ten points set in UO3. On the contrary, the proposal falls in line with Urban Objective 4, since it provides a higher quality design through the removal of garage frontage and the setting up of a residential facade - which is considered a dead and inactive street frontage in urban terms.

Though not expressly written, it is felt that the refusal is borne of out the fact that the proposal involves the creation of a studio apartment. In response to this matter, we wish to point out similar studio apartment approvals through the following non-exhaustive list (with excerpts from approved drawings in concluding pages of this reply):

- **PA/00018/20;** Change of use from approved Class 4 commercial outlet to Class 1 studio apartment dwelling - [17, Triq il-Fejgel, Rabat]
- **PA/03627/19;** Change of use from garage to Studio Flat; and change of use from 2 garages to Class 4B shop and installation of shop sign. Including minor alterations to residential units (as per PA 10687/18) such as shifting of internal walls addition of splash pools in terraces etc. – [Delphinium + Dreamview 171 + 175, Triq Leli Falzon, Naxxar]
- **PA/00480/19;** Change of use from garage to studio apartment – [No.6, Triq it-Torri, Msida]
- **PA/07100/18;** Change of use from garage to 3-bedroom maisonette and studio apartment at ground floor level and closing of door and demolition of backyard at first floor level. – [Sueno Bueno Vista Building, Triq Luigi Fontana, Zebbug, Malta]

- 2 The proposed change of use will result in the removal of the existing off-street parking and so would conflict with Thematic Objective 10.6 of the Strategic Plan for Environment and Development. It will give rise to unacceptable additional on-street car parking which would not be in the interests of the amenity of the area. It also runs counter to the Vehicle Parking Standards of the Development Control Design Policy, Guidance and Standards 2015 (Annex I).

We are surprised as to how the proposal conflicts with thematic objective 10.6², when current urban practices promote active frontages and alternative mode of transport to the private vehicle. In accordance with approved permit the garage is a single car garage, and the loss of internal parking space is subsequently being compensated by the provision of on street parking directly in front of site.

We also note that in general the CPPS/UIF process in line with Circular 2/18 has been created to address such parking shortfalls.

As mentioned for the first point above, it is to be clarified that numerous approvals for change of use from garage to studio apartment have been granted. One may also wish to refer to the recently approved PA/6417/18 which involved the change of use from garage to a Class 1 dwelling through the UIF/CPPS contribution.

Most importantly, we wish to conclude with the fact that there is also very strong social argument in favour of this case in order to provide the applicant with a minimum dwelling/residence to reside in view of an unfortunate set of personal circumstances the applicant has endured. I believe that urban planning should primarily tackle such social issues, and not aggravate applicants whose proposals have been shown to fall in line with the Planning Authority's policies, and history of case approvals.

Regards

PORT KURT VELLA
ARCHITECT & CIVIL ENGINEER



Kurt Vella A&CE | Warrant No 622

² "... revising the current standards for the provision of and management of off-street and on-street parking ..."

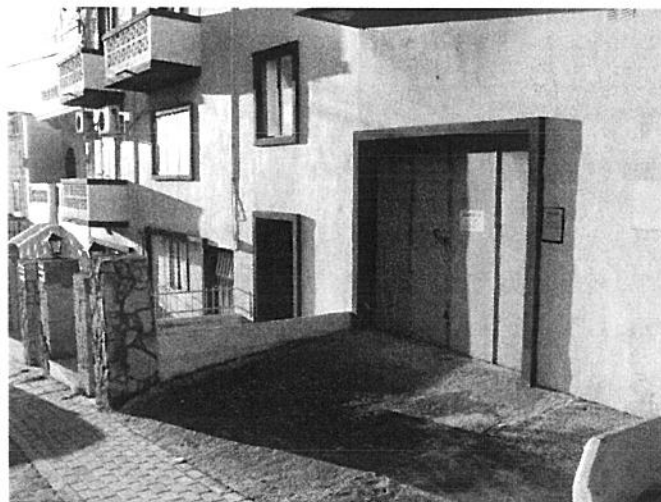
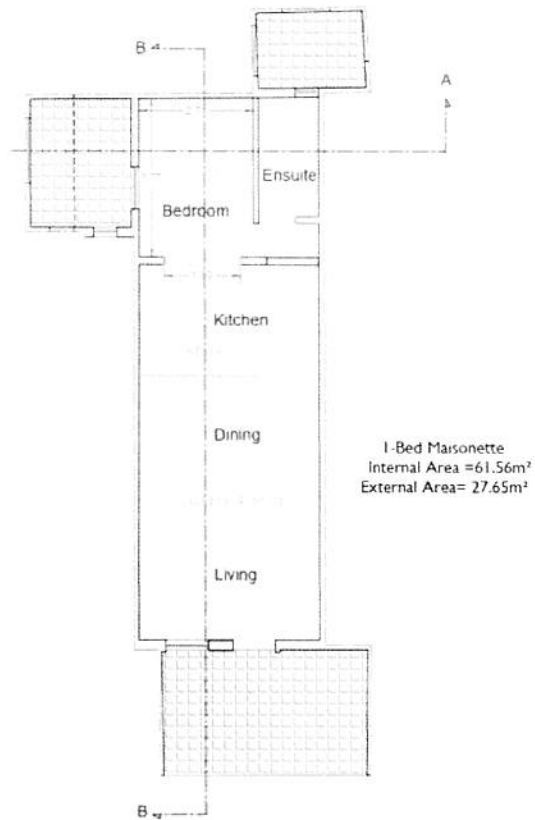
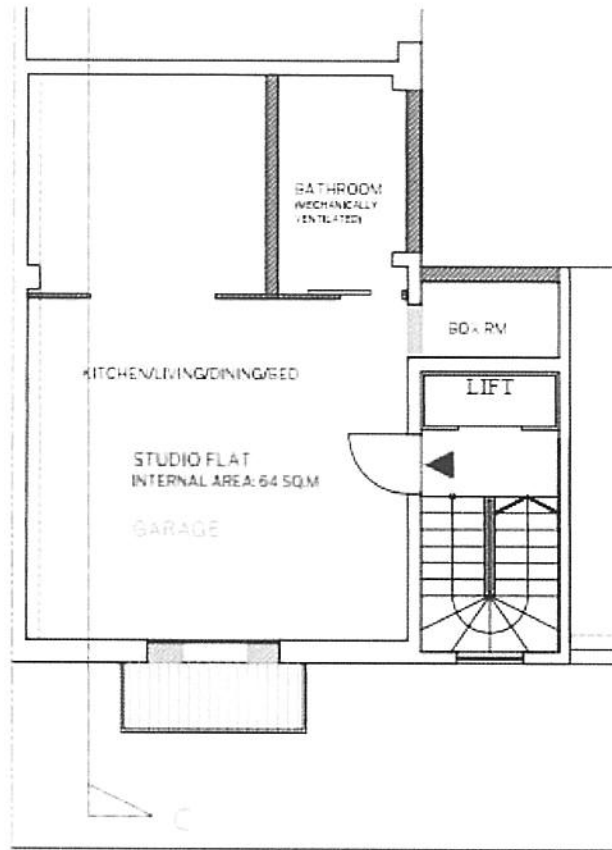


Figure 1 - PA/00018/20; showing an approved studio apartment at ground level with bedroom which is obtaining natural lighting and ventilation from open plan area. From underlying site photo, it is amply clear that the site was previously a garage.



PROPOSED FIRST FLOOR PLAN
SCALE 1:100

Figure 2 - PA/03627/19; showing approved studio flat in lieu of garage

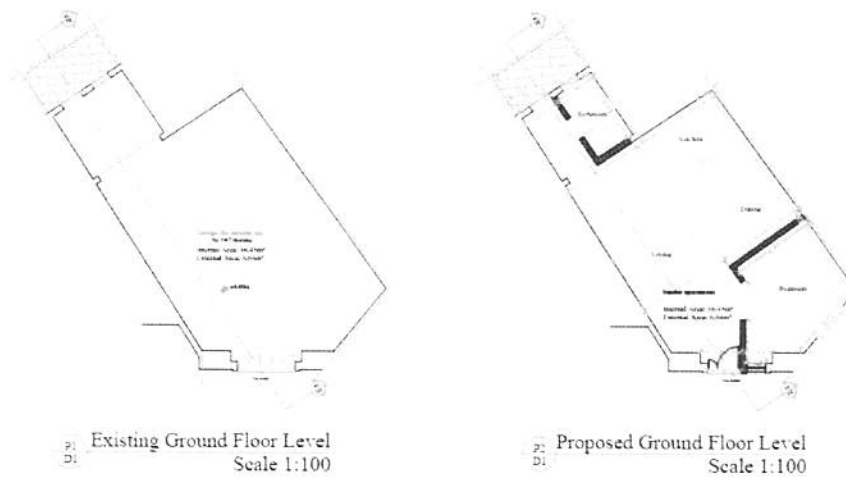


Figure 3 - PA/00480/19; showing approved studio flat in lieu of garage

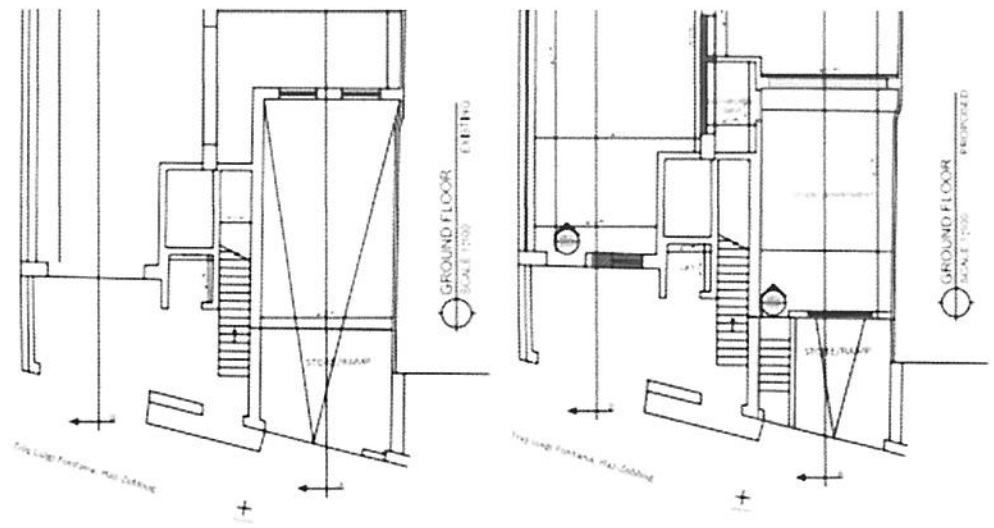


Figure 4 - PA/07100/18; showing approved studio flat in lieu of garage