

Our Ref: 20070

Your Ref: PA/3366/21

The Chairman
 The Environment and Planning Review Tribunal
 St Francis Ditch
 Floriana

10th September 2021

Appeal against Refusal – PA/3366/21

Application Ref. No: PA/3366/21

Applicant: Mr Emanuel Galea

Proposal Description: Proposed installation of aluminum and glazing enclosure within the front garden of existing Class 4B shop. Proposal also includes minor internal alterations to shop.

Site: Shop 17, Triq il-Marfa, Mellieha

Reference is made to the application bearing reference number in caption, submitted on behalf of my client Mr Emanuel Galea, and to the Planning Authority's decision to refuse the proposed development, which decision was published in the government gazette on the 11th August 2021. The following was the reason of refusal:

Reason of Refusal 1

The proposed development runs counter to the provisions of Policy P7 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that "the maximum allowable height of the bottom solid component will be 1.4 metres above the external finished pavement level, topped by a green hedge, open fence or louvered structure having a maximum allowable height of 0.85 metres, for a total height of 2.25 metres above the external finished pavement level" and that "gateposts together with any pillars that may be required for the structural stability of the wall will be 2.25 metres above the external finished pavement level". In this case, the bottom solid component is being topped by glass, and the front garden is being closed off by a glass and aluminium door, which is not considered as a gatepost. 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.

The undersigned would like to comment regarding the said reasons of refusal, as follows:

The undersigned would like to point out a similarly-approved permit bearing reference number **PA/8467/19**. In this application, the Planning Authority approved a similar proposal to that being presented in this application. The DPA report in PA/8467/19 read as follows in relation to the external alterations: "The existing front garden is proposed to be enclosed by a lightweight structure comprised of a combination of a low solid wall and glazing, enabling unobstructed visibility with regard to pedestrian and vehicular safety. The height of the existing front garden party walls is proposed to be extended up to 2.25m above the external finished pavement level. The solid front garden party walls are proposed

to be 1.4m high while the proposed glazing is proposed to be 0.85m high in line with policy P7 of DC 2015. In addition, a gatepost and two pillars with a height of 2.25m above the external finished pavement level are being proposed for structural stability, in conformity with policy P7 of DC 2015."

Hence the undersigned cannot comprehend how such a proposal was deemed to be acceptable and in line with policy P7 of DC2015 in PA/8467/19, whereas a practically identical proposal in this application is deemed to run counter to the same policy P7. This is a clear case where the Planning Authority is applying a "two weights-two measures" approach, resulting in severe discrimination against my client.

A copy of the plans approved in PA/8647/19 is also being submitted with this appeal in order for the EPRT to be able to visually assess the similarity between the two proposals.

In view of the above, the appellant, whilst reserving the right to make further written and oral submissions and further representations, respectfully requests that the EPRT duly considers the undersigned's arguments regarding the reasons of refusal such that this decision to refuse the installation of glass railings is overturned and the permit may be issued.

Yours faithfully,



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