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The Chairman
Planning & Environmental Review Tribunal
St Francis Ravelin
Floriana

Dear Sir/Madam,

RE: PA8339/20: Proposed demolition of terraced house and construction of one maisonette, three apartments and one penthouse, 46, Sunset, Trejqa tal-Fleur-De-Lys, Santa Venera.

I write on behalf of Mr. and Mrs. Cutajar with reference to the approval of the above-captioned application regarding the demolition of a terraced house and construction of one maisonette, three apartments and one penthouse. The proposed development consists of the following:

“Proposed demolition of terraced house and construction of one maisonette, three apartments and one penthouse”

The proposed development application was approved by the Environment & Planning Commission, and decision notice posted on the 26th October 2021

My clients feel aggrieved by the above decision. The most important consideration is that the assessment ignored cardinal issues and policies of the Development Control Design Policy, Guidance & Standards (DC2015). We consider this a major shortcoming, particularly since the case officer states in Section 2 of the DPAR, that the concerns raised in the representations will

be dealt with in detail. On the contrary most of these concerns have been ignored completely, running counter to the Development Control Design Policy, Guidance & Standards 2015 (DC2015), and others considered superficially. Hereby we are **appealing** for the following reasons:

First Ground – The quantitative criteria of Policy P32 where ignored. The proposal runs counter to one of the fundamental policies that seeks to ensure adequate dwelling mix, quality of residential amenity and quality living spaces. These are cardinal principles of DC2015. The case officer interpretation of policy P32 is profoundly flawed. The case officer and the Environment & Planning Commission have breached a fundamental threshold by having 4 of 5 proposed units as one-bedroom units. This is not a student area nor the site is limited, as it has housed families for decades with no issue. The whole street was made of these dwellings. The limitations on site are a result of overdevelopment of the site. Policy P32 explicitly states that a maximum of 20% of the development as one-bedroom housing units will be allowed. The approved development has 80% of units as one-bedroom units, running counter to the provisions of adequate dwelling mix. The site does not qualify for waiving the 20% maximum threshold of the development as one-bedroom housing units. This gives rise to unacceptable traffic impact, on street parking, noise, lack of residential amenity and no provision for proper waste management.

Second Ground – The permitted development runs counter to the qualitative provisions in Policy P45 and Guidance G24. The development runs diametrically against DC2015 policy and design guidance which describes context, legibility, street composition as “the leading principle in design, assessment and decision-making of any development proposal”. In the opening sentence of section 4.7 of the DPAR, the Directorate states that “since the existing building is not located within the Urban Conservation Area, and does enjoy any degree of protection”. In this representation, we have largely relied on the Development Control Design Policy, Guidance & Standards 2015 (DC2015) own text, as we feel it is sufficiently clear in guiding both Directorate and Planning Commission. We do not understand why the Directorate chose to blatantly ignore this cardinal issue, particularly with concerns expressed by many in social media, including Malta’s own president Dr. George Vella. It is a known fact that this disregard of context has deteriorated most of our streets and urban centres.

Third Ground – Directorate manifestly fails to understand the raison d'être of the DC2015 and is actively contributing to the deterioration of the urban areas of this country. The DC 2015, was meant to change the modus operandi and focus on the recognition of important, basic parameters in order to guarantee the formation of successful streets and thus establish 'context'. The document acknowledges that contexts differ and that 'one-size-fits-all' solutions are not always applicable, or indeed desirable. The document's role is also to enable innovative and creative urban and architectural designs that are framed within the important urban design parameters, which in turn are tailor-made to the unique Maltese territory, its urban areas and landscape. This development does not follow this principle. It does not positively contribute to the adjacent properties, does not make an effort to produce a tailor-made design to blend within the street scape, and subsequently does not provide a pleasant, interesting and positive contribution to the street context within which it is located.

As designed the development will detract from the amenity of this residential area, on many fronts, including appearance, resultant blank walls, shortfall of parking and density. In accordance, with DC 2015, high-quality design is very often a site-specific solution that must be worked within the specificities of context.

Fourth Ground – The proposal will also result in an overwhelming traffic impact, through the total absence of parking provision, as a result of the overdevelopment. The area already has a severe parking problem, with most of the dwellings lacking on-site parking provision. The fact that the proposal is increasing the density from 1 dwelling unit to 5, will result in a shortfall of at least an additional 4 car parking spaces. In reality, with a national car ownership average per household of 1.6, this development would result in at least 6 vehicles with no place to park. Parking provision has significant contextual implications, and clearly the inability to provide parking provision, is a material consideration that adversely impacts on the success and viability of the overall development and the amenity of the surrounding context. This runs counter to the Parking Standards and policy P18. Seeking to contribute to Urban Improvement Fund (UIF) in lieu of the shortfall of parking, is unacceptable as it will not alleviate or mitigate the overwhelming traffic impact resulting through the total lack of parking provision.

Fifth Ground – Proposal does not reconcile any of the concerns raised by the SCH. We strongly believe that the development is in clear and unequivocal conflict with two of three

key objectives DC 15, namely the contextual and street-based approach to design; and respecting the street as an important spatial scale.

Sixth Ground – The proposal fails the streetscape in terms of design, the elevation of the proposed dwelling units, does not respect important architectural features of this largely homogenous row of houses, such as important visual lines, cornices, façade proportions, height variations aperture/fenestration composition and rhythm, and design and materials. Instead of reinforcing certain predominant streetscape qualities, the design interventions depart entirely with no sensitivity to its immediate street environment. In this particular case, these buildings are located along a sloping street, hence the resultant blank party walls will disrupt the skyline, in a manner that cannot be mitigated. The site is in the proximity of an Urban Conservation Area, and will adversely impact the area and Conservatorio Vincenzo Bugeja. Designing with the street in mind, implies an acknowledgement that every architectural façade is not only an architectural project in isolation. There are several examples where the Planning Authority envisaged sensitive interventions in the same street, namely PA/01392/14 and PA/04489/09.

In conclusion, in the light of the grounds for appeal submitted in this request to the Tribunal is hereby being requested to overturn the approval decision by the EPC and order the reassessment of the relative Development Permit, subject to the criteria clearly established by the DC 2015.

Regards

A handwritten signature in black ink, appearing to read 'Bjorn Bonello'. The signature is stylized with a large 'B' and a circular flourish at the end.

Bjorn Bonello

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Enc.

Site Plan

Copy of refusal

Copy of minutes

Copy of DPAR

Photos of streetscape