

3rd March 2022

**Tribunal ta' Revizjoni
tal-Ambjent u l-Ippjanar
Floriana**



Nru. ta' l-Applikazzjoni: PA/5038/21

Lokazzjoni: 10, Villa Nova, Triq il-Prinjol, Iklin

Proposta: To sanction as-built an open staircase providing access to an existing semi-detached dwelling, revised front garden layout as well as new railing and gates.

Ref. Taghna:

Ref. Tribunal:

Anthony u Josianne Borg and Stephen McCarthy

vs

L-Awtorita' ta' l-Ippjanar u Charles Bonnici Mompalao

Appellants Anthony and Josianne Borg and Stephen McCarthy state:-

- I) That in 2018, an application, PA 7032/18, was submitted to approve variations from PA 1535/13.
- II) The Authority rejected this application and the Appellants filed an appeal, which is still pending, so that additional reasons of refusal are added to the decision of the Authority.
- III) Concurrently the Applicant filed a regularisation application RG 1861/19 which was approved, and on which there is also a pending appeal by the Appellants.

IV) In 2021 the applicant filed this current application which was approved by the Authority and the decision published on the 2nd February 2022.

V) The appellants feel agrived by this decision and are submitting this appeal:

Attached please find:-

- A copy fo the decision (Dok JA1).
- Receipt of Payment of the Appeal fee (Dok JA2).

Appellants respectfully submit:

1.1 It is quite clear that the Applicant is abusing of the planning application system by filing different applications to sanction/regularise illegal development.

1.2 It is also being noted that immediately after this current application, a new application PA 1159/22 was filed intended to:

To extend backyard party wall to 3.4m and install a louvered structure and change railing of ground floor terrace.

1.3 It must be also noted that in PA 1535/13 the applicants had already obtained a permit which included concessions that went beyond the policy then applicable.

1.4 In total disregard of the said permit, the Applicant went ahead and developed his site, and more importantly ignored the conditions binding the site to the neighboring tenement.

- 1.5 It is quite clear that the way the facade of the Applicant's property was built and the sanctioning being requested departs from the design that was originally approved and which design was complimentary to the neighboring property.
- 1.6 In the DPA report of PA 1535/13 clause 4.3, the applicant was requested to respect the visual integrity of the neighboring property. The *raison d'être* of the Planning Policy having a detached villa to be divided into two separate villas (semidetached) was that the resultant envelope and semi-detached villas shall appear as one building, similar to each other and having the same design characteristic, elevational treatments, design elements, features, etc. The adjacent semi-detached villa definitely does not have the same design characteristics, elevational treatments, design elements and is not in visual harmony with the adjacent dwelling which pertains to the objector, let alone the fact that the entire building should be perceived as one whole building. Moreover, the adjacent semi-detached villa to date does not respect these parameters in terms of design, since the elevation proposed in this application is not compatible with the design and materials when considering the physical characteristics of the surrounding built-up areas, including the shape, size, design treatment, massing and streetscape of the locality.
- 1.7 According to the provisions of Guidance G5 of the DC15, all front gardens, wherever they may be present, should be landscaped. G5 specifically states that this becomes a more pressing aspect within detached and semi-detached dwellings. Furthermore, Policy P31 of the DC15 states that in all detached and semi-detached dwellings, a minimum of 20% of the site area will have to be provided for soft landscaping, which is to be concentrated within the front and side gardens. When comparing the approved design with the existing design, it is clear that such landscaping characteristics are being abandoned in favour of a more extensive construction that does not add any utility or functionality to the dwelling;

1.8 Furthermore, according to Guidance G34 of the DC15, open staircases within the front garden should be designed to be an integral part of the building and, in particular, be of an appropriate size and shape in relation to the building such that they do not appear bulky and visually intrusive on the façade. It is also specified that U-shaped staircases or similar configurations should not occupy more than 50% of the front garden;

On the basis of the above, the Appellants request the Tribunal to uphold their appeal and order the Authority to issue the relative refusal.

Respectfully,



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Witnesses:

1. The appellants and the appellee and their consultants to testify on the facts of the case.
2. The authority and its officials to testify on the facts of the case.