

MFF/ic/900/21/47

2nd February 2022

The Secretary
Environment and Planning Tribunal
P O Box 172
Marsa



Dear Sir,

Re: PA/04904/21 – 23, Triq it-Torri, Qrendi

On behalf of our client, Ms. Elizabeth Sacco (ID 66869 M) of 23 Triq it-Torri, Qrendi, we are herewith submitting an appeal against the decision taken by the Planning Authority to refuse the above development application that proposes alterations at 23 Triq it-Torri, Qrendi.

In this connection, we beg to submit:

- The **first and third reasons for refusal**, states that the proposed garage door opening would detract from the architectural and historical interest of the historic residence, the character of the Qrendi UCA and the setting of the Grade 1 scheduled Torri tal-Kaptan. In this regard, we wish to point that the proposed development lies within an area that is rife with garage door openings as shown on the block plan submitted to the PA during the processing of this application. There are 10 garage door openings along Triq it-Torri and 3 garage door openings along Sqaq it-Torri Nru 1. All these buildings lie within the context of the scheduled building's setting. One, therefore cannot understand how the proposed development would detract from the character and appearance of the site and of the setting of the Grade 1 Scheduled building, when so many similar developments already exist in the immediate vicinity.
- We would point out that even the imposing Torri tal-Kaptan has had a remissa like opening at its far end. There is no doubt that over the years, buildings/dwellings have always been altered to suit the needs and standards of their owners of the time. The proposed garage door opening should be considered positively as it renders the site usable today.

- There are two approved garage door openings only a few metres away from the site subject to this application viz:
 - PA/00755/19/44C which shows that the dwelling directly adjacent to the site in question has a garage door opening that was approved as per Planning Permit PA/00755/19 *Opening of a garage door on façade, construction of parapet wall at first floor level, plus other internal alterations. Restoration of façade will be carried out as per approved permit PA 3055/15.* In that case, the DPAR stated that “*the design of the elevation is considered to be acceptable and in context with the streetscape within which the site is located.*”
 - PA/04593/16 which shows a garage door opening in the front façade along Triq it-Torri, which was approved as per Planning Permit PA/04593/16 *Internal alterations to existing dwelling, introduction of garage on facade, additions at first floor level and pool with deck area in garden.* In that case, the DPAR stated that the garage door opening “conforms to policy P20, respects the height and linearity of adjacent buildings... In terms of rhythm, proportions, size and verticality, the proposal is compatible with the adjoining properties and this is in line with good practice guidance 43... the DAC found no objection to the proposed design”.

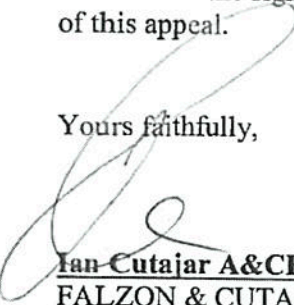
The garage door openings are only a few metres apart from each other. Therefore, we cannot understand why the development that was found acceptable in PA/00755/19 and PA/04593/16 as they were deemed acceptable and in keeping with the streetscape, while the proposed development is being refused.

- The **second reason for refusal** states that the proposed development runs counter to Policy P5. Policy P5 deals with applications that involve the demolition of scheduled properties within the UCA. This policy clearly holds no bearing on the proposed development, as the proposed garage door opening does not involve the demolition of a scheduled building but a minor intervention in the façade of an existing building. This reason for refusal actually ignores Policy P5 that “*encourages the rehabilitation and restoration of heritage buildings*” and says that proposals are judged “*in relation to any existing buildings and the surrounding environment*”.
- The allegation that the proposed development runs counter to P20 is not correct as the proposed garage door opening conforms to this policy, since it would not have an adverse impact on the streetscape due to other similar developments in the immediate vicinity as pointed out above. Moreover, the dwelling is not a scheduled building.

We therefore submit that the refusal should be overturned and the requested permit should be issued.

We reserve the right to submit further evidence of other similar decisions during the processing of this appeal.

Yours faithfully,



Ian Cutajar A&CE
FALZON & CUTAJAR
Architects and Civil Engineers