

OPENWORKSTUDIO

Environment and Planning Review Tribunal,
St Francis Ravelin,
Floriana

Our Ref: OC019.P05
Date: 3 May 2022

Your Ref: PA 2316/21

Address: 1, Triq id-Dejma, Tarxien

Description of works: To carry out demolition of roof slab, alterations to a garage retaining facade, to part change of use into a public service garage accommodating one vehicle and to construct 4 overlying flats.



Dear Sir,

Re: Appeal against the permit granted - PA 2316/21

On behalf of Marquis Anthony Cremona Barbaro and the FAA, I am hereby appealing against the decision to award a permit to application number PA 2316/21.

The permit was granted for three floors with a front total façade height of 10.6 metres and a total height including washroom of circa 12 metres.

The site lies immediately adjacent to the Villa Barbaro Height Limitation Buffer Zone, as published by notice No 1173 of the 3rd September 2021, and is itself the subject of a request in our pending appeal (300/21) of this buffer, for its inclusion in a lowered buffer height zone of 9.7 metres height limitation. Furthermore, the site is at only circa 13 metres from the above mentioned grade 1 Villa Barbaro, triq iz-Zejtun (GN 158_09). In fact, the site is directly in front of Villa Barbaro's garden wall, which is medieval and which has a total height of circa 2.2metres.

Moreover, the site is of further cultural and historical sensitivity as it is opposite the crossroad where the Grade 2 Salib tad-Dejma was located in the oldest and medieval part of the village, and where the local militia used to gather to defend the village in case of incursions (hence the name of the street, Triq id-Dejma).

The site is also located at 14 metres immediately outside the Urban Conservation Area of Tarxien. (See Fig.1)

Whilst the dcc itself seemed to have acknowledged the area's high cultural and historical sensitivity by lowering the proposed height, this lowering still results in a highly negative impact on the visual integrity of the immediately surrounding historic area, particularly on the grade 1 villa barbaro.

As per recent circular to Architects PA3/20 which endeavours to protect the context of scheduled buildings, all proposals within a 50 metre boundary of a scheduled site must be scrutinised to ensure that **"the visual integrity of scheduled buildings is not impacted."**

We object to the decision to award a permit for the following reasons:

- a. The Decision goes against the consultation from the Superintendence of Cultural Heritage at 120a which states :

The Superintendence has further reviewed this application in response to the letter of reconsultation at doc. 116a, noting the photomontages requested by this office at docs. 115a-e, drawings at docs. 115f-g, and Works Method Statement at doc. 115h. The Superintendence refers to its previous consultation at doc. 44a and, following assessment of the submitted photomontages and plans, strongly objects to the increase in height as proposed as this would compromise the streetscape and the scheduled Villa Barbaro. This office again recommends that any development is to be limited to two full floors so as not to alter perceptions of this traditional streetscape. The Superintendence objects to this application as proposed.

Therefore, the decision to award a permit for three floors and a receded washroom was granted against the very clear direction given by the SCH which called for a limit of two floors. The board did not send the application back to the SCH for their comments or approval.

- b. Both the SCH and the Board have been misled by photomontages submitted at docs 115b, 115c and 115d which fail to give a true picture of the effect of any vertical extension in this position and its effect on Villa Barbaro. Nor were these photomontages requested again in view of the final height of three floors and a receded washroom. In view of Planning Circular PA 3/20, such important data should have been requested. Furthermore no account whatsoever was taken of the resulting highly detrimental impact on the vistas of Villa Barbaro's historic gardens, from within the gardens themselves, even though the appeal board itself in appeal decision 232/09 had specifically emphasized the necessity of safeguarding these vistas..
- c. The decision to award a permit goes against the request in our pending appeal PAB 300/21 for the lowering of the Villa Barbaro buffer height from the present 12.3 metres height limitation to 9.7 metres inclusive of parapet wall, and most importantly goes against our specific request for this very site (1 Dejma rd) to be included in this requested 9.7 metre buffer height zone.

Therefore, appellants humbly request this tribunal for all the reasons given above to impose a lowering of the overall building height to a total of 9.7 metres inclusive of any parapet walls or any further lowering of the height as this Tribunal deems necessary and in the interest of proper planning.

Kind regards,



Perit Joanna Spiteri Staines

cc. Marquis Anthony Cremona Barbaro

List of witnesses:

1. Mr Kurt Farrugia, Superintendent of Cultural Heritage, and Mr Kevin Borda and any other officer, to give clarification on their advice tendered,
171 St Christopher Street Valletta
2. Perit David Mallia - Planning Authority
3. Mr Joe Zahra - Planning Authority