

The EPRT
Floriana



PA 4727/21 - 16, Triq San Gwann Bosco, Rabat (Gozo), Gozo.

Description - To construct one level of garages at basement level and overlying 8 residential units with a different layout from already approved permit PA 3838/15, making a total of 24 apartments and 6 penthouses.

Applicant : Bertrand Gatt

Architect : Perit Joseph Stellini

Publication date ; 6th April 2022

THIRD PARTY APPEAL

Application of Appeal of Clemia Zammit of “Gioiosa”, Triq Dun Pawl Micallef, Rabat Ghawdex

Appellant submits as follows:

Description and Context

The proposal entails the construction of garages at semi-basement level and overlying residential units up to third floor with a different layout from already approved permit PA 3838/15, and proposed of six new residential units at fourth floor. The present application abuts a public pedestrian road approved of in PC 18/17 wherein a specific condition was stipulated – namely that, **“All internal and external elevations should reflect UCA characteristics”**.

Map 14.9D of the GCLP designates the area as Design Priority Area.

It extends in part within the Rabat and Cittadella Area of Archaeological Importance (AAI) (G.N 765/98).

Decision of the Planning Commission

The Planning Commission approved the development which approval was published on the 6th April 2022.

Appellant is aggrieved with the abovementioned decision and is filing this appeal on the following grounds:

GROUNDINGS OF APPEAL

1. Ground of Appeal

Non-adherence to Local Plan Policy GZ-URCO - 2 - Deviation from conditions imposed in PC 18/17

The design, elevation and massing of the proposal certainly do not reflect UCA characteristics and are therefore in breach of the condition laid out in PC 18/17 quoted above.

The excessive height does not respect the immediate context. The design, materials, colours and textures employed on the facades are incongruous with a UCA streetscape. The design, scale, massing, floor to ceiling height, the number of floors approved do not reflect the predominant streetscape character.

This is in breach of the Local Plan Policy GZ-URCO-2 which states that Design Priority Areas - such as the one in question – must be treated as UCAs.

2. Ground of Appeal

Breach of DC 2015 Policy P8

A high boundary wall will be built overlooking appellants property, adversely affecting the residential amenity of her property, restricting natural light and ventilation and creating over-shadowing. This is in breach of P8 of DC 2015.

3. Ground of Appeal

Breach of provisions of SPED

The proposed height of development runs counter to Urban Objectives 2.3 and 2.4 of the Strategic Plan for Environment and Development which promote a context driven approach for the control of building heights within Urban Conservation Areas in order to protect the traditional urban skyline.

The proposed development is incompatible with the urban design and environmental characteristics of the Urban Conservation Area. It would not maintain the visual integrity of the area and so does not

comply with Urban Objectives 2, 4 and 8 of the Strategic Plan for Environment and Development.

It is being emphasised that since Design Priority Areas such as the one in question are treated in a manner equivalent to UCAs, the same contextual approach advocated by SPED has to be followed with the permissible height being determined in accordance with the relevant Area of Influence and streetscape analysis laid down in DC 2015.

4. Ground of Appeal

Breach of provisions of DC 2015

The proposal runs counter to policies P35 and P39 of the Development Control Design Policy, Guidance and Standards 2015 which require that building heights do not create an unacceptable visual impact. The approved development does not concur with S4 regarding parking standards.

5. Ground of Appeal

Unmotivated disregard for the objection of external consultant Superintendent of Cultural Heritage – breach of Article 72 of Chapter 552 of the Laws of Malta

The Superintendent of Cultural Heritage has objected to the height of the proposed development and the intensification of development and requested a scaling down.

“The Superintendence notes with concern the intensity of development as proposed in the current application. The approved application comprised of a three-storey building with a roof structure whereas the current proposing consists of a four-story building and a recessed floor.

*The squat floor heights and excessive number of apertures proposed to accommodate this intensity of development is unacceptable in view of the site’s location with a Design Priority Area and within 8m of the UCA. The Superintendence also draws attention to the condition imposed in PC 18/17 which stipulated that all internal and external elevations should reflect UCA characteristics. **The Superintendence is not favourable***

to the current application and recommends that the proponents revert to the approved proposal.”

The Planning Commission has disregarded this expert opinion and not provided a reason for this, in breach of Article 72.

In view of the above, the appellant is humbly requesting that the permit is revoked.

Claire Bonello LL.D

drcbonello@gmail.com

List of Witnesses

1. The parties, their representatives and consultants
2. PA employees and representatives – former and present
3. Objectors
4. External consultees including but not limited to SCH

All the above are required to testify about the facts of the case.