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our ref : 20.010

06/07/22

The Chairman,
Environmental & Planning Revision Tribunal
P.O. Box 172
Valetta CMR 02

Sir,

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
09 JUL 2022
ST. FRANCIS DITCH
FLORIANA

RE: PA06105/21

On behalf of my client, John Mary k/a Jimmy Fsadni, I wish to lodge an appeal against the refusal issued by the EPC which was published on the 8th June with respect to application which indicated a proposal

“To carry out alterations to existing structure and erect first floor maisonette over garages “

With the prime reasons being

1. that it runs counter to Part 6 of the Rural Policy and Design Guidance (2014) in that it is proposing a new dwelling and
2. that to Policy SMCO10 of the SMLP which does not allow further extension and intensification of existing permitted development
3. to the Thematic Objective 1.10 and Rural Objective No 3 of the Strategic Plan for Environment and Development which allows only rural development

The SITE

The site is an airspace over what is presently a drive to a group of garages at ground level and for which a stairwell had been prepared when the original building was put up. The proposal is to erect a maisonette over it rather than the 2 apartments which were previously being applied for, as this would fit in well with the adjoining building. It would also create a more acceptable end of development than the present practically blank wall of the existing party wall with the neighbouring property and hence ore in line with Policy 6 of DCG 2015.

The Directorate put forward a series of arguments against this proposal but failed , in our opinion to examine whether there were any positive aspects to our proposal. In treating what we consider a perfectly similar application, PA 5242/20, for a site which is also outside the development boundary and at the end of a group of buildings, their recommendation was much softer , so much so that from the very first Report , whilst contending that the application was not compatible with the various policies they cite here, there is a note in the beginning which takes into account a possible

overturning.

This leads to 2 possible positions , either that the rule is applicable in its entirety equally, without distinction to one and all or else , and this is what a structure plan and policies like SPED maintain as their base, one has to consider policies as general guidance rules which, with a mature decision, can take some fine tuning according to the particular nature of the case.

Our proposal

1. will only add one dwelling unit on a site that is committed and will therefore, not be occupying new ground
2. It will cover up the side elevation consisting of garages and an overlying almost totally blank wall which give the impression of an industrial activity to replace it with a more residential finish thus enhancing the visual appearance. We dare to say it will be more pleasing than that approved in Doc 18f of PA 5242/20
3. Will match the height of the existing neighbouring dwellings (with the lack of a parapet wall to keep it low)
4. Will define the end of the development in a very clear way.

As a result , it should not create a negative impact on the area and in view of the above, I, therefore respectfully ask your tribunal to revoke the refusal and recommend a granting of the development requested. Thank You.



Anthony Fenech Vella A&CE

Encl. Copy of Refusal/ Levy Payment/ Site Plan/ Copy of Plans