

THIRD PARTY APPEAL

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Environment and Planning Review Tribunal,
St Francis Ravelin,
Floriana

Our Ref: OC019.P01

Date: 1 September 2022

Your Ref: PA 05315/21

Address: Site at Triq iz-Zejtun, Tarxien

Description of works: To construct ground floor garage and overlying maisonette..



Dear Sir,

Re: Appeal against the permit granted - PA 05315/21

On behalf of Marquis Dr Antony Cremona Barbaro I am hereby appealing against the decision to award a permit for application number PA 05315/21 for 3 floors at a total combined height of 10.27 metres.

Appellant feels aggrieved by the decision and permit granted, and this for the following reasons:

The site in question lies in a BUFFER HEIGHT LIMITATION ZONE for the protection of appellant's Heritage Property, the Grade 1 Villa Barbaro, which is a mere circa 10 metres directly opposite, and this BUFFER ZONE is presently the subject of an appeal by my client for the lowering of the height limitation, to a maximum of 9.7 metres total height inclusive of parapet wall, in order to properly ensure the safeguarding of the heritage property's vistas from within the garden. (See PAB 00300/21 & PAB 232/09)

This BUFFER HEIGHT LIMITATION ZONE on Zejtun Road, opposite the aforementioned scheduled Grade 1 building, was declared by GN 1173 of the 3rd September 2021, after the EPRT itself in its decision 232/09 had acknowledged the importance of protecting the heritage property's vistas as seen from within the garden, and had therefore ordered the commissioning of a sighting exercise and study to determine whether any further garden vistas needed protection. This study had resulted in the recommendation by the Authority's own appointed expert, Perit Edward Said, of a maximum of no more than 2 floors on Zejtun Road, opposite the said Heritage Property, which recommendation was however not adhered to by the Planning Authority.

Appellants submit that as stated in their BUFFER ZONE appeal they do not object to 3 floor (9.7m) development opposite this Grade 1 Heritage Monument on Zejtun Road, on condition that the total overall height of any 3 floor development does not exceed a maximum of 9.7 metres inclusive of parapet wall, in order to ensure protection of the garden vistas. The overall height of

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this development should be lowered to this maximum requested of 9.7 metres. This max height can be attained by either having a non-accessible roof with no parapet wall, or by the lowering of the height of one or more of the floors to achieve this overall max height of 9.7 metres. The current overall height is of 10.27 metres.

Appellants further submit that applicants failed to produce the studies and photomontages required by the Superintendence of Cultural Heritage in order to assess the impact of the development proposal on the Grade 1 Heritage Monument, and that despite this failure the Planning Commission still proceeded to approve the proposal and grant the permit, thereby rendering such permit null and void. It should be quite obvious that where the protection of the country's Grade 1 scheduled monuments is at stake, the assessment requirements of the Superintendence should always take absolute priority over any other considerations and must be adhered to.

In fact, in PA 2316/21, where the site lies at an even further distance of 13 metres away from Villa Barbaro, the superintendence stated at 120a:

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.

Furthermore, as per recent CIRCULARS 3/20 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. As already stated no such scrutiny or impact exercises were carried out contrary to the demands of the SCH.

Finally regarding appellants insistence on the need for the use of stone on the proposed facade, they are pleased to note that in this respect at least the applicant has complied, in view of the close proximity to Villa Barbaro.

Therefore for the reasons stated above appellants humbly request this Tribunal to impose a lowering of the overall building height to a total of 9.7 metres inclusive of parapet wall or any further lowering of this height as the Tribunal should deem necessary.

The appellants request that in view of the pending appeal for a reduced buffer zone of 9.7metres (PAB 300/21), this appeal should be treated concurrently with the appeal PAB 300/21.

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. Dr Mallia and/pr Mr Zahra from the Heritage Planning Unit, Planning Authority, St Francis Ravelin, Floriana to give clarification on their advice tendered.
3. Perit Edward Said, 57/27 Marina Court, Triq Abate Rigord, Ta' Xbiex to give clarification on their advice tendered.