



31st August 2022

Our Ref: F120620

Location: Ghajn Qamar Court, Flat 7, Triq Ghajn Qamar, Xaghra

Description of works: To remove additions and sanctioning of retractable sunshade at back terrace, including internal alterations to existing penthouse as approved in RG/1539/17.

ATTN: EPRT

Appeal against condition

We would like to open an appeal for the case in caption **PA/1185/22** based on approving the application with the conditions imposed in the post-decision requirements.

The post-decision requirements state as follows:

The following matters are to be settled prior to issue of permit:

- You are to upload revised drawings to

i. eliminate illegal structure from plan 125f and submit section through the proposed works at the uppermost level to clarify the proposed works/height;

ii. relocate services to penthouse level;

iii. kitchen/dining/living areas are left as one open space; and

iv. amend proposal description.

We are in disagreement to the conditions imposed in points ii and iii.

ii. relocate services to penthouse level

The services of a block of apartments is commonly placed on the roof level with the services gathered into one designated area away from sight. In this case, the area for services is located at the back area of the roof, however the condition imposed by the Planning Authority in the post- decision mention for these to be relocated to the penthouse level.

In objection to this, the penthouse level is wholly owned by the client, whilst the services on the roof belong to other parties in the apartment block. Furthermore, as per client's purchasing contract of the property, the following extract mentions the owners of the block having access to the roof and their services, namely the installation of water tanks and television aerials, and/or satellite dish and solar heating system.

Il-penthouse fuq deskritta qeghda tinbiegh bl-arja kollha taghha pero l-istess arja hija soggetta - favur il-units residenzjali l-ohra kollha li jiffurmaw parti mill-istess korp ta' bini - ghad-dritt tal-uzu tal-bejt tal-istess korp bini, ghall-istallazzjoni ta' tank tal-ilma u television aerial wiehed u/jew dish antenna wahda ta' dijametru ta' mhux aktar minn mija u ghoxrin centimetru (120 c.m.) u solar heating system. Dawn ghandhom jehlu f' post indikat mill-vendituri jew is-successuri taghhom fit-titolu. Is-sidien tal-units residenzjali l-ohra kollha li jiffurmaw parti mill-istess korp ta' bini ghandhom ukoll il-jedd li jonxru fuq l-oghla bejt f' post indikat lilhom mill-vendituri jew is-successuri taghhom fit-titolu. Il-proprjeta' tal-bejt tkun propjeta' assoluta tal-kompratrici li jkollha d-dritt li ttellgha sular jew sulari ohra fuqha kemm-il darba jinhargu l-permessi relattivi mill-awtoritajiet kompetenti u f'din l-eventwalita' il-kompratrici ghandha a spejjez taghha itellgha t-tankijiet tal-ilma biss fuq l-oghla bejt rizultanti. L-accessorji l-ohra ghandhom jittellghu mis-sidien tal-units residenzjali l-ohra li jiffurmaw parti mill-istess korp ta' bini. It-tank tal-ilma m'ghandux ikun jidher mit-tria nubblika.

Figure 1: Extract of purchasing contract taken from Not. Alyssa Manuela Cassar

The Planning Authority should not impose the client to place third-party services in her own private property, using up her penthouse terrace space. We feel that the services should remain at the roof level, and possibly move these to the adjoining *higher* neighbouring property to the right, and remain away from visible view.

iii. kitchen/dining/living areas are left as one open space

Again, this kind of condition imposed by the Planning Authority is demanding the client to have an open-plan kitchen, living, dining area, which is considered something relevantly *modern* and not necessarily a characteristic enjoyed by everyone. We disapprove in response to this condition because the client should be left in liberty when it comes to the interior space division of the premises, so long as no sanitary issues are involved (as in this case).

For this reason we are appealing to the above two post- decision conditions imposed by the Planning Authority and wish that these are revised in accordance to the explanations provided above.

Looking forward for your cooperation.

Perit Mark Camilleri