

Fit-Tribunal ta' Reviżjoni dwar l-Ambjent u l-Ippjanar



[PA Nru. 03205/21]

Flimkien għal Ambjent Ahjar (FAA)

-vs-

L-Awtorita tal-Ippjanar u Thomas
Azzopardi

Rikors tal-Appell ta' Flimkien għal Ambjent Ahjar (FAA)

Tesponi bir-rispett u qima

1. Illi permezz ta' applikazzjoni intavolata nhar id-29 ta' Jannar 2021, l-applikant Mr. Thomas Azzopardi talab l-Awtorita' sabiex tapprova permess ta' żvilupp konsistenti fis-segwenti "To propose internal and external alterations at ground and first floor level, whilst retaining the façade, excavation part of site for a basement floor and construction of new common area and lift shaft, demolition of roof at second floor level and construction of overlying units which add up to four units"
2. Illi s-sit in kwistjoni jinsab fil-qalba ċentrali u storika (u għalhekk *Urban Conservation Area* (UCA)) tal-lokalita tas-Sliema
3. Illi l-esponenti irregjistrat l-oġġezzjoni tagħha u l-interess tagħha f'dan l-iżvilupp permezz ta' ittra ippreżentata nhar il-11 ta' Ġunju 2021 (minute 66b)
4. Illi minkejja li dan il-permess gie rakkomandat għar-rifjut għal tal-inqas tliet (3) darbiet mill-*case officer* l-Awtorita' approvat dan il-permess ta' żvilupp permezz ta' deċiżjoni mehuda nhar il-14 ta' Ottubru 2022 u ippubblikata nhar it-2 ta' **Novembru 2022**
5. Illi l-esponenti thossha aggravata b'din id-deċiżjoni u minnha qiegħda tinterponi dan l-umili appell
6. Illi l-aggravju prinċipali tal-esponenti tikkonsisti fil-fatt illi din l-applikazzjoni ma messha qatt giet approvata il-għaliex tilledi u/jew tmur kontra u/jew ġew għal kollox injorati diversi *policies* tal-ippjanar li jikkonsistu prinċipalment fis-segwenti:-
 - *Circular 3/21: "Emphasis is placed on the local distinctiveness of the urban landscape, both within the setting of a street and more broadly, of the urban environment...."*

- *SPED Urban Objective 3.7 "identify, protect and enhance the character and amenity of distinct urban areas" as per DC15 P36 The design of such development will furthermore ensure that:*
 - a) *Its profile and building envelope, including boundary/parapet walls, are compatible with that of buildings on the adjoining plots. Clearly this is not the case.*
 - b) *It is visually appropriate and will not result in excessive bulk or mass.*
 - *DC15 P39 Setback floors, which may include roof structures, will be allowed provided that:*
 - *The design and materials used will be compatible with the remainder of the building and with the general character of the area, including the streetscape and the skyline. .*
 - The setback from the façade must never be less than that of the committed adjacent properties on one or both sides, where applicable. If such commitments do not exist, no setback floor will be allowed.*
 - *SPED Urban Objective 2: To improve the townscape and environment in historic cores and their setting... by:*
 - 1a. *Controlling design, form, scale, density and type of development*
 - 3. *Adopting a context driven approach to the control of building heights within Urban Conservation Areas*
 - 4. *Development within historic sites is to be carried out in such a manner so as to ensure that the historic sites' skyline is not adversely affected*
7. Illi l-esponenti iżżid u tagħmel tagħha ukoll ir-raġunijiet indikati kemm mill-Perit Robert Grech tal-24 ta' Lulju 2021 (minute 81b) u ċioe illi:
- Proposal is in conflict with SPED Urban Objective 2.3
 - Proposal runs counter to Policy P6 of DC2015
 - Proposal runs counter to SPED Urban Objective 2.4
 - Proposal runs counter to DC Policy 15 Policy P4
8. Finalment l-esponenti iżżid u tagħmel ukoll tagħha ir-raġunijiet **konsistenti** ta' rifjut tal-Case Officer Lisa Xuereb (ara 119a, 173a u 213a), liema qatt ma ġew indirizzati mill-applikant, ossijja:
- 1 *The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms of the bedroom at receded level which lacks light and ventilation.*
 - 2 *The proposed development runs counter to the provisions of policy P32 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that a maximum of 20% of the development can be developed into one bedroom housing*

units. The proposal therefore also runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.

3 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 proposal also runs counter to policies P35/P36 and P39 of the Development Control Design Policy, Guidance and Standards 2015 which require that building heights are based on a streetscape analysis in order not to create an unacceptable visual impact.

4 The proposal does not comply with the Urban Objective 2.1a and Thematic Objective 8.7 of the Strategic Plan for Environment and Development which require that development in Urban Conservation Areas is compatible with the existing character and urban design of the area. The proposal is not sympathetic with the adjoining buildings and would not contribute towards the improvement of the quality and to the visual amenity of the area. The proposed development also runs counter to the provisions of Guidance G43 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that the building façade may have a significant impact on the appearance and character of that building, as well as on the neighboring buildings that compose the entire streetscape when it comes to positioning, orientation, rhythm and organization, and proportion and sizing.

5 The proposed development runs counter to the provisions of policy P39 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that setback from the façade must never be less than that of the committed adjacent properties on one or both sides. The proposal therefore also runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.

Ghaldaqstant, u ghar-raġunijiet hawn fuq premissi, l-esponenti titlob bir-rispett sabiex dan l-Onorabbli Tribunal sabiex, prevja kwalsijasi dikjarazzjoni opportuna jew provediment ulterjuri li jkun mehtieg, **ihassar u jirrevoka** dan il-permess ta' żvilupp PA 3205/21.

Avv. Andrew Sciberras
203/1, Vincenti Buildings,
Triq l-Ifran,
Valletta

Lista tax-Xhieda

- 1) Uffiċjali u membri tal-ġhaqda esponenti, inkluż Astrid Vella;
- 2) L-applikant u l-Perit Christian Spiteri;
- 3) Il-Perit Robert Grech;
- 4) Sidien ta' proprjetajiet fl-inħawi u ġirien;
- 5) Is-Sindku u/jew Segretarju Eżekuttiv u Kunsilliera tal-Kunsill Lokali ta' Tas-Sliema
- 6) Prof. Herman Bonnici
- 7) Is-Superintendent tal-Wirt Kulturali (SCH) jew rappreżentanti tiegħu, inkluż is-Sur Jonathan Borg
- 8) Ix-xhieda kollha indikati mill-appellati
- 9) Kull xhud iehor li jista' jkun edott mill-fatti li ismu mhux attwalment magħruf

Avv. Andrew Sciberras
203/1, Vincenti Buildings,
Triq l-Ifran,
Valletta