

PERIT MICHAEL LANFRANCO
ARCHITECT + CIVIL ENGINEER
B E & A Hons, M Sc Cons. Tech.



Chairperson Environmental Planning Review Tribunal,
Planning Authority,
Floriana.

28/11/2022

Application Number: PA/5120/21
Location: 178, Triq Santa Marija c/w 5, Triq Luqa Briffa c/w, Misrah Karlu Diacono, Zejtun
Proposal: To join properties approved in PA7221/20 and DN755/20, minor internal alterations and addition of 1st floor level using same architectural grammar. Raising of adjacent garden wall

We refer to the decision issued by the Planning Authority which refused the application in caption for the following reason:

- The proposed extension to the existing garden boundary wall and the additional volume above the one-storey built structures within the same garden compromises the historic and cultural heritage value of the Palazzo Aedes Danielis and its gardens and the openness and character of the Open Space Enclave as well as that of the immediate context, which comprises of narrow streets. The proposal, which is also being objected to by the Superintendence of Cultural Heritage, visually impinges on the immediate context, compromises the architectural grammar and original design of the 17th century historical palazzo and the historic and cultural heritage value of the existing Palazzo and therefore 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.*

With respect, the applicant wishes to make the following pertinent observations and arguments:

- Reference is made to the part of the reason for refusal which refers to the extension to the existing garden wall. The appellant would like to point out the fact that the DPA report was drawn up on the submitted drawings including DOC 137b and DOC 137c which clearly indicate that NO EXTENSION is being proposed to said garden wall. In fact, the said extension which though originally included was

removed following the on-site consultation with the Superintendence of Cultural Heritage. As a result, the reason for refusal is completely erroneous and therefore, the appellant's case was analysed and decided in an unfair and flawed manner. On this point alone, this reason for refusal should be withdrawn in its entirety and the application decided favourably. The elimination of the extension to the garden wall was also confirmed in the consultation of the SCH in DOC 153a.

2. As already indicated numerous times in the DPA report and throughout the course of the application, the primary concern of this application is the context and in fact, any proposal should be in line with the surrounding streetscapes and should respect the general setting and milieu of the area. In fact, the appellant is in **full agreement** with these arguments and in order to '**tow the same line**' as the SCH, CHAC and the Directorate in general is proposing a development which not only respects the general volumes and heights of the area but is actually lower than those existing within the same streetscape. The said streetscapes are being presented as DOC ML1 which clearly shows that the proposal is in keeping with the context and is in fact lower than the surrounding buildings.
3. Reference is made to the correspondence of the SCH as well as their consultation throughout the course of the application. In view of the nature of the application as indicated in point 2 above, the applicant made efforts to reach a common position with the SCH and even requested a site visit. In fact, during the said site visit, the SCH gave the appellant and her architect positive feedback indicating that the proposal was modest and in keeping with the surroundings and directed the appellant to remove the extension to the garden wall in order to reach an agreeable solution. Months later, the appellant had not received any official communication from the SCH and after endless chasing received an almost identical reply of their previous consultation reply. It is clear that this modest proposal, was not assessed fairly by the SCH.
4. The appellant would like to draw the attention of the EPRT to Document 65a which clearly indicates that the DAC are not averse to the proposed development. Moreover, as indicated, the applicant is proposing a small vernacular, extension over two ground floor, residential units which are today dwarfed by developments of 2 and 3 levels. The proposed extension is of a single floor without any recessed levels and therefore, will be lower than the surrounding developments. The appellant feels that she is being prejudiced and robbed of her vested rights to construct a first floor on her property particularly when one notes the extent of commitments in the area and the South Malta Local Plan which designates the area as having a total height limitation of 2 floors. Furthermore, there will be no extension into the Open Space Enclave as the reason for refusal suggests.
5. It is also important to underscore that the SCH made gratuitous references to the proposed Grade 1 scheduling of Aedes Danielis in a number of its documents/consultations without ever providing solid evidence of the proposed scheduling and of its extent. Moreover, given that to date, the site is not scheduled, any application/appeal should be decided on the current status of the building/ the status when the application was submitted and on the future status if any.
6. Further to the point above, it is vital to point out the misnomer that exists about the fact that the residential units which are the subject of this application are an extension of Aedes Danielis. Whereas the properties are adjacent to and have the same root of title, this does not necessarily mean that all the buildings which are owned/were owned by the applicant or her family in the area were/are part of

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Aedes Danielis. In fact, these buildings were occupied by numerous third parties in the past and thus, the SCH and Directorate's assumptions are unfounded and lack historical accuracy!

7. In view of the above, the appellant is requesting a site inspection by the EPRT in order to better assess the appeal. Furthermore, the appellant will be submitting similar commitments in the area during the course of this appeal.
8. Finally, and completely without prejudice to any arguments mentioned above, the applicant is not averse to the slight modification of the design.

We trust that the EPRT will consider this proposal favourably and overturn the negative decision.

A handwritten signature in black ink, appearing to read 'M Lanfranco', with a long, sweeping horizontal line extending to the right from the bottom of the signature.

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