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The EPRT Chairperson,  
Planning Authority, St Francis Ravelin, Floriana  
14/12/22  
Ref: PA3948/22



**Appeal submission from refusal**

Dear Sir,

Reference is made to the refusal as issued by the Planning Authority; copy attached, appendix 1.

We are kindly requesting for an appeal on this case as we consider that the reasons for refusal are not justified for the following reasons:

**Refusal reason 1:** *The proposed development fails to provide an adequate transition design solution with the adjacent Urban Conservation Area, and thus runs counter to the provisions of Policy P6 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that where development is sited immediately adjacent to a garden located within an Urban Conservation Area, it will be of an appropriate height in relation to the garden wall and set back from that wall by a minimum distance of 3m. The proposal therefore also runs counter to Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.*

**Counterargument:** The fact that the property lies along a UCA boundary is not being contested. It must be noted that the site is already developed with three full floors and a recessed floor. The aim of this development is to extend the existing recessed floor and develop another floor in line with the DC2015 building heights. One has to decide whether the new proposed extension at fourth floor and the new floor at fifth floor impede on the UCA.

We will first tackle the status of the adjacent open spaces within the UCA. These adjacent open spaces within the UCA are not gardens but rear yards and hence do not qualify in accordance with the provisions laid down in Policy P6, DC2015.

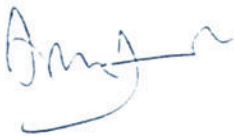
On the other hand we acknowledge the need for a transition, and in our DPA report response, copy appendix 2, we have proposed a stepping in which would mitigate and address this transition keeping in mind the relative height above ground level where the proposal is being proposed, since providing

a setback of 3m will have the same visual affect as the proposed setback of 1.29m as proposed in our DPA response. This further reinforces the argument that the requested 3m setback is not justified. We will during the course of this appeal further demonstrate the visual effect which the proposal would generate.

**Refusal reason no 2:** *The proposed cantilever on the facade runs counter to design guidance G40 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that cantilevers are to be design integrally with the existing elevation. 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.*

**Counterargument:** The proposed cantilever is in accordance with the said policy since it satisfies the policy requirements in total by providing an integral design with the existing façade, is not accessible and enhances the aesthetics of the proposal with its delicate curved alignment. The request to remove the said cantilever is not justified.

To conclude, we are kindly requesting the EPRT to consider a stepped proposal in line with the DPA report. In addition, we are also requesting the said Tribunal to take any provisions deemed necessary by the said Tribunal.



Perit Anton Zammit

Enclosed please find:

Addendum 1: Refusal decision

Addendum 2: DPA response

Addendum 3: Site plan

Addendum 4: Proof of payment