

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

PERIT ROBERT GRECH B.E. & A. (Hons.) A. & C.
Architect & Civil Engineer

Unit 2, Bologna Court, Dun Michele Balzan Street, Floriana AT 2980

T: +356 2748 7158 M: +356 7946 3114

E: robert@iarchitects.com.mt E: info@iarchitects.com.mt

W: iarchitects.com.mt

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ST. FRANCIS DITCH
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iArchitects

The Chairperson
Environment & Planning Review
Tribunal
Floriana

15th December 2022
Our Ref: 1232/2120-04

PA 3227/22 – Appeal

I write on behalf of Mr Vince Agius of "Marjack", Triq Sammy Calleja, Mosta with reference to the decision published on the 23 November 2022 by virtue of which the Planning Authority refused permission for the proposed development.

Refusal Reason 1:

The proposed development runs counter to the provisions of Policy P23 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that allowable development over internal garage will only comprise (a) extensions to existing development, as long as such extensions are internally connected, (b) landscaping works aimed at reinstating its spatial value within the urban area by knitting such open space to the rest of the urban fabric, in line with the provisions in Guidance G41, and (c) the extension to external yards/terraces of existing surrounding development. 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.

1. We bring to the attention of the Appeals Board the following;

P23 states that allowable development over the internal garages will only comprise:

a) extensions to existing development, as long as such extensions are internally connected;

The proposed domestic store is internally connected with the underlying approved domestic garage, and in no way we are proposing a new unit or independently accessed store i.e. in line with the same Policy P23. "Existing development" does not refer only to a dwelling.

Apart from this the site is located within a heavily committed similar extensions, some of which with permits as quoted and some which have been there over 30years and no permit can be traced.

2. *Commitments are to be read as commitments, even though they are extensions to existing adjacent dwellings. P23 refers to this gardens/backland, as private open space which contributes to the character of these areas, which this area is definitely not.*

Moreover as in aerial photo submitted in PA 3227/22 DOC 45A, there are several other existing commitments apart from those shown in block plan PA 3227/22 DOC 77B which are either covered by either a Regularization or no permit can be traced for them.

3. *Moreover, extensions to existing development within internal garage developments such as in Triq l-Imgarr, Ghajsielem are being approved. These extensions do not refer to merely an extension of a garage, but full blown apartments, maisonettes and terraced houses as in the below Permits.*

PA/04228/19- To construct house on existing garages.

PA/06558/20 - To construct maisonette over existing garages including sanctioning of minor changes in internal layout and elevation from PA2825/04

PA/01932/20 - To sanction differences from previous permission PA5984/02 mainly differences in site configuration and to construct maisonette above garages, including lift installation

PA/01625/20 - Alterations to existing garages to install elevator, and construct overlying house at first floor, including sanctioning of internal alterations and in facade.

Finally, we humbly request the Tribunal to re-consider this decision, based on the approved commitments on site, similar approvals, and considering P23 as specifically written to include extensions to any existing development.

Encl. (1) PA Decision;
(2) Siteplan

Kindly acknowledge receipt of this letter.

Regards



Perit Robert Grech A. & C.E.

cc. Dr Josette Grech LLD - josette@jgadvocates.com