

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

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ST. FRANCIS DITCH  
FLORIANA

PERIT

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Our Ref: 21077

Your Ref: PA/02572/22

The Chairperson  
The Environment and Planning Review Tribunal  
St Francis Ditch  
Floriana

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

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ST. FRANCIS DITCH  
FLORIANA

21<sup>st</sup> December 2022

**Submission of Appeal against refusal**

**Development Application Reference number:** PA/02572/22

**Site Address:** 164, Apartment 3, Triq Dun Frangisk Sciberras, Mellieha

**Appellant:** Ms Marisa Tanti

**Proposal:** To sanction departures in apartment as built from drawings approved in PA5625/16 including shifting of internal walls and changes to the facade. Proposed alterations to existing apartment, extension to stairwell and lift shaft and proposed development of airspace into a new residential unit at set-back floor.

Reference is made to the development planning application in caption, and to the decision by the Planning Authority to refuse the proposed development which was published on the 30<sup>th</sup> November 2022.

The following are the undersigned's comments in relation to the reason of refusal as outlined by the Planning Authority.

**Reason of Refusal 1**

*The proposed development runs counter to the provisions of policy P35 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that the permissible height of a development will include the provision for any setback floors and services, as well as an obligatory 1-metre parapet wall on the exposed façades at the uppermost roof level. In terms of height, the third floor is still considered as the receded floor and therefore the roofing over of the terrace also runs counter to the provisions of policy P35 of DC 15. 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.*

**Arguments:**

The application was submitted in order to sanction a number of differences from the previous permit, PA/5625/16, and also propose the roofing over of the existing terrace at penthouse level in order to form a full-floor apartment at third floor level, and also construct an additional floor so as to create a new penthouse level.

There were no objections or issues raised by the Planning Authority to the proposed sanctioning of differences from the previous permit.

The reason of refusal relates mainly to the non-provision of the 1m parapet wall above the newly-proposed penthouse level in order to screen the services. The 1m parapet wall cannot be provided due to the overall height being restricted by the underlying ground floor, which belongs to third parties. However, it was originally being proposed that the bathrooms at penthouse level are roofed at a lower

level than the rest of the penthouse, so as to have enough space for the placing of services, as can be seen in Section CC (doc. 45b).

Similar proposals were also recently approved by the Planning Commission in a number of development permits, namely PA/1368/19, PA/4865/20, and PA/3934/20. In such cases, the 1m opramorta was provided above the bathrooms of the penthouses which were being proposed in these applications, similar to what was being proposed in this application.

Subsequently, during the course of discussions with the Planning Commission, an alternative solution was proposed whereby no services would be placed on the roof of the proposed penthouse so as to eliminate any concerns that there would not be adequate screening for the services. It was therefore proposed that services would be placed in a back terrace at penthouse level, and thus drawings were updated and submitted accordingly (doc. 136a)

Furthermore, it must also be pointed out that the proposed development is being proposed in line with the maximum overall height and maximum street façade height as stipulated in the Planning Authority's policy and design guidance document, DC2015, as can be seen on the elevation submitted at doc. 45c. Should this proposed development not be allowed, then the streetscape will always remain incomplete, and once the neighbouring developments construct additional floors, there will also be blank party walls which will not be screened.

Hence it is hereby being kindly request that the EPRT duly considers the points outlined above, along with the similar permits which had been issued by the Planning Authority for similar developments, such that this application for the proposed development may be approved.

In view that the application requested both the sanctioning of the existing development and also the proposal of the additional floor, the undersigned is also hereby kindly requesting that, should the EPRT deem that the additional floor should not be approved, then at least the sanctioning of the existing development would be approved (as shown on drawings at doc. 45a) in order to avoid having to submit a fresh, separate application solely for the requested sanctioning.

The undersigned reserves the right to make further submissions during the course of this appeal.

Yours faithfully,



PERIT  
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**Perit Gilbert Bartolo B. E&A (Hons.), A&CE**

**Cc:** Appellant

**Attached:**

- Refusal Decision Notice;
- Submitted plans, sections and elevations to the Planning Authority;
- Updated Case Officer's report following Planning Commission hearing;
- Site Plan;
- Site photos;
- Proof of payment of appeal fees