

MFF/dem/900/33/07

The Secretary
Environment and Planning Tribunal
P O Box 172
Marsa



Dear Sirs,

Re: PC/ 00036/22– ‘Redeemer’, 17 Triq Xandru Farrugia, Tarxien

On behalf of our client, Ms. Sabrina Debattista (ID 0499486 M) of 4, Valletta Road, Marsa, we are herewith submitting an appeal against the refusal of the above Planning Control Application that proposes the shifting of building alignment on Triq il-Pellikani in Tarxien. The refusal was communicated to our client as per letter dated 24th January 2023 (copy of which is being enclosed)

The only reason for refusal published on the 8th February reads as follows:

The excessive reduction of the front garden detracts from the vision of the SPED (paragraph 1.27) which seeks to enhance the urban areas to become an attractive place for people to live, work, play and interact. It shall be clean, pollution free, safe, green, distinct and evoke a sense of openness. Thus, the proposal runs counter to SPED Urban Objective 3: To identify, protect and enhance the character and amenity of distinct urban areas.

In this regard, we have to submit as follows:

Currently the site consists of a corner building having a 3m front garden along Triq Xandru Farrugia and Triq il-Pellikani. No front garden lies along Triq il-Koppla. The proposal comprises of the shifting of the building alignment by 3m along Triq il-Pellikani. A corner splay will be created along Triq Xandru Farrugia corner with Triq il-Koppla as per Transport Malta's recommendation. No changes are being proposed along Triq Xandru Farrugia

It is being stated that the development would result in the excessive reduction of the front garden thus rendering the urban area an unattractive place of people to live, work,

play and interact. It is also being stated that the development would lead to a polluted, unsafe less clean, less green urban area and would detract from evoking a sense of openness. Therefore, it is being concluded that the proposal runs counter to SPED Urban Objection 3 which seeks to identify protect and enhance the character and amenity of distinct urban areas.

It is to be noted that the area within which the proposed development lies is rife with buildings with no front garden as shown in Fig. A lack of front garden does not equate to an unattractive place in which to live, work , play and interact, nor does it lead to a polluted, unsafe, less clean and less green urban area as the reason for refusal seems to suggest. Good urban design is not wholly dependent on have front gardens added to property. We therefore cannot understand why the Planning Authority is averse to this proposal when the area directly opposite the site subject to this appeal which is literally a few metres, is designated as a Public Urban Open Space as per Map TA 1 of the South Malta Local Plan.

The proposal will not detract from the vision of the SPED since the configuration of the site is such that it allows for the reduction of the front garden. The proposal does not entail the removal of all the existing front garden. Most of the area of the immediate surrounding does not have a front garden and therefore the character of the immediate urban area will not be comprised. Furthermore, the proposal would not disrupt the continuation and uniform planning in the surrounding area, since the proposal will create continuation of axially along Triq il-Koppla. It is to be noted that ALL streets leading to Triq il-Koppla do not have a front garden as shown in Fig 1. Therefore, the proposal would not create a negative visual impact.

It is to be noted that no changes are being proposed to the current street alignment. Both Transport Malta and the Local Council gave their no objection. From a road design impact point of view, there will be no negative impacts on the road design, safety and traffic as confirmed by Transport Malta in Doc 36A on Eapps. Furthermore, no negative impacts will arise to third parties as confirmed in the case officer's report

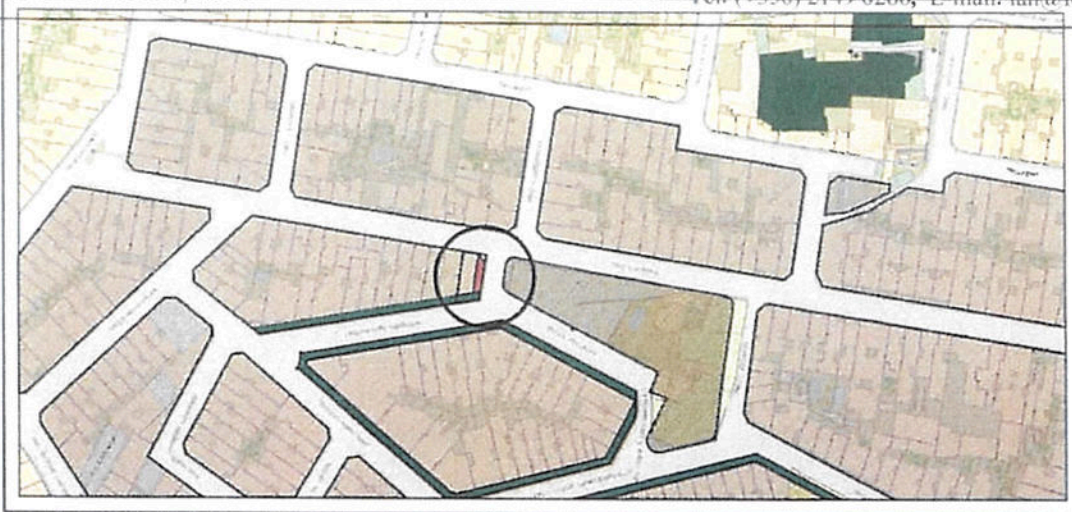


Fig 1: Existing and proposed (in red) alignment of the area and site subject to this appeal.

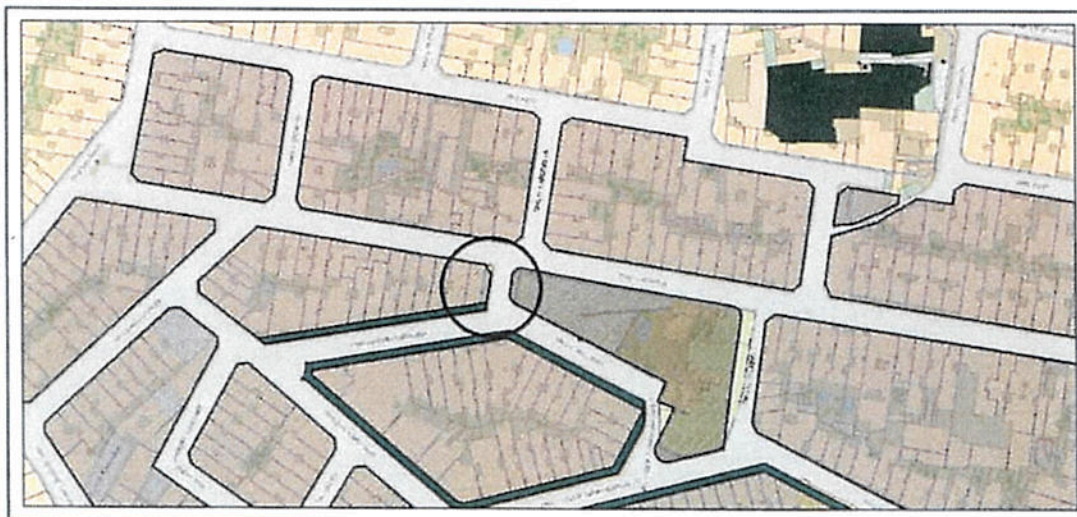
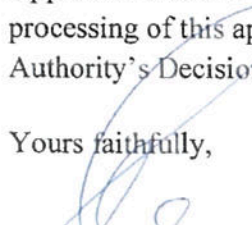


Fig 2: Existing and proposed (in cricle) alignment of the area and site subject to this appeal.

We therefore submit that the decision to refuse the Planning Control Application should be overturned.

Appellant reserves the right to submit further oral and/or written submissions during the processing of this appeal. The following documents are being attached – copy of the Planning Authority's Decision, copy of Site Plan, Copy of Receipt.

Yours faithfully,


Ian Cutajar A&CE
FALZON & CUTAJAR
Architects and Civil Engineers