

10th April 2023

The Secretary
Environment and Planning Review Tribunal
St. Francis Ditch,
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
17 APR 2023
ST. FRANCIS DITCH
FLORIANA

Re: Proposed construction of basement store, ground floor residence and washroom at roof level in infill site. Proposal also includes reinstatement of rubble wall and alterations to existing room. - PA/05201/22

Reference is made to the refusal of development permission dated 29th March, 2023 and issued in connection with the above-mentioned application. Our comments follow:

The site under consideration is very particular in view of the following facts:

- a) the site lies immediately adjacent to a development as approved by PA 5027/21 and hence our proposed development abuts a legally established residence built within this rural context.
- b) the development as approved by PA 5027/21 consolidates the establishment of a blank wall which sprawls some 66.2m along the existing rural context (refer to attached Doc JG01).

In these circumstances, we are of the opinion that rather than limiting itself to the RDPG policies, the Planning Authority should have given a more specific consideration to the fact that our proposal could in fact be treated as an 'end development'.

From a planning point of view, allowing such an end development should be seen as a major improvement over the current situation, since the existing blank wall, devoid of any character, would be concealed by the proposal thus improving upon the impact this existing blank wall has on the rural context. Moreover, this end development would also ensure that, the proposal would create a definite end to further potential sprawling in this location.

This argumentation is in synch with the positions taken by various Tribunals to argue in favour or against other applications hereby being brought to the attention of the EPRT.

PAB 272/19 by whose decision PA 1186/19 was refused following arguments by the EPRT as follows:

'Illi fil-mori ta' dan l-appell, it-Tribunal kien acceda fuq is-sit u seta' japprezza l-kuntest tas-sit li ghalkemm huwa wiehed rurali, hemm bini residenzjali iehor vicin. Izda t-Tribunal innota wkoll li r-residenza u l-hajt ta' appogg biswit fejn huwa propost lizvilupp, huma rtirati mit-triq u ghalhekk m'humix daqshekk vizibbli. Infatti, dan l-istess l-appogg miftuh, li jaghmel accen ghalih l-appellant qiegheed ferm irtirat mir-ringiela ta' djar ezistenti li jinsabu vicin is-sit. It-Tribunal innota ukoll li l-ahhar dar f'din ir-ringiela u l-aktar wahda vicin is-sit odjern, gja ghandha twieqi fuq il-hajt tal-genb u ghalhekk ma tikkrejax sitwazzjoni fejn jofrix opportunita' li jsir xi residenza bhala 'end of development'.

Barra minn hekk, it-Tribunal ma jistax jinjora l-fatt li dak li jista' jservi bhala gustifikazzjoni ghall-izvilupp propost, u cioe' il-hajt ta' appogg ezistenti tar-residenza rtirata mit-triq, huwa fil-fatt bini llegali munit b'Avviz ta' Infurzar 369/06. F'nota ulterjuri li pprezenta l-appellant gie ndikat li l-bini biswit kien ezistenti fis-sena 1967 u dan skont is-'survey sheets' antiki. M'huwiex lok li f'dan l-istadju, u fl-applikazzjoni odjerna, it-Tribunal jidhol fil-mertu ta' jekk il-binja residenzjali biswit hijjex illegali jew le, partikolarment meta l-Avviz ta' Infurzar fuq is-sit biswit dik odjerna, li ghadu wiehed attiv, jirreferi ghar-residenza ezistenti u jsejhilha bhala binja llegali, il-hajt tal-appogg ta' din ir-residenza ma tistax tintuza bhala 'commitment' favur l-izvilupp propost.'

Our development would:

- **cover a blank wall which is highly visible from the rural road and is not receded from such road**
- **cover a blank wall is devoid of openings and hence presents a situation wherein an 'end of development' is called for**
- **cover an existing blank wall which is legally established through an approved permit**

PAB 284/04 by whose decision PA 2717/04 was issued in view of the following:

'Dwar l-area in kwistjoni, hi koretta l-Awtorita' li ticcita l-policies rilevanti; u cioe' li mhux permesibbli zvilupp barra z-zona indikata bhala tali. Pero hu fatt in kontestat li minn aspejt ta' ippjanar ikun ahjar li l-izvilupp jinghalaq kompletament (End Development) b'struttura intiza ghal dan l-iskop. Certament il-hajt tal-appogg ezistenti, lixx u bla ebda aperturi kien intiz meta nbena biex mieghu jappogja bini iehor u li dan il-hajt partikolari jimmarka l-konfini tal-izvilupp certament mhux rakkomandabbli. Mill-banda l-ohra, kemm il-darba l-applikazzjoni tigi milqugha, jista jsir zvilupp adegwat, li anke mill-aspejt ta' ippjanar ikun intiz biex jaghlaq defenittivament l-izvilupp u dan billi fuq in-naha ta' barra ikun hemm aperturi biex zgur ma jkunx jista jsir zvilupp ulterjuri u jigi evitat 'ribbon development' jew 'urban sprawl' msemmi mill-Awtorita.'

Our development would:

- **provide the end development**
- **cover the existing blank wall which is surely not recommended**
- **close off development by introducing apertures and putting an end to further sprawl**

PAB 363/17 by whose decision PA 1673/17 was issued in view of the following:

'Dan it-Tribunal dejjem ikkunsidra illi 'edge plot' huwa gustifikat fejn sejjer ikun hemm gwadan ambjentali, u ghalhekk fejn verament sejjer ikun hemm titjib fuq l-impatt vizwali ta' hajt ta' appogg ezistenti. Fil-kaz tal-applikazzjoni odjerna, gie innotat illi l-hajt ta' appogg biswit is-sit huwa b'gholi ta' zewg sulari, u ukoll jikkonsisti minn hajt tal-kantun mikxuf. Dan il-hajt huwa wkoll vizibli mit-triq principali li taghti access ghal Had-Dingli, u cioe' minn Triq ir-Rabat. Ghalhekk, it-Tribunal huwa propens illi jilqa dan l-appell fuq il-bazi illi sejjer ikun hemm gwadan ambjentali fuq iz-zona billi l-izvilupp propost, inkluz id-disinn tas-side elevation, sejjer jaghlaq l-iskema tal-izvilupp b'mod li sejjer iservi bhal transizzjoni tajjeb bejn il-bini li gja hemm fl-iskema u l-art rurali li jinsab barra mill-konfini tal-izvilupp.'

Our development would:

- **lead to an overall environmental improvement and a better visual impact**
- **provide a transition between a legally established building and agricultural land**

In addition to the above, we would like to point out that the proposed development has been designed to ensure minimal longitudinal sprawl, however, together with our reply, we are appending an alternative scheme which would encroach further longitudinally and thus covering an even larger proportion of the existing blank wall and at the same time reducing lateral sprawl along the road frontage.

In both instances, we are of the opinion that the proposal can be justified as an end of development which, from a planning point of view, would improve upon the existing situation and help create an adequate transition from the adjacent development consolidated by PA 5027/21 towards the rural zone.

In view of the above we respectfully ask the EPRT to take the above arguments into consideration, approve the outline permit and allow us to submit a detailed proposal aimed at reaching this goal.

We reserve the right to present further documents throughout the course of the Appeal wherein we will also be assisted by Dr Ian Stafrace.



J Grech A&CE