

3rd April 2023

The Environment and Planning Review Tribunal



*Nru. ta' l-Aplikazzjoni:* PA/5309/22

*Lokazzjoni:* 41, 43, 45 Triq Gorg Borg Olivier, Rabat

*Proposta:* Restoration of existing facade and creation of a (temporary) link to Villa Luginsland to carry out the approved restoration works.

*Ref. Taghna:*

*Ref. Tribunal:*

**Mannie Galea**

**vs**

**L-Awtorita' ta' l-Ippjanar u Luginsland Limited**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was approved by the Commission and the decision was published on the 22<sup>nd</sup> March 2023.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 *Proposed development relates to the dismantling of a structural masonry fabric including load bearing walls and roofs constructed over a hundred years ago, to create access within a conservation area for restoration works yet to be carried out as per PA/00395/22.*
- 1.3 *The demolition of a historical fabric located within a UCA is not justified for restoration works over Villa Luginsland since the replacement of structural roofs has already been carried out in line with permit PA/06680/18, where a temporary tower crane was installed over the front area reaching all the site.*
- 1.4 *The motivation behind this application is the overdevelopment of an ODZ site as per pending application PA/0385/22 which relates to the construction of both indoor and outdoor pools, three bedrooms, an art studio, a garden lounge, a living area and kitchen, a fitness area etc. over the site which is located within an area designated as NWRB6 within the Rabat Local Plan. It is a protected area from any development which will adversely affect the scenic value of the conservation area, or views from the conservation area, or disturb the existing landscape setting, where only minor extensions to the existing/permitted structures in relation to the legitimate land-uses existing at the time of the local plan are to be permitted.*
- 1.5 *Doc 1c of this application relates to an existing misleading site plan where the backyard wall of the property facing 41/43/45 Borg Olivier street is purposely not being shown. A residual triangular area belongs to third parties whilst plans indicate it as being part of applicant's property. This area forms part of a site covered by PA/00979/15 published on 07.01.16 where the landscaping scheme included two creeping lantana (*Lantana Montevidensis*) and one flamboyant (*Delonix Regia*). Application PA/05309/22 makes no reference to the uprooting, shifting or replanting. Rubble walls are protected through Legal Notice and their demolition is subject to enforcement action. The presented plans lead to*

*such concern. In view of the fact that the third party residual triangular area in question which creates and links the access between two properties, has been indicated as applicant ownership, whilst plans do not make reference to an existing wall which is to be demolished, this application had to be considered as being null and void and should therefore been refused.*

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative refusal, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



**Av. Ian J. Stafrace**

**Witnesses:**

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



**Av. Ian J. Stafrace**

**Request for suspension in accordance with the provisions of Chapter 551 of the Laws of Malta:**

The Appellant makes reference to the Appeal being filed concurrently with this Application and requests that the execution of the said permit is suspended pending the outcome of the appeal.

The sensitivity of the property subject of this Appeal clearly outlines the basis of this request and it would be appropriate for the fabric of the said property to be retained in its entirety and to also enable access to the site by the Tribunal to verify the matters raised in the Appeal.



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