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



10th. October 2019

Dear Sirs,

Re:- Permit Number PA/10690/18 – To construct 3 levels and a recessed level and remodel the common areas to include a lift – 52, Triq Ganni Bencini, Gzira.

We have been directed by Mrs. Grace Portelli of 51, Ganni Bencini Street, Gzira, to refer to the above-captioned Permit issued on the 11th. September 2019 and to present herewith her Appeal therefrom in terms of Law.

Our client is a registered objector to the application submitted in relation to the above-captioned Permit and additionally presented her objections as detailed on her behalf by Architect John Cassola on the 22nd. April 2019.

Our client furthermore owns and resides at the ground floor property of the site in question and who is already a registered objector relative to the above-captioned application.

This Appeal is being presented on the following principal grounds, namely:-

First Ground

The proposed development is such that one of the internal yards (the one centred to the width of the plot) is not set back as clearly required in the current applicable Sanitary Legislation (Legal Notice Number 227/16). This is not only unequivocally illegal in itself but, over and above will also render our client's property in a state of illegality as a direct consequence thereof. The sketch plan prepared by Architect John Cassola of our client's property attached to Architect Cassola's letter of the 22nd. April 2019 illustrates this state of affairs;

Second Ground

Without prejudice to the above, the development of applicant is precluded by Law from rendering more burdensome the existing servitude tied to our client's property, in respect of the apertures which are opened and giving directly onto her property. The details of the application evidence that this is being violated and that applicant has not provided for the

necessary legal setbacks applicable in such a case. These are legal norms go beyond purely civil considerations and are of their very nature essential requirements for the assurance of legal, proper and orderly development, such as the Planning Authority has the overall legal obligation to uphold, apply and enforce;

Third Ground

Additionally, without prejudice to the above, it does not result that the applicant (or indeed his predecessor in title (in the event that applicant has already concluded his acquisition) is the owner of the airspace where the development is being proposed.

Fourth Ground

Additionally, without prejudice to the above submissions, as pointed out in Architect Cassola's letter of the 22nd. April 2019, the latest additional drawings submitted by applicant evidence that a lift is being proposed directly abutting our client's property. This is unacceptable in principle unless the lift shaft wall abutting our client's property is sufficiently acoustically insulated.

List of witnesses being presented in relation to this appeal are as follows:

1. Appellant - Grace Portelli to testify about the facts of the case and the grounds of the appeal
2. Andrew Portelli – to testify about the facts of the case and the grounds of the appeal
3. Architect John Cassola – to explain the technical aspects of the case
4. Notary Dr. Victor Bisazza – to testify about the property pertaining to the appellant
5. The estate agent Ritan Galea– to testify as to the valuation of the property

In the light of the above, and whilst reserving the right to make further additional submissions and present additional evidence at any late stage, our client kindly requested to treat this as an Appeal from the Decision of the Planning Authority of the 11th. September 2019 in relation to the above-captioned Permit and to consequently revoke the said Decision accordingly and refuse the relative application.

Yours sincerely,



Avv. Josette Grech