

*Advised
Summons*

Dr. Marouska Debono M.A. in Law, LL.D.

ADVOCATE

203/2, Old Bakery Street, Valletta

11th June 2020

Secretary
Environment and Planning Review Tribunal
St. Frances Ravelin
Floriana



Dear Sir,

Appeal of Carmelo Pisani from PA09502/19 – Full Development Permission – location – London, Triq Censu Bugeja, Iklin.

Proposal: Alteration to first floor apartment covered by PA 7290/06 including open plan layout to include kitchen, dining and living area and other internal alterations to divide bedroom and en-suite. Demolition of stairs in first floor over back yard and demolition of washroom at second floor. Construction of apartments at second floor, third floor and receded levels including installation of lift and stairs

Dear Sir,

I am writing on behalf of Carmelo and Beatrix spouses Bugeja of 18, The Haven, Censu Bugeja Street, Iklin.

My clients are hereby lodging a formal appeal from the permit issued to Mr. Warren Mansueto dated 17th February 2020.

My clients have been third party objectors all the way during the processing of the said application as seen from the objection dated 17th December 2019. My clients live under the development as being proposed and thus ground floor, and are deeply worried that the construction of apartments at second floor, third floor and receding levels shall be prejudicial and detrimental to them.

Attached find a copy of objection drawn by the Architect Christian Buhagiar whereby he expresses detailed concerns for the proposed alterations.

Reference is made to the planning procedure as the application has been processed as a summary procedure application but as there was an objection by my clients and the Iklin Local Council, this application should have been referred for full development application so that the objectors could have been able to express their concerns in front of the planning board and not being approved by the directorate without taking note of the objections received.

One of the main concerns is the structural concern whereby the clients architect inspected and concluded that the existing building is more than 50 years old and such building is not capable of taking a three additional floors as per approved permit.

Another main concern is that the clients architect noted that recently the developer carried only one foundation core test which was drilled through the pavement and took sample of the foundation of the façade only, which is not a representative sample of the existing foundations of the building. Therefore, the architect of the project does not have enough evidence that the building can withstand the proposed additional load. Thus, this is not in line with what the project architect Roderick Camilleri stated at the planning stage namely, " In response to the structural concerns raised by the representation at doc. 33A, the architect stated that the necessary procedures and safety measures as required by the current legislation, as well as testing of the existing structures, would be undertaken to ensure the safety of underlying and adjacent properties (doc.38A)." My clients architect noted that in view of the lack of structural testing, the proposed structural interventions will be based on assumptions.

Moreover, the drilling was taken by devious measures by also drilling through my clients wall (façade) and did not even ask for permission to do so, and only got to know what was happening through the noises coming from such.

Most importantly one has to take into consideration the recent building collapses that has taken lives of innocent people whilst enjoying the quiet and safety of their own home, namely the last incident in Hamrun/Santa Venera and therefore Chapter 513, SL 513.02 and SL 513.06 of the Laws of Malta have to be adhered to, to the letter, in which case it has not happened yet from the project's architect.

Furthermore, as already stated above my clients are the owners of the ground floor maisonette, they are 70 years old, who live all the time at their residence, most of the time there are also their nieces and nephews who spend days on end in this residence and if the construction shall go ahead it shall be of continuous danger for them. Reference here is not being made to a collapse of the building but also to falling masonry, tools and heavy objects which can be also fatal to my clients and their family.

Also, the existing drainage connection cannot take additional flow from more apartments. My clients have already reported such deficiencies to the applicant whereby he told him that it is their problem and they have to deal with it. Furthermore, my clients will not allow additional drainage systems to be connected with the existing ones. Also, the architect states that the replacement and installation of a new system is impossible in view that any works will incur damages to the existing finishings of my clients property.

In view of the above, my clients are requesting that this tribunal revoke the permit above mentioned in its totality.

A handwritten signature in blue ink, appearing to read 'M Debono', written in a cursive style.

Dr. Marouska Debono