

5th July 2020

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/1454/20

Lokazzjoni: No 3, Bidnija Heights, Triq tal-Milord, Bidnija, Mosta

Proposta:

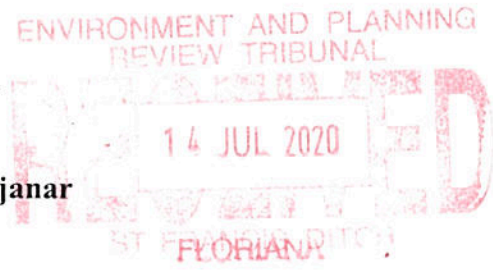
Ref. Taghna:

Ref. Tribunal:

Charles Fenech

vs

L-Awtorita' ta' l-Ippjanar



The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2020.
- II) This application was refused by the Commission and the decision was published on the 17th June 2020.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

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

The appellant respectfully submits the following:

1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.

- 1.2 The appellant is well aware that a condition in his previous permit did not enable the sub-division of the property into two. Hence the submittal of the current application.
- 1.3 There is no doubt that a condition in a previous permit may be changed through a subsequent application/permit.
- 1.4 The appellant demonstrated enough facts and submitted enough evidence that the proposal is in line with the applicable policies and regulations, and is likewise similar and identical to other permits issued in the surroundings.
- 1.5 The new unit in question has sufficient outlook to enable its use as a separate dwelling and is of a dimension that also enables such a use. Taking into consideration the fact that in PA 6978/17 the physical subdivision of the ground and basement level has already been approved through a minor amendment application in PA 6978/17. This application is therefore solely requesting that the basement level and resultant ground floor residential units are recognized as separate units.
- 1.6 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.

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 permit, 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.

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