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OUR REF: 6090

PA REF: RG/00587/20

DATE: 5 January 2021

The Chairman  
Environment & Planning Review Tribunal  
Floriana

Application No. RG/00587/20  
Location: Maisonette 1, Harruba Court  
(previously known as Ghall Dejjem  
Court), Triq il-Gudja, Ghajnsielem.  
Proposal: To regularise existing maisonette as  
built.

### APPEAL AGAINST REFUSAL

I write on behalf of Ms Theresa Attard of 'Angel's Abode' Triq il-Gudja, Ghajnsielem, Gozo in order to file an appeal from the decision dated 10 December 2020, and published on 23 December 2020, whereby my client's application was refused by the Planning Commission (Regularisation Permissions) (see copy marked Doc 50a attached).

The application is in respect of the above mentioned development.

The application was refused for the following reason:

- 1. The existing development cannot be regularised since it is evident that the change of use from a garage for private cars to a maisonette had not yet been carried out prior to the coming into force of LN 285/16. The proposal is therefore in breach of regulation 4(1) of the same Legal Notice.*

Applicant kindly submits that the existing development can be regularised because as stated in

the DPA report itself (Doc 17a) prepared by the Planning Directorate:


"Since internal photos doc 1f exhibit brand new finishes and furniture, doubts as to whether the unit existed pre-2016 are justified. On the other hand, the utility bill at doc 1i has a registered person and reasonable consumption to give benefit of the doubt that perhaps a refurbishment was recently carried out and hence an approval is recommendable".

As a matter of fact this is what happened, the premises in question have been used as a flat pre-2016 and applicant has recently carried out refurbishment works.

It is to be noted also that during the first hearing by the Planning Commission the only issue was with regards sanitary issues and in fact applicant was requested to submit an engineer's report (see doc 23a) for the habitable basement.

In view of the above submissions, the existing development is in line with regulation 4(1) of LN 285/16 and the Tribunal is requested to overturn the refusal and grant the permit requested by my client.

A copy of the relative decision and of the site plan are being herewith attached together with the form attesting payment of the fee.



Perit Emanuel Vella

Attachments:

- Planning Commission decision
- Doc 1a - Site plan
- Form attesting payment