

20th April 2021

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/5720/20

Lokazzjoni: Penthouse A7, Block A, Misrah L-Indipendenza, Triq l-Indipendenza, Xewkija

Proposta: Proposed extension to penthouse

Ref. Taghna:

Ref. Tribunal:

Bernard 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 24th March 2021.
- 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 The Authority assessed the application wrongly.
- 1.3 In refusing this application on the basis of a wrong interpretation and application of the policy, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta correctly, especially when disregarding the specific provisions of the Local Plan regulating the site in question.
- 1.4 The Authority ought to decide applications brought before it on the basis of plans and policies and cannot use a consultation reply as a reason for refusal.
- 1.5 The property is situated in an internal development in Triq l-Indipendenza. The frontage of the internal development is located within the Urban Conservation Area (UCA) whereby the property is located within the development zone of Xewkija as designated in the Gozo and Comino Local Plan, 2006 - see the site photos at documents 16a and 110l. Hence the Authority ignored the provisions of the Local Plan which ought to take precedence over other considerations.
- 1.6 The Authority failed to treat this application on the basis of the same criteria it used in similar situations, both in the immediate vicinity of the site in question and also in sites which have or are located within a historic context. Specific reference is made to RG 552/17 and PA 1687/18.
- 1.7 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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