

PA 91

**Dylan Cutajar Davis B.E & A (Hons) A.&C.E.**

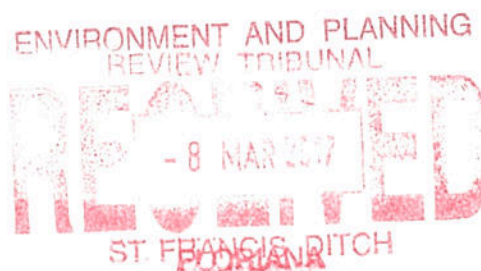
70, Buckeroo, Triq il-Hida, Kappara SGN 4137

Mobile: 79231103

Warrant No. 721

8<sup>th</sup> February 2017

The Chairperson,  
Environment & Planning Review Tribunal,  
Planning Authority,  
St Francis Ditch,  
Floriana,  
Malta



**TO WHOM IT MAY CONCERN:**

**P.A. :** 05943/16

**Location:** Cypress, Triq Is- Siegh, Ibrag, Swieqi, Malta

**Proposal:** To sanction variations from original approved PAPB 716/91.

With reference to the above mentioned file my client would like to appeal the decision published on the 8<sup>th</sup> February 2017 by PA board.

With reference to the decision notice dated 8<sup>th</sup> February 2017 with a refusal of development permission, the following points are raised against this refusal.

- 1) **Point 1:** *"The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms of natural light and ventilation, internal yard dimensions and internal height of washroom at roof level."*

The building was built when conditions DC1/88 were applicable at the time which stated that the internal height of washrooms should not be higher than 8 courses. Although sanctioning was being requested recently, one must observe the planning conditions at

the time and not present internal height requirements. In fact as can be seen from the drawings submitted with the application the internal height requirement of the washroom was respected and thus the reason for refusal with regards to the internal height of the washroom is unjustifiable as the washroom was built according to the conditions of DC1/88.

With regards to the Bedroom (19.81m<sup>2</sup>) not having adequate light and ventilation due to the backyard. One must keep in mind the following points:

- (i) The backyard as built was already approved through another application **PA 1634/12** which sanctioned the site configuration as built. Thus it is unjustifiable to argue that the internal yard is adequate for the ground floor but the same internal yard is inadequate for the first floor.
- (ii) The site is at a splay at the back thus it is impossible to have the size of the yard as stipulated in the DPA report as requested by SEO. Once again this internal yard as built was already approved through **PA 1634/12**.
- (iii) The internal yard is back to back with another yard and the dividing wall only goes up to the ground floor. Thus the light & ventilation at first floor is completely unrestricted and thus the argument that there isn't enough light and ventilation is completely unjustifiable.



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