

PERIT DAVID ZAHRA

B.E. & A. (HONS.), M. SC. CONS. TECH.

CONSERVATION ARCHITECTENVIRONMENT AND PLANNING
REVIEW TRIBUNALMARCH 10TH, 2018

OUR REF.:

PERMIT: PA/11092/17
 LOCATION: No. 3, FLAT 5, TRIQ IL-KONSERVATORJU c/w, MISRAH SAN KALCEDONJU, FLORIANA, MALTA
 PROPOSAL: TO CARRY OUT ALTERATIONS TO INTERNAL LAYOUT OF EXISTING FLAT; REPLACEMENT OF EXISTING CEILING DUE TO STRUCTURAL DAMAGE AND DEMOLITION AND CONSTRUCTION OF WASHROOM

To whom it may concern**RE: APPEAL WITH RESPECT TO PA11092/17**

On behalf of my client Mr J Formosa (21783(G)) owner of an apartment in No. 3, Triq il-Konservatorju c/w, Misrah San Kalcedonju, Floriana, Malta, the site under consideration and who submitted a representation with respect to the permit in caption, we are appealing the decision taken by the Authority to grant the permit for the following procedural reasons:

1. Considering this application was via a 'summary' procedure, the decision was taken 'behind closed doors'. Considering the nature of the representations, which focused on serious 'ownership' issues, and hence a matter of material relevance to the authority, a reason which can render a permit void and null, this application should have been assessed via the 'full development application' path, including a public hearing whereby the objectors could be present and discuss the file with the appointed board as per provisions of LN162/16
2. Furthermore, since the applicant is NOT the owner of the area affected by the application, the following irregularities occurred from submission stage:
 - a. In the applicant's declaration in terms of article 71 (4) of Act VII of 2016, the applicant 'falsely' declared that 'i am the sole owner of the entire site indicated in the site plan'
 - b. Since he is NOT the sole owner of the entire site indicated in the site plan he was obliged to notify by 'registered letter' the other owners of his intention to apply and that the owner/s have granted such consent. Such consent was not granted by the other owners.

3. The 'Case Officer's Summary Procedure Report' refers to minutes 38 and 39 as the documentation submitted by applicant, which according to the case officer, satisfied/addressed the ownership issue, and hence made him discard the representation, are not available to the public (refer to screen shot attached).

PA/11092/17

This application has been approved by the EPC/MERA Board.

No. 3, Plot 5, Triq il-Konservatorju qiegħ, Misraħ San Kallebonju, Pajana, Malta

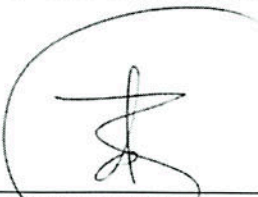
Overview Documents

Exclude Representations

Filter by stamp: Map of Malta

Document Number	Title	Submission Date
1a	Site plan	28 th November 2017
1b	Existing and proposed plans	28 th November 2017
1c	Existing and proposed sections	28 th November 2017
1d	Existing elevations	28 th November 2017
1e	Site photos	28 th November 2017
1f	Public Application Form	28 th November 2017
4a	Site plan	28 th November 2017
12a	Existing and proposed plans	05 th December 2017
12c	Existing and proposed sections	05 th December 2017
12d	Existing Elevations	05 th December 2017
12e	Site photos Rev A	05 th December 2017
12f	Site plan Rev A	05 th December 2017
14a	Site plan	14 th December 2017
34a	Consultation Reply	07 th February 2018
35a	Representation	08 th February 2018
42a	Endorsed Case Officer Summary Procedure Report	14 th February 2018
49a	Decision Notice - Enforced	19 th February 2018

Hence, for the above cited reasons, we respectfully ask the Environment and Planning Review Tribunal to revoke the issued permit PA/11092/17.



Perit DAVID ZAHRA
B.E. & A. (Hons), M.Sc. Cons. Tech.
Conservation Architect