

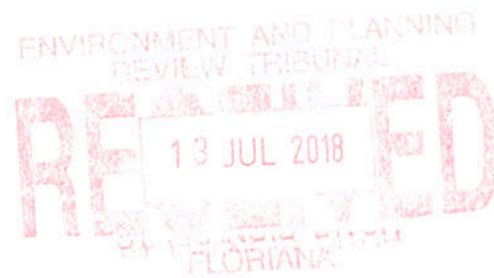
**Rodney  
Micallef**

BE&A (Hons) A&CE  
perit.r.micallef@gmail.com

The Chairman  
Environment and Planning Review Tribunal  
Floriana

Our ref : Flat no.4  
Your ref : RG/04373/17  
Location : Xghajra  
Applicant: Thomas Gatt

10/07/2018



Dear Sir,

### **Request for Appeal Hearing of case RG/04373/17**

Reference is made to refusal issued by the Regularization Board dated 06<sup>th</sup> June 2018, copy attached. On behalf of the applicant, I am kindly requesting this tribunal to consider this appeal as per following arguments.

The relative Legal notice SI 552.26 of the Planning Act states that the development specified in these regulations can be regularised if:

“(a) in the opinion of the Authority, the development does not constitute an injury to amenity;  
**and**

(b) The use of the development is in conformity with current planning policies and regulations;  
**or**

(c) the relative use falls within any of the uses defined in classes 1, 4A or 4B of the Development Planning (Use Classes) Order provided that documentary proof is submitted showing that the



BE&A (Hons) A&CE

perit.r.micallef@gmail.com

uses defined in Classes 4A or 4B have subsisted continuously for three consecutive years immediately prior to the coming into force of these regulations; or

(d) the development involves the subdivision of dwellings provided that documentary proof in the form of a deed of transfer showing that the subdivision occurred prior to the entry into force of these regulations is submitted.”

The bold underlined has been added by the undersigned since not all requirements are required as mandatory.

In the case in question it is important to state the facts as follows:

- i) The gross floor area **exceeds** the minimum stated in policy P32 for a one-bedroom dwelling;
- ii) The internal height **is compliant** with the sanitary requirements;
- iii) All the rooms have **sufficient outlook** onto the public street; and
- iv) The property lies within the building scheme, has a class one use and does not encroach beyond the building line.

The property is not compliant as follows:

- i) The number of one-bedroom dwellings exceeds the 20% listed in policy P32.
- ii) The net floor area of 120m<sup>2</sup> as per Local Plan [SMLP] article 4.4.1 is not achieved, and these are the only two irregularities which actually exist on site.

The argument put forward that the property includes a sub-division is not justified since property sub-division actually applies to properties which have a plot configuration which is such, such that each floor was split into two dwellings, a front and rear apartment, with the

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rear dwelling having no external outlook. The policy mentioned in article 5d of SL 552.26 of the Planning Act refers to such cases and not to the case in this application.

Concluding I am kindly requesting that the Board considers the above mentioned arguments, and to grant the said permit.

Kind Regards



**Perit Rodney Micallef A&CE**

Warrant Number: W1012