

3rd January 2020

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/265/19

Lokazzjoni: Razett no. 4, Triq ta' l-Ibragg c/w lane off Triq tal-Ibragg, Ibragg, Swieqi

Proposta: reinstatement of residence razzett no. 4, construction of swimming pool and the sanctioning of position of underground reservoir

Ref. Taghna:

Ref. Tribunal:

Aquilina Tony

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2019
- II) This application was refused by the Commission the said decision was published on the 4th December 2019.
- III) The appellant feels agrieved 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. It is evident that there are a number of points that have not been clearly interpreted by the planning directorate in preparing their recommendation and by the planning board when considering the relative case and we wish to lodge an appeal on the following basis:
2. Reason for refusal 01 : Residential use of the existing structure
 - 2.1 In relation to the proof of residence submitted, as well as the relative contractual evidence on the property, the case officer is confusing the information submitted.
 - 2.2 The level of evidence submitted by the applicant is enough to prove that the property was used for habitation purposes. This in line with the rulings of the Court of Appeal in relation to the level of proof that ought to be produced in this regard.
3. Reason for refusal 02 and illegalities: Design of the replacement building
 - 3.1 In relation to the overall size of the proposed new structure, the proposed redevelopment proposal is in line with the applicable policy.
 - 3.2 The proposal seeks to sanction or remove any illegal intervention and hence Regulation 17 of LN 162/16 cannot serve as a reason to refuse this application.
4. Reason for refusal 04: Pool area and Car port
 - 4.1 In relation to reasons for refusal 3, the combined pool and deck area are in line with the relative policy. However we understand that this reason for refusal is related to the directorate's stand and the proof of residence and not on policy design requirements per se.

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 approve his request for approval of the said permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

A handwritten signature in black ink, appearing to read 'Av. Ian J. Stafrace', written over a faint horizontal line.

Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.