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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
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ST. FRANCIS DITCH
FLORIANA

Fit-Tribunal ta' Revizzjoni tal-Ambjent u l-Ippjanar

Ri:PA/00093/20
Sit Ta' Tumbrell, Triq Delimara, Marsaxlokk
Applikant: Darren Scerri

Appell ta' Darren Scerri (KI: 562681M)

Jesponi bil-qima:

illi l-esponenti issottometta applikazzjoni numru PA 00093/20 sabiex iwaqqa' struttura ezistenti, ihaffer basement tahtha, u jaghmel zvilupp residenzjali;

illi l-applikazzjoni tal-appellanti giet michuda ghas-segwenti ragunijiet:

a) The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, article 11 (2c) in view that no certification by a warranted engineer has been submitted certifying that the basement level is adequately ventilated and illuminated for its intended use.

b) The proposal runs counter criterion 5(a) of policy 6.2C of the Rural Policy and Design Guidance (2014) since it fails to provide sufficient evidence that the residential use of the original building is legally established and/or covered by development permission. Hence, the proposal runs counter to Thematic Objective 1.10 and to Rural Objective 3 of the Strategic Plan for Environment & Development which only allow for rural development which is legitimate or necessary.

Illi l-esponenti hass ruhu aggravat minn din id-decizzjoni u qieghed jinterponi dan l-umli appell minnha:

Illi l-aggravji huma cari u manifesti u jikkonsistu fis-segwenti;

Illi dwar l-ewwel parti tad-decizzjoni, jigi rilevat bir-rispett, illi r-rapport tal-engineer gie pprezentat a fol 184a, u jispjega fid-dettall kif il-basement ser jiehu bizzejjed arja u ventilazzjoni biex ikun konformi mar-regolamenti sanitarji;

Illi dwar it-tieni parti tad-decizzjoni, jinghad is-segwenti:

Illi ma hemm ebda dubbju illi l-istruttura kienet mibnija qabel il-1967 u dan kif ippruvat mill-aerial photos;

Illi a fol 56i et seq, gew esebiti registri elettorali li juru li fl-imsemmija propjeta kienet tirrisjedi Carmela Vella tas-Silci. Apparti dawn gie esebit ukoll aerial photo illi jipprova bl-aktar mod ampju u car illi fis-sittinijiet kienu jezistu biss ir-residenzi indikati fir-registru elettorali, u strutturi li jidhru llum fl-aerial photos huma koperti b' permessi recenti;

Illi a fol 56f et seq, gew esebiti affidavits tal-vendituri li bieghu il-propjeta lill-applikant illi bil-gurament taghhom jikkonfermaw illi kienu jiftakru lin-nanniet u Raimondo sive Raymond Agius jiftakar lil missieru u ommu, jirrisjedu fil-propjeta mertu ta' dana l-appell, sakemm sussegwentment kienu bnew residenza ohra, u l-propjeta mertu ta' dana l-appell baqghet tintuza biss bhala villeggjatura;

Illi apparti minn hekk, a fol 183b gew esebiti ghadd ta' ritratti li juru bl-aktar mod ampju u car illi l-propjeta kienet wahda residenzjali ghal dak li jirrigwardja taqsim ta' kmamar, tibjid, ghamara, toilet u fossa, wires tad-dawl u casing minn fejn kien ghaddej il-wiring tad-dawl elettriku. Illi fil-fatt, a fol 168a, id-Direttorat jghid illi:

'Photographs submitted do in fact indicate inhabitant rooms'

Ghaldaqstant, l-appellanti filwaqt illi jaghmel referenza ghas-sottomissjonijiet maghmula hawn fuq, u kif ukoll dawk is-sottomissjonijiet ulterjuri li ser isiru quddiem dan l-Onorabbli Tribunal waqt it-trattazzjoni ta' dan l-appell, u kif ukoll ghall-provi kollha lilu permess mil-Ligi anke fi stadju ta' appell, umilment jitlob li dan l-Onorabbli Tribunal joghgbu jirrevoka, ihassar u jannulla d-decizzjoni moghtija mill-Kummissjoni ghall-Ippjanar.

Avv. Louise Anne Pulis

29A, Triq San Klement,Zejtun

Perit Adriana Zammit