



5th October 2021

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/5811/20

Lokazzjoni: Rebecca Court Blaock A & B, Triq jean de la Vallette,
San Pawl il-Bahar

Proposta: To alter roof access and include external platform lift
extended roof towards façade and backyard and addition of
front terrace to approved penthouse PA 3226/16

Ref. Taghna:

Ref. Tribunal:

Kim Vella u Sandra Farrugia

vs

L-Awtorita' ta' l-Ippjanar u Saviour Casha

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was approved by the Commission and the decision was published on the 7th September 2021.
- III) The appellants feel agrieved by this decision and are hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1* The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2* In approving this application the Authority the authority approved a development of a cantilever that overlies part of the appellants property and hence impinges on the sanitary aspects of my clients and automatically impairs its light and ventilation.
- 1.3* Under no circumstance may the Authority grant such an approval without any consideration to the property of my client, in so much that during the first hearing, the commission specifically ordered this analyses. This analyses was and is completely missing and the Authority still proceeded to approve the development.
- 1.4* The Authority also cannot ignore the fact that since the said area will not become accessible then the “oprarmorta” has to be raised to 180cm, which will, in effect, be impossible since same would be in breach of planning policies.
- 1.5* The authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate against the said approval.
- 1.6* The proposed development is not in line with the local plan policies regulating the site, and is not contrary to the provisions of the applicable policies, including sanitary regulations.

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 consequently order the Authority to issue the relative refusal, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

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



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