



Samuel Formosa

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Our Reference: GF2051

Date: 27th October 2021

Case Number: Third Party Appeal of PA 4902/20
Location: 90, Xemx, Triq tal-Hamrija, Xewkija, Gozo

The Chairman,
Environment & Planning Review Tribunal,
St Francis Ravelin,
Floriana.



Dear Sir/Madam,

Re : Third Party Appeal of PA 4902/20

We write on behalf of Mr Victor Vella in order to submit a third party appeal from the decision of the Environment Planning Commission re PA 4902 / 20 dated 16th September 2021 and published on 29th September 2021. The application was filed in respect of the premises 90, Xemx, Triq tal-Hamrija, Xewkija, in relation to the following proposed development:

“To sanction variations of dwelling house approved in PA 0720/12. Changes consist in elimination of pool; changes to material and dimensions of apertures in facade and proposed parapet wall.”

The Planning Authority has approved the proposed development application (attached permit decision). Consequently, our client feels aggrieved by the above decision and is hereby appealing in view of the following reasons:

- The distance and dimension of the recessed floor depicted on the approved section at first floor level does not reflect the actual dimension that exists on site. When this issue was mentioned to the Commission, this matter was discarded and ignored.

- As already mentioned previously in my previous correspondence and as already reported by my client way back in 2014, and also confirmed by the PA enforcement officer the measurements indicated in the original plans submitted by applicant together with his architect and upon which the permit was issued, are incorrect. These dimensions do not reflect the true measurements both of the façade in question, and the size of the apertures throughout the submitted plans of this application.
- As a consequence of this false declaration, the dwelling in question is attempting to sanction a garage door opening as well as a separate entrance for this residence. Thus, in order to sanction these apertures, the minimum distance required (0.75m) between third party apertures from the adjacent dwelling is being breached, which clearly contradicts the DC 2015 Policy and Guidelines.
- In fact in both the above matters, my client and myself had requested to be present during the site inspection by the Planning Directorate officials to confirm these dimensions with the relevant officials, but this request was again discarded and not accepted.
- The reservoir in the said building has been constructed exactly adjacent to the shared party wall without respecting the required 0.75 m required by law – which is not in accordance with the approved permit.
- Recently, the timber front apertures have been replaced by inferior quality timber apertures which do not reflect UCA characteristics and quality within this sensitive UCA area.
- Moreover, in a previous decision on the same site, namely PA 720 / 12, a minor amendment which was approved was not forwarded to the objectors and my clients for his consideration and possible objection even though he was a registered objector.

In fact, this permit is basically an amendment and sanctioning of the variations which were approved in the previous permit PA 720 / 12.

My client and myself would like to reserve the right to make further submissions during the Tribunal's sittings and hearing.

Therefore on the basis of the above, it is submitted that the necessary grounds exist for the overturning of the approval granted by the Commission and the Tribunal is hereby being requested to revoke, annul and cancel the approval of the Planning Authority.

Attached please find a copy of the permit approval, appeal submissions and appeal building levy.

Regards,

A handwritten signature in black ink, appearing to read 'S. Formosa', with a stylized flourish at the end.

Samuel Formosa B.E.&A.(Hons), M.Sc. Arch.(Lond), M.Sc.(Env.Pln.& Mgt.), A.&C.E.