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**ENVIRONMENT AND PLANNING REVIEW TRIBUNAL**

Case Ref: PA/02805/21

Application type: Full development permission

Applicant: Mr Francesco Grima

Architect: Perit Alexander Bigeni

Proposal: To excavate site and to construct 3 ground floor garages, 2 maisonettes, 21 apartments at first, second and third floor levels and 6 penthouses with underlying basement garages and car spaces.

Location: Mulberry Court, Dahla Toni Camilleri, Xewkija

Appellants:

- **Din I-Art Helwa**  
133, Melita Str, Valletta,
- **Noel Cutajar**  
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- **Joseph Grima**  
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- **Thuan Luca / Nguyen Dinh**  
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- **Uwe Jankowiak**  
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- **Alfred Busietta**  
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**REQUEST FOR THE SUSPENSION OF EXECUTION OF PERMIT:**

Whereas appellants humbly submit, and premise as follows:

That the appellants are third-party registered objectors and interested parties for all intents and purposes at law.

That contextually with this application, the appellants are filing an appeal from the Planning Commission's decision on the application for full development permission, which decision was published in the Government Gazette on the 17<sup>th</sup> of November 2021.

That the appellants are hereby requesting the suspension of the execution of the permit for the following reasons:

1. The approved works include the excavation of the site at basement level. The development was approved without the mandatory 76cm distance from the party wall being respected. The third-party owners, now appellants, did not agree to conceding this distance. The appellants are refusing to permit any works at such close proximity to their property and are appealing the approved development partly on this ground. Failure to

suspend the works would render the appeal futile since works will begin from the excavation of the site and necessarily include the excavation of the land within the 76cm boundary.

2. The appellants have correctly filed an appeal in front of the Environment and Planning Review Tribunal to challenge this serious breach enabled by the Planning Authority's decision. The appellants have no alternative to remedy this situation at this stage and must be allowed a fair hearing in front of this tribunal in this regard.
3. That not suspending the execution of the permit will result in an immediate and far greater prejudice to the appellants in comparison to that of the applicant's if the permit was not immediately suspended. In fact, the suspension of the permit does not affect the applicant negatively as the time for the decision of this appeal will be abbreviated by means of the suspension - which will result in a greater degree of legal certainty for the applicant and shortened decision time spans.

In view of the above the appellants humbly request this Honorable Tribunal to suspend the execution of the permit under the terms and conditions as it deems fit.



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Perit Tara Cassar  
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