



Date: 25th April, 2022.

Planning Reference Number: **PA/07539/21**
Location: Santa Rita, Triq Dun Pawl Micallef and alley in, Triq Dun Pawl Micallef, Rabat (Gozo).
Proposal: To restore façade.

Appeal Application of Geswalda Bugeja of "Bright Eyes", Triq Dun Pawl Micallef, Rabat Gozo., ID Card 43962G ,

This Appeal is Being lodged obo Ms Geswalda Bugeja, who is hereby appealing against the Decision published on the 30th March,2022 taken by the Planning Commission with regards the Planning Application Number **PA/07539/21**. (Attached Dok GB12).

Ms Bugeja is a Registered Objector on this Application, and is appealing from the said Decision on the following grounds:-

1. As had been pointed out by Ms Bugeja's legal advisor in his letter dated 4th November 2021 (Dok GB1) Ms Bugeja is the sole owner of the property on the East side of the applicant's site. Ms Bugeja's property includes the whole private entrance, part of which is even covered by part of her own house, as you can see from the attached photograph (Dok GB2). This entrance has existed prior to **1925**, as you can verify from the attached Block Plan (Dok GB3). The applicant's dwelling never had any apertures or services overlooking, opening or giving onto the said private entrance.
2. According to the sworn testimony given by the applicant's sister Ms Francesca Schembri on the 19th January 1984 in the case before the Gozo Civil Court (copy attached Dok GB4 page 2 para 2, the said entrance does not form part of the applicant's property: "*L-isqaq ta' min hu ma nafx*". This witness also declared that a window had been opened overlooking the entrance after the Schembris had asked for the permission of a certain Vella, who was the original owner of the appellant's building and of the said entrance.
3. According to the sworn testimony of Dun Anton Schembri the applicant in the said Civil Case (Dok GB5 page 1 para. 1): "*Fil-bini tagħna għandna tieqa thares għal fuq l-isqaq illi rabbiet il-gust.*" This very clearly shows that the applicant is not the owner of the said entrance but acquired the servitude of the window by prescription.
4. According to the sworn testimony of the appellant's father, the late Anthony Cassar given on the 3rd May 1984 in the same Civil Case(Dok GB6 page 2 para 9): "*Il-katusi tal-post tieghi kienu jieħdu għal gol-isqaq. Il-post ta' Vella ma kellu ebda katusi għal gol-isqaq u m'għandux illum.*" The witness also declared (Page 2 para 10): "*L-anqas ta' Schembri ma kellhom katusi għal gol-isqaq.*" This uncontested testimony is further proof that only the appellant's property had rights on this entrance.

5. On the site plan submitted at **item 1a** (Dok GB7) the applicant has indicated that the building is his sole property, including the whole wall abutting the entrance. No proper updated and detailed Block Plan was ever submitted by the applicant, not even to indicate the direction of the photographs submitted.
6. As you can see from the attached photograph (Dok GB8) the old and thick double wall separating the applicant's and the appellant's properties has been painted white by the applicant up to the dividing line only, leaving the appellant's part in its original state. This clearly shows that the applicant's property does not include the whole thickness of the dividing wall, and consequently the part of this wall on the appellant's side is her sole property. The applicant had no right whatsoever to apply to the Planning Authority for permission to alter or carry out any works of any kind on the appellant's side of the wall. The Permit **PA/ 07539/21** was therefore issued on a false declaration by the applicant.
7. As you can see from the attached photograph (Dok GB9) parts of an old stone arch are still existent sticking out of the dividing wall where part of the appellant's First Floor overlies the said entrance. This arch was shown clearly on the Block Plan Dok GB3 and is further proof that the appellant's side of the wall is supporting her roofs, and belongs entirely to her.
8. Even though the proposed works clearly involve third party property the appellant was never notified by registered mail regarding the applicant's proposal, according to policy.
9. From **Item 42a** it appears that the Superintendence of Cultural Heritage is not in full agreement with the applicant's Restoration Method Statement **item 1e**.
10. As you can see from the attached photographs (Doks GB10 and GB11) a large number of electricity and service cables, fixtures, wires and connection boxes have been illegally attached to the appellant's side of the wall mostly serving the applicant's property. According to the permit **condition 1 (m)** no such wires or fixtures can be attached on the wall visible from view. Most of the damage in the wall was actually caused by the multiple nails and bolts stuck into it to support the cables, which were conveniently left out of the plans, elevations and Restoration Method Statement submitted and approved. The Permit was therefore issued on misleading information.
11. In view of the foregoing, you are kindly requested to order the applicant to :-
 - a. Abide by all the conditions of the permit.
 - b. Immediately remove all wires, cables, connection boxes, fixtures and their relative steel nails and hooks from the appellant's side of the wall.
 - c. Withdraw the plan at **Item 41b** completely from the list of approved documents forming part of the Permit.
 - d. Amend the boundary line shown on the Plan at **Item 41a** in such a way that it will not include any part of the appellant's property (photo GB2).
 - e. Amend the Site-Plan at **Item 1a** and submit a proper updated and detailed Block plan showing the exact boundary line of the applicant's site at all levels.

- f. Remove all masonry boulders that the applicant has placed on the public pavement (see photo GB8) which are obstructing the same public pavement and the flow of rainwater coming out of the private passageway
- g. Clean the appellant's property after completion of works.
- h. Refrain from carrying out the works shown on Drawing **item 41b** and any interventions effecting the appellant's side of the wall, or her front façade.

12. The Appellant humbly requests that she be notified regarding every hearing/ site inspection held by the Tribunal with respect to this Appeal, and to be allowed to make further written/verbal submissions.

Thanks and regards,



Perit Guido Vella
99420887
guido.vella@gmail.com