

In the Environment and Planning Review Tribunal

Application Number: PA/07468/21

Site location: Vacant plot in
Triq ta' Xaghman, Sannat, Gozo

Proposed development: To construct
ground floor garage with overlying
flats.

ELAINE DOELITZSCHER, WERNER
DOELITZSCHER,
ANNA MIFSUD AND AMADEO MIFSUD

vs

PLANNING AUTHORITY AND SYLVMARIE
GATT



Appeal application by Elaine Doelitzscher and Werner Doelitzscher of 'Il-Holma Taghna', Triq Dun Lazzru Camilleri, Ta' Sannat, Gozo, holders of Identity Card Number 316551(A) and German Passport Number C5MZFJTP6 respectively and Anna Mifsud and Perit Amadeo Mifsud of 'Ta' Xaman', Triq Dun Lazzru Camilleri, Ta' Sannat, Gozo, holders of Identity Card Numbers 676054(M) u 829654(M) respectively
Respectfully submit that:

- (i) The applicant submitted this application in 2021;
- (ii) The appellants have been admitted as registered objectors in terms of Article 71 of Chapter 552 of the Laws of Malta.
- (iii) The said application was approved by the Planning Commission of the Planning Authority and the decision was published in the Government Gazette on 6th April 2022;
- (iv) The appellants feel aggrieved by this decision and are hereby submitting this appeal.

The grievances are clear and unequivocal and relate to the following reasons:

1. in approving the development as proposed in the application in question, the Planning Authority permitted a breach of article 97(n)(i) of Chapter 10 [Code of Police Laws] of the Laws of Malta,

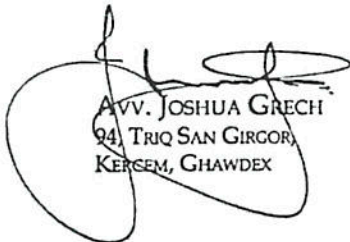
which requires *inter alia* that, "every house shall have at its back a court-yard exclusively belonging to it; and such court-yard shall be of the length of the wall of such house, and of a width not less than three metres, or half the height of the house, if such house be higher than six metres" (emphasis added), and

2. the proposed development permitted by the Planning Authority does not include the requisite back-yard as prescribed by the said Law, and

3. such a breach of the said Law, as permitted by the Planning Authority, aggrieves the appellants' right to the minimum entitlement of natural light and air as prescribed by same Law.

In view of the above and of further submissions that the appellants respectfully reserve the right to make, the appellants hereby submit their request to the Tribunal to revoke the decision of the Planning Commission, order the Planning Authority to reject the development proposal, to refuse planning permission therefor, and to do this under those terms and conditions that the Tribunal deems opportune to prescribe.

Attached please find a copy of receipt of payment of appeal.



AVV. JOSHUA GRECH
94, TRIQ SAN GIORGIO,
KERCEN, GHAWDEX