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Our Ref: 2021-125

26<sup>th</sup> July, 2022

The Secretary  
Environment and Planning Review Tribunal  
Saint Francis Ravelin  
Floriana

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

RECEIVED  
27 JUL 2022

ST. FRANCIS DITCH  
FLORIANA

Dear Sir,

**Appeal against refusal of PA 7528/21 - Qormi**

Please refer to the refusal issued to my client Mr. David Agius relative to his application to carry out works at Qormi.

We consider this decision as being unfair for the following reasons:-

- i. This application was scheduled for a hearing on the 15<sup>th</sup> July, 2022 at 11.00 am. I waited for the hearing till 13.00 hrs but up to that time this application was not heard. I therefore sent an email to the Planning Commission informing them that I could not wait any longer for this hearing and requested that this application be postponed to another date

Apparently, the Planning Commission did not agree to my request and proceeded with the adjudication of this application in my absence. This meant that I was not given the opportunity to defend this application in accordance with the fresh drawings which I had submitted. Indeed, I do not know whether these new drawings were considered. All I know is that this application has been refused.

I consider such an attitude by the Planning Commission as being extremely unfair especially in view of the fact that I had been waiting for more than two hours for this hearing and since I could not wait any longer due to other commitments and I had informed the planning commission accordingly but they still proceeded with the adjudication of this application.

On the merits of the way this application was adjudicated I would like to request that this application be returned to the Planning Commission for a fair hearing.

- ii. On the merits of the two reasons of refusal, we consider that these reasons are not correct.

One of the reasons is that our proposal would disrupt the harmony of the existing elevations whilst the second reason states that our proposal exceeds the height limitation for this area. Indeed, we had submitted revised elevations (103b) which show that by means of the stepping down of the penthouse level the height limitation for the area would not be exceeded due to the compensation provided overall.

With regards to the disruption of the elevation please note that our proposal retain the features of the existing elevation and so it is not correct to state that our proposal disrupts the existing elevation.

In view of the above we consider our proposal as fully compliant with policy whilst at the same time consider that the adjudication of this application has not been carried out correctly in my absence and would therefore like to respectfully request that this application be re-adjudicated by the planning commission on the basis of the fresh drawings we had submitted and that this application be approved.

Yours faithfully,



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**Charles Buhagiar A&CE.**

Encl: bank receipt, copy of refusal, site plan, doc 159a, doc 103b

c.c.: Mr. David Aglus  
PA