

5th October 2022

**Tribunal ta' Revizjoni  
tal-Ambjent u l-Ippjanar  
Floriana**

**ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL**

**RECEIVED**  
- 7 OCT 2022  
**ST. FRANCIS DITCH  
FLORIANA**

*Nru. ta' l-Applikazzjoni:* PA/7889/21

*Lokazzjoni:* Misty Dawn, Triq Grunju, Nadur

*Proposta:* To sanction existing property from approved drawings PA 3394/07 and to propose the subdivision of existing terraced house to create two units (with a connection between the two and a communal pool area). The proposal includes the demolition of the existing terraced house from the elevated ground floor up.

*Ref. Taghna:*

*Ref. Tribunal:*

**Sarah Galea**

**vs**

**L-Awtorita' ta' l-Ippjanar**

Appellant states:-

- I) That in 2021, this application was submitted.
- II) The Authority rejected this application and the decision was published on the 14th September 2022.
- III) The Appellant feels aggrieved by this decision and are submitting this Appeal.

Attached please find:-

- A copy fo the decision (Dok JA1).


- Receipt of Payment of the Appeal fee (Dok JA2).

Appellants respectfully submit:

- 1.1 It is quite clear that the decision of the Authority is wrong since it imposes restrictions on the Appellants properties which are not resultant from policy.
- 1.2 The original approved permit, PA 03394/07 had a smaller pool approved, located partially within scheme, and a terraced deck area, while it was constructed completely within the ODZ area, larger in size and in a one level deck area.
- 1.3 The current proposal was to convert the tiled area into soft landscaping, introduce trees and retain the hard landscaping (pool plus small walkway) with the 75m2 footprint.
- 1.4 During the deferrals the applicants revised the plans to address ALL the reasons for refusal, and can be clearly shown in the minutes of the proceedings and also in the revisions submitted.
- 1.5 All matters have been addressed and hence the second and third reason for refusal are completely irrelevant.
- 1.6 Furthermore reference is also made to PA 231/04 which approved a similar proposal on a site in the immediate vicinity of the proposal in question.

On the basis of the above, the Appellants request the Tribunal to uphold their appeal and order the Authority to issue the relative permit.

Respectfully,



**Av. Ian J. Stafrace**  
**9/4 Britannia House**  
**Old Bakery Street**  
**Valletta**

**Witnesses:**

1. The appellants and the appellee and their consultants to testify on the facts of the case.
2. The authority and its officials to testify on the facts of the case.

A handwritten signature in dark ink, appearing to read 'Av. Ian J. Stafrace', is written over a light blue horizontal line.

**Av. Ian J. Stafrace  
9/4 Britannia House  
Old Bakery Street  
Valletta**