



YOUR REF: RG/00354/22

November 23, 2022

EPRT  
Block B, Environment and Planning Review Tribunal,  
St. Francis Ditch  
Floriana

Dear Chairman,

**Request for appeals: RG 354/22**

Reference is made to the recent decision by the Regularisation board on the application in caption, which application was refused for the following reason:

- 1. The existing development cannot be regularized since the washroom subject to this application was constructed after the introduction of LN 285/16. The proposal is therefore in breach of Regulation 4(3) of LN 285/16

Comments:

On behalf of applicant, we are strongly objecting to the decision taken by the Regularisation Board in that we believe that a negative decision was taken in spite of all the proof submitted with this application, which proof confirms that the works were indeed constructed prior to the dates specified in LN 285/16

This application followed a similar application, RG/00203/20, (submitted by a different architect) which had been submitted without sufficient proof of the existence of the structure prior to the date specified in LN 285/16. Quite fairly, this application was refused by the board at the time since no sufficient proof has been provided.

Prior to taking on this job as the new architects representing applicant, we made sure to carry out all the research that was required to submit for the consideration of the Authority, sufficient information to enable the same Authority take an informed decision. The submissions that were presented included:

- a) This scope of the submission of this new application is simply to put forward, proof of existence of the commitment in question, which proof was not presented to the Authority with the first application. The Directorate’s position that this current application should be automatically refused since it is similar to the previous one, clearly shows that no attempt has been made to analyse the veracity of the various proofs submitted with this application.
- b) As can be clearly seen from the 2016 aerial photo available at the Planning Authority, copy of which is being uploaded with this reply, the roof area to which this application refers has been roofed over with a lightweight material, which roof comprised of fixed, vertical structural elements. According to planning nomenclature, this construction effectively constituted a built-up structure, which therefore shows that a commitment to a roofed-up structure existed well before 2016, contrary to what is being stated by the Planning Directorate. **(Refer to DOC 28b)**
- c) In addition to the aerial photos and to further substantiate the existence of this commitment at roof level, dated photographs are being uploaded with this report for the convenience of the Commission. **(Refer to DOC 28a)**
- d) In February 2016, Applicant had commissioned a masonry builder to replace the lightweight structure with a similar structure, having the same footprint. Following the completion of works, an apertures contractor was then commissioned to install the necessary apertures of the room. The Commission is kindly requested to note that all works have been completed PRIOR to the coming into force of the Regularisation legislation as can be proved by both affidavits submit by both of these contractors. **(Refer to Doc 1f)**



Considering the above facts, we are of the opinion that the refusal taken by the Regularisation board is completely unfounded and based solely on the premise, that any refused application cannot be subsequently approved through a separate application, even if sufficient and solid proof is presented to the board. We certainly do not agree with this position and respectfully request the Tribunal to grant permission for this regularisation application in the interest of fairness and common sense.

Regards,

A smaller version of the 'dtr' logo, positioned above the contact information.

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