

In the Environment and Planning Review Tribunal

Application Number: PA/07694/21

Site location: Dar
il-Kavallier, Triq il-Kav. Lorenzo
Zammit Haber, Xewkija, Gozo



Proposed development: Sanctioning
of alterations at basement level and of
change of use from residential Class
1A to residential Class 1D (residential
incorporating medical services) and of
installation of signs

DR. GORDON KNIGHT

vs

PLANNING AUTHORITY

Appeal application by Dr. Gordon Knight of 'Dar il-Kavallier', Triq
il-Kav. Lorenzo Zammit Haber, Xewkija, Gozo, holder of Identity
Card Number 151890(A)

Respectfully submit that:

- (i) That by virtue of his application to the Planning Authority, the appellant requested that a planning permit is issued whereby he would sanction his property;
- (ii) That by virtue of a decision dated the 29th November, 2022 and published on the 7th December, 2022, his application has been rejected and this for the following reasons:
 - a. The Class 1D Home Office runs counter to Legal Notice 74/2014 (Use Classes Order) in view that such uses are only permitted in Residential Areas within the Development Zone.
 - b. The access ramp to be sanctioned runs counter to the Rural Objective 4 of the Strategic Plan for Environment & Development which aims for the protection and enhancement of the rural landscape.
 - c. The proposed development does not ensure an accessible environment for all its users and visitors. The proposal therefore runs counter to Policy P11 of the Development

Control Design Policy, Guidance and Standards 2015 and to Urban Objective 4 of the Strategic Plan for Environment and Development, which aim for the integration of the requirements of people with special needs in the design of buildings and facilities.

- d. The proposal cannot be considered further unless the existing illegal development is first sanctioned or removed and this in terms of regulation 17 of Legal Notice 162 of 2016

(iii) The appellant feels aggrieved by this decision and are hereby submitting this appeal.

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

1. The property of the appellant is already duly approved and built according to a planning permit issued by the Planning Authority and therefore, the proposal will not increase any further the footprint which has already been taken by the current development.

As has been already submitted during the process of the application, similar applications have been approved by the Planning Authority namely PA/03417/17, PA/06389/20, PA/03025/17, PA/07247/16, PA/07004/17, PA/00708/15, PA/04162/18, PA/08014/18, PA/07943/20, PA/00129/21, and PA/01017/18 to mention just a few;

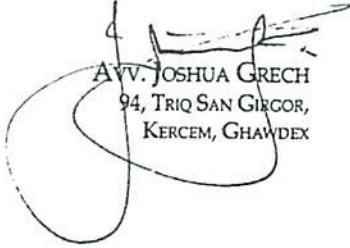
2. This access ramp referred to is located below the terrace /landscaped area above, which was already approved in the previous application. Therefore, it cannot be considered as having disturbed further area in ODZ, given that it is located directly below the existing terrace above. Moreover, it is not visible from the rural area.
3. Reasons for refusal 3 and 4 depend on the above mentioned grievances and therefore would have to be addressed following the revocation of the decision for refusal. To this end, the case would need to be referred back to the Planning Commission for approval in terms of planning policy;

In view of the above and of further submissions that the appellant respectfully reserve the right to make, the appellant hereby submits his request to the Tribunal to revoke the decision of the Planning

Commission, order the Planning Authority to approve the application, 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.

PERIT AIC MARIELLA XUEREB
'THE DUKE BUSINESS CENTER', TRIQ L-10 TA' GUNJU, 1887,
RABAT, GHAWDEX



AVV. JOSHUA GRECH
94, TRIQ SAN GIRCOR,
KERCEM, GHAWDEX