

11th February 2023

**The Environment and Planning Review Tribunal**



*Nru. ta' l-Applikazzjoni:* PA/3171/22

*Lokazzjoni:* 54, Dio e Gioia, Joann Garden c/w Triq it-Tarzna, Tarxien

*Proposta:* Extension of single dwelling unit, minor internal including the addition of a lift and external alterations.

*Ref. Taghna:*

*Ref. Tribunal:*

**Farrugia Claudia**  
**vs**  
**L-Awtorita' ta' l-Ippjanar**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was refused by the Commission and the decision was published on the 1<sup>st</sup> February 2023.
- III) The appellant feels agrieved by the decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 It is clear that the application should have been considered acceptable to the Authority on the strength of the applicable policies which are clear in enabling the proposed development and also on the strength of identical permits issued. Also the first reason of refusal is quite detached from the real facts of the case and the exposed blank party wall that abuts the property in question.
- 1.2 The Authority wrongly applied the condition of RG 420/17 since the proposed development is not changing anything from what was regularised in RG 420/17. The new development is in line with the official alignment and hence is not impacting on the RG that was approved.
- 1.3 The assertion that the applicant should have obtained the consent of the Government Property Division is completely wrong and manifestly irregular. There is no evidence that the development encroaches property that does not belong to the applicants and the assumption that anything that is beyond the scheme alignment is owned by the Lands Authority is completely wrong.
- 1.4 It is thus evident that the proposed development is acceptable in the area in question.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to annul the decision of the Commission, and order the approval of the application in question and hence the issue of the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

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

**Av. Ian J. Stafrace**

**Witnesses:**

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.

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

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