

In the Environment and Planning Review Tribunal

Application Number: PA/00756/22

Site location: Vacant Plot,
Triq Indri Borg, Xewkija, Gozo

Proposed development: To excavate and construct site to include a basement garage and car spaces, 2 maisonettes, 4 apartments and 2 duplex penthouses

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
01 MAR 2023

ST. FRANCIS DITCH
FLORIANA

JOHN VELLA

VS

PLANNING AUTHORITY

Appeal application by John Vella of 29, Triq San Pawl, Munxar, Gozo, holder of Identity Card Number 3468(G)
Respectfully submit that:

- (i) That by virtue of this application to the Planning Authority, the permit to excavate and construct site to include a basement garage and car spaces, 2 maisonettes, 4 apartments and 2 duplex penthouses has been issued, which application has been published on the 1st February, 2023;
- (ii) That the appellant has been duly registered in terms of Chap. 552 of the Laws of Malta as being an interested third party to this application, given that the appellant is an owner of the adjacent and back plot of land;
- (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:

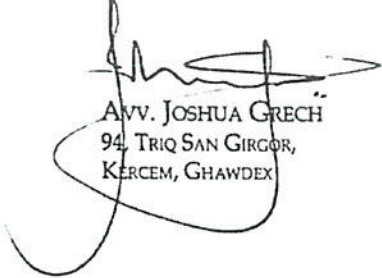
1. The applicant and consequently the Planning Authority failed to observe the basic and minimum requirements for the distance to be left within residential developments, namely the minimum backyard which should be left in the development. In fact, the applicant has not left any yard / shaft / backyard next to the property at the back of the site in question;

2. That furthermore, the open bedroom which is being proposed at first floor level does not observe the minimum requirements for habitable spaces, given that the kitchen / living / dining area and the open bedroom seem to be incorporated into one and the same room, saving with the partition of an alleged 3 course low wall. With all due respect, unless planning policies are intended to be unobserved, it is clearly unacceptable that these two rooms should be incorporated into one and the same room;
3. That no regard has been given to the minimum distance in terms of Article 439 of Chap. XVI of the Laws of Malta at basement level, and this where a minimum of seventy-six centimetre (76 cm) distance should have been left from the dividing line;
4. That with regards to the development at first and second floor levels, whilst not respecting the minimum requirements for distance at the back of the property, the development directly abuts at the back of the property with the property of the appellant and therefore totally unacceptable as well;
5. That in terms of planning policy and to minimum building regulations as enshrined by Law, any party wall should be built of a width of not less than thirty-eight centimetres (38 cm) as required in terms of Article 407 of Chap. XVI of the Laws of Malta;
6. That the planning permit has been issued with the bathroom directly opening onto the kitchen. In terms of planning policies, an ante room should have been provided for;
7. With regards to the site merit of this permit, this area overlaps property of the appellant and in fact, civil proceedings in front of the Court of Magistrates (Gozo) Superior Jurisdiction General Section by virtue of a Prohibitory Injunction have already been taken, and furthermore a verbal establishing that the site shall not extend beyond the rubble wall existing in place has been reached. A copy of the said verbal has already been presented at doc. 114a of the application documents. A survey showing the extension of the land is being herewith attached;
8. That furthermore, consequently given that the area merit of this application does not reflect the actual site which is property of the applicant, the application was issued based on a false declaration, and consequently the permit as issued should be dismissed as well;
9. That the height limitation is not duly respected and furthermore the minimum height per floor and the ceiling / floor width does not respect planning rules;

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 reject 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.



AVV. JOSHUA GRECH
94, TRIQ SAN GIORG, KERCEN, GHAWDEX