

11th February 2023

**The Environment and Planning Review Tribunal**



*Nru. ta' l-Applikazzjoni:* PA/385/22

*Lokazzjoni:* 56, Triq is-Sifa c/w Triq Gdida minn Triq is-Sifa,  
Mellieha

*Proposta:* To sanction terraced house as built from PAPB 2353/76

*Ref. Taghna:*

*Ref. Tribunal:*

**Borg Joseph**

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 aggrieved by the decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- 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.
- 1.2 Also the first reason of refusal is quite detached from the real facts of the case since the basement does not have a direct access onto a public road. The property in question has a private side curtilage and hence the said basement is accessible from the said side curtilage.
- 1.3 The Authority decided wrongly when it imposed the second reason for refusal since the applicant did not request "*a separate habitable floor beneath street level for residential purposes*". The proposal was for a storage area and not for any residential use and hence the Authority wrongly assessed the proposal and made illogical and wrong assumptions.
- 1.4 It is this 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



**Av. Ian J. Stafrace**

**Witnesses:**

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



**Av. Ian J. Stafrace**  
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**Valletta**