

28th February 2023



The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/3952/22

Lokazzjoni: 21, St. Helen Court, Flat 3, Triq il-Kappella tal- Lunzjata, Salina, Naxxar

Proposta: Proposed extension of the existing apartment with an additional floor including the extension of the common area and installation of pv panels at roof level.

Ref. Taghna:

Ref. Tribunal:

Robert Vella

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 15th 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 fact that the building in question is a legitimate building with a legitimate use and on the strength of the permits issued in the immediate vicinity of the Property in question;
- 1.2 Reference is made to PA 6256/19 which was only approved a mere 4 days prior to the case in question.
- 1.3 Reference is also made to PA 4350/22 which is built completely on ODZ and has a blank party wall exposure which is far more onerous than the alleged party wall exposure of the site in question.
- 1.4 The site in question abuts third party property which is built completely on the ODZ. Whereas on paper and on plan the property subject of this application appears to be end of scheme, in reality there is another legitimate building next to the site in question, which building has an exposed blank party wall.
- 1.5 The proposal in question will not aggravate this situation and the proposal is actually an adequate transition considering that the said property abuts third party property that is built on the ODZ. Hence any transition should be with these properties and not with an assumed situation that does not exist on site.
- 1.6 The Proposed development is in line with the Local Plan policies regulating the area in question and hence the proposal should be acceptable;

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**