

## **REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT**

**By Graham Self MA MSc FRTPI**

Appeal by Mr Tim Childe against a refusal to grant a planning permission

Reference Number: P/2014/2160

Site at: La Sarsonnerie, La Rue des Landes, St John, JE3 4AF.

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### **Introduction**

1. This appeal is being decided by the written representations procedure. I inspected the site on 11 November 2015.
2. The appeal is against the refusal of planning permission for development described in the application as: "Demolition of garden store and part demolition of pig sties to create extension to form billiard room and new garden store".
3. This report provides a brief description of the appeal site and surroundings, summarises the gist of the cases for the appellant and the planning authority, and then sets out my assessment and recommendation. The appeal statements, plans and other relevant documents including a Design Statement and a Heritage Assessment are in the case file for you to examine if necessary.

### **Site and Surroundings**

4. The area edged red on the location plan showing the position of the appeal site covers a fairly extensive parcel of land between La Rue des Landes and La Route du Nord. In the western part of this area there is a group of buildings which include a main residence (evidently at one time in the past a farm house), two other dwellings and outbuildings.
5. The former pigsties involved in this appeal are located across a paved courtyard from the main residence. At the time of my inspection most of the former sties appeared to be used for storing logs or other pieces of timber.
6. The appearance of the former pigsties can be seen by looking at the photographs in the Design Statement. The former pigsties comprise a "terrace" of five units in a low single-storey structure which evidently dates from about the early to mid nineteenth century. The rear (north) part is enclosed beneath a tiled sloping roof and pink granite stone walls, whilst the front (south) part consists of a series of walled, open pens. A small walkway runs along the south edge of the pens and becomes elevated above adjacent land towards the western end. There are small brick-arched openings between the open pens and the roofed inner part of each former sty. At the west end of the pigsty building (visible in Photograph 5 on page 10 of the Design Statement) there is lean-to-shaped structure with a low-pitched roof. When I saw it this building was being used to store mowers and land maintenance equipment.
7. Most of the stonework in the pigsty building is smooth-pointed with the outer faces of individual stones mostly exposed. The shape of the granite stones and some of the pointing in the westernmost two pigsties next to the lean-to

structure are slightly different from the rest of the building to the east. Together with an absence of hinge pins in the stone next to the openings in these two sties and the presence of brick in the dividing wall between the two pens, this suggests that the two western sties may have been rebuilt or partly rebuilt at a later date than the rest of the building. A small addition or extension at the eastern end (apparently housing electrical intake or pumping equipment) also appears to be a modern alteration.

8. Behind the pigsties to the north is a grassed area which is at a higher level than the land to the south. The ground level also slopes from east to west along the line of the pigsty building, and there is a marked drop in land level at a point around the west end of the building.

### **Case for Appellant**

9. The appellant contends that both reasons for refusal are matters of subjective opinion and that the decision could have been supported on the same policies by another case officer. The scale of the development would be relative to the existing pigsties. The billiard room would be lower and smaller than the existing pigsties and subordinate in scale. The Department have not explained how the proposal would have an adverse impact on the existing pigsties. The development would accord with policy GD1.
10. Design quality is mainly a matter of aesthetics and there is insufficient justification for refusal on grounds of conflict with policy GD7. In relation to another application heard by the committee on the same day, the Historic Buildings Officer stressed that new buildings next to historic buildings needed to be subordinate and respectful. The appeal scheme addressed these considerations.
11. The low-lying, horizontally composed form of the scheme and its delicate glazed envelope would emphasise its subordinacy. The design and form of the proposed building would sit comfortably against the protected building and in its setting. The design would be honest, would not seek to mimic a faux-historic architecture, and would contrast with the historic authenticity of the main house. This is a well-respected approach which would be respectful but of its time.
12. The roof shape would accentuate the distinction between old and new. The extension would not detract from the existing buildings. Policy NE7 relating to the Green Zone permits extensions provided they do not detract from or harm the area's character. The low height and small scale of the proposed extension would not conflict with this policy.

### **Case for Planning Authority**

13. The appeal relates to a listed building grade 2 which is therefore of significant interest. The pigsties are in the curtilage of the listed building and form an important part of the listing. The application was opposed by the Historic Environment Team and was refused after being reviewed by the planning applications committee. The Department considers that the assessment of the proposal is a matter of judgment. The removal of the twentieth century store-room may be acceptable but the proposed scheme would remove other parts of the building which are in keeping with its history and appearance despite past alterations.
14. Although the eaves of the proposed extension would be quite low, the Department do not agree with the appellant's claim that the proposed structure would be smaller and subservient in scale. The area of the extension would be

greater than the pig-sties which would remain. The roof detailing would be chunky, not delicate. Compliance with policy NE7 is not an issue relied upon by the Department as a reason for refusing planning permission.

### **My Assessment**

15. The main matter of dispute in this case is whether the design of the proposed structure would be acceptable, with particular reference to the historic quality of the existing pigsty building, the setting within the curtilage of the main residence, and the status of this group of buildings as listed buildings. The decision has to be made having regard to the provisions of the development plan (the Revised 2011 Island Plan).
16. The proposal would involve demolishing the storage building and the two western pigsties. As is pointed out for the appellant, the proposed building would be lower than the existing building (most of the flat roof would be about 1.3 metres below the ridge of the remaining pigsty structure). The Design Statement indicates that previous proposals would have had a higher roof to allow for direct access between the billiard room and the adjacent grassed area used as a playing field, but the appellant has evidently now accepted that this direct access is not necessary.
17. The pigsty building is never likely to be used in the future for housing pigs, especially as the adjacent area between the sties and the main house has been surfaced with stone paving, apparently to aid its convenient use by people or vehicles. The proposal would be more acceptable than previous schemes which have evidently been put forward, as shown in the drawings in the Design Statement. The proposal would have benefits such as giving the opportunity to refurbish parts of the non-original roof of the pigsties. I can also understand why Mr Childe and the architect who has designed the proposed building evidently oppose the idea of a faux-historic pastiche.
18. Nevertheless I judge that the benefits are outweighed by objections. Despite some alterations and additions, the pigsty building retains most of its historic appearance and character. Several aspects of the proposed building's design, including its shape, the shape of the windows, and the use of finishing materials such as silver anodised aluminium window frames and aluminium fascia trim, would look incongruously alien when seen next to the remaining part of the pigsty building and as part of the setting of the main house.
19. The fact that the building would be set into the ground at a lower level than the pigsties would reduce its visual impact to some extent, but would not make it satisfactory. The stepped flat roof form just above a row of oblong-shaped windows would be visible from the higher ground to the north as well as from other directions. The scale of the proposed building would be fairly substantial - the area of the building would be larger than would be the area of the remaining pigsties. What is described on Mr Childe's behalf as a "delicate glazed envelope" would in my judgment be a noticeably jarring feature out of keeping with the historic character of adjacent buildings; and from some westerly viewpoints in particular, the proposed building would be quite prominent.
20. Bearing those factors in mind, I consider that the proposed building would not appear as subordinate and sympathetic to the main house or to the pigsty building as is claimed for the appellant. Nor would the building "sit comfortably" against the adjacent or nearby listed buildings as has been suggested for the appellant.

21. The Department's case is strengthened by policy considerations. The pigsty building is in the curtilage of the main house and their Grade 2 listing indicates that they have a degree of importance towards the upper end of the grades from 1 to 5. Policies GD1 and HE1 of the Island Plan have objectives aimed at protecting, maintaining, enhancing and promoting the historic environment. Policy SP4 has similar aims and describes the protection of the Island's heritage assets including historic buildings as one of the "key material considerations" in deciding planning applications. For the reasons explained above, the proposal would not protect, enhance or promote the historic character of the nearby heritage assets which would form the building's setting, and so would conflict with the aims of those policies.
22. I recognise that the appellant and his advisers believe that the planning authority's decision to refuse permission was based on subjective opinion. As in most planning decisions, it is necessary to strike a balance as a matter of judgment. I judge that the Department's refusal decision was sound. It also took proper account of the Island Plan, which was adopted after an extensive public consultation and inquiry process and has weight accordingly.

### **Conclusion and Recommendation**

23. I conclude that planning permission should not be granted. Therefore I recommend that the appeal be dismissed.

*G F Self*

Inspector

19 November 2015