

STATES OF JERSEY

PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)

**APPEAL OF A DECISION UNDER ARTICLE 108(2)(h) AGAINST
INCLUSION OF A BUILDING ON THE LIST OF SITES OF SPECIAL
INTEREST UNDER ARTICLE 51(2)(b)**

REPORT TO THE MINISTER FOR PLANNING AND ENVIRONMENT

by Mr Philip Staddon BSc, Dip, MBA, MRTPI

an Inspector appointed under Article 107

APPEAL BY: F. Katamba and W. Adam

LOCATION: Priors, La Chasse Brunette, St Saviour, Jersey, JE2 7TN

APPEAL PROCEDURE: Written representations

SITE VISIT: 7 December 2015

DATE: 4 January 2016

Introduction

1. This report contains my assessment of the appeal made by F. Katamba and W. Adam against the decision of the Chief Officer to impose a Grade 3 listing on their home. The main issue in this case relates to whether the interior architectural features justify the 'Grade 3' listing. The Appellants have no objection to a lesser, 'Grade 4', listing which would limit the imposition of 'additional controls'¹ to the exterior of the building.

Procedural matters

2. This appeal has been considered through the written representations procedure. There have been some difficulties concerning access to the building for inspection purposes. The appeal was lodged in July 2015 and attempts by another Inspector, on an earlier occasion, to agree an accompanied site inspection had proved unsuccessful.
3. As a pragmatic means to progress this appeal, I elected to undertake an unaccompanied site inspection, although clearly the Appellants would need to be present to allow access to their home. My decision to undertake the inspection in this manner was challenged by a senior officer from the Department² who suggested it was '*highly unusual and a departure from the usual practice of openness and impartiality where every effort is made to ensure that both parties to an appeal are treated equally, and are seen to be treated equally.*'
4. I do not agree with the officer's views for a number of reasons. First, this is a written representations appeal and attendance on-site by appeal parties does not afford any opportunity to present substantive oral evidence. Second, the inspection solely concerns physical architectural features referred to in the Listing schedule and the written evidence i.e. these are not matters that should require any assistance. Third, there is no established 'usual practice' of holding appeal site inspections in Jersey – these are matters for the Inspectors to determine on a case by case basis. Fourth, previous attempts to hold an accompanied site inspection had been unsuccessful. Taking all of these matters together, I consider that my site visit arrangements represented a pragmatic means of taking this appeal forward without 'undue delay.'³
5. However, for the avoidance of any doubt, I can confirm that the Appellants were present when I visited and, whilst I explained the purpose of my visit and exchanged pleasantries, I did not enter any substantive discussion concerning the merits of the appeal. However, they did, at my request, guide me to the architectural features set out in the Listing schedule. I agreed not to take any photographs, to respect their privacy, as the use of photographs by others involved in the Listing process had caused some concern to the Appellants.

¹ Part 6 – Planning and Building (Jersey) Law 2002 (as amended).

² Letter of 19/11/15 - Director Policy, Projects and Historic Environment.

³ As prescribed by Article 115(1) – Planning and Building (Jersey) Law 2002 (as amended).

The property

6. Priors is an attractive former farmhouse located on the eastern side of La Chasse Brunette in St Saviour, to the north-east of St Helier. It is now occupied as a family dwelling and sits in a reduced curtilage, as adjoining parts and former outbuildings have been converted to independent units of residential accommodation. There is also more modern residential development in the surrounding area, including a recently completed residential development immediately to the south.

The Listing

7. Priors has been 'listed' since 1992. As part of an island wide historic environment review, the building was resurveyed in 2011 (prior to the Appellants' ownership). This led to a recommendation that the building should continue to be listed and assigned a, higher, non-statutory 'Grade 3'. In effect, this extended the listing to the interior of the building (as well as its exterior).
8. Article 51(3)(a) requires that the List of Sites of Special Interest , maintained under Article 51(1) shall, in respect of each site of special interest, 'specify' that 'special interest'. Following a series of procedural steps, which included consideration of representations made against the (enhanced) Listing, the Chief Executive Officer confirmed the listing on 26 June 2015.
9. The Listing Schedule (Appendix 2(b) of the Department's Statement of Case) identifies the special interest of Priors as 'Architectural' and 'Historical'. These are two of the six possible statutory reasons for the listing of a building established by Article 51(2)(b). The Schedule to the notice includes a 'statement of significance' and a 'description' of the building intended to support the Department's view that the site is of special interest. The schedule also assigns the building a 'listed status and non-statutory grade' of 'Listed Building Grade 3'.

The grounds of appeal

10. The Appellants object to the Grade 3 listing and consider that the decision was made on 'unfounded and biased findings'. The specific grounds of appeal include the following (summarised) views:
 - The Grade 3 listing has not been explained or justified when most of the interior dates to the Victorian era.
 - The surrounding area has been degraded by modern developments.
 - That the heritage advisor (Jersey Heritage) is not independent and will always favour listing.
 - Photographic evidence from 2012 is misleading as it does not reflect the current state of the property. The photographs should be treated as inadmissible evidence.

- Human Rights issues have not been addressed.
- The grading system does not have *vires*.
- Mediation should be used to resolve this dispute.

Discussion and assessment - is the building of architectural and historical special interest?

11. The Statement of Significance records '*a good example of a rural Jersey house, with late 18th century origins and alterations in early-mid 19th century and early 1900s, retaining fine stonework and good quality features from the various phases of development.*' Based on my inspection, I consider that this statement to be reasonable and fair.
12. The more detailed 'Description' is, effectively, in three parts: a paragraph on the external architectural features, a paragraph setting out the internal architectural features and an account of the known and interpreted history of the house.
13. In terms of the external architectural interest, the entry records a two storey 5 bay house with features including, on its front, a 'very fine granite ashlar frontage', 'carved datestones', 'Edwardian style casement windows' and an 'original door with central bead but later glazed panels'. On the side elevation, it records features including random stone rubble wall with dressed quoins and, on the rear, 'roof with raking dormer over central stair bay, renewed box dormers. Random granite rubble wall with dressed stone quoins and quoined window surrounds. Marriage stone over back door ILB.MMR.1737. Windows are 12 pane (6/6) sashes. Low 4-panel door.' All of these external architectural features were witnessed on my inspection.
14. With regard to the internal features, it states that 'the interior retains a number of good quality features from various periods' and records items of interest including the staircase and its fitments, coffered ceilings, wall panelling, panelled window reveals, unusual panel doors and fire places with wood surrounds and cast iron insets. All of these features were observed on my inspection
15. Although there has been a degree of dispute over the age and origin of the property and the dating of its various features, I can find no obvious or substantive error in the description. Indeed, it is suitably circumspect and the commentary about dates and eras and makes clear that the interest is from various periods (or 'phases'⁴).
16. The Appellants' have submitted an architect's statement that challenges the eighteenth century attribution and argues that the plan layout and features 'point' to a slightly later date (in the early nineteenth century). However, these views and not necessarily in conflict with the Listing narrative. There are records of a house on this site on the 1795 Richmond map. Whether or not that house was demolished in whole or in part (and extended and adapted) seems to be a matter of supposition. There is no compelling

⁴ The term used in the Statement of Significance.

evidence before me but it is not unreasonable to state that the house has 'origins' from this period. Indeed, the 1737 datestone, along with the historic map evidence, seems to confirm at least some eighteenth century 'origin.'

17. The Appellants challenge the view that the interior is of 'special' interest and claim that Jersey Heritage confirmed that the interior was Victorian and twentieth century rather than Georgian and that they wished to protect it simply because it "looked nice". However, the Schedule description includes specific references to identified internal architectural features and their likely dates e.g. the eighteenth century designs of the staircase newel and handrail and the fielded doors. Other features are linked with the later, 'likely' Edwardian, upgrading such as the coffered ceilings, room panelling and window panelling.

Conclusions

18. In my view, Priors displays fine exterior and interior qualities and architectural features of a rural Jersey house. The debate over its early history, which may place it at a point in time where it was one of the earliest double pile (two rooms deep) rural Jersey houses, adds to its interest in my view.
19. The fact that the house has been altered and subject to phases of development over time does not lessen, and in some ways adds to, the architectural and historic significance and interest. The interior architectural features are, understandably, more 'layered' than the more fixed external architecture. Nonetheless, the house retains high quality internal architectural features from different eras of the building's history, including its early periods.
20. I have examined carefully all of the documentation which sets out the approach that was undertaken to the assessment by Jersey Heritage and the Department's officers. It appears to be objective and thorough and justifies the listing as set out in the Schedule. I have noted the comments about the *vires* of the listing grades but these designations are non-statutory and the controlling document is the Schedule description itself and the list of 'restricted activities' set out within it.
21. I am mindful of the concerns expressed by the Appellants, who clearly feel that the Listing covering interior features is an unwanted intrusion into their home. I fully agree with their views that their home is 'not a museum' and they have clearly made substantial upgrades and improvements. There is also no suggestion that they wish to remove, alter or damage the architectural features.
22. However, the protection of Jersey's identified heritage through the Listing process builds in a longer term safeguard which, in this case, I consider is supported by evidence and has been exercised proportionately and in the public interest. It does mean that the building is 'preserved in aspic', simply that certain works, if they are ever proposed, will be subject to a consent process.

Recommendation

23. I recommend that the appeal be dismissed and the building retained on the List of Sites of Special Interest at non-statutory Grade 3.

P. Staddon

Mr Philip Staddon BSc, Dip, MBA, MRTPI