

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

**Appeal under Article 108 against a decision made under Article 51 to
include a building on the List of Sites of Special Interest**

REPORT TO THE MINISTER FOR THE ENVIRONMENT

made under Article 115(5)
by D A Hainsworth LL.B(Hons) FRSA Solicitor
the inspector nominated under Article 113(2) from the list of persons appointed
under Article 107

Appellant:

Lisa Bowden

Historic site reference:

HE1022

Listed Building Grade:

Grade 4

Building type:

Residential (town house)

Building name and address:

Eden House, 110 Great Union Road, St. Helier JE2 3WA

Inspector's site visit date:

5 July 2017

Introduction, background and procedural matters

1. This is an appeal against the decision of the Chief Executive Officer for the Department of the Environment made on 21 April 2017 to include the building, 110 (Eden House), Great Union Road, St Helier, on the List of Sites of Special Interest maintained under Article 51. The decision was taken after considering advice provided by Jersey Heritage, who took into account the views and advice offered by the Listing Advisory Group, and after the appellant had been given the opportunity to submit written representations in response to the notice served under Article 52.
2. After consideration of the appeal, Jersey Heritage undertook further research taking into account new information supplied by the appellant. This research led to the heritage assessment and listing particulars being revised on 25 May 2017. My report is based on the revised documentation.

3. Article 51(2) states that the List shall include each building that the Chief Officer is satisfied has public importance by reason of the special archaeological, architectural, artistic, historical, scientific or traditional interest that attaches to the building. The sole matter to be taken into account when a decision is taken under Article 51(2) is whether or not the building in question has public importance by reason of its special interest. If it does, there is an obligation to list it.
4. A document entitled "Criteria for the listing and grading of heritage assets", which was adopted in April 2011, sets out the framework that the Chief Officer uses when making a decision whether to list a building. The document states that the "ultimate aim is to conserve a carefully defined range of the extensive heritage on the Island".
5. The criteria state "Listings will cover five broad areas". Detailed criteria are set out for each of these areas, together with a list of issues that will be taken into account. The areas include the interests listed in Article 51(2), with the addition of age. The criteria indicate that age is "a major factor in the evaluation process", since "the older a building is and the fewer of its type that survive the more likely it is to present a special interest". Age in itself though is not one of the special interests referred to in Article 51(2).
6. The criteria note that the state of repair of a building is not a relevant consideration in determining whether it meets the test of special interest.
7. The criteria include a non-statutory grading system (Grades 1 to 4), which exists to help to determine the significance of the heritage asset and assess any changes proposed in the future. The Chief Officer has now allocated Grade 4 to Eden House. Grade 4 heritage assets are described in the criteria as: -

"Buildings and places of special public and heritage interest to Jersey, being good example of a particular historical period, architectural style or building type; but defined particularly for the exterior characteristics and contribution to townscape, landscape or group value."
8. The Chief Officer's revised listing particulars for Eden House contain the following details:
 - **"Special interest:** Architectural

Historical"
 - **"Statement of significance:** A late 1820s house, one of the earliest surviving in the vicinity, which retains its original external form and scale, and 19th century ornamentation."
 - **"Description:** The house is two storey, five bay with interesting exterior 19th century ornamentation. The pitched roof has rendered chimneystacks, with panelled rectangular pots, to gable ends; and two gabled dormers with glazed cheeks, decorated eaves and plain bargeboards. The modern asbestos tiles are not of interest. The principal frontage (southwest) is flush to the pavement, the façade painted render lined with imitation ashlar, framed by double-storey reticulated render pilasters with square Doric capitals; the storeys divided by a moulded string course. The window openings have raised voussoirs with alternating reticulated patterning. The

ground floor window sills are paired by a running sill-mould and a following undermould. The central entrance has a chamfered opening, with ornate console bracket framing raised lettering 'EDEN HOUSE'. The panelled door and the window sashes are much later replacements. The gable wall is similarly rendered with lined ashlar. The later rear extensions are not of interest. The interior of the house has been refurbished and does not contain any historic features of interest.

Built between 1827-1829. The house is shown on the 1834 Le Gros Map of St Helier, detached and surrounded with fields or vacant plots. Of historical interest as a surviving example of a house in town built at the end of the Georgian period. One of the earliest houses surviving in Great Union Road."

The case for the Chief Officer (supported by Jersey Heritage)

9. The Chief Officer states that the building has special historical interest, because it is one of the oldest properties in Great Union Road, having being built soon after the road was constructed. He maintains that it is representative of an important aspect of the growth of St. Helier and of the evolution of the road.
10. The Chief Officer states that the original external architectural form and character of the building survive and that they present an interesting and unusual level of 19th-century ornamentation, as described in the listing particulars. He acknowledges that some external changes have occurred but maintains that these do not compromise the special architectural interest of the building. He accepts that the extensions at the rear of the building are not of interest and that there are no internal features of interest.

The case for the appellant

11. The appellant states that the building has been substantially renovated throughout the years and that its original features have been removed. She does not consider that it is of special interest. She has submitted a surveyor's report, which identifies a large number of matters that require repair or replacement, including extensive cracking throughout the front elevation of the building.

Representations made by other persons

12. No other representations have been drawn to my attention.

Inspector's assessments and conclusions

13. The criteria state that to be of special historical interest a building must illustrate significant aspects of Jersey's history, which are defined so as to include social, economic and cultural history. They indicate that buildings erected between 1700 and 1850 are likely to be listed if they survive in their original form and are of a definite character individually.
14. As respects special architectural interest in the exterior of buildings, the criteria state that relevant considerations include design, style, artistic decoration and detailing. They add that architectural interest may be enhanced by the contribution a building makes to the townscape.

15. I have no reason to take issue with the details that are set out in the listing particulars relating to Eden House. In my opinion the building meets the criteria relating to both special historical interest and special architectural interest. It is a fine example of the 19th-century growth of St. Helier and the development of Great Union Road in particular. Its front elevation must always have been its principal feature and in spite of the alterations that have been made over the years, it still makes an attractive contribution to the townscape because of the interesting and unusual level of ornamentation described in the listing particulars.
16. The cracking in the front elevation is apparent on inspection and, although it requires attention, it does not detract from these architectural features. As stated in paragraph 6 above, the state of repair of a building is not a relevant consideration in determining whether it meets the test of special interest. If it were otherwise, buildings might be allowed to fall into disrepair in order to prevent their listing or to facilitate their de-listing.
17. For the above reasons, I have concluded that the building has public importance by reason of its special historical and architectural interest and that it should therefore be retained on the list maintained under Article 51.

Inspector's recommendation

18. I recommend that, in exercise of the power contained in Article 116(2)(c) of the Planning and Building (Jersey) Law 2002 (as amended), the appeal should be dismissed.

Dated 4 August 2017

D.A.Hainsworth

Inspector