

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: Randalls Limited

LOCATION: 28 – 30 Cannon Street, St Helier

APPEAL PROCEDURE: Written representations

SITE VISIT: 12 December 2017

Introduction

1. This report contains my assessment of the appeal made by Randalls Ltd against the decision of the Chief Officer to impose a Grade 4 Listing on its properties at 28, 29 and 30 Cannon Street, St Helier. The main issue in this case relates to whether the buildings possess special interest and significance that justifies the Listing.

The properties

2. Nos. 28, 29 and 30 Cannon Street comprise a row of three former dwellings that were built around 1840. They are situated on the north side of the street and a short distance from Parade Gardens. Adjoining the former houses to the west, is a low rise building that curves around the corner into Savile Street and appears to be owned by the Appellant (it bears the Randalls logo).
3. Immediately to the east (and attached to no. 28) is a four-storey block of apartments known as *Albert Flats*. Opposite the former dwellings is a public house, a vehicular access and modern apartment complexes, much of the south side of the street having been redeveloped.
4. The row of properties is two-storey in scale and of a simple two bay design with a single door for each former dwelling. It is set under a continuous pitched slated roof with small dormers in the roof plane of nos. 29 and 30 and a rooflight at no. 30. A single brick chimney emerges from the roof between nos. 29 and 30.

The Listing

5. The Listing of these properties has some history. I understand that they were first Listed as a single entity in 1992 but a 1998 review reassessed the premises as being only 'Buildings of Local Interest'. However, in 2011, an Island wide comprehensive review assigned 'Potential Listed Building' status, thereby re-establishing legal protection.
6. Following an external resurvey, the Ministerial Listing Advisory Group endorsed a Grade 4 listing in November 2012 and new Listing Schedules for each building were prepared in 2013. There was some delay before the recommendation to list the buildings was ultimately endorsed by officers in October 2016. Notices of Intent to List the buildings were served on 11 October 2016.
7. In response to the Notices of Intent to List, representations were made in November 2016. The advisory body Jersey Heritage reviewed the representations, carried out further research and revised its heritage assessment of the properties. It now treated the buildings as a single entity for Listing purposes and a revised Listing Schedule was issued on 28

February 2017. In response, the owner submitted a further representation in March 2017, setting out its view that the historic context of these buildings has been compromised; the buildings themselves had been subjected to internal refurbishment; and that very little of the original external fabric survives.

8. In line with its procedure where owners maintain objections to Listing, the Department of the Environment escalated the Listing decision making to the Chief Executive Officer. The Chief Executive Officer decided to List the buildings on 14 November 2017. This appeal is made against that Listing decision.

The grounds of appeal

9. The Appellant company objects to the Grade 4 listing and considers that the buildings do not warrant Listed status. The Appellant sets out six specific statements in support of its appeal. These are:

- 1) *The properties were originally listed as being a site of historic and Military significance.*
- 2) *The removal of the listing was successfully argued in 2016, when we received notice of the properties no longer being listed.*
- 3) *Within a few days we received notice of intention to list under Grade 4 the reason given; The properties were unmolested for over 30 years.*
- 4) *This again was argued given under the previous and incorrect listing the properties were untouched solely because of an erroneous listing.*
- 5) *We have now received a further notice which we are challenging as the reason for the listing again as Grade 4 citing Architectural and Historical, going on to state tangible reminders of 19th Century and previously known as Cannon Street Brewery.*
- 6) *To my certain knowledge there is not and never has been a Brewery in Cannon Street.*

Response of the Department of the Environment

10. The Department's case explains the legal and procedural approach to the identification and protection of heritage assets in Jersey. It sets out the procedural history in respect of this particular group of properties. The Department explains that the Listing has been made following assessment in accordance with the published and approved criteria¹. In particular, it

¹ Criteria for the Listing and Grading of Heritage Assets – Adopted April 2011 by Ministerial Decision MD-PE-2011-0063

explains that the age, historical and architectural interest, all support the decision to List.

Discussion and Inspector's assessment

The Law and adopted Guidance

11. Under Article 51(1) of the Planning and Building (Jersey) Law 2002, the Chief Officer is required to maintain a 'List of Sites of Special Interest'. Article 51(2) establishes that the List shall include the buildings or places that the Chief Officer is satisfied have public importance by reason of "*the special archaeological, architectural, artistic, historical, scientific or traditional interest that attaches to the building or place.*"
12. Advice on whether a building should be Listed is provided by Jersey Heritage (an independent trust), with assistance from the Ministerial Listing Advisory Group. This established assessment process is supported by published Ministerial Guidance in the form of the 2011 criteria (referenced above).
13. The Guidance explains that Listings will cover five broad areas: historic interest, age, architectural interest, archaeological interest, and artistic interest. It includes a section dealing with 'Principles for Listing Buildings and Listed Places' and more detailed 'Listing Criteria'. Guidance on allocating a non-statutory grade, which is an indication of the significance of each Listed Building or Place, is also provided.

Assessment of architectural and historical special interest

14. The Listing Schedule states that the 'special interest' is 'Architectural' and 'Historical'.
15. The Schedule's 'Statement of Significance' reads: *A row of mid-19th century houses, circa 1840, that retain their exterior historic character and group value, contributing to streetscape interest.*
16. The detailed description reads: *A row of three mid-19th century houses, each 2-bay, 2-storey. Continuous slate roof with single brick chimneystack between nos.29 & 30, which also have small cambered dormers. Front (south) elevation: coved eaves; walls re-rendered in traditional lined ashlar and keystone effect. Windows to nos.28 & 29 are modern 12 (6/6) pane timber sashes in C19 pattern. Original 12 (6/6) pane timber sashes, without horns, to no.30. The fenestration is a departure from the usual pattern with the absence of windows above the entrance doors. Paired entrances to nos.28 & 29 - each with a 4-panel replacement door with 3 pane overlight and granite step. The door to no.30 is original 4-panel with 3 pane overlight and granite step. The interiors are not of interest.*

A row of mid-19th century houses, circa 1840, that are illustrative of town housing of the period and are one of the few elements left in Cannon Street - together with nos. 8-10 & L'Etacquerel (no. 6) - that are tangible reminders of its 19th century history and early development. Previously known as 'Cannon Street Brewery'.

17. The documentation submitted with this appeal establishes that the knowledge and understanding about the history and significance of these buildings has iterated and evolved over time. Earlier assessments that the dwellings were 'late nineteenth century' have been corrected in the light of evidence of an earlier origin. Similarly, an earlier association with a military use has been dismissed. This is not unusual in respect of historic buildings and it simply reflects the product of ongoing research and better understanding.
18. The Guidance establishes that 'age' is a major factor in the listing evaluation process. It makes clear that buildings pre-1850's buildings which survive *'in their original form and which are of a definite character either individually or as part of a group are likely to be Listed'*. Although there have been some changes to the buildings over the years, such as replacement windows and doors (at nos. 28 and 29), the original form and group character is intact and is quite tangible, in my view.
19. In terms of architectural interest, this is limited to the exterior fabric. However, there is definite 'special' interest in terms of its design, style and use of materials in housing development at this time in history (1840's). No. 30 is believed to remain in the least altered form, with original windows, door and small dormer. No. 29 and 28 have had replacement windows and doors. Although the date of these is unclear, they are of a sympathetic (nineteenth century) style. Overall, the buildings' architectural interest is a finite surviving resource in Jersey and forms part of the Island's distinct and rich heritage.
20. In terms of the historic interest, buildings from this era have a distinct relevance to Jersey's growth and its historic evolution. The Department's submissions highlight Census records, which identify the diverse range of tradespeople that lived in these houses during a period of economic expansion and growth of the town of St Helier. Whilst an earlier assumed association with military use now seems to lack any evidential basis, this does not lessen the historic interest of these former cottages.

Other matters

21. I believe the reference to 'Cannon Street Brewery' is simply drawn from an archival property record and the Department does not seek to establish any historic link between the buildings and any brewing operations. It therefore has little relevance to the merits of this appeal or the Listing decision.

Conclusions

22. The Listing status of this row of former cottages has, since 1992, ebbed and flowed in the light of various reviews, assessments and research. The Appellant is clearly frustrated by the latest decision to List the buildings and its case highlights the background Listing history.
23. However, the main issue in this appeal is whether the buildings, based on the facts today and in the context of the legal framework and the published Guidance, meet the 'special interest' criteria that justify the added legal protection conferred through a formal Listing.
24. In my view, nos. 28 – 30 Cannon Street are of architectural and historical special interest. They comprise an attractive row of mid-nineteenth century workers' townhouses. Despite changes to their surroundings and some later (sympathetic) alterations, their exterior fabric and form remains largely intact and retains a strong architectural integrity and character. They have related historical interest. Overall, this special interest justifies the Listing in accordance with the law and the associated published criteria.

Recommendation

25. For the reasons stated above, the Minister is recommended to dismiss this appeal and the building be retained on the List of Sites of Special Interest at non-statutory Grade 4.

P. Staddon

Mr Philip Staddon BSc, Dip, MBA, MRTPI

30 January 2018