

## PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (b) against a refusal to grant planning permission

### Report to the Minister for the Environment

By Sue Bell MSc., BSc, FCIEEM, CEcol, CWEM,  
An Inspector appointed under Article 107

**Appellant:** Mr R M Walker

**Planning Permission Reference Number:** RP/2019/1038

**Decision notice date:** 19 December 2019

**Location:** Rosedale Farm, Le Mont Cochon, St Helier JE2 3JB

**Description of Development:** REVISED PLANS to P/2017/1294 (Demolish existing garages and store. Construct two storey extension to South-West elevation and first floor extension to West elevation): Extend approved extensions to South-West and West elevations.

**Appeal Procedure and Date:** Site Inspection

**Site Visit procedure and Date:** Accompanied, 4 March 2019

**Date of Report:** 10 June 2020

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### Procedural Note

There is an extant permission, which allows some works to the southern wing. At the time of my site inspection, extensive building works were being carried out. I observed that part of the building, which forms the subject of this appeal, had been totally removed.

Following the site inspection, the Growth, Housing and Environment Department confirmed that it had been in contact with the appellant's agent. It had been informed that having commenced on works, it was found that the ground floor walls of the southern wing were of such poor construction that it would not have been possible to build off them so they were removed. It was proposed to put back the removed walls as per the plans. The Department noted that these works had not been agreed with the Development Control section of the Department.

For the avoidance of doubt, this report is based on a consideration of the scheme as submitted and subsequently refused for planning permission. It does not consider or address the issue of whether or not the observed works were authorised.

### Introduction

1. This is an appeal by Mr Walker against a refusal to grant revised planning permission for extensions to Rosedale Farm.
2. Permission was initially refused by the Growth, Housing and Environment Department (the Department) under delegated powers on 7 November 2019. The appellant requested a review of this decision by the Planning Committee.

3. At their meeting on 19 December 2019, the Planning Committee maintained the decision to refuse the application, on the following grounds:
  - (1) *The property concerned is a Grade 3 Listed Building. The proposed extension would not be subservient to the main building in terms of its scale, design, dimensions and bulk, would not preserve the architectural and historic character and integrity of the main house and would result in the loss of buildings within the extent of listing. The proposed development would therefore fail to satisfy the requirements of Policies SP 4, GD 7 and HE 1 of the Adopted Island Plan 2011 (Revised 2014).*
4. A summary of the cases presented by the appellant, and the Department and the Planning Committee during the application and appeal process are presented below, together with a summary of consultations and representations received during consideration of the application. Further details are available in the statements and other documents submitted by each party, which are available through the Planning Applications Register website.

### **The appeal site and surroundings**

5. The appeal site comprises a substantial detached traditional farmhouse within large grounds located on a south facing slope, to the north-west of St Helier, between Le Mont Cochon and Le Chemin des Moulins. The site is within the Green Zone.
6. The property has undergone different phases of development and re-development, resulting in a building of mixed age. The main elevation, comprising the oldest parts of the building is orientated approximately east-west, with the main façade facing broadly southwards. There are additional wings and extensions to the north and northeast and a large wing that projects broadly southwards, perpendicular to the main façade, with a range of garages projecting to the west from this wing (described by the Department as the southwest wing and southwest façade). As noted in the preamble, at the time of my site inspection, the southern/ southwest wing had been removed.
7. The property is a Grade 3 listed building, considered to be of architectural and historical interest. The interest is described on the Statement of Significance as “*A range of Jersey vernacular buildings with C17 origins, retaining historic character and features of interest.*”
8. The listing describes “*A linear range of 2-storey granite buildings, south facing. Main house is 5-bay, slate roof with modern dormers and chimneys. Rubble granite walls with dressed stonework to windows (apparently enlarged vertically with original 6-piece surrounds visible). Ground floor windows with crested accolades. Chamfered arch doorway dated 1664 with ornamental chamfer stops. Later granite extensions to east - 2 bay, 2 storey building, then a 4 bay single storey block, all under the same roof. Subsidiary wing at right angles. Farmstead with C17 origins, remodelled 1975.*” Thus, the listing includes the original building, plus some of the later additions.

### **The proposed development**

9. Permission was granted in August 2018 (P/2017/1294) to demolish the existing south/southwest wing and the existing southwest façade of the original building. The length of the main building would be increased through reconstructing the southwest

gable approximately 1.7 meters further to the west and the southwest wing would be reconstructed to increase the width of the footprint at first floor level by approximately 1 metre. The length of the southwest wing would also be increased by 6 metres, resulting in an 'L' shaped footprint, which would project 8.6 metres to the south. In addition, the ridge height of the southwest wing would be raised by 1 metre.

10. The current proposals seek to revise that permission by:
  - Relocating the main southwest gable 4 metres from its original position (2.4 metres further than under the 2017 permit):
  - Increasing the width of the footprint of the southwestern extension by a further 2.3 metres towards the southwest; and
  - Increasing the length of the southwest facing leg of the extension by 3.1 metres and in width by 0.9 metres.The ridge height would remain unchanged from the 2017 proposal.

### **Case for the appellant**

11. The appellant's statement of case is supported by a Heritage Statement prepared by MOLA in 2017, and an updated Heritage Impact Review prepared by Landscape Collective in support of the appeal.
12. The appellant considers that the grounds for refusal of the proposal are unjust. In relation to Policy SP4, the appellant considers that the preservation of the building, its site and setting and the features that have architectural interest is maintained. Certain features of the external main house are enhanced including the removal of the unsightly air-conditioning units, rendered plinth and the existing arched door that is currently blocked up and is to be reinstated.
13. The existing southwest and western section to the property were added around 1975. The refusal notice includes the loss of buildings within the extent of the listing as part of the reason for refusal. This loss of this section of the building is not contrary to Policy HE1 and demolition to this later fabric is acceptable under policy and has already been deemed so under the previous and current planning approval in 2017.
14. In regards to the subservience of the proposal to the main building, it is not dissimilar to the 2017 approval. The northeastern façade which is juxtaposed to the main building that forms the very essence of the listing is unchanged.
15. The only real justification from the Department for the refusal is in relation to the increase in width to the first floor, which they deem makes this section of the building not subservient to the main house and is refused under Policy HE1 and GD7.
16. The Planning Officer noted in his assessment report that the proposed scheme is a 34% increase over and above the 2017 approval. This should not be looked at in isolation, but in the overall context of the farmstead. The proposed footprint of the first floor is 209 m<sup>2</sup>, which in comparison to the existing first floor, is 40% less.
17. It should also be noted that the existing southwestern asymmetrical gable is 9.6 metres wide in comparison to the proposed southwest façade which is 8.9 metres wide. The proposed extensions also maintain the existing materiality, character and traditional built form of the dwelling and thus maintains subservient to the existing building.

18. The proposed scheme is more aligned with the existing footprint than that of the approved scheme of 2017; there will be a greater use of matching granite and other materials and there will be a more organic feel to the overall solution.
19. The proposed scheme retains the principal original and early sections of the dwelling, the historic fabric and the principle visual presentation of the dwelling. The proposed gable end to the extension on southwestern elevation maintains the traditional building form and character of the existing building.

#### Case for the Department

20. An important factor in the Department's assessment was the response from the Historic Environment Team of 27 August 2019 and its comments that "*the increase in the width of the wing bears no proportion to the historic form of the buildings. As such the loss of historic fabric, the disproportionate new southern wing and the further extension of the western gable to farmhouse means HET cannot support the application because of the impact on the character of the farm group and loss of buildings within the extent of Listing.*"
21. The current proposal would result in a further considerable increase in the size of the dwelling over that already consented. The footprint of the southwest side wing (currently 57 m<sup>2</sup> at first floor level) would increase from 155 m<sup>2</sup> (as approved in 2017) to 206 m<sup>2</sup>, which would represent a 34% increase above the 2017 permit.
22. The extension already permitted would result in a considerable increase in the bulk of the southwest wing compared to the original building, including an increase in the height of the ridge. The current application proposes a further increase in the width of the southwest wing. As the ridge height would remain unchanged, this would result in a disproportionately wide gable elevation which would look out of character with the original building.
23. The proposed further increase in the width of the wing, would lead to a structure that would bear no proportion to the historic form of the buildings and would be disproportionately large in relation to the main building.
24. The Department does not agree with the applicant's view that the revised plans are not dissimilar to those of the current extant permission and that the wing that is juxtaposed to the main building is unchanged in its appearance. Whilst the east elevation of the south wing (i.e. the façade which is juxtaposed to the main building) would remain unchanged, the revised proposal would result in an even greater increase in the width of the south wing and consequently a further change in the appearance of the south gable, which would be out of proportion from the principal building.
25. It is appreciated that the house has been extended previously, and that the existing southwest gable is asymmetrical and wider than that proposed on the southeast. The asymmetry of that face of the building does however still portray the original, steep pitch of the roof of the main house. It is also only one and half storey in height. The proposed southeast gable is a full two stories in height and does not portray the depth of the original building nor the roof pitch of the original building.
26. The Department questions the appellant's reference to the northern extension, but notes that although wider, the northern extension does not project as far from the main building as the south extension already does.

27. The proposed development is within the Green Zone where Policy NE7 applies. Domestic extensions can be approved as exceptions to the presumption against development in the Green Zone, subject to meeting certain criteria. The acceptability of such a proposal will be determined by its scale, design and impact on landscape character. The Department would typically expect an extension to be subordinate to the main house in its scale and height. The permit granted in 2017 already allows for a substantial extension to the building. It is the cumulative effect of the further proposed extension which is considered to be unacceptable in terms of its scale and mass and would result in an overbearing impact.
28. On balance, the Department considered that the proposed extension would not be subservient to the main building in terms of its scale, design, dimensions and bulk and would not preserve the architectural and historic character and integrity of the main house. The proposed development would therefore fail to satisfy the requirements of Policies SP4, GD7, and HE1 of the Adopted Island Plan 2011 (revised 2014).

### Planning Committee

29. A copy of the Minute of the Planning Committee meeting held on 19 December 2019 was supplied by the Department. This considered similar points to those raised in the Department's case. The Committee refused planning permission, citing the same reasons as those of the Department.

### Consultations

30. The Department of the Environment Natural Environment Team's response dated 30 August 2019 did not raise an objection to the scheme. However, in order to ensure the protection of all protected species, in accordance with Policies NE1, NE2 and NE4 of the Adopted Island Plan 2011 (revised 2014), the Team requires the following condition to be applied to any permission that is granted. *"The measures outlined in the approved Species Protection Plan (ref. NR/ES/RF 02, 24th September 2018, Nurture Ecology) shall be implemented prior to the commencement of the development, continued throughout the phases of development (where applicable) and thereafter retained and maintained as such. Any variations that may be required as a result of findings on site are to be agreed in writing by Natural Environment prior to works being undertaken."*
31. The Department of the Environment Historic Environment Team objected to the proposal in its response of 27 August 2019. It stated: *"It appears that the proposal is to replace the southern wing which is within the extent of Listing with a new wider structure. It is noted the north eastern elevation will remain unchanged, but if appears the north west façade will be replaced to form a larger wing and the north western gable will be repositioned to take up the increase in width. This would involve the loss of significant historic fabric, lengthen the principle range of buildings and demolish most of the southern wing. The increase in the width of the wing bears no proportion to the historic form of the buildings. As such the loss of historic fabric, the disproportionate new southern wing and the further extension of the western gable to the farmhouse means HET cannot support the application because of the impact on the character of the farm group and loss of buildings within the extent of Listing."*

## Representations made by other interested persons

32. A single comment was received, from the National Trust for Jersey. In its letter of 12 September 2019, the Trust stated that it endorsed the opinion of the Historic Environment Team that the proposed changes will mean that the shape of the new buildings will bear little relation to the original historic form of the existing listed buildings. In view of the opinions of the Historic Environment Team and the policies of the Island Plan, the Trust is unable to support the approval of the application.

## The policy framework

33. Relevant policies of the Adopted Island Plan 2011 (revised 2014), which were used by the Department in its assessment of the proposal are summarised below, together with my observations as to how these relate to the appeal.
34. Policy SP4 Protecting the natural and historic environment  
This policy places a high priority for the protection of the Island's natural and historic environment including protection of its historic buildings, structures and places. Observations: The effect of the proposed development on the listed Building is a subject of dispute and is considered further in my assessment below.
35. Policy GD1 General development considerations  
This policy sets out the criteria to be met in order for a development to be permitted. These criteria include a requirement that the development does not seriously harm the Island's natural and historic environment in accord with Policy SP4 and in particular will not have an unreasonable impact on heritage assets (in relation to Policy HE1); and that the development should be of a high quality of design (in relation to Policies SP7 and GD7).  
Observations: The extent to which the proposed development meets the criteria in respect of impacts on the listed Building is a subject of dispute and is considered further in my assessment below.
36. Policy GD7 Design quality  
This policy requires developments to meet a high quality of design that respects, conserves and contributes in a positive way to the diversity and distinctiveness of the landscape and built context. A series of criteria that need to be met are specified by the policy. These include criteria relating to the scale, form, massing, orientation, siting and density of the development and inward and outward views; the relationship to existing buildings, settlement form and character and landscape features; the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings; the use and maintenance of landscape and the degree to which this makes use of local features; incorporation of existing features into the development; and the design of safe pedestrian routes, vehicle access and parking.  
Observations: the extent to which the proposed design would have a satisfactory relationship to the existing listed Building is a subject of dispute and is considered further in my assessment below.
37. NE2 Species protection  
This policy aims to safeguard animal and plant species protected by law and their habitats. Planning permission will only be granted for development that would not cause significant harm to these. Where a proposal may have an adverse effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures.

Observations: A preliminary ecological appraisal and more detailed bat survey have been undertaken. A species protection plan has been prepared, to safeguard bat species in line with the requirements of this policy.

38. NE7 Green Zone

A high level of protection for the Green Zone is provided by this policy, which sets a general presumption against all forms of development. It sets out a series of defined exceptions to this presumption, with supporting criteria. An extension to a dwelling can be permissible, but only where: (a) its design is appropriate relative to existing buildings and its context; (b) it does not facilitate significant increased occupancy; and (d) it does not seriously harm landscape character. Item (c) relates to additional criteria in the case of an extension or the conversion of part of an existing dwelling that would lead to the creation of a separate household.

Observations: The extent to which the design of the proposed development is appropriate to the existing building is a subject of dispute between parties and is considered further in my analysis below.

39. HE1 Protecting Listed buildings and places

This policy establishes a presumption in favour of the preservation of the architectural and historic character and integrity of Listed buildings and places, and their settings. Proposals which do not preserve or enhance the special or particular interest of a Listed building or place and their settings will not be approved. The policy also specifies types of development for which permission will not be granted. These include (1) the total or partial demolition of a Listed building and (4) extensions, alterations and changes which would adversely affect the architectural or historic interest or character of a Listed building or place, and its setting.

Observations: The proposal concerns partial demolition of and extensions and alterations to a Listed building. Further analysis of this policy is included in my analysis below.

40. BE6 Building alterations and extensions

The policy defines four criteria for circumstances where development proposals to alter or extend existing buildings will be approved. The proposals should respect or complement the design, detailing and materials of the existing building; are sympathetic to the form, scale, mass and proportions of the existing building; complement the design of adjoining buildings and the quality of the surrounding area; and respect the space between buildings where it contributes to the character of the building group or surrounding area.

Observations: the extent to which the proposed extensions would show respect or complement the existing building is a subject of dispute between parties and is considered further in my analysis below.

### **Inspector's assessment and conclusions**

41. As noted in the preamble, at the time of my site inspection, the whole of the southern and southwestern extension had been removed. My comments are based on a comparison between the proposals and the extant scheme (P/2017/1294) and do not take account of these recent works.

42. In considering the effects of the proposals on the Listed building, I have considered the comments and objection from the Historic Environment Team. As the specialist adviser on historic buildings, their advice should be given careful consideration.

43. Paragraphs 33 - 40 summarised the policy context. The extent to which the proposal satisfies the requirements of policies NE7, BE6, and GD7 is related to the design of the proposed extension and its relationship to the 'main' building. Likewise, the extent to which it satisfies the requirements of policies SP4, GD1, and HE1 is related to the effects of the proposals on the Listed building and its setting.
44. The Adopted Island Plan 2011 (revised 2014) provides significant protection of Listed buildings and their settings. In particular, Policy HE1 sets a presumption against the total or partial demolition of a Listed building, loss of historic fabric and extensions which would adversely affect the architectural or historic interest or character of a Listed building or place, and its setting.
45. The revised proposed scheme seeks to effectively increase the length of the main building and extend the width of the southern extension through the relocation of the western wall approximately a further 2.4 metres to the west, placing it 4 metres from its original position. In addition, the length of the southwestern arm of the extension would also be increased over that consented. The proposed ridge height would remain unchanged from that consented, thus altering the pitch of the roof to accommodate the greater width.
46. I consider that the proposed scheme would result in a substantially larger extension than the existing building or extant scheme. It would create an extension which is closer in width and bulk to the parent building. This increase in width would mean that the extension would appear overly-wide when viewed against the main elevation of the Listed building. I find that this increase in bulk and width would result in an extension which competes with, rather than is subservient to the main façade.
47. In addition, the increased width of the proposed extension would decrease the pitch of the roof of the proposed extension, to create a disproportionately wide gable, when compared to the original building.
48. I am not persuaded by the appellant's argument that in relation to the subservience of the proposal to the main building it is not too dissimilar to the 2017 approval. The proposed scheme represents a more significant re-modelling of the southern extension in terms of width and length than that previously consented. Compared to the consented scheme, the proposal would result in an appreciably larger, bulkier, and more solid building, approaching the width of the parent building. Whilst the area of the proposed extension would have a smaller floor area than the parent building, it would still result in a substantial structure that would appear out of balance with the main façade and would detract from the character and appreciation of the main range.
49. The appellant has suggested that the proposed works to the southern extension would be acceptable as the proposed scheme would retain the principal original and early sections of the dwelling, the historic fabric and the principal visual presentation of the dwelling.
50. I accept that the building is of mixed age and that the southern wing is a more recent addition. Nevertheless, that does not detract from the fact that the newer extensions (excluding the southwest portion comprising the garages) contribute to and form an integral part of the Listed building and hence benefit from protection through Policy HE1.



51. Whilst I note that the principle of the effective re-location of the western wall was deemed acceptable through permission P/2017/1294, the effects of removing or relocating walls cannot be treated in isolation from the effect of the scheme as a whole upon the Listed building. The current proposals would result in a southern wing that is substantially wider and larger than the existing or consented scheme, which would be out of character with the main building and hence fail to preserve its special or particular architectural and historic character.
52. I have considered the supporting documents prepared by MOLA and the Landscape Collective. The former document focuses upon the effects of the extant scheme, which has been consented. The latter document reiterates much of the earlier document's conclusions.
53. I note that the proposal was supported by an Initial Ecological Appraisal and a bat survey report and species protection plan. I am satisfied that these would be sufficient to safeguard any protected species, in line with the requirements of Policy SP4 and that their implementation could be secured by condition to any permission that were granted.

### **Conclusions**

54. For the reasons set out above, I conclude that the proposals would result in an extension that would impact on the character of the farm group and hence would fail to preserve the special or particular architectural or historic character of the Listed building. Thus, the proposals would fail to satisfy the requirements of Policies HE1, GD1 and SP4 of the Adopted Island Plan 2011 (revised 2012). In addition, the proposed design, by virtue of its scale and mass, would fail to respect the existing building and hence would fail to satisfy the requirements of Policies GD7, NE7 and BE6 of the Adopted Island Plan 2011 (revised 2014).

### **Recommendations**

55. For the reasons outlined above, I recommend that the appeal should be dismissed.
56. If the Minister is minded not to follow this recommendation, and wishes to allow the appeal, then the condition proposed by the Department of the Environment Natural Environment Team (paragraph 30) should be applied to any grant of planning permission that is made.

*Sue Bell*

Inspector 10/06/2020