

STATES OF JERSEY
PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)
APPEAL OF A DECISION UNDER ARTICLE 108
REPORT TO THE MINISTER FOR PLANNING AND ENVIRONMENT
by Mr Philip Staddon BSc, Dip, MBA, MRTPI
an Inspector appointed under Article 107

APPEAL BY: Rev. P. Warren

AGAINST: Refusal to grant planning permission to '*Construct extension to West elevation. Various material alterations*' at St Lawrence Parish Church, La Grande Route de St Laurent, St Lawrence, JE3 1NG. Decision dated 19 February 2016

REFERENCE: P/2015/1840

APPEAL PROCEDURE: Written Representations

SITE VISIT: 13 May 2016

DATE: 30 June 2016

Introduction

1. This report contains my assessment of the appeal made by Rev. Warren against the decision of the Department of the Environment to refuse to grant planning permission for a small extension and associated alterations at St Lawrence Parish Church. The church is a 'Potential Listed Building Grade 1' and the surrounding churchyard site is a 'Protected Open Space'. It lies within the defined Built-up Area.
2. The Church is currently not accessible to disabled people (there are steps up and down on entry) and has no toilet facilities. The proposal seeks to address these issues.
3. On a preliminary point, I do think that the proposal would be better described as "*proposed extension to west elevation of church (disabled WC and lobby) and associated works including creation of a door opening in the west wall of the church; creation of servery and chair store internally and works to extend and alter pathways externally.*" I recommend that this description be used in place of that cited in the Decision Notice.
4. The proposed extension is small in scale. It would project from the west elevation by about 2.6 metres and have a length of just under 5 metres, giving a gross floor area of about 13 square metres. Its walls would be faced in granite to match the existing church and it would have a pitched roof and stone parapet detail to match the adjacent west portal entrance. The west wall of the extension would contain a new window of a similar style to the existing window that would sit above it.
5. The side (south) elevation of the extension would include a power assisted door which would open to a new lobby area and, turning right on entry, provide a level access to the church itself via a 'new' opening in the re-opened cannon door (it has clearly been closed off for some years). The rear (northern) part of the extension would house a wheelchair accessible WC and baby change facility.

The Department's consideration and refusal of the application

6. Although small in scale, the proposal has attracted a degree of controversy with views expressed for and against at the application stage. The Department's Planning Officer and Historic Environment team were supportive of the application and considered it to be a well designed, subservient and sympathetic addition that would address the current operational constraints (no level access and no WCs) of this important building and would allow the church to better serve its community.
7. Eighteen letters of representation were received and fourteen of these opposed the scheme citing unwarranted change, unacceptable alteration to the architecture and damage to the built heritage and archaeology of the site. There were two letters of support and two suggesting an archaeological assessment should be required.

8. At its 28th January 2016 meeting, the Planning Application Committee did not endorse the officer recommendation. However, I understand that it was a split vote with two members in favour and two against and, in such circumstances, procedure dictates that the decision is made in the negative i.e. an approval requires a majority vote.
9. The 'minded to refuse' outcome was formally confirmed at the 18th February Committee meeting which endorsed the following reason for refusal:

"The proposed extension and alterations proposed would represent an irreversible negative impact both on the internal and external features of this important heritage asset, and as such would not preserve or enhance the special or particular interest of this Potential Listed Building (Grade 1), contrary to Policy SP4, GD1 and HE1 of the Adopted Island Plan 2011 (Revised 2014)."

The key Island Plan Policies

10. This appeal primarily concerns heritage considerations (above and below ground). The key policies are cited in the reason for refusal and are:

Policy SP 4 – this is a strategic policy, which gives a 'high priority' to protecting the Island's heritage assets, including its archaeology, buildings, structures and places.

Policy HE 1 – protects Listed buildings and presumes against proposals that '*do not preserve or enhance the special or particular interest of a Listed building...*' The policy identifies a number of unacceptable works which include removal of historic fabric and replacement with modern materials and extensions and alterations '*which would adversely affect the architectural or historic interest or character of a Listed building or place and its setting.*'

Policy GD 1 - sets out 'general development considerations' against which all planning applications are assessed. These include sustainability, environmental impact (including specific regard to the historic environment), impact on neighbouring uses and occupiers, economic impact, transport and design quality.

11. Other relevant policies are:

Policy HE 5 – which seeks the preservation of archaeological resources.

Policy SCO 3 – that covers community facilities and provides in principle policy support for extensions to community facilities located within the Built-up Area.

Policy GD 7 – which requires high quality design.

Policy BE 6 – that supports well-mannered building extensions and alterations.

The Appellant's Case

12. The Appellant's initial grounds of appeal can be summarised:

- The split decision does not represent a conclusive opinion on the merits of the scheme.
- A committee member was considered to have been influenced by the negative representations and made emotive remarks.
- The scheme will not damage the cannon doorway and the granite work on both sides will be undamaged and exposed.
- Trial pit investigations have demonstrated that the scheme will not undermine the church foundations.
- The cannon doorway was infilled sometime after 1958 and the infill granite cannot be considered 'historical'.
- The internal alterations are not 'irreversible'.
- Externally the works are discrete and will go largely unnoticed.
- Other ancient churches have had larger extensions approved and built.
- The whole design and consultation exercise has been founded on the heritage importance and sensitivity of the church and the desire to enhance the experience and flexibility of the building.
- The decision directly conflicts with the advice of Planning and Historic Environment officers.

13. These grounds were expanded through a very comprehensive appeal submission document.

Objectors' views

14. In addition to the initial representations lodged at the application stage, nine further submissions were made.
15. Seven of these representations opposed the scheme, reiterating earlier objections and also responding to the grounds of appeal. These included views that alternative less damaging schemes could be progressed; insufficient research has been carried out; the extension will be permanent and will obscure the cannon door; the extension is not discrete and modest and will be highly visible; the scheme would be a desecration of the church; the impact of drainage trenches / pipe runs have not been assessed.
16. Two of the representations supported the scheme and the appeal. The first was a letter explaining that, with people living longer, it was increasingly important to ensure disabled access. It also set out the care and concern for the historical and architectural features that had been witnessed through its

restoration. The second representation was a 41 name petition from members of the church congregation, expressing support and explaining how important this project was for its ongoing work and activities.

Discussion and assessment

General

17. St Lawrence Church is an extremely important, and quite beautiful, medieval church. Its 'Potential Listed Building Grade 1' status and the designation of the surrounding churchyard site as a 'Protected Open Space', create a very sensitive context for any development proposal.
18. That sensitivity is confirmed by the very passionate and deeply held views expressed in representations both in support of, and in opposition to, this proposal. People clearly care about St Lawrence Church and about Jersey's heritage.
19. The Island Plan articulates those passions, concerns and sensitivities through its Planning policies. These establish the strategic priority of protecting heritage assets (SP 4) and set out the specific protection afforded to listed buildings and the 'preserve or enhance' criteria for developments affecting them and / or alterations to them (HE 1).
20. I will deal with the extension and internal alterations separately as they raise different issues.

The extension

21. In principle, the potential Grade 1 Listing does not preclude extensions or alterations. Indeed, the story of many of the finest heritage assets is one of evolution over time and St Lawrence Church is no different. It is a church of different elements from different times, rather than a neatly uniform and symmetrical structure built at a single point in time. This contributes to its richness and importance as it stands witness to centuries of history (long before the advent of modern Planning controls).
22. There can sometimes be unavoidable tensions between heritage considerations and modern day operational needs. In my view, the rationale for this project is sound. For a community building to function effectively and inclusively in the twenty first century, accessibility for disabled people and the provision of W.C. facilities are, in my view, essential. That principle applies to both modern and historic buildings.
23. For historic buildings, there are clearly much greater sensitivities in terms of how such facilities are provided as they are, inescapably, retro-fitted or bolt-ons to the original building. These sensitivities are often coupled with physical and practical difficulties. Having visited the church and read the Appellant's submissions (and the conflicting views of others), I am satisfied that accommodating the facilities within the main body of the church itself or as a freestanding building in the churchyard, would be impractical and almost certainly harmful.

24. I therefore reach the view that, in principle, an extension to accommodate the facilities and achieve level disabled access is supported. The key issues are the siting of the extension and its scale, design and impact on the heritage asset (including below ground archaeology).
25. In terms of siting, much has been said about whether the chosen extension location would be 'discrete' (or not). The position of the church, set within a large churchyard surrounded by roads, means that there are no hidden elevations – all are exposed to public view. However, in my assessment, the most prominent public views are of the north, south and east elevations, as viewed from Le Grand Route de St Laurent.
26. The west elevation is less prominent but it is still quite visible, as the extension will be, from Eglise Road and Petit Rue de l'Eglise, albeit that it will be set back some distance (the extension will be about 25 metres from the road at its closest point). Whilst I acknowledge that some will oppose any extension, the west elevation is the most sensible and least sensitive location for any addition. The logic is further supported by the presence of an historic door opening (which was closed off in the twentieth century) which provides the desired access facility without having to breach the older historic fabric of the church.
27. In terms of scale, I consider that the extension is the minimum necessary to achieve the purpose (of level access and a disabled WC). Indeed, it is not ideal to combine disabled WC with baby change facilities, but only a much bigger addition could resolve that. I consider the scale to be acceptable.
28. Whilst some have described the design in unflattering terms, I disagree with those views. I consider it to be a well executed small extension, which is subservient to, and respectful of, the Listed building. In my view, it will appear as a logical and natural addition to the evolution of the building. Whilst some object to the loss of external view of the detailing surrounding the cannon door, this historic fabric will not be lost or damaged; it will just be enclosed rather than exposed.
29. However, the success of extensions to important historic buildings is in the detail and the craftsmanship. There are a number of matters that need particular care in this case.
30. First, the union between the extension's walls and roof with the church wall itself is not detailed on the drawings before me, but there is reference in the Department's case (on behalf of the Planning Applications Committee) to the need to 'cut in' to the existing granite walls, thereby irreversibly damaging the historic fabric. However, this should not be necessary as modern masonry anchoring systems should allow a union between the old and new utilising the joints between the granite blocks (to accommodate the anchoring rods) rather than cutting into the stonework itself.
31. Second, the union between the extension roof and the church wall is also not detailed. A simple abutment could result in a rather unsightly band of flashing. However, it should be possible to achieve a much cleaner result with a secret gutter system, which would avoid visible flashing.

32. Third, the granite block colour, sizing and coursing in the new extension needs great care. I am not entirely convinced that the coursing illustrated on the drawings is fully in tune with the church wall it will abut (it may just be because it is illustrative).
33. I consider that Planning conditions could deal satisfactorily with these three matters of detail.
34. I have noted various views about archaeology but I am satisfied that the condition originally recommended by officers addresses any implications arising from the extension and the external works (including any service / drain trenching). For clarity, I have made some minor adjustments to this recommended condition.

The internal alterations

35. The internal alterations are minor in nature, entirely reversible and have no damaging or intrusive impact on the built fabric of this heritage asset. They will facilitate better and fuller use of this important building.

Conclusion and recommendations

36. I consider that the proposal is well conceived and respectful of this important listed building. It will provide necessary facilities and secure level access for disabled people, which will enable this church to serve its community in a more inclusive and fuller manner. The design of the extension is well mannered and appropriate, although some further fine detailing needs to be agreed and carefully controlled. The associated alterations are minor and do not harm the built fabric of the church.
37. Subject to a revised description and the schedule of conditions attached to this report, the Minister is recommended to ALLOW this appeal and GRANT PLANNING PERMISSION SUBJECT TO THE ATTACHED CONDITIONS.

Attachment – revised description and schedule of conditions

P. Staddon

Mr Philip Staddon BSc, Dip, MBA, MRTPI

REFERENCE: P/2015/1840 – Revised description and schedule of recommended conditions

Revised description: Proposed extension to west elevation of church (disabled WC and lobby) and associated works including creation of a door opening in the west wall of the church; creation of servery and chair store internally and works to extend and alter pathways externally.

Recommended Planning Conditions

1. Prior to commencement of the development hereby approved, a Project Design for a phased programme of archaeological oversight, which shall include the works associated with the extension, external works and any drainage / service works, shall be submitted to and approved in writing by the Department of the Environment. The Project Design, once approved, shall be implemented at the Applicant's expense. In the event that any significant archaeological finds are made, work shall cease and the Department of the Environment shall be notified immediately to allow for proper evaluation of such finds and further mitigation.

Reason: to ensure that special regard is paid to the interests of protecting the architectural and historical interest, character and integrity of the building or place in accordance with Policies SP 4, HE 5 of the Adopted Island Plan 2011 (Revised 2014).

2. For the avoidance of doubt, no external flues or vents shall be positioned through the walls or roof of the Church.

Reason: to ensure compliance with Policy HE 1 of the Adopted Island Plan 2011 (Revised 2014).

3. Prior to the commencement of works hereby approved, full details of the guttering and new window for the extension shall be submitted to and approved in writing by the Department of the Environment.

Reason: these details have not been provided and are required to comply with Policy HE 1 of the Adopted Island Plan 2011 (Revised 2014).

4. Prior to the commencement of works hereby approved, full details of the new internal joinery works, to make good the pew ends and those related to the new servery and chair store, shall be submitted to and approved in writing by the Department of the Environment.

Reason: these details have not been provided and are required to comply with Policy HE 1 of the Adopted Island Plan 2011 (Revised 2014).

5. Prior to the commencement of works hereby approved, precise and full details of the union between the extension walls and the church's west elevation shall be submitted to and approved in writing by the Department of the Environment.

Reason: these details have not been provided and are required to comply with Policy HE 1 of the Adopted Island Plan 2011 (Revised 2014).

6. Prior to the commencement of works hereby approved, full details of the union between the extension roof and the church's west elevation shall be submitted to and approved in writing by the Department of the Environment

Reason: these details have not been provided and are required to comply with Policy HE 1 of the Adopted Island Plan 2011 (Revised 2014).

7. Prior to the commencement of works hereby approved, full details of the facing materials and details of any vents in the extension shall be submitted to and approved in writing by the Department of the Environment. The wall facing details shall include precise details of the granite blocks and coursing and, if required by officers, a sample panel erected on site prior to any final approval.

Reason: to promote good design and to safeguard the character and appearance of the existing building and surrounding area, in accordance with Policies GD 1, GD 7 and HE 1 of the Adopted Island Plan 2011 (Revised 2014).

8. If hidden historic features are revealed during the course of works they shall be retained in-situ until examined by the Department or their authorised officer. Works shall be suspended in the relevant area of the building and the Department notified immediately with a view to agreeing the appropriate action. Failure to do so may result in unauthorised works being carried out and an offence being committed.

Reason: to ensure that special regard is paid to the interests of protecting the architectural and historical interest, character and integrity of the building or place in accordance with SP 4, HE 1, and HE 5 of the Adopted Island Plan 2011 (Revised 2014).