

PLANNING AND BUILDING (JERSEY) LAW 2002

Appeal under Article 108 against a decision made under Article 19 to refuse planning permission

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:

Nadia Miller

Application reference number and date:

P/2023/0594 dated 19 July 2023

Decision Notice date:

16 May 2024

Site address:

28-34 Hill Street, St. Helier JE2 4UA

Development proposed:

"Construct enclosed stairwell to South elevation. Remove existing mansard roof and construct extensions at third, fourth and fifth floors."

Inspector's site visit date:

11 September 2024

Introduction

1. This is an appeal against the decision of the Chief Officer to refuse planning permission for the development described above. The reasons given for the decision are: -

"1. The proposed design, due to its bulk, massing, and height would appear visually dominant and overbearing resulting in a harmful impact on the settings of the surrounding heritage assets as well as character and experience of the street scene in this sensitive locality, contrary to Policies SP4, HE1, GD6, GD7, GD9, and EO1 of the Bridging Island Plan (2022) as well as the St Helier Design Guide SPG (2023) and Southwest St Helier Framework SPG (2109)[sic].

2. The proposed development would result in increased pressure for onstreet parking and does not contribute to sustainable modes of transport due to insufficient cycle storage and lack of on-site parking, contrary to Policies TT2 and TT4 of the Bridging Island Plan (2022) as well as the Policy Note 3: Parking Guidelines (1988).
 3. Due to insufficient information, the proposal does not demonstrate refurbishment or repair is not feasible or appropriate in sustainability terms, the proposed replacement represents a more sustainable use of land, or its aesthetic and practical benefit outweighs refurbishment contrary to Policy GD5 of the Bridging Island Plan (2022).
 4. Due to insufficient information, the proposal does not demonstrate provision of art for public benefit contrary to Policy GD10 of the Bridging Island Plan (2022)."
2. The Infrastructure and Environment Department received responses from the consultees IHE Transport, the Natural Environment Team and the Historic Environment Team. IHE Transport required more information about the provision of on-site staff cycle parking but raised no other concerns. The Natural Environment team advised about the possibility of bats being found on commencement of the works. The Historic Environment Team objected to "the principle of upward extension" of the building on the basis that it would impact "the setting of Fort Regent and other Listed Buildings in the wider streetscape setting".
 3. The only public comments received are from Deputy Kirsten Morel, Minister for Sustainable Development, and from the Connétable de St Hélier. The comments were not considered in the Department's Report nor in the Department's Appeal Statement.
 4. The Minister supports the application. He welcomes the investment into this part of St Helier and the commitment by the occupier to its Jersey operations. He considers that the extensions would be in keeping with the surrounding buildings.
 5. The Connétable states:

"... I would like to strongly support the application to modify the building in order to provide a lasting solution to the problems with the roof that have bedevilled the property, requiring lengthy and expensive operations to carry out temporary repairs.

As you will know, there have been no public objections to the application, and the proposed design mirrors that of other properties including States' owned ones.

I believe that we are fortunate to have international law firms ... which want to continue to trade in the Hill Street area notwithstanding the lure of Waterfront offices and that we should encourage this sort of investment in commercial property."

Description of the property and its surroundings

6. The property is a purpose-built office block six storeys high, counting the ground floor and the first to the fifth floors, but excluding the basement. It is in the centre of St Helier and is occupied by the Jersey offices of an international law practice. The property has a lengthy frontage to Hill Street. At the rear, it backs on to and is dominated by the high rock face at the northern end of the listed Fort Regent complex. There are several listed buildings nearby on both sides of Hill Street.

Assessment of the reasons for refusal

Reason 1

7. It would be easy to misunderstand the proposals on reading the Department's Report, which refers to a 3-storey addition and the creation of a 6-storey building with the main bulk being at least two storeys above the prevalent contextual roof height. The existing building already has six storeys and it would still have six storeys after the proposed extensions had been carried out. Furthermore, the Historic Environment Team's objection to the principle of upward extension does not appear to have taken sufficient account of the existing height of the building or that the height of the extended sixth storey would be only 0.9m greater than the ridge height of the existing sixth storey.
8. Currently, the front and rear elevations of storeys one, two and three are vertical; these elevations would not change. Storeys four and five currently have mansard-type roofs at the front that are set back about 2-3m in total behind the frontage of the lower storeys; these roofs would be replaced by a structure which would have a vertical frontage that would be set back 1m behind the frontage of the lower storeys; there would be no changes to the rear elevations of storeys four and five. Storey six is currently a pitched-roofed structure; it would be replaced by a flat-roofed structure that would be 0.9m higher; this would extend to the rear to line up vertically with all the storeys below it; it would extend forwards so that its vertical frontage would be around 2.5m behind the vertical frontage of the extended storey five below it; this 2.5m space would be used as a balcony with a glass handrail lining up with the frontage of the extended storeys four and five below it. At the side of the building the existing lift shaft and stairwell would be extended to storey six. At the rear of the building the external metal fire escape stairs would be removed and would be replaced by enclosed stairs with walkways linking them to each storey.
9. These proposals would not amount to a fundamental change in the appearance of the building or in its scale; they would be an improvement on the currently incongruous design of the fourth, fifth and sixth storeys; the unsightly fire escape would be removed; and the standard of the office accommodation would be greatly improved. The Department's assertion that the proposals would be visually dominant and overbearing and harm the character and experience of the street scene has not been substantiated.
10. The setting of a listed building or place relates to its surroundings and the way in which it is understood, appreciated and experienced by people within its context. The context here already includes this six-storey building and other tall buildings and the proposed changes would not alter this context. The Department and the Historic Environment Team have not demonstrated that

the changes would have an impact on the setting of either Fort Regent or of any of the listed buildings in Hill Street.

11. The Policies SP4, HE1, GD6, GD7, GD9 and EO1 given as reasons for refusal would all be complied with. In fact, Policy SP4 states that "economic development, which serves to strengthen and contribute positively to Jersey's local and international identity, will be supported" and the supporting text to Policy EO1 states on page 164: "The redevelopment, renewal, intensification or expansion of existing office accommodation will be supported, including the more intensive use of upper floors for office use." In addition, there would also be no conflict with the 2023 *St Helier design guidance* or the *Southwest St Helier Planning Framework* of 2019.
12. Policy SP1 (Responding to climate change) supports the proposals by directing growth to areas of previously-developed land and promoting the retention and appropriate re-use and retrofitting of existing buildings, the use of adaptable building designs and the optimal use of land. Policy SP2 (Spatial strategy) supports the proposals by focussing development on St Helier and encouraging the most efficient use of land. Support for existing businesses is given a high priority by Policy SP6 (Sustainable island economy).

Reason 2

13. The Parking Guidelines referred to were drawn up in 1988. They are acknowledged to have limited weight today in view of their age and having regard to other government policy about travel and transport such as sustainable transport. The building currently has a small on-site parking area for staff and visitors. In view of the approach to parking expressed on pages 273-275 of the Plan, I would not have expected the proposals to be refused permission because of a lack of on-site car parking.
14. The building currently has a staff cycle store in the basement, as well as some external cycle-storage space on the access ramp. The proposals include an improved cycle-parking area in the basement.
15. I do not consider that the proposals are in conflict with Policies TT2 and TT4.

Reason 3

16. The proposals comply with Policy GD5 because they would increase energy efficiency by improving the building's heat loss, which has been documented as substantial, and because they would have aesthetic and practical benefits over refurbishment.

Reason 4

17. Policy GD10 states that a contribution to public art will be required where a proposal involves the provision of non-residential development of 200m² gross internal floorspace or more. As the increase in floorspace over the existing floorspace would only be 173.3m² I do not consider that a contribution is called for by the policy. (Contributions towards the provision of the eastern cycle network are also not sought for proposed employment-related uses of less than 200m² (Plan, page 267)).

Recommendation

18. The proposed development should be approved for the reasons explained above. No planning conditions are called for in this event other than the standard conditions relating to the commencement of development and compliance with the approved plans.
19. I therefore recommend that the appeal is allowed and planning permission is granted for development at 28-34 Hill Street, St. Helier JE2 4UA, consisting of the construction of an enclosed stairwell to the south elevation, the removal of the existing mansard roof and the construction of extensions at the third, fourth and fifth floors, in accordance with the application Ref. P/2023/0594 and the plans and documents submitted therewith, subject to the following conditions: -

Standard conditions

- A. The development shall commence within three years of the decision date.

Reason: The development will need to be reconsidered in the light of any material change in circumstances.

- B. The development shall be carried out entirely in accordance with the approved plans and documents listed below.

Reason: To ensure that the development is carried out as approved.

Approved plans

1. Location plan
2. Proposed lower ground & ground floor plan – 1587/22/SK16 Rev C
3. Proposed first & second floor plan – 1587/22/SK17 Rev C
4. Proposed third, fourth & fifth floor plan - 1587/22/SK18 Rev C
5. Proposed section plan -1587/22/SK19 Rev C
6. Proposed elevations - 1587/22/SK20 Rev C
7. Proposed elevations - 1587/22/SK21 Rev C

Dated 28 October 2024

D.A.Hainsworth

Inspector