

**BEAUVOIR, RUE DE LA CROISERIE, TRINITY:
COMMITTEE OF INQUIRY (P.190/98) - REPORT**

**Presented to the States on 6th October 1998
by the Planning and Environment Committee**



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REPORT

Introduction

1. Members of the Planning and Environment Committee were surprised by an article in the Jersey Evening Post on Saturday, 12th September 1998 which was followed very quickly by a proposition lodged by Senator Shenton on 15th September. The report, which accompanies the proposition seeking a Committee of Inquiry under Article 30 of the States of Jersey Law, runs to only 21 lines and 216 words.
2. This presents serious difficulties to the Committee in responding to a request to establish an inquiry into a “definite matter of public importance” (Article 30, States of Jersey Law 1966). Other than the 216 words, we only have the public comments of Senator Shenton made in the States on 15th September to explain his complaint. Senator Shenton has so far not provided details of his allegations which do seem to be potentially serious and damaging.
3. The Committee has prepared this report solely on the basis of the information available to the Committee from the documents held on the Planning Department’s file on the Beauvoir property, from the recollections of various Planning Officers who are still employed, from the recollection of the Committee members and the Minutes of its meetings.

The information produced is complex. Like many planning matters it concerns events which took place over an extended period; in this case from mid-1996 to date. The Committee has endeavoured to make its report a complete and comprehensive statement which, when States members hear Senator Shenton’s information, will help them decide whether a Committee of Inquiry is warranted. The report includes some detail which members may find a little confusing, so it is prefaced by a summary explaining the overall picture of the Committee and Department’s handling of this matter. Members should refer to the latter section of the report (paragraph 10) for detailed information.

4. The report will reveal some inconsistencies. However, no development control system can ever be perfect; its purpose is to resolve the potential conflict between the aspirations of land-owners and the community interest.
5. The Committee believes that members should also consider the final outcome of the development. We have provided photographs of what existed before the development, the building during its construction and the outcome, along with drawings to try to give members an impression of the changes which have taken place.

Members should also see for themselves by visiting the location (very close to Trinity main road).

6. Other than Senator Shenton's proposition, the Committee has very recently received a letter from the owner of Hillside, who lives approximately 200 yards to the north of Beauvoir, expressing concern over details of the development, in particular the design of dormers and windows. The Committee is also aware, through a representation by the Deputy of Trinity, of a complaint from the owners of Gracelands who live immediately opposite the development. The representation from the owner of Hillside was made after the extension was constructed. The Committee approved improvements to respond to the concerns of the owners of Gracelands.
7. Senator Shenton's proposition casts a shadow upon the integrity of the planning system in Jersey. The Committee believes this to be very damaging to all concerned. Although the system is not perfect, the public of Jersey have been able to enjoy the benefits of a system which people trust. The Committee believes States members should be convinced that there is a case to answer before it decides to establish a Committee of Inquiry.

At present the Committee sees nothing which gives it or the public major concern, although improvement in minor details have been identified, in particular the way in which applications are advertised. This is an area where the Committee's proposals

for revisions to the Planning Law have received particular attention. These will be ready to come forward very shortly.

Application history

8. Beauvoir comprises a main two-storey granite house with a projecting eaves and pitched roof with dormer windows. Attached to the northern and western side is the new extension which is 1½ storeys high with several dormer windows in the pitched roof. To the west of the extension is a small open-air swimming pool and patio, and to the north of this a tennis court is under construction. To the east of this extension, some eight metres off the boundary with the road, is a new 1½ storey house, the first floor being lit by dormer windows to both roof planes. Prior to the recent development by the new owners there was a cottage and various outbuildings in a similar position on the site (see photographs in Appendix).

The main house, Beauvoir, is not included in the Committee's Register of Buildings and Sites of Architectural, Archaeological and Historic Interest, nor was the cottage which had been spoilt by the works previously carried out. Both lie in the Agricultural Priority Zone on the Island Plan.

In 1969, development permission was granted to change the main house into two units of accommodation including a flat-roofed first floor extension on the north elevation. In 1970 permission was granted to renovate the (now demolished) cottage, a renovation which included adding large dormers to both roof planes. These works were completed before the present owner bought the property.

9. The property was purchased by the present owner late in 1996. He submitted, through his agent, five applications of which one (the development application for the extension and cottage) involved an original application and three revisions. Four have been processed and a fifth application is pending.

The initial application, prior to purchase, for change of use of part of Field 1202A to a domestic garden was approved by the

previous Planning and Environment Committee. The outline planning application which set the basic development parameters for the most recent work was dealt with by the Applications Sub-Committee in early 1997. The detailed development application and subsequent revisions and design details were dealt with by the Director of Planning under delegated powers, as was the subsequent application for revisions to access in 1998, all of which conformed to the planning approval. These are in accordance with the Committee's authority for delegation.

The various applications are summarised below -

6135/B Change of use of part of Field 1202A, received June 1996 - approved August 1996 by previous Planning and Environment Committee

6135/C Planning application received November 1996 - considered by Applications Sub-Committee in January 1997 as follows -

cottage - demolish and construct new - approved in principle

two-storey extension - rejected with advice for one storey

1st revision considered by Applications Sub-Committee in February 1997 - part two-storey, part single-storey extension - reject with advice for single-storey only.

2nd revision considered by Applications Sub-Committee in March 1997 - 1½ storey with some granite - approved but no granite.

6135/D Development application received in March 1997

detailed design drawings 1½ storey extension

detailed design cottage

in-ground swimming pool in garden

Approved under delegated powers in June 1997.

1st revision received in August 1997 - retain cottage and extend - approved under delegated powers in October 1997.

2nd revision received in November 1997 - revert to demolish cottage. Add boiler room and wine store to extension - approved under delegated powers in January 1998.

3rd revision received in July 1998 - minor changes to doors and windows of cottage - approved under delegated powers in early September 1998.

6135/E April 1998 - Changes to access. Close up old access and replace with separate. Landscaping and screening - approved in May 1998 under delegated powers.

6135/F Porch on the extension in GRP (glass reinforced plastic) - pending.

Application history - detail

10. The detail of these applications is as follows -

(a) Application No. 6135/B

Application was submitted for a change of use of Field 1202A to a domestic garden and orchard on 19th June 1996. This application was advertised in the Jersey Evening Post on 24th June 1996. The Department of Agriculture and Fisheries voiced no objection since the agent had advertised the field in the Jersey Evening Post for agricultural use and only received three letters from non-agriculturalists. There were no representations from neighbours. Development permission was granted on 22nd August 1996 with conditions relating to landscaping and restriction of screen walls and fences.

(b) Application No. 6135/C

The application for planning permission was submitted on 5th November 1996 for demolition of the existing cottage and outbuildings and construction of a new cottage with integral garage, two-storey extension to main house incorporating dining room, kitchen, new entrance, family room, snooker room, utility and garage, and new bedrooms and bathrooms on first floor.

The application was advertised in the Jersey Evening Post on 8th November 1996. No representations were received. Photographs of the site were taken on 2nd December 1996. The Applications Sub-Committee was concerned about the mass of the proposed development in the Agricultural Priority Zone. It rejected the scheme for the extension to the main house on the grounds of overdevelopment but agreed to the demolition of the cottage and its rebuilding on the same footprint.

The Sub-Committee considered a revised scheme for the extension to the main house on 12th February 1997 and decided that the scheme was still unacceptable and requested its officers to negotiate a single-storey extension.

The Sub-Committee considered further revised elevations on 12th March 1997 showing a 1½ storey extension with the first floor accommodation included within the loft space. It suggested that the extension walls and the side wings on the house be rendered, leaving the main house in granite. This was intended to make the extension appear subservient to the main house. The Sub-Committee reserved consideration of the courtyard (west) elevation.

(c) Application No. 6135/D

Accordingly, a development application was submitted on 21st March 1997 on the basis of the Sub-Committee's advice, to supersede the planning application. The scheme

proposed a similar number of rooms to the planning application and also included an in-ground swimming pool.

The application was received and logged into the computerised application system in the Department. When the publication list was printed, an error resulted in the application relating to Beauvoir being omitted. The error, the first of its type, was as a result of a new computer system introduced three months earlier. The error, unfortunately, went undetected at the time. Only three such errors have occurred to date of the thousands of applications dealt with. The list sent to the Jersey Evening Post and Parish Halls did not therefore include the Beauvoir application. Procedures are now in place to prevent a repetition of this error.

However, as is standard practice where significant developments are concerned, the Parish of Trinity were sent a consultation letter. In response to this the Connétable wrote fully supporting the scheme since he considered parts of the buildings at Beauvoir are very old and do not lend themselves to comfortable present-day living.

The case officer visited the site on 20th April 1997.

Development permission was granted on 26th June 1997 under delegated powers as the proposal accorded with the Sub-Committee's decision of 12th March with a condition requiring the submission of window and other details prior to construction commencing. This permit was for both the extension, new cottage and swimming pool.

A revised development application was submitted on 18th August 1997 (6135/D/1) and was advertised on 22nd August 1997. No representations were received.

These plans consisted of extensions to the cottage in the form of a utility room and conservatory instead of its

demolition and rebuilding and minor changes to the elevations of the extension. They did not indicate an increase to the height of the dormers on the roof planes of the extension nor did they indicate that the steps between the main house and the extension were to be omitted (this was subsequently discussed by Committee on 25th June 1998). The case officer did not therefore seek to assess these changes to the roof elevations and did not consider it necessary to visit the site. The dormers and windows in the extension were constructed and installed in October 1997. Development permission was granted under delegated powers on 23rd October 1997 with the same condition as the earlier application.

On 27th November 1997 a second revised application to 6135/D was submitted (6135/D/2). This was not advertised since it reverted to the original scheme. These revisions consisted of -

1. a single-storey extension to the garage of the extension to form a boiler room and wine store;
2. a tennis court in the north-west corner of the site (of Field 1202A);
3. revert back to the original two small bedrooms within the attic of the main house;
4. revised first floor plan in the area over the snooker room;
5. revert to replacing the cottage since the structure of the original was found to be poor.

These minor changes were approved under delegated powers and a new development permit 6135/D issued on 9th January 1998 with the same condition as the earlier application.

On 13th February 1998 the Senior Planner met with the adjoining owner of Hillside to discuss a query about Beauvoir and about his own property. It was at this stage (when the extension had already been completed) that the Department's attention was drawn to an apparent discrepancy between details of what had been constructed and the approved plans. There followed a lengthy exchange of correspondence between the Department and the agent acting for the owners of Beauvoir. The matter was reported to the Applications Sub-Committee on 20th May 1998 and referred to the Planning and Environment Committee on 11th June 1998.

It was established that there was a small discrepancy between the drawings and what was constructed. This was due to the floor slab being raised by 0.4 metres (1.3 feet) by removing the steps up to the main house from the extension, and that this had raised the first floor and accordingly raised the dormers up the roof plane. This, however, was not reflected in the revised elevations submitted by the agent. However, the ridge height did not change. The full Planning and Environment Committee decided to visit the site before it decided what action to take.

Meanwhile, on 30th March 1998, the case officer met the owners of Gracelands, the property on the opposite side of the road, to discuss their concerns in relation to the new cottage which was then being built. They acknowledged that they had not replied to the original advertisement but considered the new cottage to be far too close to their property.

The Committee visited the site on the morning of 25th June 1998 and viewed the new windows and considered the points raised by the owners' agent. Members heard of a dispute over whether the owners' agent had notified the Building Control Officer of the change in floor level. The Committee agreed that, in the circumstances, it would be extremely difficult to take enforcement action against the

applicant. It therefore directed the Senior Planner to write to the agent advising him that it would not be taking action. However, although the dormer windows comply with the Building Bye-Laws, the Committee stated that it would have preferred a more sympathetic treatment of the new windows, more in keeping with the main house, and it would wish to emphasize its dissatisfaction with regard to the current situation and would not wish this to be repeated under any circumstances. A letter was sent from the President to the agent on 29th June 1998.

(d) Application 6135/E

The owners' agent met the Deputy of Trinity on site shortly afterwards. He put forward the views of the owners of 'Gracelands'. On 15th April 1998, a further application was submitted for a repositioned vehicle access further north in response to their concerns. This application also proposed a new earthbank to block up the existing access opposite Gracelands with re-used granite and new tree-planting to screen the new cottage. This was advertised in the Jersey Evening Post on 17th April 1998. No representations were received. This permission was granted under delegated powers on 6th May 1998 with two conditions -

1. that the existing entrance be closed and finished with the surplus granite from the new entrance;
2. the granite pillars from the old entrance shall be reinstated on the new entrance.

(e) Application No. 6135/F

On 1st June 1998 a minor works application was submitted by the owners' agent for an open porch to the new front entrance on the east elevation of the extension. This application, which has been the subject of some negotiation, is current.

On 29th July 1998, a third revision to 6135/D was submitted (6135/D/3). This was not advertised since it was for minor retrospective revisions to the cottage's dormer windows and deletion of the first floor windows in its eastern gable wall (which had already been agreed in writing with the case officer since they improved the neighbour's amenity), and the insertion of a utility room door on the ground floor of this eastern gable. This permission was approved under delegated powers on 11th September 1998.

Responses to Senator Shenton's report

11. The following responses are based on the limited information provided by Senator Shenton, referring to each of the key words in his report -

- (a) "A building of huge proportions"

In terms of the total floorspace on site, the buildings on site have increased as follows -

Square metres	Footprint of all buildings	Total floorspace of all buildings	Cottage floorspace
Original floorspace	256	396	115
New floorspace	399	910	167
percentage increase	56 per cent	130 per cent	45 per cent

The Committee, at its meetings in March 1997 and May and June 1998, considered this to be acceptable. The outbuildings and original cottage were only single-storey; the new extension and cottage also have a first floor.

Although large, the extension and new cottage have minimal impact on the surrounding countryside.

(b) “Without a trace of granite”

In discussing some of the revised drawings in respect of the original planning application at its meeting on 12th March 1997, the Sub-Committee suggested that the extension walls and side wings of the cottage be rendered, leaving the main house in granite. In fact, both the extension and the cottage walls were all constructed in rendered blockwork in accordance with the delegated approvals. There is no good reason for them not to be; it was considered preferable that they should be rendered to bring out the quality of the granite elevations of the main house. This is common practice since it clearly delineates old buildings from newer extensions or outbuildings. The old cottage, although granite, had been painted white.

(c) “Minimum of publicity”

The original planning application (6135/C) was advertised on 8th November 1996. There were no representations from neighbours. The original development application (6135/D) is included on the file copy of the publication list passed to the Jersey Evening Post to advertise on 26th March 1997, but it has now been established that the Jersey Evening Post did not publish the Beauvoir application. It has now been identified that a computer programme run on that date printed the list incorrectly. The Parish supported the proposal. The first revision (6135/D/1) was advertised in mid-August 1997; no representations were received. The second and third revisions to permit 6135/D were not advertised. This is not unusual for minor revisions where no objections had been received to the original development application nor to the first revised proposal.

The application to reposition the access (6135/E) was advertised on 17th April 1998; no representations were

received from neighbours although the parish supported the proposal. The application for the new porch (6135/F), which has yet to be determined, is a minor works application and was not therefore advertised.

(d) “Retrospective permission”

The original permit (6135/D) granted for the extension and new cottage in June 1997 was not retrospective, nor were the revisions to this permit granted in October 1997 and January 1998. However, the agent mistakenly omitted to revise the elevations to take account of raising the floorslab in the extension and the consequent knock-on effects to the position of the dormers in the roof planes. The revisions were dealt with in good faith by the case officer, assuming the roof and dormer details to be as shown on the revised plans. These did not show any completed works which had not already been approved - i.e. they were not retrospective.

The only retrospective application was the third revision to permit 6135/D submitted on 29th July 1998. This application sought retrospective approval for minor changes to the dormers of the cottage, installation of a door facing east on the ground floor towards Gracelands and deletion of two first-floor windows in the same eastern elevation of the cottage. The changes to the dormers and the deletion of the first-floor windows had already been agreed in writing by the case officer because they achieved improvements to the design which benefited the neighbours. The utility room door was considered acceptable. This retrospective application was approved under delegated powers on 11th September 1998.

(e) “Without any referral to the Committee”

The original planning application and changes to it (6135/C) were extensively discussed by the Applications Sub-Committee in January, February and March 1997.

The subsequent development applications were determined under the Chief Planning Officer's delegated powers in accordance with the delegated powers previously notified to the States. The problem of the floor slab level and complaint about window design were referred to the full Committee in June 1998.

- (f) “Advertisements .. vague and ambiguous and even misleading”

The wording of the applications is as follows -

6135/B Field 1202A, Rue de la Croiserie - change use of silage fallow into domestic garden and orchard.

6135/C Field 1202A, Rue de la Croiserie - demolish existing cottage and buildings and construct new cottage with integral garage and two-storey extension to main house, incorporating dining-room, kitchen, new entrance, family room, snooker room, utility and garage with bedrooms and bathrooms on first floor.

6135/D Beauvoir, La Rue de la Croiserie - demolish existing cottage and substandard building and construct new dormer cottage and two-storey extension, incorporating family room, kitchen, dining-room, snooker room and double garage with bedrooms and bathroom over. Construct inground concrete swimming pool. *(As explained above, due to an error this application was not advertised).*

6135/D Beauvoir, Rue de la Croiserie. Revised plans - demolish sub-standard out-building and construct two-storey dormer extension incorporating family room, snooker room, kitchen and utility room, double garage with bedrooms and bathrooms over. Modified dormers to existing

cottage with extensions to form utility room, conservatory and swimming pool.

6135/E Beauvoir, Rue de la Croiserie - reposition vehicle access. The planning application (6135/C) was advertised under Field 1202A. The previous application (6135/B) was for a change of use of this field to domestic garden and was therefore advertised under the field name.

These descriptions show nothing vague, ambiguous or misleading in any of these descriptions. Any member of the public who has a query on any advertisements which they consider is close to their property may contact the Planning Department to check details and to inspect the drawings.

Conclusions

12. The improvements to process and procedure which the Committee draws from this report are -
 - (a) Whilst current arrangements with the Jersey Evening Post for advertising have worked well, this informal system is capable of improvement. It lends weight to the Committee's proposals to amend the Law to give power by Order to change the method by which applications are advertised. The Committee has been investigating requiring the applicant, in certain circumstances, to notify neighbours and display a notice on the property as happens elsewhere.
 - (b) In order to avoid a recurrence of the dormer window problem, procedures have been implemented to ensure that, when work commences on site, outstanding conditions are identified and followed up immediately.

Additionally, the Committee decided last year to investigate opening meetings of the Sub-Committee to the public. There

are, however, very significant resource and logistical problems to be overcome which the Department has been requested to resolve. The advice of the Attorney General has been sought on the legal aspects of allowing the public to observe these meetings.

Pending this, the Applications Sub-Committee has broken new ground by regularly inviting applicants, architects, agents, politicians and objectors to appear before it when contentious applications are being considered. The Committee hopes that Members will welcome these attempts to involve more people in the planning process.

Appendices to this report can be viewed in the States' Bookshop, Morier House.