



PLANNING APPEAL DECISION NOTICE

Planning Tribunal Hearing and Site visit held on 21st November 2019 at Les Cotils Centre, St. Peter Port.

Members: Mr S Fell (Presiding), Mr J Weir, Mr G Jennings

Appeal Site: Courtil Rozel, Mount Durand, St Peter Port

Protected Building Reference: PB1712

Date added to Protected Buildings List: 24th June 2019 (amended Notice)
20th December 2018 (original notice)

Date Appeal Submitted: 23rd June 2019 (against amended Notice)
2nd January 2019 (against original Notice)

Appeal Case Reference: PAP/009/2019

- The Appeal is by Mr J. Murphy against the decision of the Development and Planning Authority made on 24th June 2019 under section 33 of the Land Planning and Development (Guernsey) Law, 2005 to add the property known as Courtil Rozel to the Protected Buildings List. This supersedes an intended appeal against an earlier decision made by the Authority on 20th December 2018, the terms of which were subsequently modified following discussion between the parties.
- The Appeal is made under the provisions of section 18 of The Land Planning and Development (Special Controls) Ordinance, 2007 ("the Special Controls Ordinance").
- Mr J Murphy gave evidence and was represented at the Hearing and site visit by Mr A Ozanne, assisted by Ms A Wilson.
- The Development & Planning Authority (Authority) was represented by Mr A White, Principal Conservation and Design Officer and by Miss E Jordan, Conservation and Design Officer.

Decision

1. The appeal under ground (a) of section 18 of the Special Controls Ordinance is allowed in part and the entry in the Protected Buildings List is retained with minor modification.

Introduction

2. Courtil Rozel is located on the south side of Mount Durand and lies within an extensive garden. It is positioned close to the road but is screened by a tall granite wall that extends along much of the northern property boundary. The present vehicular entrance lies at the western end of this boundary wall. An interpretation of the historic maps submitted by the Authority indicate that the house was built after 1875 but was complete by 1898. This conclusion is not disputed. An older outbuilding building standing on the northern boundary, which may date from the late 18th century, was retained when the house was constructed and has recently been modernised and converted into a cottage.

The Legal Framework

3. Section 33(1) of the Land Planning and Development (Guernsey) Law, 2005 (“the 2005 Law”) requires the Environment Department to prepare, maintain and keep under review a list (known as the Protected Buildings List) of buildings with special historic, architectural, traditional or other interest, the preservation of whose character as such is, in its opinion, a matter of public importance.
4. In considering whether or not to list any building, section 33(2) of the 2005 Law states that the Environment Department may take into account:
 - (a) any way in which the exterior of the building contributes to the historic, architectural, traditional or other interest of any group of buildings of which it forms part; and
 - (b) the desirability of preserving any feature of the building (whether internal or external) consisting of a man-made object or structure fixed to the building, or forming part of the land in the vicinity of the building.
5. Section 1 of the Special Controls Ordinance sets out information that must be included in the list of protected buildings. It also refers to information which may be included in the list, but which is not mandatory. Notification and publicity requirements following the inclusion of a building in the Protected Buildings List are set out in section 4 of the Special Controls Ordinance. We are satisfied that due process was followed by the Authority in adding Courtil Rozel to the Protected Buildings List.
6. The Environment Department’s publication *Conservation Advice Note CN6: Criteria for the selection of buildings for the Protected Buildings List* (March 2014) amplifies the criteria set out in the Law (sections 33 and 34). More importantly it explains in

considerable detail the criteria used in the assessment of buildings for possible inclusion, based on a building's historic, architectural, traditional or other interest. The term '*other interest*' is deemed by the Authority to include archaeological interest, group value, features and setting. The Authority's appeal statement explains that CN6 "*provides a consistent, robust and transparent baseline against which all existing protected buildings and those buildings with the potential to be added to the list can be assessed on a consistent Island-wide basis*".

The Entry onto the Protected Building List

7. The official entry into the protected buildings list comprises a brief written document and an associated descriptive plan. These documents were modified when the original entry into the list was amended on 19th February 2019. For the avoidance of doubt the parties were asked to identify at the Hearing the specific documents that are subject to appeal.
8. The extent of listing is described as "*the whole of the main house and the exterior of the extensions and converted buildings together with the roadside wall and 'tour' (Apple crusher)*". This is clarified on the descriptive plan where the 'main house' is identified in solid pink shading; the buildings subject only to external protection are identified in cross-hatching; the roadside wall is outlined in red, and the apple-crusher is shown dotted. A modern conservatory at the north-eastern corner of the house is excluded.
9. The Summary of Special Interest, which is an indicative description of the main features of the house, is set out in these terms:

"A predominantly 19th century Victorian-Style house which retains its original proportions and detailing and a large amount of features and fabric, including a variety of stonework, projecting gables, corbelling, and window pattern. The footprint is little changed since 1898 and extensions have been sympathetic to the building, the appearance of which is indicative of its date the whole having definite high quality and character. Internally the building is much modernised with the exception of the plan form and doors, skirtings and architraves of the main house which survive or are high quality reproductions. Grade B".

The Grounds of Appeal

10. Section 18(3) of the Special Controls Ordinance deals with appeals against Listing and sets out the grounds upon which an appeal may be made. These are:
 - (a) that the protected building has no special interest,
 - (b) that land regarded as part of the protected building is more than is necessary to protect –
 - (i) any man-made object or structure forming part of the land in the vicinity of the building, or

- (ii) an object not forming part of the building,
- (c) that the entry is in any material respect factually incorrect, or
- (d) that the insertion or amendment of the entry was (for any other reason) ultra vires or unreasonable.

11. The appeal was made on the basis that all of the above grounds were valid. When we reviewed these matters at an early stage of the Hearing, however, Mr Ozanne confirmed on his client's behalf that he did intend to pursue ground (d). He also accepted the Tribunal's proposition that any material inaccuracies of fact identified during the Hearing would be dealt with as a matter of course, thereby dealing with ground (c).
12. No detailed arguments had been set out in the appeal submissions in relation to ground (b), and we decided to review this matter after concluding our site visit.
13. In relation to ground (a), Mr Ozanne had conceded in correspondence with the Authority that the principal, south-facing façade of the building did display architectural interest but he considered that the rear 'extensions' were later additions of little or no historical importance. He had argued at length in his written submissions that most of the interior architectural features were modern replacements and were devoid of special architectural interest, these being the consequence of two separate phases of refurbishment and alteration work, the first undertaken in the 1970s, and the second in 2003/4.
14. In the light of these preliminary discussions about the grounds of appeal we determined that the most effective way for us to reach conclusions on the architectural and historical merits of Courtil Rozel would be by undertaking a careful inspection of the property. In doing so, we kept in mind the comprehensive written submissions made by the parties, the guidance provided in Conservation Advice Note CN6, and the detailed evidence submitted by Mr Murphy and Mr Ozanne regarding the extent of alteration and refurbishment work that had been carried out in recent decades. We confirmed that the Hearing would be held open during our site visit to enable further evidence to be heard. The parties agreed to this approach.

The Tribunal's Assessment and Findings

The apple crusher

15. We commenced our site visit in the garden to the south of the house where we viewed the circular granite apple crusher, which had evidently been reconstructed in a position aligned with the southern doorway of the house. Although Mr White said that this feature could have originated in a farm that may once have operated on the site, there was no evidence before us to support this contention.
16. The apple crusher is not indicated on the 1898 or 1938 Ordnance Survey maps, though these maps do show features such as garden paths in the grounds of neighbouring

large houses. The 1945 aerial photograph is inconclusive as it is of low resolution, but the apple crusher is clearly visible for the first time on the 1962 aerial photograph.

17. The question for us is whether there is a significant architectural and/or historical relationship between the apple crusher and the late 19th century house, but we can find no reason to support this conclusion. There is no evidence to show any historical link between this feature and the site, nor that it formed part of the design concept for the garden during the period when the house was constructed. Although we were satisfied that this feature has some intrinsic interest, the evidence points to this being a mid-20th century addition to the garden, employed as a decorative architectural ornament. Our conclusion is that it does not make a significant contribution to the architectural or historic interest of the house, which dates to an earlier period.

The plan form and layout of the house

18. Before dealing with the architectural merits of the exterior of the house, we found it necessary to have some understanding of the house plan, as this will have inevitably influenced the external form and detail of the building. There is little to assist us on this point in the parties' written submissions, nor is there any evidence to illuminate local trends in domestic architectural design in the late 19th century. We have carefully reviewed the plan arrangement in light of the legitimate questions raised by Mr Ozanne about idiosyncrasies in the plan and in the widely varying treatment of the elevations. Mr Ozanne suggested that these features may have arisen as a result of an early reconstruction, or remodeling of the rear part of the house. Our inspection and assessment were assisted by the survey plans provided by Mr Ozanne.
19. At ground floor level we saw that the two principal rooms of the house are placed to each side of a central hallway and are located on the south, or garden side, of the house. These living rooms have no direct connection to the garden, the only means of access being made via a relatively modest doorway approached under the half landing of the staircase, a layout common in rural houses of an earlier period. The garden frontage of the property was clearly intended to be the private side of the house.
20. To the north of these principal rooms lies the service range that runs east to west, the core of which is two-and-a-half storeys high, reducing to single storey at each end. The ground floor plan of this service core incorporates a formal entrance lobby that aligns with the staircase hallway to the south, creating a north-south corridor through the house. The rear service range is displaced westwards on the plan relative to the principal rooms, an arrangement that resulted in a space at the north-eastern corner of the building. The 1898 Ordnance Survey map shows that this corner was developed at that time and we saw that a recently constructed, single-storey gymnasium now occupies this space. We consider that the protected building entry justifiably excludes this part of the property.
21. An east-west corridor leads from the rear entrance lobby to other ancillary rooms at the western end of the house, all of which are single-storey, and it also provides indoor

access to the roadside outbuilding, now a cottage, by means of a small link building. The original use of the south-facing room at the western end of the southern frontage is unknown, and there is evidence in the masonry on the western side that it has been subject to alteration. The 1898 map shows that the vehicular access to the property lay immediately to the west of the surviving roadside building. A courtyard enclosed by buildings on three sides is indicated on the map and it is likely that this represents a service courtyard that would have been necessary for a house of this size and status. The western building has been removed. How visitors to the property would have approached the northern entrance door is unclear.

22. The fact that the southern part of the house and the core of the rear service range rise through two-and-a-half storeys is directly reflected in the substantial thickness of the main structural walls, which rise to roof level so as to carry the loads of the attic floors and the roof structure. At ground floor level, this substantial wall thickness is maintained in the east-west spine wall between the principal living rooms and the service range, creating a robust physical separation between the family activities and household functions. There is no evidence of a masonry wall on this alignment at the first floor level notwithstanding the fact that some structural support would have been needed to carry the main roof of the house. The absence of a wall on this alignment may have been the result of modern alterations to the house.
23. The conclusion of our review of the layout and plan-form of the house is that that there is no evidence to suggest that the building was erected in phases, or subject to a partial rebuilding, or to the raising in height of part of the rear range at a date subsequent to the primary construction of the southern frontage. Though we acknowledge that the plan layout is somewhat idiosyncratic it seems to us that this may simply be a reflection of the preferences of the house owner or designer, and does nothing to detract from the building's architectural and historic interest.

The exterior of the building

24. The south façade of the house is architecturally complex in its overall form and in detail. The taller part of the building has two main gables of slightly different heights and spans, set to each side of a smaller central gable positioned above the staircase and the offset doorway. The right-hand main gable has canted bay-windows at ground and first floor level, with stone corbels projecting over the canted angles to make the transition to a rectangular plan at eaves level. The gable to the left has cut-away angles at ground floor level to create a bay window shape internally, while stone corbels above these angles return the gable to a rectangular form at first floor level. Windows are generally of a large-pane type, being paired sliding sashes of varying sizes. Walling materials are a mixture of brown and grey stone, with some details in ashlar and background masonry in random rubble, and many architectural dressings are in cement render. We can see no discernible architectural logic in the arrangement of this façade other than a desire for complexity for its own sake. The single-storey room to the west is plain and visually subservient, suggesting that it held a secondary status relative to the main living quarters.

25. The main eastern gable is featureless and is built in random rubble using a mixture of grey and brown stone. The quoins to the south are predominantly grey in colouring, while those to the north are predominantly brown. On the northern corner at first floor level there is the beginning of a string course in grey stone, set flush with the wall face, which continues around the rear parts of the building. The rear, north-facing wall of the south range, above the present gymnasium, is also built in random rubble.
26. The treatment of the main rear façade is quite different from the garden front. Here the walls are built in carefully squared and coursed brown stone, selected to ensure uniformity of colour throughout the facades, the only relief being the grey string course at first floor level, and a second grey string at attic floor level. Window surrounds, quoins and plinth in the same brown stone, but carefully dressed. The façade of the single-storey service building and the link connecting the earlier roadside building are all treated in the same manner.
27. The impression we gained of these rear parts of the building is that they were intended to create a rear entrance court of sober and restrained appearance. A doorway in the roadside boundary wall, at some time enlarged, indicates how the rear entrance to the house would have been approached from Mount Durand.
28. The western elevation of the main two-and-a-half storey building, seen over the twin gables of the single storey extension, show the same pattern in the masonry as is seen at the eastern end of the building; the southern range is built in random rubble in grey and brown stone, while the rear range is built in coursed brown stone. The exception to this pattern is that the lowest courses of walling the rear range, which it might be expected would be built in coursed brown stone, are actually built in random rubble.
29. Examination of the west elevation of the single-storey range shows that it has been altered, as construction joints are visible in the masonry. The loading doors at high level in the gables are an indication of a non-residential use, possibly associated with the service courtyard which we assume to have existed next to the vehicular entrance.
30. Our overall conclusion on the architectural and historical significance of the exterior of the house is that it is of considerable interest, not least because of its idiosyncratic treatment and the striking contrast between the north and south facades. We are unable to determine categorically whether the house seen today is the result of a single build, or may have evolved during the construction process or over an extended period, but in our view these uncertainties only add to the interest of the property. For these reasons we are satisfied that the exterior of the entire house is of special architectural and historical interest and its protection is accordingly justified. Because the roadside boundary wall to the rear of the house is an integral and defining feature of the rear courtyard space, and contains evidence of a connecting doorway to Mount Durand, we are satisfied that this feature should also be protected.

The roadside building

31. There is no disagreement between the parties that the roadside building that has its northern face on the property boundary is likely to be the same building that appears on the Duke of Richmond map of 1787. Though it is referred to as a converted stable in the Authority's written submissions we have seen no evidence that this was its original use. The Authority accepts that the interior of the building has been lost as a result of the conversion to residential use and has accordingly limited the extent of protection to the exterior.
32. During our examination of the exterior of the building we saw that the roadside pitch of the roof has been rather disfigured by the addition of a box dormer. A vertical joint at the western end of the north wall suggests that the building has at some time been extended eastwards. The western gable is partly concealed by a modern building and the southern façade is marred by the addition of two large box dormers and a modern flat-roofed porch. The eastern gable seems to have suffered little alteration and we consider that it makes a positive visual contribution to the northern entrance courtyard.
33. Our overall conclusion is that the exterior of this building has been altered to such an extent that its protection cannot be justified on the grounds of any intrinsic architectural interest. However, bearing in mind the scenic role that the building makes in the rear courtyard of the house, we have determined that the external form of this granite building should be protected for its group value with the house and the roadside wall that encloses the courtyard. The modern porch on the south side should be excluded from the listing, however.

The house interior

34. The listed building entry extends protection to the whole of the interior of southern range of the house, that is the two-and-a-half storey building, as well as to the exterior. Mr Ozanne's explained that almost the entire building was stripped of its original fittings and finishes during the 2003 refurbishment, and that the joinery is predominantly new, based on off-the-shelf 'traditional' mouldings details. He argued that the interior therefore lacks authenticity and architectural interest. Evidence in the form of joinery quotations were submitted to support this position.
35. Mr White, for the Authority, whilst acknowledging that much of the joinery detail was new, said that the architectural interest and ambience of the interior of the house had been retained by the use of traditional details, and protection of the key areas was therefore warranted.
36. During our inspection of the interior of the house we found that very little of the authentic late 19th century interior remains and that most of the rooms, though undoubtedly of high quality, lacked conviction as historic spaces. We concluded that the protection of the entire interior of the so-called 'main house' cannot be justified.

We did find, however, that the ground floor plan of the building to be of interest, in particular the north-south corridor arrangement and the east-west spine wall separating the family accommodation from the service rooms to the north. We also found the mahogany staircase, reminiscent in its style of an earlier type of stair, was also of interest for the quality of its construction and its compact arrangement.

Conclusions

37. Our broad conclusion is that Courtil Rozel is an unusual and idiosyncratic house that satisfies the requirements embodied in Advice Note CN6 and is of sufficient architectural and historic interest to warrant its protection. We have concluded that the apple crusher in the garden to the south of the house has no demonstrable historic or architectural association with the house and does not merit inclusion in the entry. The northern boundary wall is of interest as a defining feature of the northern courtyard and merits protection. The earlier outbuilding on the northern boundary has little intrinsic architectural value but will be included for its scenic value within the northern courtyard as well as for its historic interest, being an earlier building which survived the construction of the new house in the late 19th century. In relation to the interior, we found that the only areas to be of special interest were the north-south corridor at ground floor level, the east-west spine wall, and the staircase, including the walls enclosing the stair shaft as it rises through the house.
38. We have carefully considered all the other matters raised in the written submissions, as well as matters heard in evidence during the Hearing and the site visit, and the features that we saw during our site inspection. None of these alter our conclusion that the appeal on ground (a) of section 18 of the Special Controls Ordinance succeeds in part and the appeals on grounds (b), (c) and (d) fail. The entry of Courtil Rozel into the Protected Buildings List is confirmed but the wording of the Summary of Special Interest is modified so as to avoid any conflict with the conclusions reached in this decision and the associated plan is also modified for the same reason.

**Stuart Fell DipArch RIBA IHBC
Presiding Member**

Date of Issue: 10th December 2019

REVISED ENTRY

Building: Courtil Rozel, Mount Durand, St Peter Port
Reference: PB1712

Extent of listing:

The whole of the exterior of the house and the converted roadside building together with the roadside wall to the north of the house. Included internally are the east west spine wall within the house, and at ground level the north-south corridor, including the entrance lobby and southern hallway with the staircase. The entirety of the staircase throughout the house, including its enclosing walls.

Exclusions:

The interior of the house not specified above; the gymnasium at the north-eastern corner of the house; the apple crusher in the south garden.

Summary of Special Interest:

A predominantly late 19th century house which retains a high proportion of its exterior fabric, features and detail, including a variety of gables, stonework styles, materials, and corbelling. The exterior design and use of materials are unusual and idiosyncratic. The ground level plan appears to have been little changed since the house was built and the east-west spine wall shows the clear distinction between family accommodation and service rooms. Though much of the interior has been refurbished with consequent loss of detail, the north south corridor at ground level and the traditional style staircase are of special interest.

Included in Grade B, for its architectural and historic interest.

The above Summary of Special Interest is indicative only and shall not be taken to be an exhaustive description of any relevant special interest or of any feature.

Date:

10th December 2019

MOUNT DURAND

EXTENT OF EXTERIOR LISTING SHOWN THUS:



EXTENT OF INTERIOR LISTING SHOWN THUS:



outside wall

north south
corridor

excluded

excluded

east-west spine wall

staircase

0 2.5 5 10 20 metres

40 States of Guernsey

