
Appeal Decision

Site visit made on 14 August 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 September 2018

Appeal Ref: APP/G1250/W/18/3194501

San Remo Towers, Sea Road, Bournemouth BH5 1JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by San Remo Towers Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-175-AK, dated 31 May 2017, was refused by notice dated 28 July 2017.
 - The development proposed is the formation of a hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the setting of the Grade II listed block of flats and whether it would preserve or enhance the character of the Boscombe Manor Conservation Area (CA).

Reasons

3. Statute requires that planning decision makers have special regard to the desirability of preserving the listed building (LB) or its setting or any features of special architectural or historic interests which it possesses. It also requires, in respect of any buildings or other land in a CA that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.¹
4. The building was listed in 1999. It comprises a 5-storey plus basement U-shaped block, of 164 flats when it was listed although additional flats have since been created in the basement. It was designed by Hector O Hamilton an American architect, built between 1935 and 1938 and originally had garaging for 130 cars in the basement. It has a Spanish Mission style exterior and a fully paved central courtyard, which is a significant feature of the block.² The listing description describes it as standing out from its surroundings as a piece of 1930s exotic fantasy and one of the most impressive seaside developments in England of its period.
5. As well as its basement parking it also has areas of surface level parking outside the entrances to the five blocks A-E as well as lawns and hedges adjacent to the road frontages. There have been three relevant appeal

¹ S66(1) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² The appellant's Heritage Assessment describes the building in detail

decisions that comment on this parking and landscaping.³ These decisions concluded that the compact lawns were an essential part of the LB's character, a conclusion I agree with for the reasons stated. The 2007 decision (in paragraph 4) noted that the parking outside the entrances to Blocks A, C, D and E detracts from the elaborate appearances of the entrances. I agree, notwithstanding that such areas of hardstanding may well have existed for many years and even since 1938 and been used for parking as a matter of course for many years as the appellant's Heritage Assessment suggests.

6. There is only one larger area of soft landscaping in the grounds of the LB, which has been planted in recent years with additional trees and shrubs. This is the area now proposed for the extended surface parking area at the north east corner of the site. It contains a wooden bench and is a pleasant green haven within the grounds of the LB where residents can sit out and relax in the sunshine. It contrasts markedly with the hard surfaced parking area next to Block C immediately to the west, which clearly detracts from this elevation of the LB.
7. The proposed parking area, whose layout is undefined by any plan, would extend the existing area of hard surfaced parking at this corner of the building. But the existing parking area predominantly occupies the crook or inset of this corner, in a similar way to how the parking in front of the entrances to Blocks D and E occupy those insets of the building's elevation.
8. The proposed parking area would leave a small area of grass between this part of the site and the existing parking next to Block C as well as the mature trees on the northern boundary but it would remove nearly all of the remaining soft landscaped area on the northern side of the building, which is a key and important element of the setting of the LB. This landscaped setting is an important part of the LB's significance because the building's exuberant elevations are set within a soft landscape edge to the streets, especially this side of Michelgrove Road.
9. The 2007 scheme, which proposed additional parking spaces on the front lawns outside the entrances to Blocks A, D and E, was dismissed on appeal because the Inspector found that whilst the extension of one car parking area (such as that at Block E which the 2005 appeal decisions found would merely have a neutral effect on the LB) might seem of little importance, the effect of its repetition would cumulatively be very harmful to the LB's setting. This may well be the reason why the residents of San Remo Towers have put forward the current proposal. I note the numerous letters of support for additional parking spaces on the site and acknowledge that car ownership is obviously much higher today than it was when the flats were erected in the 1930s.
10. But that does not gainsay the detrimental impact of the loss of this green space, the largest, squarest and consequently most useable area of green space on the site, on the setting and consequently on the significance of this LB. The benefit of new parking spaces would be a private benefit to residents of the building, not a public benefit, and I consequently give it little weight in the heritage balancing exercise as set out in the revised National Planning Policy Framework (NPPF).

³ APP/G/1250/A/07/2042868 – 13 No additional car parking spaces – Dismissed 9 August 2007 & APP/G/1250/E/1175826 & A/1175824 – Creation of additional 5 s/c flats at basement level with one additional parking space each – Both Dismissed 10 August 2005

11. The harm to the LB would be 'less than substantial' in terms of NPPF paragraph 196. I acknowledge that the parking area could be surfaced with grasscrete or a similar material that would allow a grassy surface but in this respect I would point out that a similar surface next to Block A looks scruffy in appearance, as previously highlighted in the 2007 appeal decision. Even if a suitable surface could be provided that maintained a grass covering the area would inevitably be occupied for much of the time by parked cars, which would give the LB's setting an unacceptable hard urban appearance contrary to the original design intention.
12. I acknowledge that the appellant would replant the northern extent of the hedge on Michelgrove Road, albeit I do not see why this has not been done as a matter of course. I also acknowledge that the young trees to be removed are not particularly good specimens and in some cases are planted too close together, but that does not take away the importance of this green space to the LB's setting.
13. In terms of the CA I agree with the 2007 Inspector that the proposed development would not affect the overall character or appearance of the CA. Views into the extended parking area would be fairly well screened by the trees and hedge to be retained and its impact would be for the most part confined to the LB's immediate setting. Its effect on the CA would consequently be neutral and hence it would preserve the character and appearance of the Boscombe Manor CA.
14. Nonetheless, the development would fail to preserve the LB's setting and thus its significance for the above reasons contrary to paragraphs 192-194 and 196 of the revised NPPF (formerly paragraphs 131, 132, 134 and 137 of the now superseded 2012 NPPF as set out in the Council's refusal reason). It would therefore fail to comply with Policy CS39 of the Council's Core Strategy, which has the same requirements. It would also fail to accord with Policy CS41, which requires good design, and with 'saved' Policy 4.25 of the Bournemouth District Wide Local Plan (2002), which requires development to have sufficient planting and landscaping.
15. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR