
Appeal Decision

Site visit made on 14 July 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/V1260/W/20/3248506

Salterns Court, Sandbanks Road, Poole BH14 8HS

- 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 Mr J Exton of Salterns Court Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/19/01287/F, dated 10 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described as a remodel and vertical extension with 3 new penthouse flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: a) the character and appearance of the area and upon a non-designated heritage asset; and b) the Dorset Heathlands and Poole Harbour Special Protection Areas (SPAs).

Reasons

Character and appearance

3. The visual impact of the building with its white render, distinctive windows and prominent central stair core dominates the townscape at the intersection of Lilliput with Salterns Way. The appellants description of an iconic art deco building is reinforced by the inclusion of the building as a locally listed building and therefore a recognised heritage asset. I have not been provided with the details of the local list entry however the Council articulate the reason for the listing is that *'...it is a typical 'modern movement' building of good quality design and reflecting period detailing. It is noted that the building is larger than the other buildings of this architectural era and style in Sandbanks Road'*. I also note that the architectural merit of the building is referred to in similar terms by both the Council and the appellants.
4. Although a non-designated heritage asset the significance of this property is derived from its art deco architectural form, a feature unusual in the locality. As a four-storey building comprising ground floor shops with three levels of flats above the appeal property occupies a prominent position within the Lilliput local centre; its height, mass and architectural detailing set it apart from the more domestic buildings around it. In accordance with the National Planning

Policy Framework (The Framework) and Planning Practice Guidance (PPG) it has a degree of significance which merits particular consideration in any related planning decision.

5. The Poole Local Plan (2018) (The Local Plan) in Policy PP27 states that a good standard of design will be required in all new developments. Development should, amongst other things, respect the site and its setting by reason of its function, scale, density, massing, height and design details. Whilst the detailed design seeks to reflect the original building, the bulk, form and massing of the additional storey over and above that which has been approved; combined with the wider footprint of the additional floor and the increased height of the tower would cumulatively have a disproportionate effect on the original building. The changes would detract from its original characteristics and be particularly prominent and obtrusive from longer range views including along Lilliput Road, Anthony's Avenue, Sandbanks Road and Dorset Lake Avenue.
6. The appellants argue that the design of the scheme has taken particular regard to ensure that detail is appropriate, and that the extent of the work would restore some of the building's presence as a local landmark. I find that the alteration from a four storey to a six-storey building would not relate well to the established character of the area nor would it respect the form and features of what is accepted to be an iconic building. It sits within a wider context of predominantly two storey buildings and its alteration in the manner proposed would be both excessively dominant and obtrusive. It would introduce a prominence which would not be sufficiently ameliorated by the minimal set back from the main elevation of the building. In any event that set back would do little to mitigate the effect on longer range views of the building.
7. I saw on my visit that almost all of the rear window openings on the building and around a third of those on the front elevation have, over time, been replaced with windows incorporating thicker frames. Furthermore the curved windows at one end of the front elevation have been replaced with windows which, though following as close as they can to the original curved details, do in fact appear awkward as they are made up of flat windows which are connected together. The rear elevation of the building has also been significantly changed by the replacement of windows and the original details are apparent on only part of the front elevation. I also note that the window details of this proposal, whilst seeking to create a uniform look, would not replicate the horizontal details which are so characteristic of the original design and which were a feature of the earlier approval. This proposal would not restore those details.
8. I acknowledge that the elements including the reworking of the tower to an art deco inspired design, the addition of the clock, the removal of the fire escapes from the front of the building and the re-rendering would restore some of the original crispness to the external appearance and would be stylistically appropriate to the original period of the building. However, the changes would not outweigh the harm which would be caused to this heritage asset by the addition of the enlarged fourth floor, the addition of a fifth floor, the increase in height of the central tower (lift shaft) and the wholesale alteration of the windows incorporating vertical detailing. The cumulative effect of these changes would appear overly dominant and prominent leading to a harmful effect on this non-designated heritage asset. They would result in an extensive and harmful change to its appearance such that the original characteristics of

the building would be significantly diluted causing irreparable harm to its character.

9. From the evidence before me I agree with the Council that the previously approved scheme¹ appeared as a subservient addition which was not considered to overwhelm the existing building and did not detract from the strong horizontal emphasis. This appeal scheme goes much further in relation to the bulk and alteration of the detailing on the building.
10. Policy PP27 of the Local Plan requires alterations to existing buildings to respect and relate to the existing building and maintain or enhance any details that contribute positively to its local character, for the reasons given the proposals would fail to achieve that aim or those of the Framework which seek to ensure that applications which affect non-designated heritage assets should have regard to the scale of any harm. As an iconic art deco building the structure is particularly prominent in its setting. Whilst this involves a balanced judgement the extent of the alteration would, in my view, undermine and be harmful to the essential characteristics of the building and would adversely impact on the character of the building and the wider area.
11. For these reasons the development would conflict with Policy PP27 of the Poole Local Plan and to the Framework. These, amongst other things seek to ensure that development reflects local patterns in terms of height, scale, bulk and massing including the roof and requires a good standard of design in all new developments including those where extensions and alterations to existing buildings are proposed.

Special Protection Areas

12. The appeal site lies within a zone of proximity to the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and the Dorset Heaths Special Area of Conservation (SAC) and the Poole Harbour SPA where developments, either on their own or in conjunction with other proposals, are likely to have an adverse effect on the integrity of the SPA.
13. A completed Unilateral Undertaking (UU) has been submitted to provide for a financial contribution to a scheme of Strategic Access Management and Monitoring in accordance with the Council's Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document and a contribution to the Poole Harbour Recreation Mitigation Strategic Access Management and Monitoring program. Such financial contributions and the management measures which they would fund, together with CIL contributions to infrastructure enhancements, are commonly held to provide adequate mitigation for any adverse effect on the integrity of the protected sites.
14. The Council have confirmed that whilst the general content of the agreement is acceptable there are outstanding issues with the agreement with regard to the appropriate range of signatories given the nature of leaseholders occupying the building. I have no reason to believe that these matters would not be capable of rectification nonetheless at the current time there is a legitimate question mark relating to the enforceability of the UU. Had I been minded to allow the appeal, that matter would need to have been resolved. I would also have to have undertaken an Appropriate Assessment (AA) under the Habitats

¹ LPA reference APP/17/01721/F

Regulations. Because I am dismissing the appeal for other reasons, it is not necessary for me to undertake an AA on this occasion or to resolve the outstanding aspects relating to the UU.

15. Nonetheless as these aspects would be the mechanisms to secure mitigation against harm to the SPA the development as they are not yet in a form which would secure appropriate enforceability the scheme would be contrary to Policies PP32 and PP39 of the Poole Local Plan and the Framework which seeks to protect designated SPAs and to ensure that where development takes place appropriate mitigation is secured.

Other Matters

16. The appellants make an argument that the additional floor is necessary in order to achieve the substantial refurbishment of the building including new windows, re-rendering, new central heating, water supply and waste facilities and a new lift. The appellants further state that the costings are prohibitive as they exceed the revenue to be gained from the two-unit scheme and this appeal scheme would make the changes and refurbishment economically viable. However, I have no substantive evidence before me to demonstrate that the future maintenance of this building would be so jeopardised that the refurbishment of the heritage asset would outweigh the harm which I have identified.
17. I have had regard to the fact that the proposal would not have any adverse effect on the living conditions of adjacent properties and that amenity space for the apartments would be provided along with car parking and that there would be no highway safety issues. However, these are factors which should be achieved by all new developments and they do not in themselves represent benefits which would outweigh the harm identified.
18. The appellants emphasise that the scheme results from discussion between the architect and the planning officer. The Council dispute this stating that all advice is via formal pre-application processes and they have no record of such discussions. Whatever their content or status, pre-application discussions are not binding on the decision of the Council as they are not required to agree with the advice or views of their officers.
19. The appellants have highlighted the fall-back position of the lower of the two floors having already been consented and argues comparisons of the plans show similarity. I disagree, the proposals for the fourth floor are wider than that previously approved and the addition of a further storey together with an increased overall height of the central element warrant separate consideration on their own merits. The construction of the smaller fourth floor proposal could still proceed on the basis agreed by the Council in 2018 but it does not justify any further enlargement of the structure.
20. Other schemes in the vicinity of the site have been highlighted including a dismissed appeal² on a site opposite this appeal which proposed a four-storey development which was found to be incompatible with the smaller scale residential properties in the vicinity. Similarly, the height and bulk of Salterns Court was found not to provide a justification for four storey development opposite. The appellants argue that the Council have misconstrued the

² App/Q1255/W/19/3223804

Inspectors conclusion arguing that developments in the area demonstrate a creeping upward scale which has diminished the prominence of Salterns Court and which the appeal proposal would restore. Whilst the wider area may display examples of taller development in the context of Salterns Court and its immediate surroundings it remains a distinctly prominent landmark building amongst those of a much smaller scale and further upward extension to it would be unacceptable for the reasons I have already explained.

21. My attention has been drawn to the advice of the Councils' Conservation Officer. I note that those comments relate to the symmetry of design and were made on the proviso that the height of the building was acceptable which the Council concluded was not the case. The Conservation officers comments do not make any remark, favourable or otherwise, on the bulk and massing of the proposal in the overall context of the building and I do not regard them as an endorsement for the development as the appellants appear to suggest.
22. The appellants draw attention to new permitted development rights³ for upwards extensions to blocks of flats which are soon to be in force though they recognise that those provisions would not apply to the appeal building. Whilst it is acknowledged that the legislative provision gives the latitude for certain types of upwards development it is not of relevance here given the age of Salterns Court.

Planning Balance

23. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 197 of the Framework requires a balanced judgement when weighing applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.
24. The appeal building is in an accessible location, close to facilities and services and public transport connections in the Lilliput Local Shopping Centre. The proposed three additional residential units would bring economic and social benefits, including the refurbishment of a heritage asset, construction jobs, increased local spend and new homes which would contribute to the supply of housing in an area of acknowledged need. Whilst these benefits weigh in favour of the scheme they are significantly and demonstrably outweighed by the harm the development would cause to the heritage asset and the benefits do not justify a decision other than in accordance with the development plan.

Conclusion

25. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR

³ The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (Part 20)