



Appeal Decision

Site visit made on 19 December 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/Q1445/W/19/3236200

Lansdowne Place Hotel, Lansdowne Place, Hove, East Sussex BN3 1HG

- 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 Steve Wenham (Total Contractors Ltd) against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/01902, dated 24 June 2019, was refused by notice dated 8 August 2019.
 - The development is described as a 'retrospective planning application for the installation of the smoke extract roof ductwork and ancillary equipment as installed and the installation of the proposed powder coated perforated metal screening around the roof ductwork'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted by Mr S Wenham (Total Contractors Ltd). However, the applicant for the planning application was Mr Steve Whenham (Total Contractors Ltd). The appellant's agent has confirmed in writing that the appellant's surname was spelt incorrectly on the application form and should be 'Wenham'. I have dealt with the appeal on that basis and used the correct spelling of the surname within the banner heading above.
3. The original planning application was determined on a retrospective basis by the Council. At my site visit, I noted that the smoke extraction ductwork and other ancillary equipment had been installed at the appeal property. However, the powder coated perforated metal screening around the roof ductwork had not been constructed. As such, I am determining this appeal on a part-retrospective basis.

Main Issues

4. The main issues are: (i) whether the proposal would preserve or enhance the character or appearance of the Brunswick Town Conservation Area, and its effect on non-designated heritage assets and the setting of nearby listed buildings; and (ii) the effect of the development upon the living conditions of neighbouring occupiers in respect of noise and odour.

Reasons

The significance of the heritage assets

5. The designated heritage assets relating to this appeal are the Brunswick Town Conservation Area (the 'CA') and several listed buildings, as detailed below, which are located within close proximity of the appeal site.
6. The character and appearance of the CA is of a planned 19th Century estate where both architecture and uses have been developed and controlled in a manner creating formality and order. The architecture is distinctly classical, first in the Regency style, and subsequently Italianate or similar. Only in the mews streets is the more modest local vernacular style prevalent. The original street pattern and terracing is intact. The principal streets, which includes Lansdowne Place, have a strong sense of scale and rhythm, each with similar designs and consistent roof heights. Most buildings have stucco facades, usually with elegant bow or curved fronts particularly in those streets with a north/south axis.
7. A high proportion of the buildings within close proximity of the appeal site are Grade II listed. They are Nos 1-7 Lansdowne Place; Nos 13 and 15 Lansdowne Place; Nos 17 and 19 Lansdowne Place and Nos 2- 48 Lansdowne Place. The Historic England listing entries explain that all of the respective listed buildings date from the 1830's and were designed by the architect C.A. Busby. The buildings are of a similar architectural style and have a stucco exterior finish and form part of the original planned 19th Century estate.
8. The appeal property is a substantial six-storey building which is located on the eastern side of Lansdowne Place. The evidence before me indicates that the building was originally five-storey and constructed as a group of six townhouses, which were later combined and converted into a hotel. The hotel has recently been converted into 47 self-contained residential apartments, and the works included the construction of an additional 'penthouse' floor level. The building has a stucco exterior and features attractive curved bay windows on the front elevation. The building has been locally listed by the Council and therefore it is a non-designated heritage asset, as defined by the National Planning Policy Framework ('the Framework'). Given its design and appearance, I consider the appeal property adds positively to the character and appearance of the CA.
9. The development consists of smoke extraction ductwork and other ancillary equipment (the 'smoke extract system'), which is located on the roof of the existing building. The smoke extract system consists of two large metal flues, which are sited in a broadly central location on the roof, with the closest flue being located about 3 metres away from the roof edge to the front of the building. It is proposed to erect a metal screen around the front and either side of the smoke extraction system, which the appellant states would be powder coated in a colour that would match the existing building.
10. The appellant explains that the smoke extract system is part of the building's fire safety system, which has been installed following the conversion of the building to residential use. The appeal is supported by a fire strategy report that explains that the system has been designed to provide mechanical extraction to the common areas and lobbies, which would aid in relieving

smoke and heat from these areas during a fire, whilst also allowing fire fighters to vent smoke from the corridors post firefighting.

11. Due to the CA's dense urban grain, which predominately consists of relatively tall buildings laid out in a network of tightly packed terraced streets, the existing development is not highly visible from the street when the appeal site is viewed within the wider context of the CA, including from Hove Lawn and from the higher end of Lansdowne Road. In addition, due to the six-storey height of the existing building, and the degree to which the smoke extract system is set back from the roof edge of the building, the existing development is not visible from the pavement directly outside the front of the appeal site, nor from the rear of the appeal site, when viewed from Brunswick Street West.
12. Notwithstanding the above, on my site visit I observed that the existing development is highly visible from several local viewpoints within the CA. From local viewpoints on Alice Street and Lansdowne Square, both of which are side streets near to the appeal site, served by Lansdowne Place, due to its size and central positioning on the roof of the existing building, the development appears as a prominent and intrusive structure within the local roofscape. Furthermore, due to the modern appearance of the smoke extract system, it has a stark and jarring appearance when viewed in the context of the host building and nearby historic listed buildings, which have a very traditional appearance.
13. The proposed screening would significantly reduce the extent to which the existing smoke extract system would be visible from Alice Street and Lansdowne Square. However, despite the proposed colour of the screenwork, which would match the exterior of the host building, it would be sited significantly further forward of the existing equipment nearer to the roof edge of the existing building and would have an overtly modern appearance. As such, the proposed screening would in itself be an unsightly and prominent feature within the CA, which would be out of keeping with the traditional design and appearance of the host building and surrounding properties.
14. For the collective reasons outlined above, the existing development and proposed screening would/does cause harm to the character and appearance of the locally listed host building, the setting of the nearby listed buildings and would neither preserve nor enhance the character or appearance of the CA. Therefore, the development is/would be harmful to the significance of the designated heritage assets. I consider that the harm to the identified designated heritage assets would be less than substantial and in accordance with paragraph 196 of the Framework, that harm needs to therefore be weighed against any public benefits of the proposal, including securing its optimal viable use.
15. The smoke extract system would reduce the extent of smoke and heat within the common areas during a major fire, which would significantly improve the likelihood of future occupants being able to escape the building in a safe manner, whilst also improving conditions for emergency service personnel dealing with a major fire at the appeal site. This in turn would reduce risk of fatalities and injuries to both occupants of the building and emergency service personnel. The safeguarding of emergency service personnel would be a public benefit of the development. Moreover, by reducing the risk of injury for future occupiers and emergency service personnel there would likely be a reduction in

- the number of hospital admissions from a major fire, this in turn would reduce any financial burden on the public purse, which would be a public benefit.
16. The appellant argues that the smoke extraction system that has been installed at the appeal building is the 'only practicable' means of providing an acceptable fire strategy at the site. To this regard, the appellant has submitted a letter¹ from Smoke Control Systems which concludes that "*without these fan assembly units we will not be able to offer a compliant system that building control will accept*". However, I have not been provided with specific details to demonstrate that the appellant considered alternative and more discrete means of smoke extraction prior to the installation of the current system. To this regard, I note that as part of the original application, the Council's heritage officer consultation comments suggested that the installation of window vents would be a "*more discrete solution*" at the appeal site.
17. Given the above, I am unable to conclude that the existing smoke extract system is the only practicable means of providing an acceptable fire strategy as part of the conversion of the existing building to residential use. As such, I am not persuaded that the aforementioned public benefits could not be secured by an alternative means that would be less harmful to the significance of the identified designated heritage assets, the conservation of which is given great weight as per paragraph 193 of the Framework. Therefore, I find that the public benefits would not be sufficient to outweigh the harm to the significance of the Grade II listed buildings located near to the appeal site and the Brunswick Town Conservation Area.
18. In conclusion, the development therefore fails to preserve or enhance the significance of the designated heritage assets. In addition, the development would harm the character and appearance of the host building, which is a locally listed building. As such, the proposal would not accord with Policy CP15 of the Brighton and Hove City Plan Part One (2016) and Policies HE3, HE6 and HE10 of the Brighton and Hove Local Plan (retained policies March 2016) (the 'LP') insofar as they collectively require development proposals to conserve and, where appropriate, enhance Brighton's historic environment, which includes buildings of local interest, and to give great weight to the conservation of designated heritage assets within the Plan Area. In addition, the proposal would conflict with Chapter 16 of the Framework.

Living conditions of neighbouring occupiers

19. The Council have expressed concerns that the development would have an unacceptable impact on the living conditions of neighbouring occupiers due to noise and odour impacts.
20. However, based on the evidence before me, the smoke extract system would only become operational during a major fire at the appeal site. The occurrence of a major fire would be a rare event and during the normal day to day use of the building the system would not be in use, and, thus, it would not emit any noise or odour.
21. Whilst I accept that the existing equipment, when in use, would generate a degree of noise and odour from smoke extraction, this would be amongst the backdrop of a major fire event, which, in and of itself, would generate a

¹ Letter by Grant Smith of Smoke Control Systems, undated, (Ref: SCS9448)

significant amount of odour and associated noise from sources such as fire alarms, the use of fire appliances and sirens from emergency vehicles. Therefore, during such an event the living conditions of neighbouring occupiers would already be compromised, regardless of whether or not the smoke extract system was in use.

22. Consequently, I conclude that the smoke extract system does not cause significant and demonstrable harm to the living conditions of neighbouring occupiers with particular regard to noise and odour. As such, the smoke extract system accords with Policy QD27 of the LP which requires development to protect the amenity of neighbouring residents.

Other Matters

23. It has been brought to my attention by the Council that the existing window arrangement on the upper floor, which includes the roof lantern, does not align with the details previously approved by the Council. Whilst this may or may not be the case, these works are outside of the remit of the current appeal, which relates to the existing smoke extract system and the proposed screen. Therefore, it is not necessary to consider this matter any further.

Conclusion

24. The development would safeguard the living conditions of the occupiers of neighbouring properties in terms of noise and odour. However, harm would be/is caused to the character and appearance of the locally listed host building and the setting of the nearby listed buildings. In addition, the development would neither preserve nor enhance the character or appearance of the CA. In this case, the identified public benefits are not sufficient to outweigh the harm caused to the designated heritage assets and the locally listed building. These are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR