

## 4 Gooedge Place

### Enforcement Appeal Statement

On behalf of **FreeState Limited**

The logo for FreeState Limited consists of the word 'FREEstate' in a bold, sans-serif font. The word 'FREE' is in all caps, and 'state' is in title case. A stylized signature line is drawn over the end of the word 'state'.

Project Ref: 29296/001 | Rev: AA | Date: April 2014



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# 1 Introduction

## 1.1 Introduction

- 1.1.1 This appeal is submitted by Peter Brett Associates LLP on behalf of FreeState Limited (“**the Appellant**”) in regards to the issuing of an Enforcement Notice (Council Ref: EN13/0268) on 13<sup>th</sup> March 2014 by the London Borough of Camden.
- 1.1.2 The Enforcement Notice alleges a breach of planning control resulting from the installation of a roller shutter without planning permission at 4 Goodge Place, London, W1T 4SB, and requires that the shutters are completely removed and any damage to the frontage is made good within 3 months of the Notice taking effect. The Notice is due to take effect on 24th April 2014.
- 1.1.3 This appeal is made on Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 “that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.”
- 1.1.4 This Written Statement is submitted as part of the appeal documentation. In addition to this report, the appeal documentation comprises a completed Enforcement Notice Appeal Form and a copy of the Enforcement Notice issued by the London Borough of Camden, with location plan.

## 1.2 Site Location

### Goodge Place

- 1.2.1 The appeal site is located at 4 Goodge Place, London, W1T 4SB, in the London Borough of Camden.
- 1.2.2 Goodge Place is characterised by predominantly residential uses, with some commercial uses occupying smaller units in the south of the street, close to the junction with Goodge Street. The commercial properties comprise a varied building form and include shutters at the frontage of 3 and 5 Goodge Place, adjacent to the appeal site. The residential properties along the northern section of the street consist of terraced 4-storey Georgian townhouses defined by cast iron railings along the frontage of each building.
- 1.2.3 The appeal site is located within the Charlotte Street Conservation Area and is identified as a ‘positive contributor’ (alongside the majority of other unlisted properties in Goodge Place) on the Built Heritage Audit Plan (Drawing No. CL10969/007, Nathaniel Lichfield and Partners, March 2008), which supports the Charlotte Street Conservation Area Appraisal and Management Plan (2008). There are a number of Grade II listed buildings on Goodge Place within close proximity of the appeal site, including 8 – 14 and 19-26 Goodge Place.

### Appeal Site

- 1.2.4 4 Goodge Place itself is a 4-storey Georgian property located in the south-east of Goodge Place. The property is characterised by a painted white frontage on the ground floor and bare brickwork frontage on upper floors. The ground floor frontage has a large window on the left-hand-side fronting on to Goodge Place and cast iron railings around steps leading down to the basement. The property has a white solid roller shutter fitted to the outside of the front window. The front door has been custom-made with 2 mortise locks and has a padlock on the outside. There is also an internal alarm system installed.

- 1.2.5 The ground floor and basement of the property has been occupied by the Appellant since 2006. The nature of its work is such that there are a number of items of expensive electronic equipment located within the property.

## 2 Relevant Background and Context

### 2.1 FreeState Limited

- 2.1.1 FreeState Limited specialises in architectural & 3D design, creative conceptualization, branding, graphics, digital, retail, content creation, production management and business development. The firm works with some of the world's biggest brands – including Samsung, Coca-Cola, Sony, Nokia and Channel 4 – to support the delivery of events, exhibitions, retail projects and film content creation.
- 2.1.2 FreeState Limited has occupied the ground floor and basement of the property at 4 Goodge Place since 2006. The office is open from 8.30am – 6.00pm on weekdays and is occasionally open at weekends. There are a total of 9 employees.

### 2.2 Attempted Break-Ins

- 2.2.1 In late 2012, the property was the subject of a number of attempted break-ins. These incidents led to the decision to erect a solid roller shutter at the frontage of the property, in order to enhance security and safety at the site and in the surrounding area and to allow normal business operations to continue without disruption. Details of the 4 attempted break-ins are listed below, all of which took place outside of office hours:

- Attempted Break-In 1 – 1<sup>st</sup> November 2012 (Police Crime Reference No. 2331988/12) – front window smashed;
- Attempted Break-In 2 – 10<sup>th</sup> December 2012 (Police Crime Reference No. 2336027/12) – front door smashed with street bollard;
- Attempted Break-In 3 – 23<sup>rd</sup> December 2012 (Police Crime Reference No. 2337354/12) – attempt to kick-in front door;
- Attempted Break-In 4 – 29<sup>th</sup> December 2012 (Police Crime Reference No. 2337739/12) – front window smashed

- 2.2.2 As the offices were scheduled to be closed over the Christmas period, the Appellant subsequently employed a security guard to monitor the property from 6pm – 6am each night on working days and over a 24-hour period during holidays and weekends over the Christmas period. This action incurred a significant financial cost to the firm of £6,730.80.

- 2.2.3 The Police advised that the attempted break-ins were a targeted attack undertaken by a team of professional criminals, who wore helmets and gloves and travelled on motorcycles with stolen registrations. Subsequently, the Police Safer Neighbourhoods Team visited the site and provided the following advice via email from [Juliette.currums@met.police.uk](mailto:Juliette.currums@met.police.uk):

*“After having a look around ‘Free State’ earlier today, and looking through the previous crime reports, I would recommend that the view into the office from the street is blocked overnight as there is a substantial amount of expensive equipment on show.”*

- 2.2.4 The attempted break-ins and advice from the Police led to the decision by the Appellant to erect a solid shutter at the frontage of the property in early 2013.

### 2.3 Retrospective Planning Application (2013/2616/P)

- 2.3.1 On 15<sup>th</sup> March 2013, a letter was received from Clare Tampin, Planning Enforcement Officer at London Borough of Camden, advising that the erection of the roller shutter without planning

permission was in breach of planning control. Subsequently, a retrospective planning application (Council Ref: 2013/2616/P) was submitted by FreeState Limited to the London Borough of Camden on 2<sup>nd</sup> May 2013 seeking full planning permission 'for the installation of roller shutter at ground floor Office (Class B1)' at 4 Goodge Place, London, W1T 4SB.

2.3.2 The application was refused by the Council on 7<sup>th</sup> August 2013 for the following reason:

*"The retention of the solid roller shutters, by reason of their design and appearance, would prevent natural surveillance and would be detrimental to the character and appearance of the building and the Bloomsbury conservation area, contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS14 (Promoting high quality places and conserving our heritage) and CS17 (Making Camden a safer place); and the London Borough of Camden Local Development Framework Development Policies DP24 (Securing high quality design) DP25 (Conserving Camden's heritage) and DP30 (Shopfronts) of the London Borough of Camden Development Policies."*

2.3.3 The Decision Notice also included a warning that enforcement action would be taken.

2.3.4 It should be noted that an appeal against the refusal of planning permission was not submitted at this time and no subsequent action was taken as the Appellant had intended to relocate its office premises. However, for a number of reasons, the Appellant is now seeking to retain its office at the appeal site.

## 2.4 Enforcement Notice (EN13/0268)

2.4.1 On 13<sup>th</sup> March 2014, the London Borough of Camden issued FreeState Limited with an Enforcement Notice (Council Ref: EN13/0268) alleging a breach of planning control resulting from the installation of a roller shutter without planning permission. The Enforcement Notice was issued for the following reasons:

- a) *It appears to the Council that the above breach of planning control has occurred within the last 4 years.*
- b) *The retention of the solid shutter, by reason of its design and appearance, would prevent natural surveillance and would be detrimental to the character and appearance of the building and the Bloomsbury conservation area, contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS14 (Promoting high quality places and conserving our heritage) and CS17 (Making Camden a safer place); and the London Borough of Camden Local Development Framework Policies DP24 (Securing high quality design) DP25 (Conserving Camden's heritage) and DP30 (Shopfronts) of the London Borough of Camden Development Policies.*

2.4.2 In order to comply, the Enforcement Notice requires that the shutters are completely removed and any damage to the frontage is made good within 3 months of the Notice taking effect. The Notice is due to take effect on 24<sup>th</sup> April 2014.

## 2.5 Relevant Planning Policy Context

2.5.1 The appeal site is located within the jurisdiction of the London Borough of Camden, and thus the Development Plan relevant to this appeal consists of the Camden Core Strategy 2010-2025 (adopted in 2010) and Camden Development Policies 2010-2025 (adopted in 2010).

2.5.2 The Enforcement Notice was issued as the solid shutter was considered to be contrary to the following planning policies of the Development Plan:

- Camden Core Strategy Policy CS14: Promoting high quality places and conserving our heritage;
- Camden Core Strategy Policy CS17: Making Camden a safer place;
- Camden Development Policies Policy DP24: Securing high quality design;
- Camden Development Policies Policy DP25: Conserving Camden's Heritage; and,
- Camden Development Policies Policy DP30: Shopfronts

2.5.3 Additional planning policy guidance relevant to the determination of this appeal is included within Fitzrovia Area Action Plan (2014), Charlotte Street Conservation Area Appraisal and Management Plan (2008), and the National Planning Policy Framework (NPPF) (2012).

2.5.4 The Fitzrovia Area Action Plan (FAAP) (adopted in March 2014) seeks to shape the future of Fitzrovia by: setting out a shared vision; balancing growth with harm to residential amenity; coordinating development proposals across significant sites; and, ensuring that growth delivers the maximum benefits to the area. The appeal site is located within the Plan Area as indicated on page 6 of the FAAP.

2.5.5 The Charlotte Street Conservation Area Appraisal and Management Plan (adopted in 2008) defines and analyses the Charlotte Street conservation area and provides information regarding the types of development that are likely to be acceptable. The appeal site is located within the Charlotte Street conservation area and is identified as a 'positive contributor' on the Built Heritage Audit Plan (Drawing No. CL10969/007, Nathaniel Lichfield and Partners, March 2008), which supports the Appraisal and Management Plan.

2.5.6 The National Planning Policy Framework (NPPF) was adopted in 2012 and sets out the Government's planning policies for England and how these are expected to be applied.



## 3 Grounds of Appeal

### 3.1 Introduction

3.1.1 This appeal is made against the Enforcement Notice on Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 “that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.”

3.1.2 For the reasons set out below, it is considered that the retention of the roller shutter would not represent a breach of planning control and therefore the Enforcement Notice should be quashed.

### 3.2 Grounds of Appeal

3.2.1 The appellant’s grounds of appeal relate to: i) safety and security; and ii) design and conservation. The Inspector is encouraged to have regards to the planning merits of the proposal in these regards.

#### i) Safety and Security

3.2.2 The Enforcement Notice states that the retention of the solid roller shutter does not comply with Core Strategy Policy CS17 (Making Camden a safer place). This policy states that the Council will aim to make Camden a safer place by, inter alia:

- working with partners to tackle crime, fear of crime and anti-social behaviour;
- encouraging appropriate security and community safety measures in buildings and spaces;
- requiring developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in areas with relatively high levels of crime, in particular Camden Town, King’s Cross, Bloomsbury, Covent Garden and Kilburn;
- ensuring Camden’s businesses and organisations take responsibility for reducing the opportunities for crime through effective management and design; and,
- promoting safer streets and public areas.

3.2.3 It is considered, however, that for the reasons set out below, the installation of the solid roller shutter at the appeal site meets each of these requirements.

3.2.4 FreeState Ltd is a small design agency comprising 9 employees, of which only several employees may be based in the office at one time. The nature of its work is such that there are a number of items of expensive electronic equipment located within the office. Accordingly, the need to work in a safe and secure environment is particularly important to its business operations. In accordance with Policy CS17, the Appellant has been proactive in taking responsibility for reducing opportunities for crime through effective management and design.

3.2.5 It should be noted that at the time of the attempted break-ins a number of security measures were already in place at the property. These measures included:

- internal alarm system;

- custom-fitted front door with 2 mortise locks and padlock;
- blinds across the inside of the main front window, and
- electronic equipment secured to the brickwork.

3.2.6 However, despite implementation of these measures, the property was subject to 4 attempted break-ins in late 2012 (as set out in section 2.2 above).

3.2.7 The Appellant reported each of the break-in incidents to the Police and sought to work with them in order to address the evident security concerns at the property, in accordance with Policy CS17. Indeed the Appellant contacted the Police a number of times during the period of the break-ins in order to request additional support in maintaining the safety of the premises. The Police advised that they would be unable to undertake any further foot patrols in the area, and thus the Appellant opted to employ a security guard to monitor the property over the Christmas period whilst the office was closed. The security guard worked from 6pm – 6am each night on working days and over a 24-hour period during bank holidays and weekend, thereby incurring a significant financial cost to the firm of £6,730.80. This action was considered to be necessary at the time given the frequency of repeated attempted break-ins and the lack of alternative security measures to act as a sufficient deterrent; however, given significant costs associated with this measure and the size of the business, this is not a viable long-term solution for the Appellant.

3.2.8 During discussions with the Police, they verbally advised that shutters would be the most appropriate and secure form of security. This advice was provided whilst taking into account the alternative security measures that have been implemented and acknowledging that there is no CCTV operating in the area and only one street light on the opposite side of Goodge Place. In addition, a member of the Police Safer Neighbourhoods Team visited the site and provided the following advice via email (from [Juliette.currums@met.police.uk](mailto:Juliette.currums@met.police.uk)):

*“After having a look around ‘Free State’ earlier today, and looking through the previous crime reports, I would recommend that the view into the office from the street is blocked overnight as there is a substantial amount of expensive equipment on show.”*

3.2.9 The decision to erect roller shutters was thus made with consideration of the site context and alternative security measures and on the basis of the Police’s advice. Furthermore, the site is located within the ward of Bloomsbury – identified as an area with relatively high levels of crime in Policy CS17 – and thus it is of even greater importance that suitable security measures are incorporated. Based on this context, this measure represents the most appropriate security solution and community safety measure required to address the repeated break-ins at the property, in accordance with the provisions of Policy CS17.

3.2.10 It should be noted that following the erection of the solid roller shutter, there have been no further attempted break-ins or safety concerns.

## **ii) Design and Conservation**

3.2.11 The Enforcement Notice states that the retention of the solid roller shutter would be contrary to Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage) and Camden Development Policies DP24 (Securing high quality design), DP25 (Conserving Camden’s heritage) and DP30 (Shopfronts). However, for the reasons set out below, it is considered that the installation of the solid roller shutter at the appeal site meets the provisions of each of these planning policies.

3.2.12 When considering the options for increasing security at the property, a number of different alternatives were reviewed in order to ensure that any new development would be of the highest standard of design that would respect the local context and character, in accordance

with Core Strategy Policy CS14 and Camden Development Policy DP30. Indeed, the nature of the Appellant's work is such that the firm has a strong understanding of design and thus sought to apply this knowledge to the building frontage.

- 3.2.13 Following consideration of alternative security measures (as discussed above) and the advice of the Police, various forms of shutter were considered. In previous discussions the Council has advised considering the use of internal shutters or perforated shutters which are considered to be more aesthetic in the street scene; however, neither of these alternatives are considered to have the effect of reducing the occurrence of attempted break-ins and thus would be ineffective in meeting their primary purpose. The majority of the previous attempted break-ins have concerned smashing the front window, and thus any internal shutter would not prevent this or forced attempted entry occurring. Similarly, it is considered likely that a perforated shutter which is of a less solid appearance could be easily pried open, particularly given the Police's advice that each of the previous break-ins are likely to have been carried out by a team of professional criminals. Given the frequency of previous break-ins and the consideration of alternative security solutions, the erection of a solid roller shutter was considered to be the most effective and appropriate solution and of the highest possible standard of design, in accordance with Core Strategy Policy CS14. Following the erection of this shutter, it is notable that there have been no further attempted break-ins or safety concerns.
- 3.2.14 Camden Development Policy DP24 and Core Strategy Policy CS14 require that developments consider the character, setting and form of neighbouring buildings and respect the local context. Camden Development Policy DP30 also states that the Council will consider the general characteristics of shopfronts in the area when reviewing the design of altered shopfronts. In this regard, it should be noted that each of the adjacent properties at 3 and 5 Goodge Place have solid roller shutters fitted on the external front window. Each of these shutters are of a distinct grey colour which stands out against the painted white and brickwork frontages. Unlike the adjacent properties, the shutter at 4 Goodge Place was carefully selected in white in order that it would blend into the appearance of the property frontage more seamlessly. The retention of the solid roller shutter at the appeal site is therefore not considered to be out of character with the local context or harmful to the overall appearance of the surrounding area, therefore complying with the provisions of Camden Development Policy DP24 and Core Strategy Policy CS14.
- 3.2.15 It is acknowledged that the property is identified as a 'positive contributor' in the Charlotte Street Conservation Area. Camden Development Policy DP25 requires that conservation areas are preserved and enhanced – however, it is evident that the series of repeated break-ins in late 2012 caused significant damage not only to the property itself but to the character and appearance of Goodge Place and its setting within the conservation area. The evidence of continued break-ins at the property also increased the fear of crime within the area for residents and visitors walking along Goodge Place. The erection of the shutter was therefore necessary to prevent any further harm or degradation to the appearance of the property and conservation area. When compared to the effects of criminal damage, the retention of the solid roller shutter is considered to preserve and enhance the character and appearance of the area, in accordance with Core Strategy Policy CS14 and Camden Development Policy DP25.
- 3.2.16 Camden Development Policy DP25 also states that the Council will take into account conservation area appraisals and management plans in order to maintain the character of Camden's conservation areas. In this instance, the Charlotte Street Conservation Area Appraisal and Management Plan (2008) provides appropriate guidance. This document acknowledges that there have been a series of alterations to building frontages within the conservation area (paragraph 3.13) (e.g. evident at the adjacent properties of 3 and 5 Goodge Place) and notes that the character of the conservation area is vulnerable to negative changes through deterioration of built fabric arising from neglect and lack of maintenance (paragraph 13.1). In this regard, the solid roller shutter was erected at 4 Goodge Place as a preventative measure against any further harm or deterioration to the building that could be caused through

further criminal activity. There is a strong presumption in favour of the retention of buildings that make a positive contribution to the conservation area (paragraph 7.2), and thus the retention of the solid roller shutter at 4 Goodge Place is critical in ensuring that the building is sufficiently maintained and preserved, in accordance with the provisions of Camden Development Policy DP25.

- 3.2.17 Camden Development Policy DP24 requires that developments consider providing visually interesting frontages at street level. The current use of 4 Goodge Place by the Appellant is for B1 commercial office purposes and does therefore not require an active frontage for its business use. Notwithstanding this, during working hours (8.30am – 6pm weekdays and occasional weekends) the solid roller shutter is rolled up and therefore the appearance of the property and its large frontage window is unobscured for the majority of the time in which the property is viewed by residents and visitors. Goodge Place is a one-way street which is predominantly residential in character and thus there are very low levels of foot and vehicle traffic, particularly during evenings.

## 4 Summary

### 4.1 Summary

4.1.1 This appeal is submitted by Peter Brett Associates LLP on behalf of FreeState Limited in regards to the issuing of an Enforcement Notice (Council Ref: EN13/0268) on 13<sup>th</sup> March 2014 by the London Borough of Camden. The Enforcement Notice alleges a breach of planning control resulting from the installation of a roller shutter without planning permission at 4 Goodge Place, London, W1T 4SB.

4.1.2 This appeal is made on Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 “that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.”

4.1.3 The Appellant’s grounds of appeal relate to - i) safety and security; and ii) design and conservation – and are broadly summarised below:

- The appeal site is located in Bloomsbury ward, where there is a relatively high level of crime and a need to incorporate suitable security measures in development, in accordance with Core Strategy Policy CS17;
- The area surrounding the site has no CCTV and only limited street lighting, however, the Appellant had implemented a number of security measures prior to 4 attempted break-ins in late 2012. In accordance with Core Strategy Policy CS17, the solid roller shutter was erected at the appeal site as an additional security measure following the attempted break-ins and further to subsequent advice from the Police – the Police advised that the view of the property should be blocked and stated that shutters would be the most appropriate form of security measure;
- Following the erection of the solid roller shutter, there have been no further attempted break-ins or safety concerns;
- Several types of shutter were considered following discussions with the Council; however, it was considered that the external solid roller shutter represented the most effective solution as it would prevent the front window from being smashed and attempted forced entry from prying open the shutters.
- The shutters reflect the local context and the character of other shopfronts in the area (e.g. 3 and 5 Goodge Place) in accordance with Camden Development Policies DP24 and DP30;
- Unlike the adjacent properties, the white shutters were carefully chosen to blend with the existing frontage and represent the highest possible design in accordance with Core Strategy Policy CS14;
- The retention of the solid roller shutter prevents any further harm or degradation to the property that would be caused by further criminal damage, thereby preserving and enhancing the character and appearance of the Conservation Area, in accordance with Core Strategy Policy CS14, Camden Development Policy DP25 and the provisions of the Charlotte Street Conservation Area Appraisal and Management Plan;
- The appeal site is located in an area with very low levels of foot and vehicle traffic – however, during normal working hours when there are the highest levels of traffic, the

shutter is rolled up to retain the visually interesting building frontage, in accordance with Camden Development Policy DP24

- 4.1.4 For the reasons set out above, it is considered that the retention of the roller shutter would not represent a breach of planning control and therefore it is respectfully requested that the Enforcement Notice is quashed.