

APPELLANT'S STATEMENT OF APPEAL

1-17 REGENT'S PARK TERRACE, LONDON N1 7EE

APPELLANT: REGENT'S PARK TERRACE RESIDENTS ASSOCIATION

Appeal in Respect of Non Determination of:

Application for Planning Permission Ref. No. 2017/3497/P

Application for Listed Building Consent Ref. No. 2017/3689/L

For the Installation of four pairs of CCTV security cameras mounted on the underside of the balconies at Nos. 1, 6, 11 and 17 Regents Park Terrace, connected by a black cable duct running along the top of the balcony terrace from Nos. 1 to 17.

1. The Site and its Surroundings

1.1 The group of buildings comprising Nos. 1 - 22 Regent's Park Terrace is listed Grade II with Group Value and is located in the Primrose Hill Conservation Area. Its listing makes it of National importance, although it is not as important as a Grade I or Grade II* building. The Statement of Heritage Significance produced by Studio Astragal Ltd describes the terrace and its setting. It assessed the terrace in general and the front elevation and its original features in particular, as being of High Heritage Significance, primarily for its architectural significance. It was noted that the front façade was generally free of modern visual clutter, such as cabling, satellite TV dishes and gas flues. Burglar alarms are confined to the basement level, apart from one.

2. The Proposal

2.1 Eight small dome cameras are proposed in four locations at Nos. 1, 6, 12 and 17 Regents Park Terrace. The Lilin IPR320X cameras are 130 mm by 110 mm in size and are relatively small for security cameras. They would be mounted on the underside of the balcony and set back from the front edge. They would be colour coated or painted the same colour as the balcony masonry.

2.2 The cabling will run from No. 1 to No. 17. It would now be slightly different to that described in the Design and Access Statement and the Planning Statement. Instead of being clipped to the bottom transom of the railings, it will be run in black plastic trunking seated on top of the balcony just behind the black cast iron railings and down through holes through the balcony to connect to the cameras below. This supplies power as well as communicating to a dedicated PC computer in one of the houses.

2.3 The balcony is formed of stone and is cantilevered without supporting brackets. Great care will be taken in fixing the cameras to ensure that the stone is not cracked in the process. This will be done without the use of percussion hammer drilling and using a diamond drill bit. Only stainless steel screws will be used and plastic rawl plugs to avoid rusting which would stain the masonry and the risk of splitting the masonry due to rust expansion. In the event that the cameras became unnecessary the holes

could be filled by injecting a slurry of fine sand, stone dust and hydraulic lime.

- 2.3 The applicants are willing to accommodate the suggestion of the Conservation Area Advisory Committee that the cabling be chased into the masonry where it runs against the render and the colour of the cameras to match the masonry colour and suggest that this be dealt with by way of a condition.
- 2.4 The signage required by the legislation will be the subject of a separate application (if an application is required). It will be sensitively designed and located, with one sign at either entrance to the private road. It could take the form of small free-standing signs situated on the grass verge, in order to avoid visual clutter on the Listed entrance piers.

4. Responses to Consultations on the Applications

- 4.1 One response was received in respect of the application for Listed Building Consent from the Primrose Hill CAAC as follows:

“We would have no objection to the proposal so long as the ducting, where it runs against the render, is chased into the render which is then made good. The cameras should be of a colour to be minimally visible.

We note that there is a legal obligation to inform passers-by that they are being videoed: these notices, their form and location, should also be the subject of Listed Building consent.”

- 4.2 One response was received in respect of the application for Planning Permission from the Metropolitan Police:-

“I have no objections in regards to this planning application.

But I would recommend that the CCTV footage is kept for a minimum of 30 days and easily accessible for any police investigation that may occur in the area covered by the CCTV.

Also that CCTV will be registered and comply with the information commissioners guidelines.”

- 4.3 No other comments were received.

5. Response of the Local Planning Authority

- 5.1 The applications have not been determined. However the Council’s planning case officer has advised that the applications are likely to be refused on the grounds that:-

“The proposal, by reason of the number and prominent siting of CCTV equipment, represents an unsympathetic and incongruous addition to these Grade II Listed properties which fails to preserve or enhance their character, appearance or historic interest. This represents less than substantial harm to these heritage assets without any public benefit derived from the scheme, contrary to policies D1 & D2 of the London Borough of Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2012.”

- 5.2 No comment has been received from the Council’s Conservation Officer.

6. Relevant National and Local Planning Policies

National Policy and Guidance

6.1 The relevant national policy and codes of practice documents are as follows.

The National Planning Policy Framework (NPPF).

6.2 This does not give detailed advice, but Section 134 is relevant to the assessment of the proposal. This states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

BSI Standards Publication BS 7913:2013 – Guide to the Conservation of Historic Buildings, British Standards Institute

6.3 This also gives no guidance on small modern fixtures and fittings such as CCTV cameras. Its general guidance is:-

“6.16 Alterations

Alterations should be carried out only if there is no suitable alternative option. They should be designed to minimise their impact on the significance of the historic building, and should avoid losing features that contribute to that significance.

The principle of reversibility should be used, ...”

Historic England Policy Guidance:

Making Changes to Historic Assets – Historic England Advice Note 2

6.4 This does not provide any guidance on small items of modern equipment such as CCTV security cameras. The nearest it gets to advising on small modern alterations is the following:-

“52 Although some works of up-grading, such as new kitchens and bathroom units, are unlikely to need consent, new services, both internal and external, can have a considerable, and often cumulative, impact on the significance of a building and can affect significance if added thoughtlessly. The impact of necessary services can be minimised by avoiding damage to decorative features, by carefully routeing and finishing and by use of materials appropriate to the relevant period, ...”

Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment

6.5 This does not give any specific detailed guidance about alterations to listed buildings. Its general principle states:-

“New work and alteration

138 New work or alteration to a significant place should normally be acceptable if:

- a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place;
- b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed;
- c. the proposals aspire to a quality of design and execution, which may be valued now and in the future;
- d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future.”

Heritage Crime Prevention Measures: A Guide for Owners, Tenants and Managers of Heritage Assets

6.6 This encourages owners of heritage assets to install CCTV cameras to protect the asset against heritage crime, but does not give any detailed design advice. It states:-

“10. Strengthen formal surveillance

....

- 5. You may wish to invest in CCTV cameras. These can be linked to loud speakers so that direct communication with the offender can take place to alert them to your knowledge of their presence. Ensure that the resolution is sufficient to enable identification of offenders from recorded images at a standard acceptable as evidence at court. ...”

Local Policy and Guidance

The London Plan March 2016

6.7 This does not give any detailed guidance on this subject.

LB Camden’s Local Plan, July 2017

6.8 The following extracts are relevant:-

“Policy D1 – Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with “Policy D2 Heritage”;
-
- e. comprises details and materials that are of high quality and complement the local character;
-
- i. is secure and designed to minimise crime and antisocial behaviour;
-

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D2 Heritage

In order to maintain the character of Camden’s conservation areas, we will:

- a. take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b. require that development within conservation areas preserves or enhances the character or appearance of the area;

Listed Buildings

“To preserve and enhance the borough’s listed buildings, we will:

....

- g. resist proposals for a change of use or alterations and extensions to a listed building where it considers this would cause harm to the special architectural and historic interest of the building; and “

LB Camden Supplementary Planning Guidance CPG1 – Design

6.9 This states:-

“Addressing Community Safety Concerns

9.10 To enhance community safety, we would like to see developments consider:

.....

- lighting and the use of CCTV where appropriate,

and

“9.16 Rather than gating we wish to see developments enhance community safety by maximising accessibility through encouraging the usage of routes to, from and through development. Good design, lighting, the use of CCTV where appropriate and public accessibility can reduce the opportunity for crime and anti-social behaviour.”

6.10 LB Camden does not have any detailed supplementary planning guidance on CCTV cameras on private buildings.

LB Camden’s Conservation Area Statement 5 – Primrose Hill, January 2001

6.11 This does not give any guidance on CCTV cameras on buildings.

6.12 Whilst national and local policies seek to protect listed buildings from harmful alterations, they give no design guidance in respect of CCTV cameras on listed buildings. The general advice is that proposals should be carefully designed and services (e.g. electric cabling) should be carefully routed to minimise their impact.

7. Assessment of Impact and Justification.

- 7.1 The terrace and the surrounding area has been the subject of significant amounts of crime and anti-social behaviour. The Metropolitan Police's Camden Town Safer Neighbourhood Team supports the proposals and states that "We are fully aware of on-going anti-social behaviour within their immediate area and the installation of CCTV would in our view assist in the prevention of crime and anti-social behaviour. The installation of CCTV would also allow the residents to feel more secure and safe in their own homes with the added prevention of crime." (Letter dated 15.6.2017)
- 7.2 Most of the houses already have burglar alarms (17 out of 22), all but one at basement level. Many (12) have external iron railings over their front basement windows. Two have internal lattice grilles in their front basement windows and one has a wrought iron gate protecting its basement door. However, this has not proved to be sufficient and does not protect resident's parked cars, or prevent anti-social behaviour in the front garden area.
- 7.3 Moreover, these other security measures are unattractive and add visual clutter to the building and detract from their character and appearance. If all the houses were to have these additional security measures instead of CCTV cameras, their cumulative impact would be substantial and greater than the effect of CCTV cameras.
- 7.4 The proposal satisfies paragraph 6.16 of BSI Standards Publication BS 7913:2013 in that it is designed to minimise the impact on the significance of the historic buildings, does not result in the loss of features and is reversible. It also satisfies paragraph 52 of Historic England Advice Note 2 - Making Changes to Historic Assets as it avoids damage to decorative features by careful routing of the ducting, and paragraph 138 of Historic England's Conservation Principles - Policies and Guidance for the Sustainable Management of the Historic Environment.
- 7.5 Sections.16, 66 & 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013 requires Local Planning Authorities to taking account of the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.6 Whilst the cameras would be visible from the private road of Regent's Park Terrace, but as the terrace is set back behind trees, they would not be significantly noticeable from Gloucester Crescent or Oval Road. It is considered that they would not have a significant impact on the wider Primrose Hill Conservation Area.
- 7.7 The proposed cameras would have a small negative impact on the relatively unaltered and uncluttered front façade, albeit not substantial. Their visibility would be minimised by painting them to match the masonry. The cable duct would be concealed and not visible from the street.
- 7.8 They would not result in any loss of original fabric or features or any alteration to these other than some small holes drilled into the balcony. Moreover, the development would be reversible in the event that

technological developments or changing social conditions render them obsolete.

- 7.9 Using the heritage impact assessment methodology set out in Section 5.6.5 of BS 7913:2013 – Guide to the Conservation of Historic Buildings, which is derived from the ICOMOS document - Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, the proposals would have a “Minor” impact on the heritage asset whose value is “High”, resulting in a “Slight/Moderate Adverse Impact”.
- 7.10 However, it is considered that the proposal would cause “less than substantial harm to the significance of a designated heritage asset” (National Planning Policy Framework Section 134) and that this is outweighed by the public benefits of crime prevention. Being a nationally important heritage asset, the protection of this Listed terrace from damage resulting from crime and anti-social behaviour can be considered to be a public benefit that extends beyond the protection of the residents of the terrace.
- 7.11 In the absence of detailed design guidelines for CCTV security cameras the local planning authority no doubt determines each application on its individual merits. LB Camden has granted planning permission and Listed Building Consent for many CCTV security cameras, examples of which are set out in Appendix 2 of the Planning Statement submitted with the applications. Photographs of examples of security cameras on Listed Buildings and non-listed buildings in Conservation Areas in the surrounding area are shown in Appendix 1 of the Planning Statement.
- 7.12 The proposal for Nos. 1-17 Regent’s Park Terrace are no worse than those referred to above and indeed are more discrete than many of them. Overall it represents a little over one camera per three houses (including all 22 buildings in the group that they would serve).
- 7.13 The proposal accords with LB Camden’s Local Plan, July 2017 Policy D1 section i, as it is designed to minimise crime and antisocial behaviour, as well as paragraphs 9.10 and 9.16 of LB Camden’s Supplementary Planning Guidance CPG1 – Design. It also accords with paragraph 5 of Historic England’s guidance Heritage Crime Prevention Measures: A Guide for Owners, Tenants and Managers of Heritage Assets.
- 7.14 It is maintained that taking into account the security benefits and the policies referred to in paragraph 7.16 above, on balance the effect on the character of the buildings and on the Conservation Area is not so significant as to justify refusal under policies D1 and D2 of the Local Plan.

8. Conclusion

- 8.1 The proposal would not be significantly visible from the wider Conservation Area and would only have a small impact on the character of the buildings in close views. Its effect on the character of the buildings and the area are outweighed by the benefits of assisting in crime prevention, which also helps protect the buildings from physical damage. The Inspector is respectfully requested to allow the appeals.

- 8.2 If the Inspector is minded to allow the appeals and grant permission, the Inspector is invited to attach a condition requiring that the cabling be chased into the masonry where it runs against the render and the colour of the cameras shall match the masonry colour.

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Studio Astragal Ltd

2.3.2018.