



Appeal Decision

Site visit made on 12 November 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/Q1445/Y/19/3230455

13 -14 Chichester Terrace, Brighton, East Sussex, BN2 1FG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Peter Buck-Bouchard against the decision of Brighton & Hove City Council.
 - The application Ref: BH2018/03309 dated 26 October 2018, was refused by notice dated 14 January 2019.
 - The works proposed are retrospective consent for the installation of 5 No CCTV cameras at basement level and on entrance porches.
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Decision

1. The appeal is allowed, and listed building consent is granted to retain the 5 No CCTV cameras at basement level and on entrance porches at Nos 13 -14 Chichester Terrace, Brighton, East Sussex, BN12 1FG in accordance with the terms of the application Ref: BH2018/03309 and the plans and photographs submitted with it.

Preliminary Matters

2. The application form gives the address as No 13 Chichester Terrace. However, the proposed works also affect No 14 Chichester Terrace and I have altered the address in the banner heading above accordingly.
3. Section 8(3) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) provides for retrospective listed building consent but the Act indicates that this is only effective from the date of consent. As such I have replaced the term 'retrospective' in the application with 'retain' in the formal decision.

Main Issues

4. The main issues in this appeal are the effect of the works on the special architectural and historic interest of the Grade I listed buildings, and on the character and appearance of the Kemp Town Conservation Area.

Reasons

5. The appeal relates to two handsome Grade I listed terraced houses, now converted into flats. Nos 13 - 14 are at the eastern end of Chichester Terrace, and form a group with Nos 1-12, which are also Grade I listed. From the details available to me, which include the listing description, I consider the significance

- of the buildings is largely derived from their age, architectural features, and their importance as component elements of this largely homogenous terrace which was built in 1822-1855. The stucco fronted houses are distinguished by prostyle porches with fluted Doric columns, with most (including Nos 13 -14) now having glazed 20th century verandas above the porches.
6. The appeal buildings are located within the Kemp Town Conservation Area (KTCA), the significance of which derives from the impressive Regency period planned development of linked square, crescents, and seafront terraces, and of which Chichester Terrace forms an important component.
 7. At the statutory level the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
 8. Paragraph 193 of the revised *National Planning Policy Framework* (the Framework) says when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. As heritage assets are irreplaceable, any harm should require clear and convincing justification. Paragraph 196 says 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.
 9. The development plan includes the *Brighton and Hove City Plan Part One*, adopted 2016 (CP) and the saved policies of the *Brighton and Hove Local Plan*, adopted 2005 (LP). The policies to which I have been referred (CP Policy CP15, LP Policies HE1 & HE6) broadly reflect the statutory duties set out above.
 10. The Council has also drawn my attention to *Supplementary Planning Document 09 -Architectural Features* (SPD), adopted for development control purposes in 2011. It includes a section on miscellaneous minor additions including security cameras and says these will not be permitted on visible street elevations. However, the justification for the policy expands on this by clarifying that such a street elevation may be considered acceptable where an unobtrusive location can be found, such as immediately above a balcony deck, beneath a canopy hood, within an entrance portico at high level, or within a basement below entrance steps. They should be of minimum size and of a similar colour to the wall surface.
 11. As the security cameras are located on front elevations, the Council says they are clearly contrary to the SPD and would be incongruous modern utilitarian features on the principal elevations of two Grade I listed buildings. Whilst it accepts that the camera within the front light well are not immediately visible from the street, it considers its size and siting are unsympathetic and therefore unacceptable. Notwithstanding this, the Council says the principle of security cameras is supported, but they should be sensitively located and be of a discrete design to minimise their obtrusive nature on the character and appearance of the buildings.
 12. However, further to observations made at my site visit, I consider the cameras are very modest in size; and in terms of those within the roof areas of the

porches. are barely noticeable in views from the street. the cameras attached to the balcony railings, whilst more prominently sited, are again only easily discernible from very close viewpoints due to their small size and by being of a colour which matches the background material. The basement security camera is discretely positioned next to the overhang of the porch steps and again is unobtrusive. Overall, I am satisfied that the locations selected are as sensitive as practicable, and thus satisfy the guidance in the SPD.

13. Furthermore, I noted many other examples of CCTV cameras mounted in similar positions in Chichester Terrace and elsewhere in the KTCA, with some of these being of bulkier design and more obtrusively sited than those being considered here. It is evident that security cameras now form an integral part of the character and appearance of the KTCA and play an important role in helping to preserve the fabric of the historic buildings by deterring vandalism and other criminality.
14. Taking into account all the above I consider that the retention of the CCTV cameras would have a neutral effect that would preserve the special architectural and historic interest of these Grade I listed buildings and the character and appearance of the KTCA, causing no harm to the significance of these heritage assets. Therefore, the question of public benefits to outweigh any harm does not arise. As such, I find no conflict with saved LP Policies HE1 & HE6 and CP Policy CP15, insofar as they are a material consideration, and National policy in the Framework.

Conditions

15. I have considered the imposition of conditions in the light of the advice in the *Planning Practice Guidance*. However, as the development has already taken place, no conditions are necessary.

Conclusion

16. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR