

Application ref: 2024/2872/P
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Date: 4 February 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Boyer Planning
120 Bermondsey Street
London
SE1 3TX

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

Mulberry House
12 A Church Row
London
Camden
NW3 6UU

Proposal:

Excavation of a basement and erection of side (east and west) ground floor extensions. Removal of roof and construction of new hipped roof with two dormer windows on each side. Removal of swimming pool and re-construction of garden room in north east corner and garage on southern side.

Drawing Nos: 23024: X1-100, X1-110, X1-111, X1-112, X2-010, X2-012, X3-010, X3-011, D1-110, D1-111, D1-114, P1-100, P1-101, P1-109, P1-110 B, P1-111 C, P1-112 C P1-114 B, P2-010 B, P2-011 B, P2-012 B, P2-013, P3-010 D, P3-011 D, P3-012, P3-013

Arboricultural Method Statement 08000 14 13 30 (Crown Tree Consultancy), BS 5837 Arboricultural Report / Impact Assessment 04/07/2024 (Crown Tree Consultancy), Tree Constraints Plan, Impact Assessment Plan, Tree Protection Plan, Tree Schedule (Crown Tree Consultancy)

Heritage Appraisal (The Heritage Practice - June 2024)

Planning Statement (Boyer)

Construction / Demolition Management Plan (Caneparo Associates - July 2024)

Energy & Sustainability Statement (Integration UK - 09/07/2024)

Proposed Landscape Design (Tom Massey Studio)
Combined Services Ground Floor Layout 797-INT-110724-SK02,
797.INT.050724.SK03
Basement Impact Assessment 23100-Sym-XX-XX-RPT-S-0001-Rev E (and Appendix
E) - We Are Symmetrys - 27/09/2024
Bulk and Mass Summary (KSR Architects & Interior Designers)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved documents and drawings:

23024: X1-100, X1-110, X1-111, X1-112, X2-010, X2-012, X3-010, X3-011, D1-110, D1-111, D1-114, P1-100, P1-101, P1-109, P1-110 B, P1-111 C, P1-112 C P1-114 B, P2-010 B, P2-011 B, P2-012 B, P2-013, P3-010 D, P3-011 D, P3-012, P3-013

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Planning Statement (Boyer)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) New brickwork and masonry, roof tiles, waterproofing measures and other cladding

b) Window detailing (with timber employed for new or replacement sliding sash windows and slimline metal profiles for new French windows)

c) Replacement rainwater goods (of traditional materials such as cast-iron)

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment by We Are Symmetrys - 23100-Sym-XX-XX-RPT-S-0001-Rev E) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled "BS5837:2012 Arboricultural Report" by Crown Tree Consultancy dated 4th July 2024 ref. 10999. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies D1, D2, A2 and A3 of the Camden Local Plan 2017.

- 7 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of development , full details in respect of the green roofs on the outbuildings indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include :

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The green roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of

- 10 The garage and garden room outbuildings hereby approved shall only be used for ancillary residential purposes incidental to the main house. They shall not be used as units of residential accommodation or for purposes which are not ancillary to the main house.

Reason: In the interests of the character of the area and the amenity of neighbouring occupiers in accordance with policies A1, D1 and D2 of the Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission:

The application site comprises a detached neo-Georgian two-storey dwellinghouse. Although the existing Mulberry House is a post-war late 1950s iteration of the neo-Georgian style, and not part of an original swathe of development in this part of Hampstead, it is a well-mannered example of a house of its age and type of which there are a number in the surrounding neighbourhood adhering to various architectural idioms.

The house is well positioned on its site in terms of its location and set-back from the road behind an historic brick wall amongst mature landscape some of which are remnants of the former grounds of Frognal Lodge. It also relates well to buildings on adjacent plots, including the neo-Georgian house opposite on the south side of Church Row to the west of the church. As such, it respects its sensitive historic context which is in close proximity to the grade I listed St John's Church which is positioned diagonally opposite the site, as well as being part of the Hampstead Conservation Area.

As a post-war example of neo-Georgian domestic architecture, its overall form and modelling are well-considered and its elevational treatment is well-proportioned; it is quietly but well detailed, complementing the Georgian architecture of the grade I listed church. Constructed from a soft red brick, it is fenestrated with finely detailed small-paned sash windows some of which take the form of projecting canted bays. The entrance bay and moulded canopy are embellished with finely detailed Corinthian columns. The hipped roof, which has a clay tile finish, does not dominate as it is set back from the main building line behind a parapet and has a stepped roof ridge with a comparatively low pitch.

As such, the existing house makes a positive contribution to the character and appearance of the conservation area and respects the setting of the grade I listed building and other nearby designated heritage assets.

Principle of development:

At the pre-application stage it was advised that there was insufficient justification for the substantial demolition of the existing house and redevelopment both in terms of the Council's sustainability/climate change

policies for the efficient use of resources and on conservation grounds, in terms of the loss of contributor to the character and appearance of the Conservation Area.

It was advised that demolition of the building would not be able to be supported, unless there was an over-riding need for it to be demolished and that the design of the development needed to safeguard the neo-Georgian aspects of the building.

Whilst the proposals still involve a notable degree of demolition of existing fabric, including the entire main hipped roof, sizeable portions of the north-east and north-west projections, and the majority of the ground-floor east garden elevation, it is considered that the extensions are sympathetic to the host building, its garden setting and the surrounding historic environment, due to their location, dimensions and proportions, bulk, form and detailed design. As such, they all read as subservient to the main envelope of the host building.

- 2 Furthermore, national planning policy advocates that in assessing development proposals involving less than substantial harm to heritage assets, consideration should be given to any public benefits arising out of schemes. Para 215 of the NPPF 2024 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, where appropriate, securing its optimum viable use' In this case, there are urban design/conservation benefits in the form of the removal of the external swimming pool (which will be converted to lawn) and the removal of a hard surfaced car parking space next to 1 Frogmal Gardens.

Furthermore, there are numerous sustainability measures which will contribute to the Council's targets to reduce carbon dioxide (CO₂) emissions and (to achieve zero carbon on-site emissions by 2050). The proposed sustainability measures include:

Water saving devices;

- o Mechanical ventilation with heat recovery;
- o An electric-powered heat pump system;
- o Solar panels;
- o Covered cycle storage;
- o Large planting areas; and
- o Extensive green roofs and walls

Replacement roof

The proposed roof extension has a slightly steeper pitch than the existing, with an in-part raised ridge which is essential for the incorporation of attic accommodation. However, the proposed roof form retains a sense of subservience to the main building envelope by having the appearance that it is set back from the main parapet. The tall chimney of the south-west side of the house, which is especially visible from Church Row, will be retained. The proposed dormer windows take account of the location and pattern of the first-floor windows below and are scaled to read as subservient with simple

detailing complementing the post-war neo-Georgian style of the property.

Ground level extensions

The eastern ground-floor extension facing the garden has a simple rectilinear character, both in terms of its footprint and overall form, which complements the overall form of the house which is primarily an L-shape topped by a parapet. The south and east elevations are punctuated by simple full-height openings with metal-framed French windows which echo the sash windows of the upper floors. At the northern end of the house, the replacement extension is slightly set back from the main east extension and is softened by a pitched roof which extends to north-west section of the replacement extension which acts as an ancillary wing to the house. A lightweight oriel-style window punctuates the east wall of the northern extension, which is a successful design device in this location away from the main bulk of the house and directly facing the proposed garden room of a similar contemporary architectural vocabulary. As the extension is at low-level and the house set back from the road behind a high brick wall, the visual impact of the extension on the public realm will be very limited.

- 3 The success of the extensions will depend on their detailing and materiality, which are matters which can be dealt with as reserved matters. Notwithstanding, it is essential that all facing materials, including new brickwork and masonry, roof tiles, waterproofing measures and other cladding, are a close match to the existing in terms of colour, texture and profiles. Window detailing will need to utilise slim profiles, with timber employed for new or replacement sliding sash windows and slimline metal profiles for new French windows. Replacement rainwater goods should use traditional materials such as cast-iron

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Outbuildings:

The garden room and garage in the north west and south west corners of the site, due to their height, would not affect the appearance of the site or streetscenes. At just over 2m in height these outbuildings would be marginally higher than the adjacent boundary walls / hedges and they would not harm the appearance of the site from the public realm.

Amenity:

The new dormers on the roof (and ground floor extensions) would not result in any undue overlooking of any neighbouring properties. They would be approximately 5m from the adjoining site on Frognal and approximately 35m from the dwelling at this site. They would be situated to the side of the adjoining site on Frognal Gardens (no. 1 Frognal Gardens) and they would not directly overlook the rear garden or any rooms at this site.

Due to the size and siting of the rooftop proposals there would be no loss of light or outlook from any neighbouring rooms or gardens.

New mechanical and electrical services and renewable energy technologies are proposed. Mechanical ventilation with heat recovery (MVHR) is proposed within the building, ground source heat pumps are proposed and solar panels on the roof. Situated within the building the MVHR would not need planning permission. The solar panels would not be visible from the public realm and they would not result in glare or loss of outlook or any noise at any neighbouring sites. The ground source heat pumps would similarly not affect the outlook or noise levels in the area.

Basement:

The proposed basement would accord with the planning criteria under policy A5 (Basements) in terms of not resulting in the loss of any existing or potential trees or planting, not affecting the amenity of any neighbouring properties and not affecting the character or appearance of any townscape or heritage assets.

At the pre-application stage, the applicant was advised that due to site being in a local flood zone, there should be no habitable accommodation or bathrooms or kitchens in the basement. The proposed basement includes two stores, a games room and plant room.

A Basement Impact Assessment (BIA) has been undertaken in accordance with policy A5 and the Council's Planning Guidance on Basements. The BIA has been duly audited by the Council's independent Basement Impact Assessors. It is accepted that the proposed basement will not have a significant impact on the land stability of the area. With the inclusion of appropriate mitigation measures it is accepted that the basement will not impact the hydrology of the area.

- 4 Based on the revised BIA and supporting documents it can be confirmed that the BIA complies with the requirements of CPG: Basements and the Principles for Audit set out in the Basement Impact Assessment (BIA) Audit Service Terms of Reference & Audit Process

Planning conditions are attached to ensure that the development is undertaken in accordance with the audited Basement Impact Assessment and that a qualified engineer is appointed to oversee the basement works.

Sustainability:

The Energy and Sustainability Statement which has been submitted shows total cumulative on-site carbon savings of 58%, with 57% from green renewable energy measures. There are no carbon saving targets for minor residential development in the Council's Energy Efficiency & Adaptation CPG

so the proposed carbon savings exceed Camden requirements.

Biodiversity and Landscape:

The scheme involves the removal of Category C (low quality) small/young trees; the more significant trees on site are to be protected and retained. None of the trees proposed for removal are considered to significantly contribute to the character and appearance of the conservation area. The loss of canopy cover and amenity can be mitigated against through replacement planting. The proposed landscaping plan shows a range of replacement trees, many of which are native species. A condition requiring the provision of the replacement landscaping is duly attached.

The tree protection details are considered sufficient to demonstrate that the trees to be retained will be adequately protected in accordance with BS5837:2012.

A green roof is shown on both outbuildings (to be secured by way of a condition) in the interests of the visual amenity of neighbouring occupiers and biodiversity. A condition will also be attached to ensure that both outbuildings are used for ancillary purposes incidental to the main dwelling only, and not as separate dwellings or for non-residential purposes.

No letters of objection have been received as a result of statutory consultation on the application.

The planning history of the site and the neighbouring sites have been taken into account in the assessment of the application.

As such, the proposed development is in general accordance with policies A1, CC1, CC2, D1, D2, T1, T2 and T3 of the Camden Local Plan 2017. It also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 6 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

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++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not “major development” and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a “Biodiversity Gain Site”.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

7 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

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++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

- 8 You are advised that the Council's Transport Strategy Team will generally resist the formation of new pavement crossovers if their formation would necessitate an alteration that would be detrimental to an existing Controlled Parking Zone, which would appear to be the case in the circumstances of this site, as the proposed position of the new pavement crossover is in an existing resident's parking bay. It is recommended that you contact the Council's Transport Strategy Team, Camden Town Hall, Argyle Street, London WC1H 8EQ, (tel: 020-7974 5543) or email transportpolicyobs@camden.gov.uk for further details.
- 9 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.


In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is positioned above a faint, light-grey rectangular stamp. The stamp contains some illegible text and a circular emblem.

Daniel Pope
Chief Planning Officer