

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved Knightsbridge And Belgravia	
Subject of Report	25 Chesham Mews, London, SW1X 8HS		
Proposal	Replacement of mansard roof and excavation to create a single storey basement beneath the existing building footprint and alterations to front elevation.		
Agent	Concept Eight Architects Ltd		
On behalf of	Mr Romanos Brihi		
Registered Number	15/02502/FULL	TP / PP No	TP/7674
Date of Application	20.03.2015	Date amended/ completed	02.04.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





25 CHESHAM MEWS, SW1

2. SUMMARY

25 Chesham Mews is a two storey mid terrace mews property with mansard roof. It is in use as a single family dwellinghouse and is located within the Belgravia Conservation Area.

Planning permission is sought for a replacement mansard roof extension, excavation to create a single storey basement beneath the existing building footprint and alterations to the front elevation.

The key issues for consideration are:

- The impact on the character and appearance of the building and the Belgravia Conservation Area.
- The impact on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is recommended for approval.

3. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Raise concern that internal works within the garage may result in the loss of an off-street parking space.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 14; Total No. of Replies: 1.

One objection from a neighbour on the following grounds:

- Chesham Mews is a small cul-de-sac and residents have been adversely affected by a cumulative impact of developments.
- Noise and disturbance caused during construction works.
- Construction will cause traffic management problems.
- Basement will provide sub-standard accommodation.
- Adverse impact on the water table.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

25 Chesham Mews is a mid terrace single family dwellinghouse comprising of two storeys with mansard roof. The property is not listed but is located within the Belgravia Conservation Area.

4.2 Relevant History

27 February 1992: Planning permission granted for a mansard roof extension (91/05234/FULL).

5. THE PROPOSAL

Planning permission is sought for a replacement mansard roof extension, excavation to create a single storey basement beneath the existing building footprint and alterations to the front elevation.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The new basement and extension would create ancillary residential accommodation. The proposal to extend this single family dwelling is considered acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

6.2 Townscape and Design

25 Chesham Mews is located within the Belgravia Conservation Area. It is not a listed building. This application proposes to excavate a basement and to remove and then rebuild the existing mansard.

The basement has no external manifestation and given that the building is not listed, it is not considered harmful.

The mansard would match that of the neighbouring building and is only slightly taller than existing. Again, this is not considered to harm the appearance of the building or the character and appearance of the conservation area.

The proposals are therefore considered acceptable in design terms in accordance with design Policies S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the UDP.

6.3 Amenity (Daylight/Sunlight/Noise/Sense of Enclosure)

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Given its subterranean location and limited external manifestations, the proposed basement would not materially impact on the amenity of neighbouring residents.

The replacement mansard is only slightly taller than existing and is not considered to harm the amenity of neighbouring residents in terms of loss of light, sense of enclosure, or overlooking.

A condition is recommended to prevent the use of the extension's roof for sitting out or for any other purpose except for emergency or maintenance purposes.

The proposal is considered to comply with Policies S29 and S32 in the City Plan and Policies ENV6 and ENV 13 in the UDP.

6.4 Transportation/Parking

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in highways terms.

The Highways Planning Manager raised concerns that should works within the garage reduce its depth to below 4.9m then it may no longer be able to facilitate off-street parking. Consequently, the garage floor plan has been amended to show it would provide a depth of 5.485m. A condition is recommended to restrict the use of the garage for off-street parking.

The impact associated with the excavation and construction is considered in Section 6.11 of this report.

6.5 Economic Considerations

The economic benefits generated by the development are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Whilst it is inevitable that the development of the site would result in some disturbance to neighbouring occupiers, it is not considered that it would be reasonable to impose more stringent hours of work controls than would normally be imposed in relation to this type of development.

It is acknowledged that the new accommodation at basement level may not meet recommended guidelines with regards to natural light and ventilation. The plans show that the new accommodation will provide a gym, TV room, toilet, and plant/linen area, and will not be used for primary habitable purposes, such as a bedroom. The proposals are acceptable on the basis that the new basement is used as ancillary accommodation in connection with a large single family dwellinghouse.

The application drawings do not include any details of new external mechanical plant. An Informative is recommended to advise the applicant that permission would be required for external plant.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's NPPF came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The City Plan was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the

NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

6.10 Environmental Assessment

The proposals are of an insufficient scale to require an environmental assessment.

6.11 Other issues

6.11.1 Basement Excavation

Although it is accepted that there is no specific provision within the Town and Country Planning (General Permitted Development) (England) Order (2015) for the excavation of basements, it is reasonable to assume that such works fall within an 'enlargement' of a dwellinghouse and should be subject to the same limitations as a conventional extension, as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015).

The enlarged single storey basement accommodation is beneath the entire footprint of the original property and as such may be considered permitted development. However, because a planning application has been submitted the Council's normal basement considerations apply.

The impact of the basement excavation is at the heart of concerns expressed by objectors. They are concerned that the excavation of new basements is a risky construction process with potential harm to the property and adjoining buildings.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

- Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach and consideration of the local hydrology appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24 October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. Consultation on a revised formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). It is expected that weight will be attached to the draft policy for all applications submitted after 1 November 2015.

6.11.2 Construction Management

A neighbouring resident has raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. It is possible to mitigate the effects of construction through a Construction Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. It is recommended that a full CMP is secured by condition.

Whilst it is recognised that there will inevitably be an element of disturbance to residents, particularly during the construction of the new basement, conditions are recommended to

restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. It is considered that works can be adequately controlled by use of the City Council's standard hours of work condition, which includes additional controls to prevent excavation works at weekends and on bank holidays. It is not considered reasonable, however, to restrict all construction works to Monday to Friday only.

An Informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme as well as keeping residents informed concerning the works.

7. CONCLUSION

The application is considered acceptable in design and amenity terms, in accordance with Policies S25, S28 and S29 of the City Plan and Policies ENV6, ENV13, DES1, DES5, DES6, DES9 and TRANS23 of our UDP, subject to the conditions set out in the draft decision letter.

BACKGROUND PAPERS

1. Application form.
2. Memo from Highways Planning Manager dated 28 April 2015.
3. Letter from owner/occupier of 27 Chesham Mews dated 01 May 2015.
4. Memo from Building Control dated 11 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 25 Chesham Mews, London, SW1X 8HS
- Proposal:** Replacement of mansard roof and excavation to create a single storey basement beneath the existing building footprint and alterations to front elevation.
- Plan Nos:** PL001, PL002, PL003, PL004, PL005, PL101A, PL102, PL103, PL104, PL204, PL302, PL303, Heritage Statement, (For Information Purposes: Construction Management Plan, Engineering Design & Construction Method Statement, Basement Impact Assessment).
- Case Officer:** David Dorward **Direct Tel. No.** 020 7641 2408

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows,
- ii) Garage door, including vent louvers,

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new mansard roof shall be natural Welsh slate to match the neighbouring properties.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 **Pre Commencement Condition.** Notwithstanding the information provided, you must submit an updated Construction Management Plan for our approval prior to any works commencing. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties, refuse and emergency vehicles during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - (vii) details of how access to Chesham Mews will be retained throughout the building works

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

Informative(s):

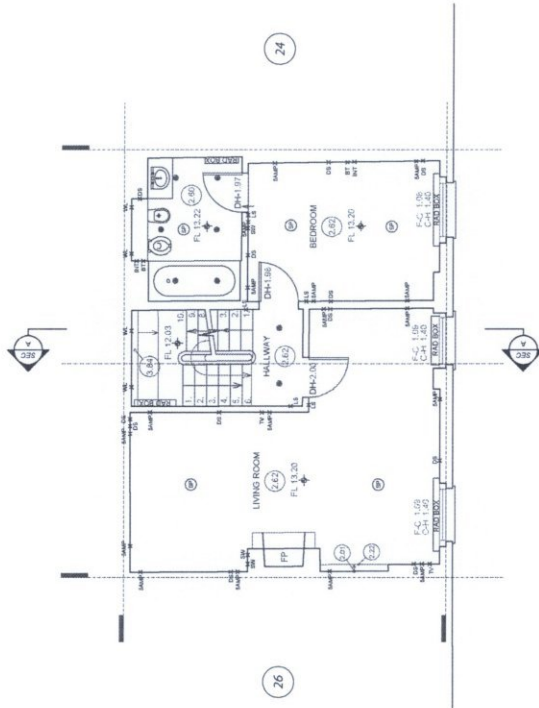
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 This permission is based on the drawings and reports submitted by you including the structural

methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

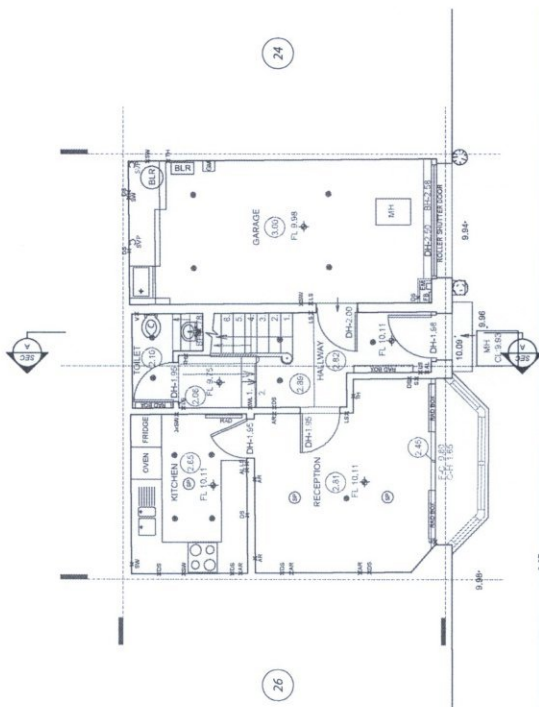
- 7 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 8 You are advised that Chesham Mews is a cobbled public highway. The applicant will be liable to pay for any damage caused to the highway as a result of the proposed basement excavation/construction works. I would suggest that you carry out a survey of the condition of the cobbles outside your property before any works start on site on the basement. If you require any further information you need to speak to Highways Licensing (020 7641 2642).
- 9 The proposed basement shows the provision of a plant room. This permission does not permit the installation of any new external mechanical plant. A separate planning application accompanied by an acoustic report would be required for any new external mechanical plant.



EXISTING - FIRST FLOOR GA PLAN



EXISTING - GROUND FLOOR GA PLAN

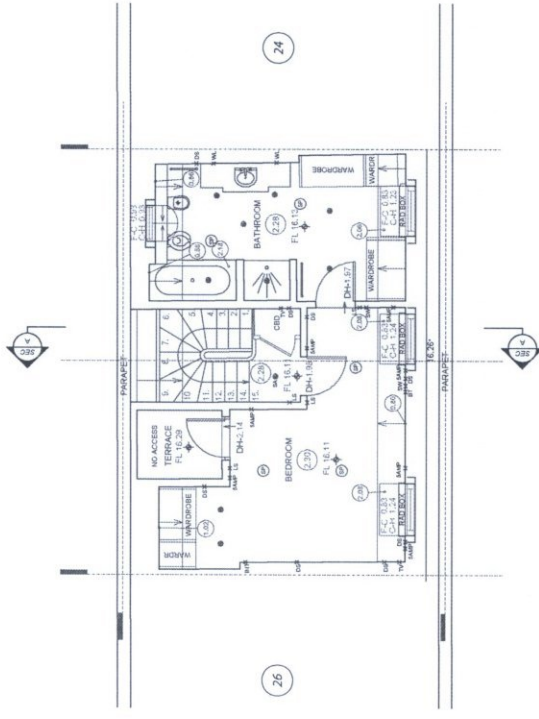
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-	Issued for Planning	MMW	10/03		

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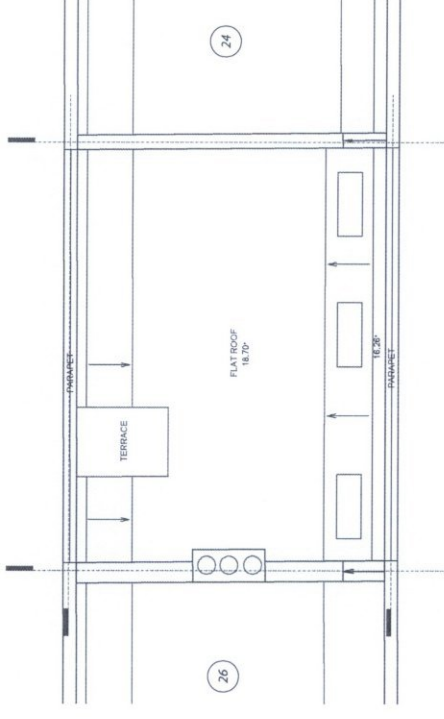
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 No.25 CHESHAM MEWS,
 SW1X 8HS

Drawing Title
 EXISTING GA PLANS
 GF, FF

PLANNING	
Scale	Drawn By
1:100 @ A3	MMW
Drawing Number	Revision
PL002	-



EXISTING - SECOND FLOOR GA PLAN



EXISTING - ROOF PLAN

Rev	Description	MW	CHD	Date
-	Issued for Planning	MW	CHD	18/03

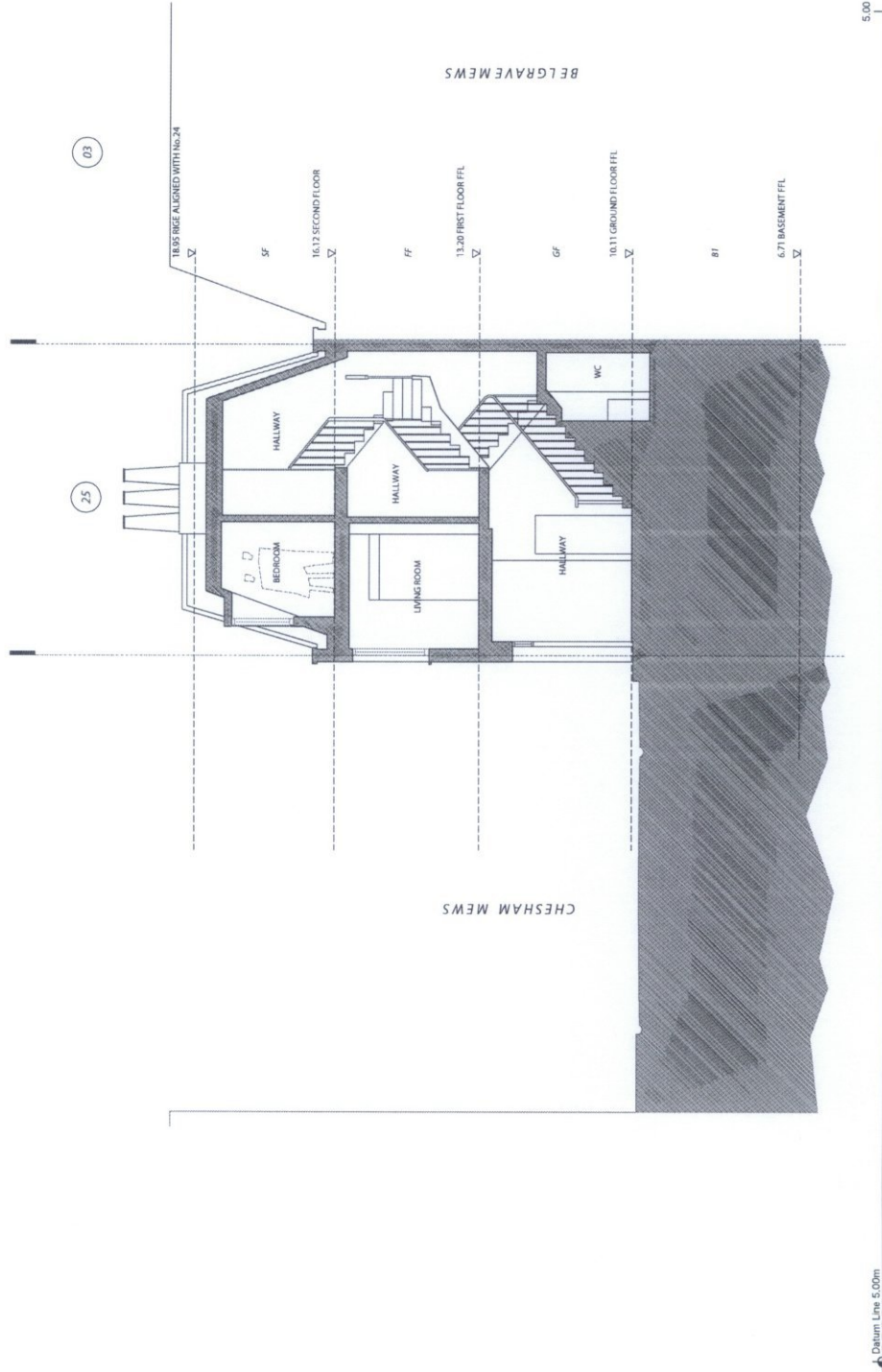
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CONCEPT 8
 ARCHITECTS

Project: No.25 CHESHAM MEWS,
 SW1X 8HS

Drawing Title: EXISTING GA PLANS
 SF, ROOF

Status	PLANNING
Scale	1:100 @ A3
Drawn By	MW
Date	10/10/14
Drawing Number	PL003
Revision	-



EXISTING - SECTION A

Rev	Description	MW	Chkd	Date
-	Issued for Planning	MW		16/03

Project
**No. 25 CHESHAM MEWS,
 SW1X 8HS**

Drawing Title
EXISTING SECTION A - A

PLANNING	
Scale	1:100 @ A3
Drawn By	MW
Date	16/03/15
Drawing Number	PL005
Revision	-

Status
 PLANNING

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LEGEND



DEMOLITION
(AREA TO BE REPLACED)

Rev	Description	MW	16/03	Chkd	Date
-	Issued for Planning	MW	16/03		

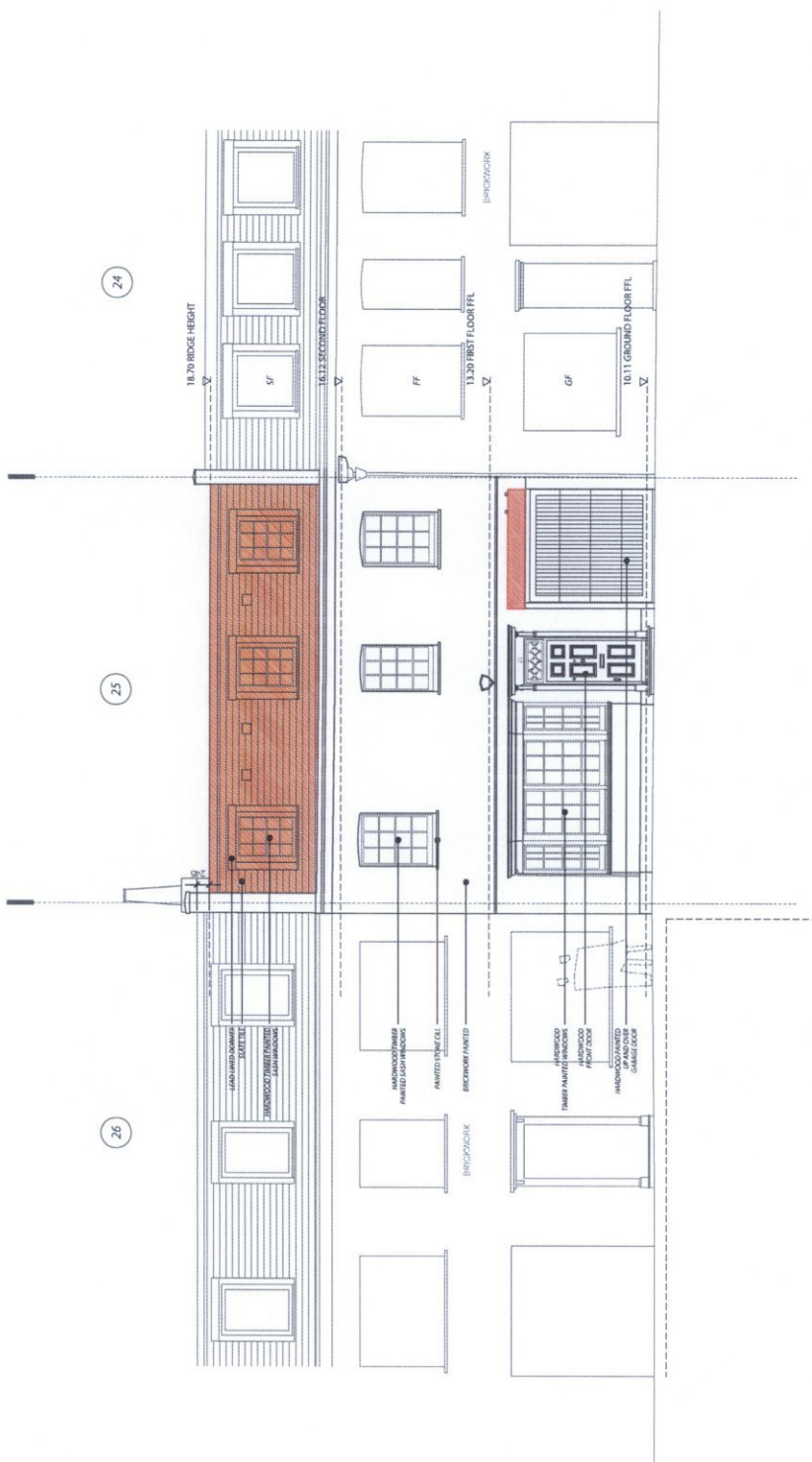
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Project:
**No.25 CHESHAM MEWS,
 SW1X 8HS**

Drawing Title
DEMOLITION, FRONT ELEVATION

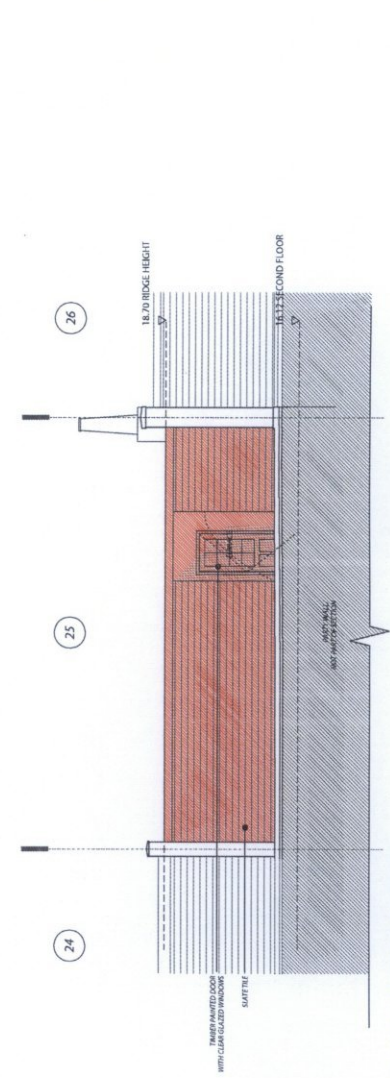
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Date	23/01/15
Drawing Number	PL204
Revision	

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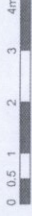


EXISTING - FRONT ELEVATION

Datum Line 5.00m



EXISTING - REAR MANSARD ELEVATION



Rev	Description	Chkd	Date
A	Garage Dimensions Added	MW	17/11
-	Issued for Planning	MW	16/03

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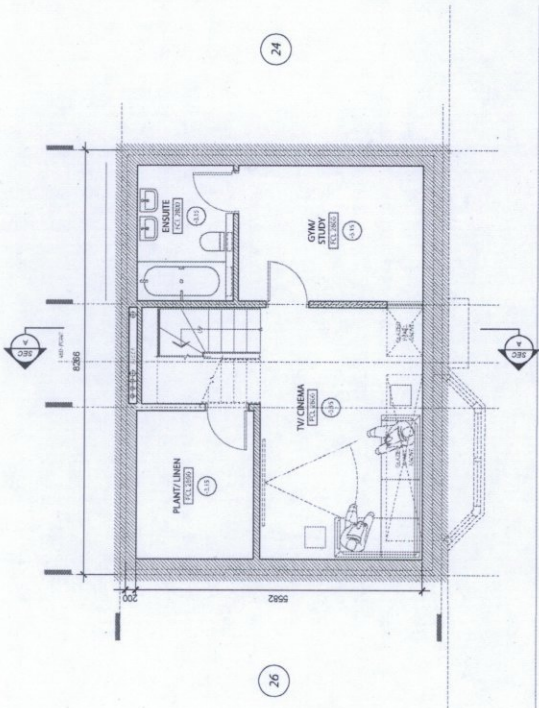
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 SW1X 8HS

Drawing Title
 PROPOSED GA PLANS
 B1, GF, FF

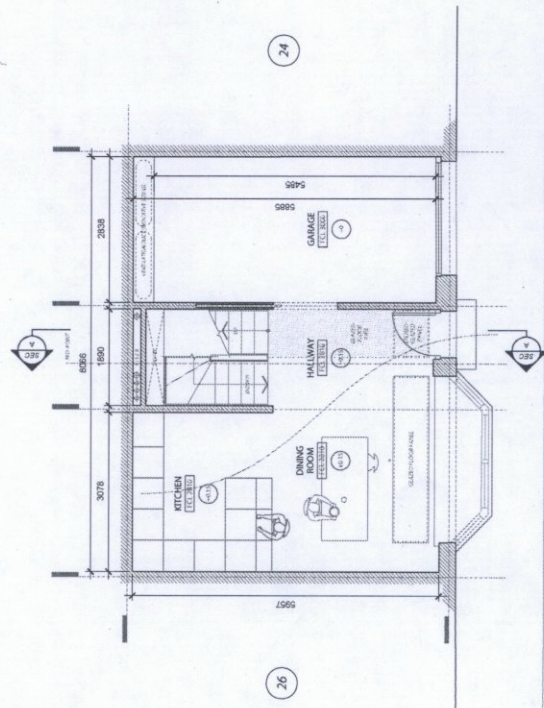
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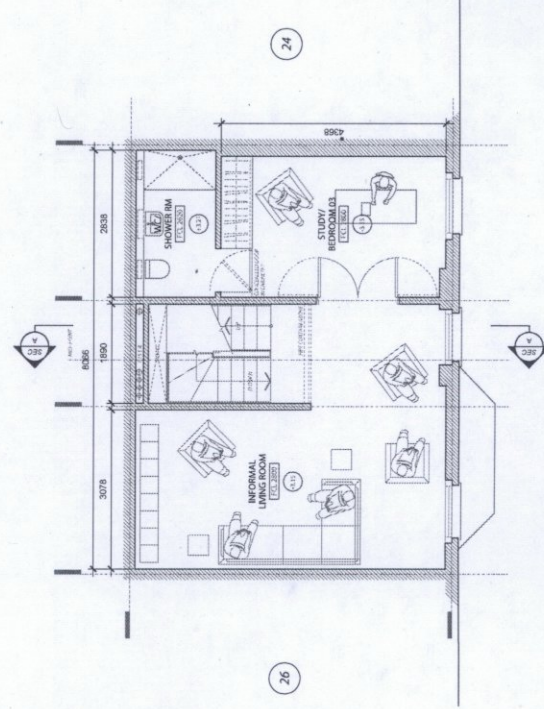
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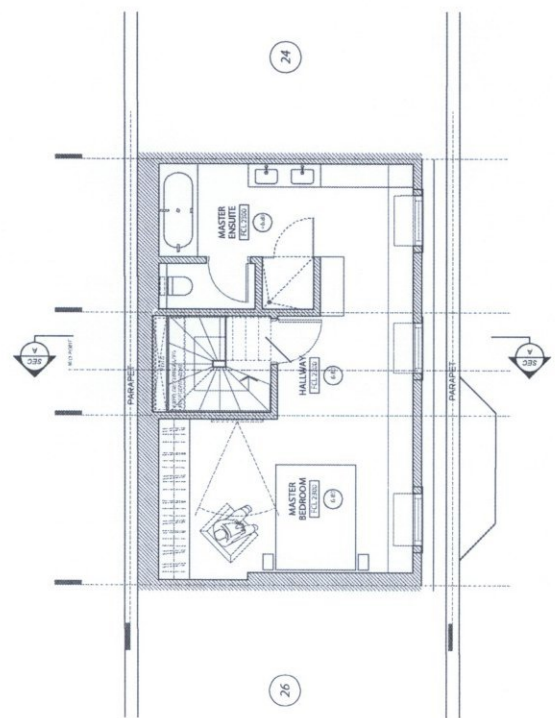
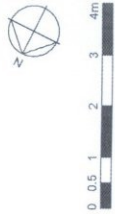
PROPOSED BASEMENT LEVEL



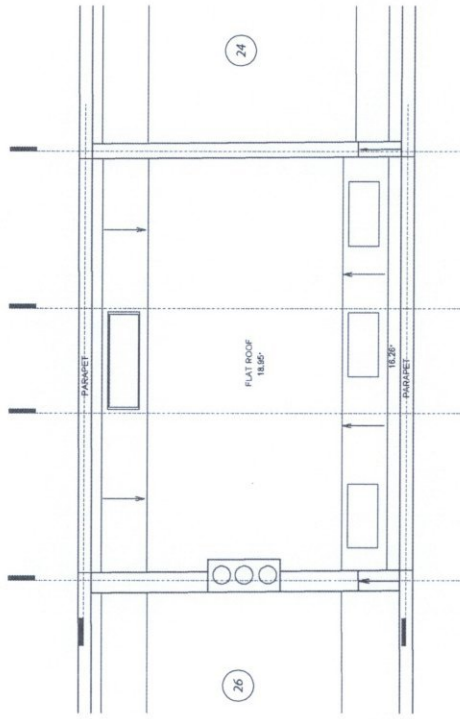
PROPOSED GROUND FLOOR GA PLAN



PROPOSED FIRST FLOOR GA PLAN



PROPOSED SECOND FLOOR GA PLAN



PROPOSED - ROOF PLAN

Rev	Description	MW	18/03	Chkd	Date
-	Issued for Planning	MW	18/03		

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Project
No.25 CHESHAM MEWS,
SW1X 8HS

Drawing Title
PROPOSED GA PLANS
SF. ROOF

Status		PLANNING	
Scale	1:100 @ A3	Drawn By	MW
Drawing Number	PL102	Date	16/01/15
		Revision	



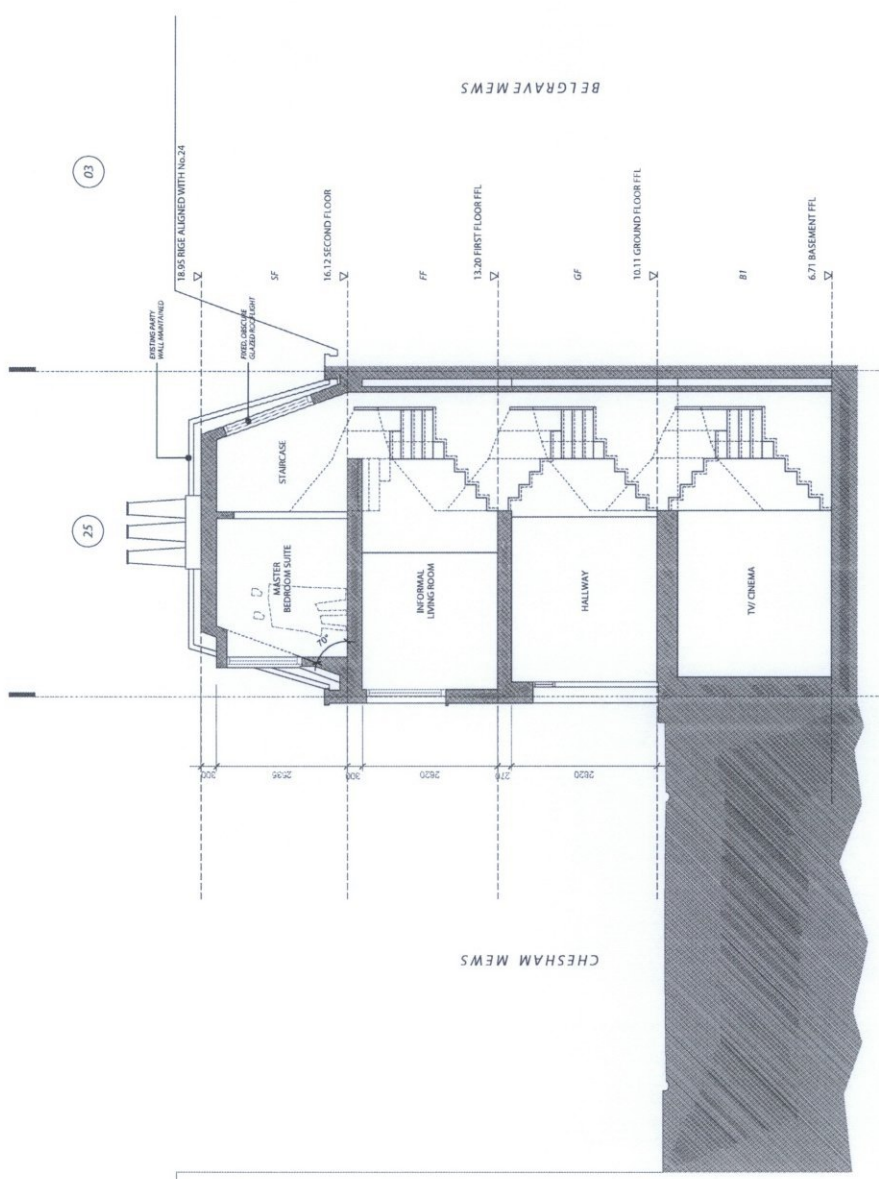
Rev	Description	Chd	Date
-	Issued for Planning	MW	16/03
-	Issued for Planning	MW	16/03

Project
**No.25 CHESHAM MEWS,
 SW1X 8HS**

Drawing Title
PROPOSED SECTION A - A

Status		INFORMATION	
Scale	1:100 @ A3	Drawn By	MW
Drawing Number	PL104	Date	16/03/15
Revision	-	Revision	-

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Datum Line 5.00m