RIGHT OF LIGHT CONSULTING
Chartered Surveyors

Right of Light Consulting
Burley House
15-17 High Street
Rayleigh
Essex
SS6 7EW
TEL 0800 197 4836
E-MAIL enquiries@right-of-light.co.uk
WEBSITE www.right-of-light.co.uk

Enya Fogarty
Development Management
Camden Town Hall Extension
Argyle Street
London WC1H 8EQ

17 July 2023

Dear Enya Fogarty,

Planning Application - 2023/2245/P
Proposed Development at 160-161 Drury Lane London Camden WC2B 5PN
Impact on Parker Street & Drury Lane Residents

We are appointed by the owners of properties on Parker Street and Drury Lane following concerns that the proposed development will have an oppressive and overbearing impact on the way they enjoy their properties.

The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight 2022, 3rd Edition provides guidance for the planning department to consider. The introduction to the BRE guide at 1.1 states that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight and sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."

We have reviewed the daylight and sunlight study dated May 2023 prepared by Point 2 Surveyors Limited on behalf of the applicant. The results of which indicate that the proposed development at 160-161 Drury Lane will impact upon the daylight and sunlight receivable by the Parker Street and Drury Lane residents. In order to verify the results of the applicants daylight and sunlight study, we have been instructed to undertake our own assessment and analysis for comparison.

It is important to note that our 3D model is based on both internal scans of our clients properties and external scans of the neighbouring obstructions recorded using an RTC 360 Lecia Scanner by myself on 18th April 2023 & 13th June 2023. We therefore consider our results as likely to be a more accurate reflection of the issue.

2019 CONSENTED SCHEME: [EXPIRED]

Regarding the Point 2's presentation of comparison results relating to the formerly consented scheme from 2019, now expired. At Appendix F2, the BRE guide states:

- "Sometimes there may be an extent planning permission for a site but the developer wants to change the design. In assessing the loss of light to existing windows nearby, a local authority may allow the vertical sky component (VSC) and annual probably sunlight hours (ASPH) for the permitted scheme to be used as alternative benchmarks. However, since the permitted scheme exists only on paper, it would be inappropriate for it to be treated in the same way as an existing building, and for the developer to set 0.80 times values for the permitted scheme as benchmarks."

However, it should be noted that the former consented scheme has now expired. It is our understanding that the council is not bound in any way by its former decision to permit some development on the site and can therefore reconsider any aspect of the proposed development on this site without concession to its past judgement. This situation presents the council with an opportunity to consider new evidence, here presented, in its judgement of the new application. It is also worth noting that new application has a greater material impact on the daylight & sunlight amenity of some of its neighbouring properties, than the expired consented scheme for the site, due to an increase in proposed massing on parts of the site.

RESULTS DISCUSSION

Great Queen Street

It is noted that there are 3 windows at 40 Queen Street which do not meet the BRE Guidance. Point 2 have confirmed the following VSC results:

- W2/70: 3.24% down to 1.99% = 38% relative light loss
- W1/71: 8% down to 6.23% = 22.13% relative light loss
- W2/71: 10.43 down to 8.16% = 21.69% relative light loss

At section 8.16 – Point 2 have stated that "any slight outlook alteration is likely to trigger a disproportionate percentage light change". Whilst it may be considered that a small level of light loss in absolute terms leads to a disproportionate loss ratio, this is in our view, partly as a consequence of the challenge of reviewing technical data. Taking W1/71 as an example, which experiences an absolute VSC loss of 2.26%, and experiences a 22.13% reduction in its formerly enjoyed light. The loss of 2.26% may seem low in absolute terms, however, it could also be expressed as 8.37% of the 27% VSC target. Whilst that is a lower figure than the ratio element, it is clear that it still represents a significant proportion of the target level of light.

As discussed further below, 15% of absolute VSC is now sometimes applied as an alternative benchmark of commonly enjoyed, and by implication, acceptable level of light for urban properties. Since Point 2 has sought to apply this as a mitigating factor elsewhere within their report, it would be fair in our view to apply the logical conclusions of this position throughout, should the local authority agree with its applicability to begin with. Firstly, that none of the above windows meet that alternative target and therefore if other windows can be described as acceptable, these results cannot.

Secondly, and further to the point made above, that when considering whether an absolute loss of 2.26% leads to a disproportionate level of ratio loss, that the loss can now be expressed as 15.06% of the 15% alternative VSC target. We are of the opinion that the ratios of light loss not necessarily disproportionate since the absolute level of light loss makes up a significant part of what is considered an acceptable level of absolute VSC. It is therefore important to consider the ratio of light loss even when the absolute level may appear to be low. Indeed, for our clients, the remaining light that they enjoy is realistically precious to the habitability of their properties and the importance of light, particularly where the levels are low to begin with, cannot be understated from a human health perspective.

At section 8.17, Point 2 confirm that none of the 5 rooms which were tested for NSL meet the application of the BRE Guidelines. Point 2 have confirmed the following NSL results:

- R1/70:16.8% down to 5.88% = 65% relative light loss
- R2/70: 13.79% down to 5.19% = 61.8% relative light loss
- R1/71: 46.87% down to 34.36% = 26.7% relative light loss
- R1/72: 72.95% down to 47.15% = 35.4% relative light loss
- R2/72: 76.63% down to 48.83% = 36% relative light loss

As discussed above for VSC, Point 2 have made the same ‘existing low values’ argument for rooms R1/70 & R2/70. Firstly, it is dubious as to whether the argument applies at all in these cases, 10.92% absolute NSL loss is likely to be noticeable to the occupants in our view. It should also be borne in mind that the test we are applying here is only assessing light levels above a certain threshold and therefore in real terms, it is possible for even small levels of light loss to be quite noticeable to those who live in proximity to new obstructions. However, taking R1/70 as an example, which experiences an absolute NSL loss of 10.92%, and experiences a 65% reduction in its formerly enjoyed light. The loss of 10.92% could also be expressed as 21.84% of the 50% NSL target. In our view, it is clear that this light loss represents a significant proportion of the target level of light. In our view, the NSL losses to all five rooms will have a significant impact on the residents in question.

At section 8.17, Point 2 also comment that the rooms on the 1st and 2nd floors are “blinkered by the configuration of the neighbouring buildings that challenge the availability of oblique light into the space behind the aperture” However, we note that no alternative analysis has been provided and we are of the view that the reduced availability of oblique light is essentially irrelevant when naturally windows depend more on the availability of direct light, which will be significantly reduced if the proposed development is approved.

Parker Street, Market House

Despite having access to both separate units at on 4th and 5th floor of Market House, 12 Parker Street, and confirming this within their report, Point 2's report makes two significant errors in its description of the properties.

Firstly, at section 8.23, it describes both rooms as serving Flat 6 when in fact they are two separate properties. For reference, 5th floor property is a self-contained studio with a 24sq meter terrace and the 4th floor property is a separate 3 bedroom flat with a 16sq meter terrace.

Secondly, at section 8.23, 8.25 & Appendix 2, it describes the key room of the 5th floor self-contained studio as a bedroom when it is clear that the room serves as the primary living space of the property and the implied argument that light to bedrooms is less important by virtue of the time of its likely use does not apply in this instance. Indeed, the living space of the room is set up so that it enjoys the benefit of direct access to the large terrace space, and it is this part of the room that is most affected, both in terms of light and of outlook.

At section 8.24 – Point 2 states that both windows W6/254 [Window 11] (4th floor) & W1/255 [Window 16] (5th floor) are within 10% of the 0.8 permitted ratio loss. However, there is a significant difference between our results for W1/255 [Window 16] (5th floor primary window leading in the terrace) and those of Point 2. Our results confirm that the window serving the Studio is both greater than 10% within the 0.8 permitted ratio loss and significantly less light following the development in absolute terms. Our results are as follows: a VSC of 23% before the development and 15.7% after the development [7.3% absolute loss & 32% relative reduction in formerly enjoyed light] whereas Point 2's report states that the window has a VSC of 32.28% before the development and 23.68% after the development 8.6% absolute loss & 26.64% relative reduction in formerly enjoyed light].

At section 8.24 – Point 2 states that the kitchen served by W6/254 [Window 11], on the 4th floor, is "adjoined by 5 fully compliant windows serving the same room". In our view, the kitchen and living room are notionally divided. The room as a small window on the rear elevation, but W6/254 [Window 11] are fully glazed doors which open directly onto the smaller terrace space. We therefore consider it reasonable to describe window W6/254 [Window 11] as the main window for the room and certainly central for access to its valuable amenity space.

As discussed above, our 3D model is based on both internal scans of our clients properties and external scans of the neighbouring obstructions recorded using an RTC 360 Lecia Scanner by myself on 18th April 2023 & 13th June 2023. We therefore consider our results as more likely to be a more accurate reflection of the issue. Accordingly, we disagree with Point 2's conclusion that W1/255 [Window 16] (5th floor) enjoys a post development VSC that could be described as "exceptional for an urban environment" [section 8.25].

In addition, as discussed above, a 15% of absolute VSC is now sometimes applied as an alternative benchmark. It is worth noting that that W6/254 [Window 11] (4th floor) does not meet that alternative target and that our results for W1/255 [Window 16] (5th floor) are significantly closer to 15% than Point 2's [15.7% vs 23.68%]. It is clear that the VSC enjoyed both windows at the properties will be significantly harmed by the proposed development.

Drury Lane

The results of our analysis have revealed an additional transgression of the BRE Guide not identified within Point 2's report. Namely, window 31 in Flat 4 on the fourth floor of 158 Drury Lane. The window enjoys a VSC value of 23.9% before the development, which is reduced by 5.1% down to 18.8% after the development which is equivalent to a 21% loss of the formerly enjoyed daylight to this window. This represents a material loss of light.

At section 8.14, Point 2 confirms that both of the main living rooms for the 1st floor flats fail the BRE Guidelines. Point 2 have confirmed the following NSL results:

- R1/11 [Served by windows 18 to 21]: 88.34% down to 65.5% = 25.8% relative light loss
- R2/11 [Served by windows 23 to 27]: 80.15% down to 63.38% = 20.8% relative light loss

In our view, the NSL losses to the main living room of both properties will have a significant impact on the residents in question.

OVERSHADOWING

At 3.3.17, the BRE guide states:

- "It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive at least two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable…"

Point 2 have confirmed the following Overshadowing results:

- Terrace of 4th Floor Flat, 12 Parker St: 67.8% down to 28.7%
- Terrace of 5th Floor Self-Contained Studio, 12 Parker St: 43.1% down to 36.8%

These results are both significantly below the BRE recommendation of 50%. It is clear that the sunlight enjoyed by the roof terraces will be significantly harmed by the proposed development.

Our clients have confirmed that the outdoor amenity areas are indeed used all year round. Considering the importance of outdoor amenity space for human health, along with its scarcity in London, but with the benefit of its microclimate, we consider its use all year round to be a reasonable assumption. At 3.3.15, the BRE guide states:

- "If a space is used all year round, the equinox (21 March) is the best date for which to prepare shadow plots as it gives an average for the level of shadowing…"

Whilst the BRE guide permits presenting of overshadowing plots and results for alternative dates, it also sets out the limitations for doing so. At 3.3.15, the BRE guide states:

- "As an optional addition, plots for summertime (for example, 21 June) may be helpful as they will show the reduced shadowing then, although it should be borne in mind that 21 June represents the best case of minimum shadow, and that the shadows for the rest of the year will be longer…"

The report presented by Point 2 does not refer to these limitations. It also goes on to state that the summertime results are fully compliant with the BRE Guide. However, the guide does not explicitly set alternative targets for the summertime results, and we therefore consider it misleading to describe the result as compliant.

CONCLUSION

On behalf of the owners of properties on Parker Street and Drury Lane, we request that no decision is made in favour of the application until the proposed design is amended so that it significantly reduces the clear adverse impact it will have upon the daylight & sunlight amenity of our clients.

Should you have any queries, or would like to discuss the above concerns, please do not hesitate to contact me.

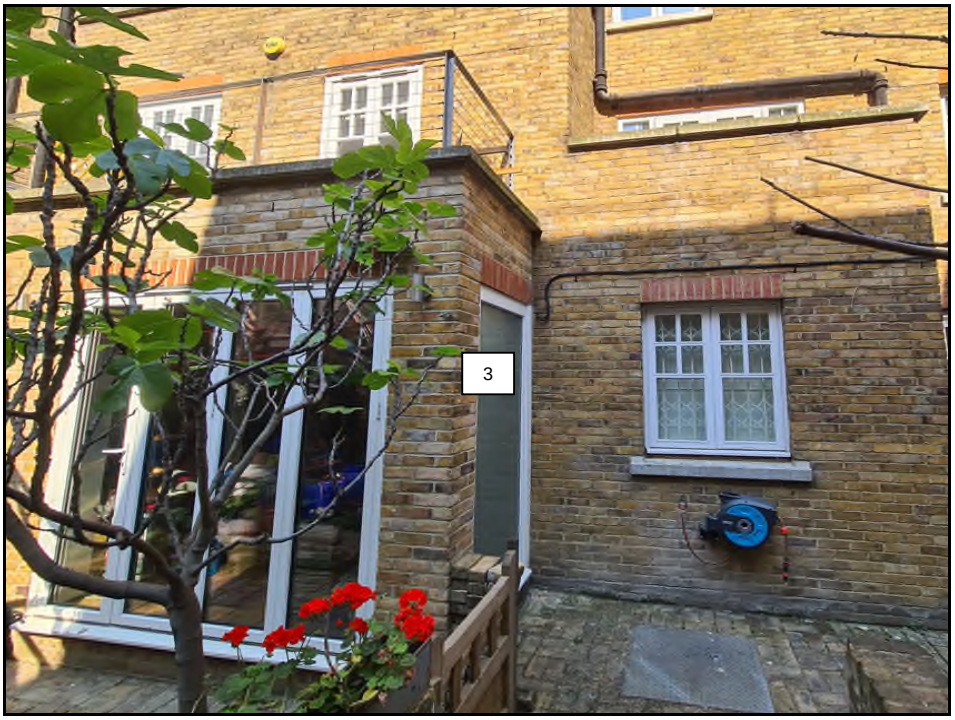
Yours sincerely,

Charles F McMahon LLB (Hons) MSc Psy
Rights of Light Surveyor
Direct Dial: 01268 261092
Email: charles.mcmahon@right-of-light.co.uk

Enc. Photo Window Key & 3D Model Images

Neighbouring Windows

2 to 6 Parker Street



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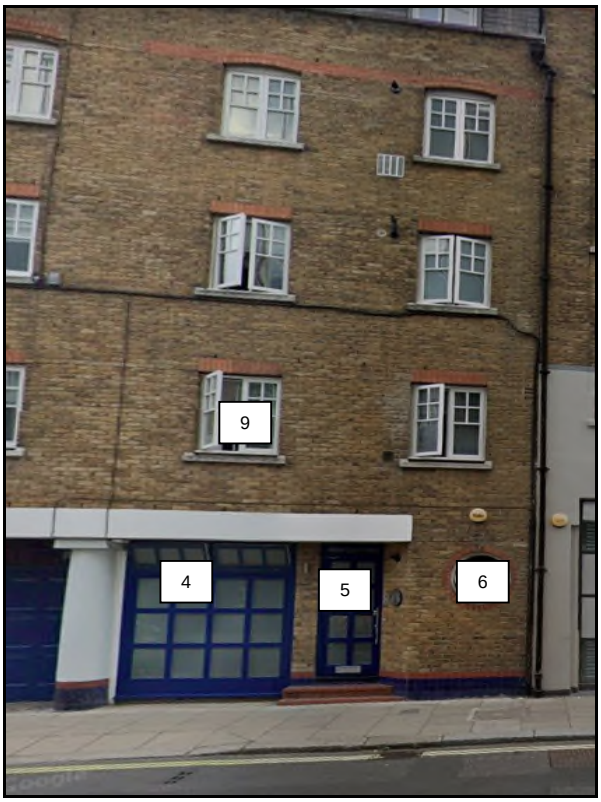

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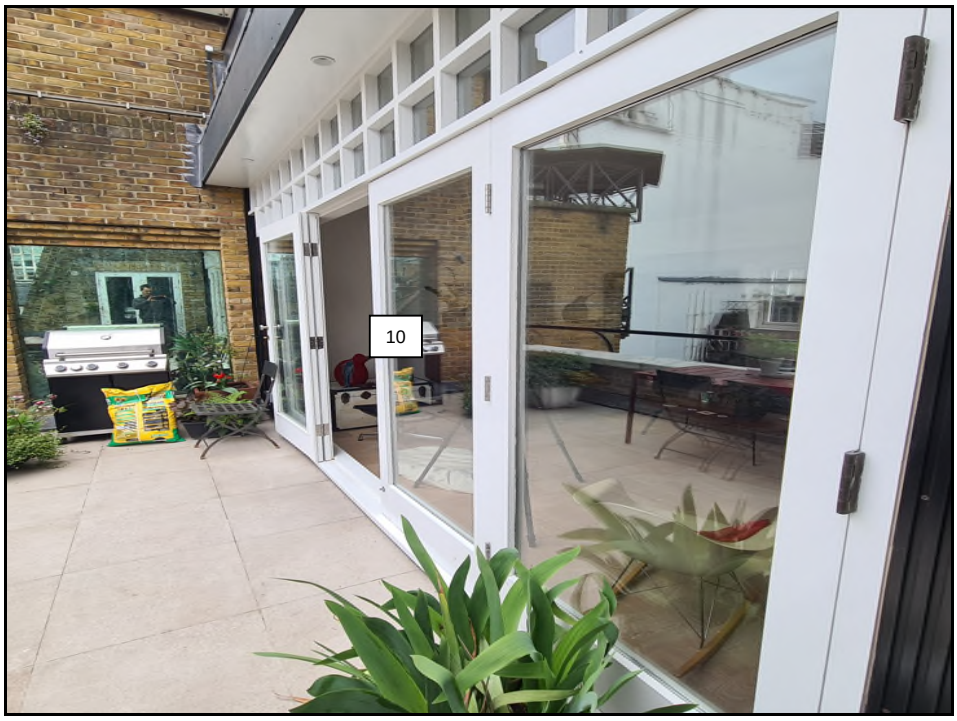

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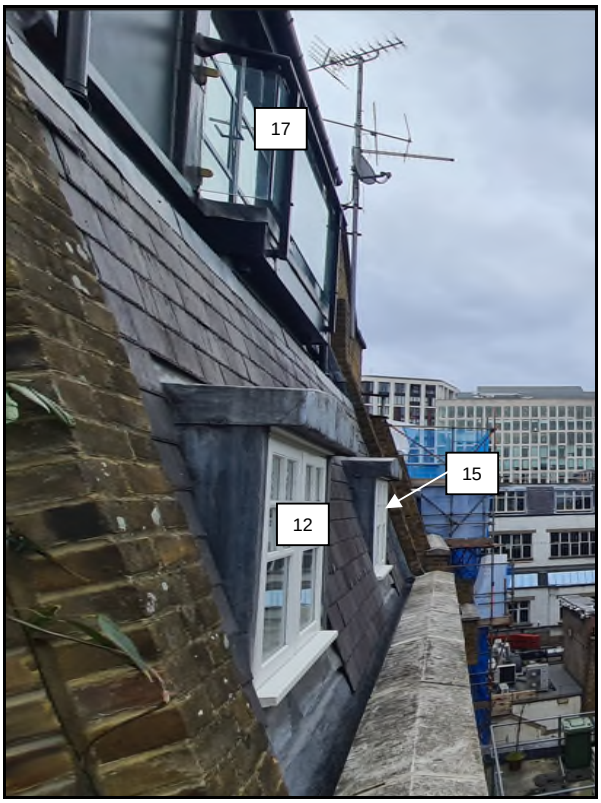

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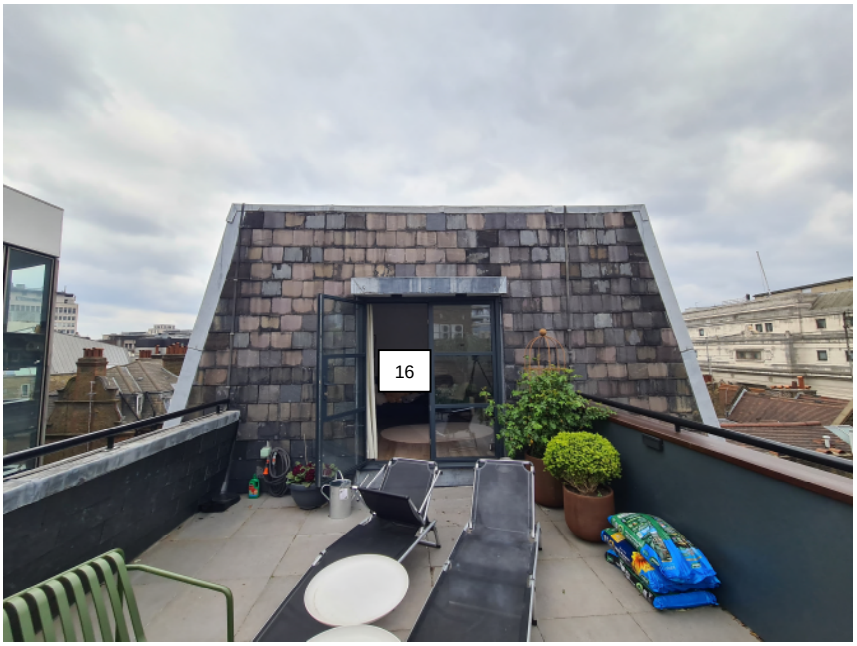

2 to 6 Parker Street

158 to 159 Drury Lane

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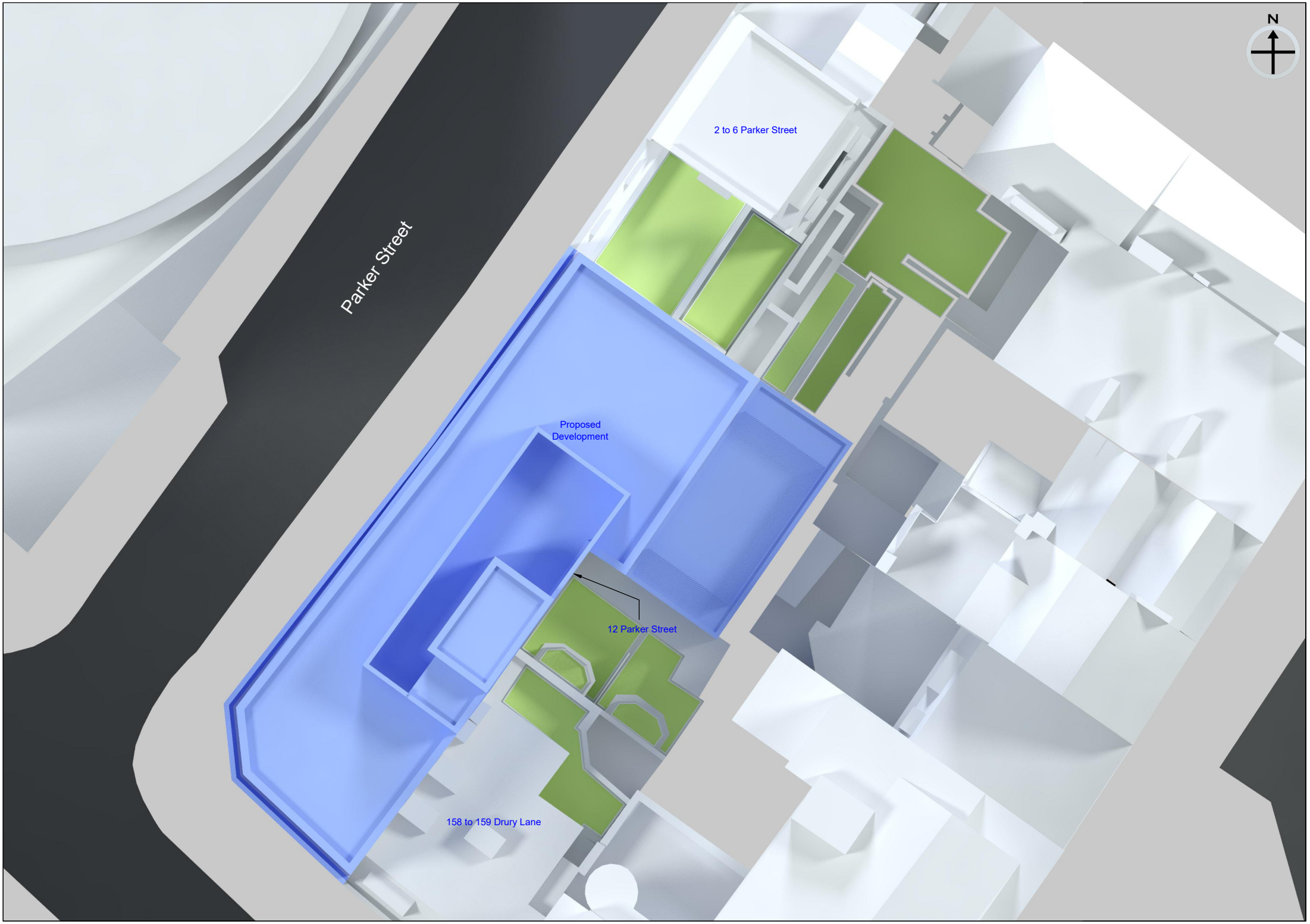
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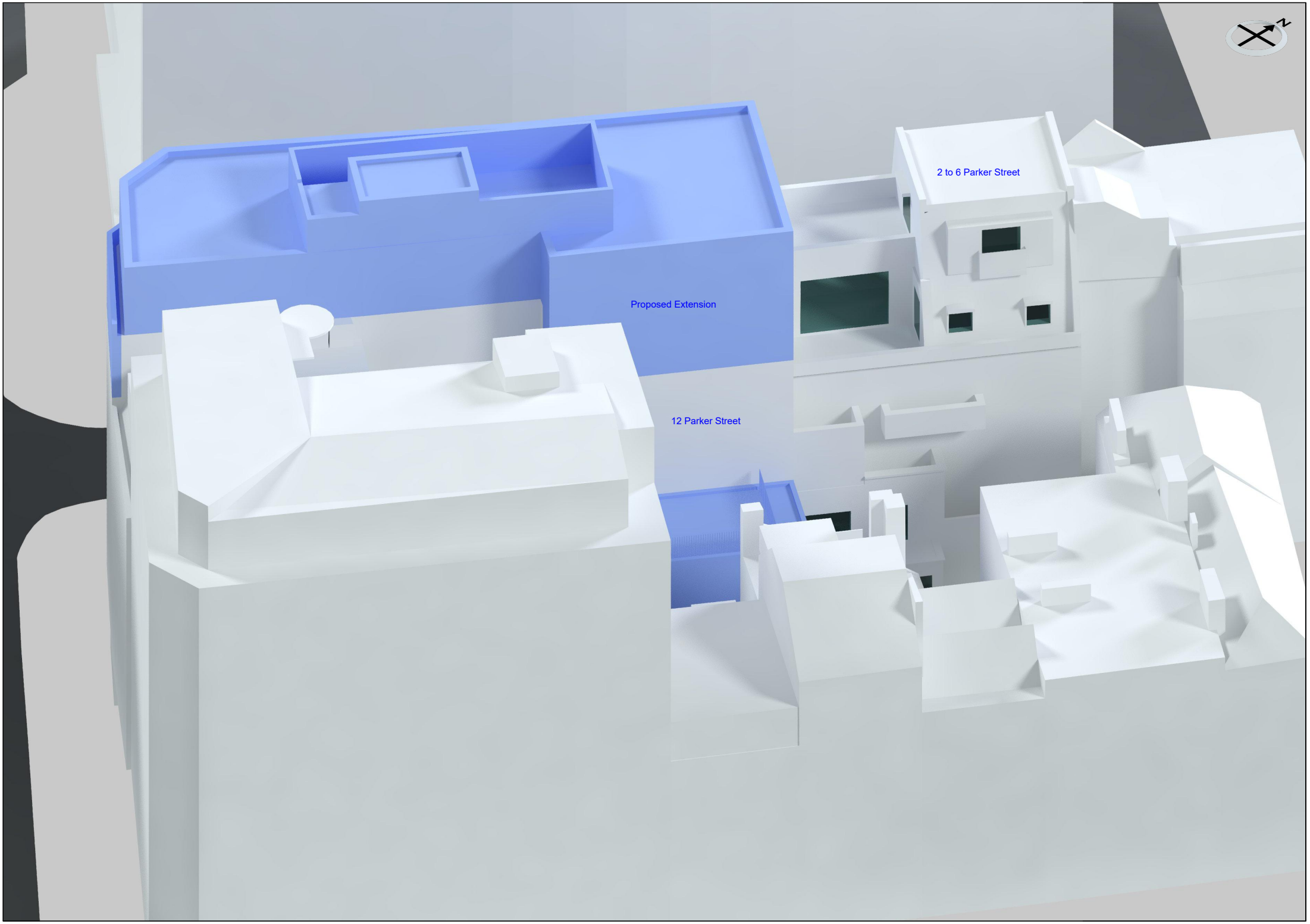
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12 Parker Street
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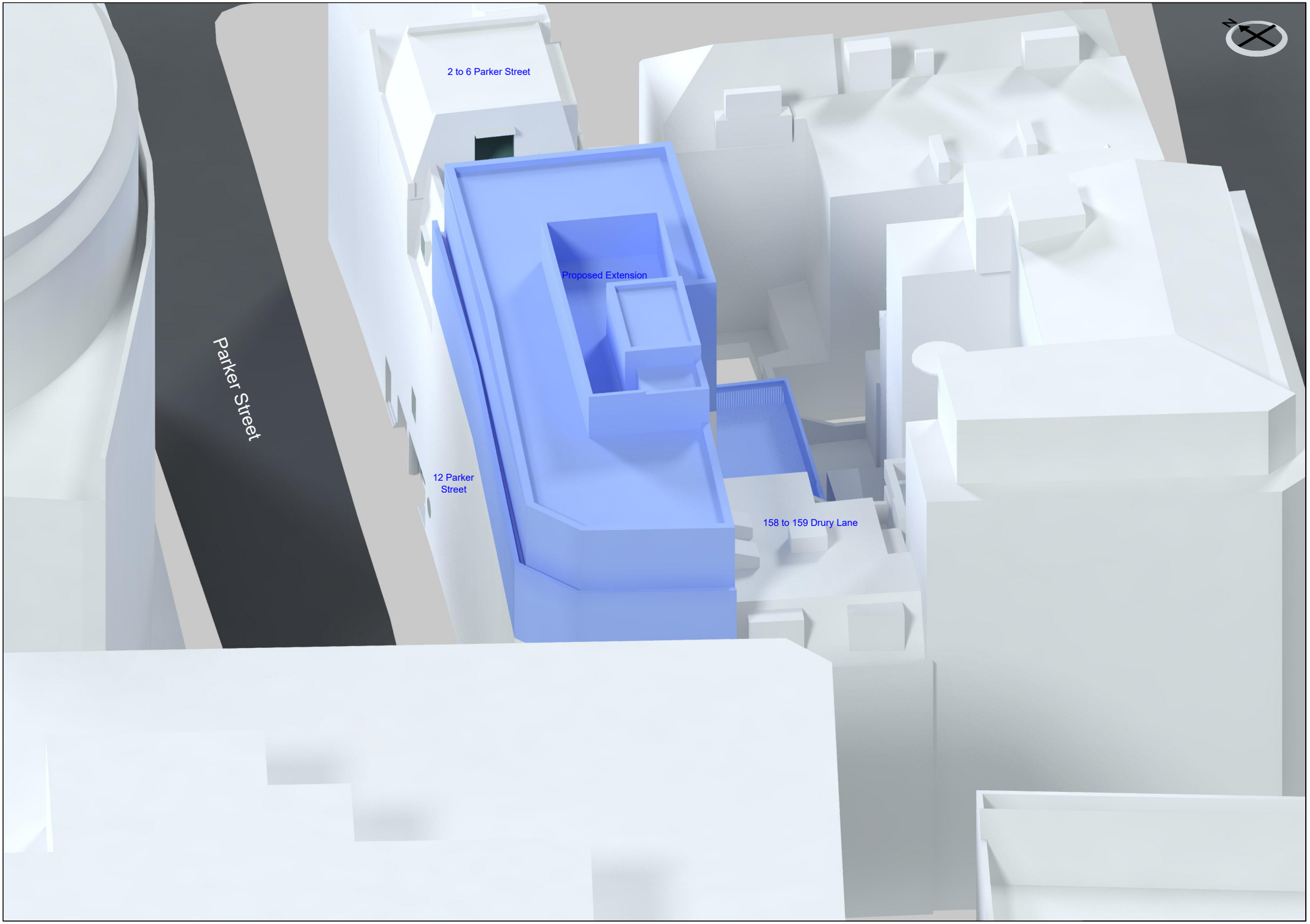
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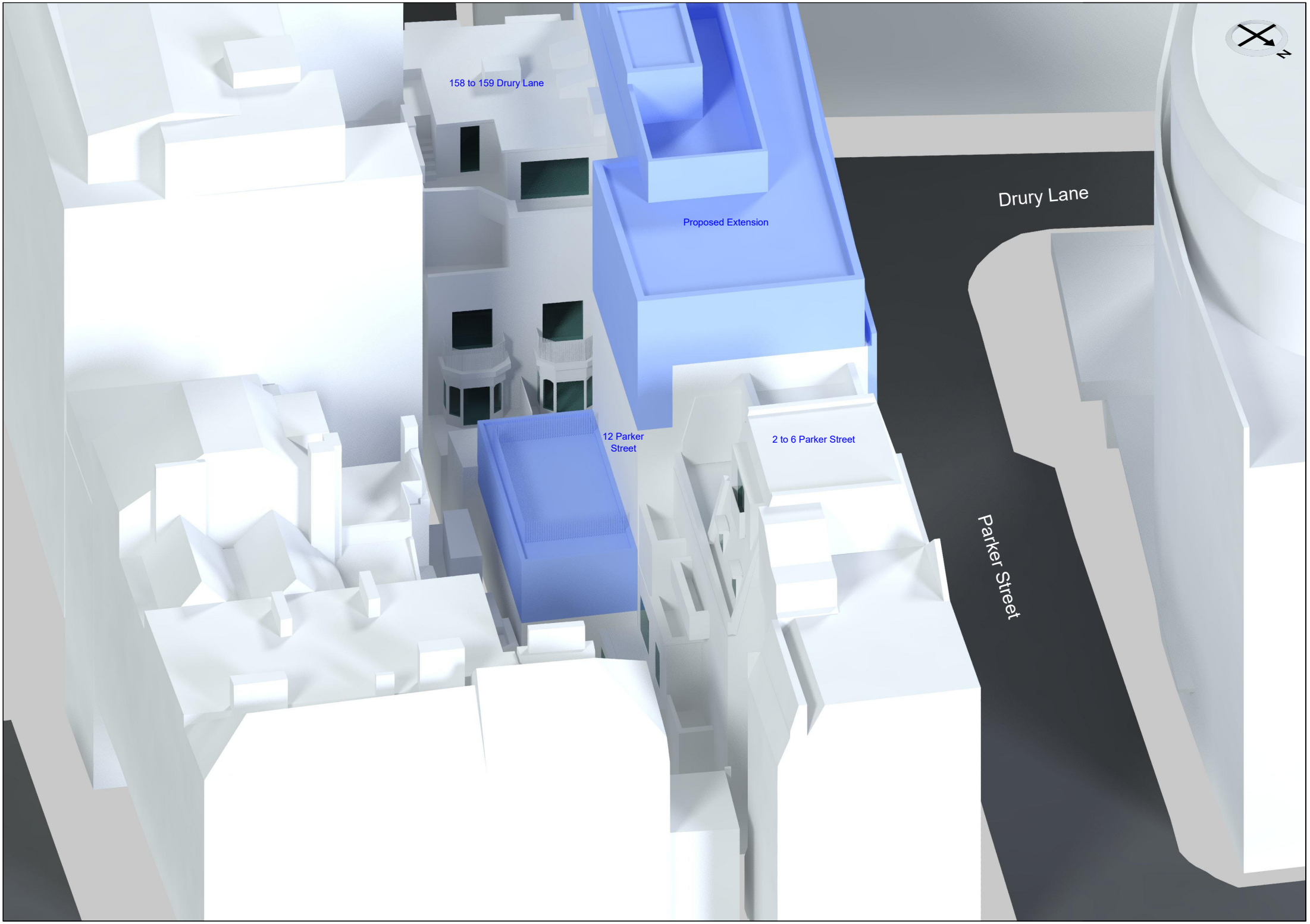
158 to 159 Drury Lane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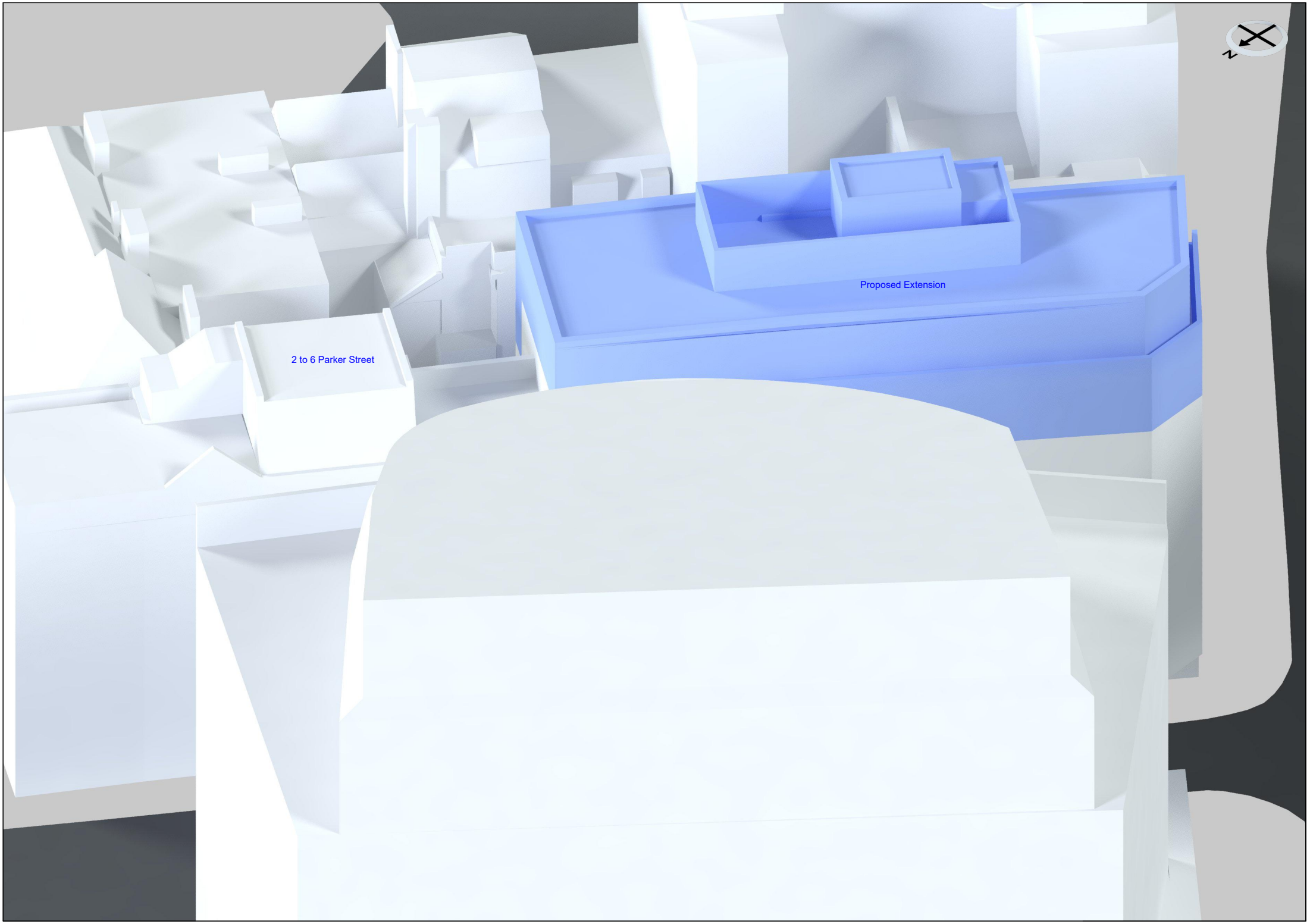
Proposed Extension
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