

2 Overlooking, privacy and outlook

KEY MESSAGES:

- Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings.
- Mitigation measures should be included to reduce overlooking
- Public spaces benefit from overlooking as natural surveillance

2.1 This guidance relates to the application of Policy A1 – Managing the impact of development and aims to ensure that the potential impact of development on the privacy and outlook of neighbouring properties and their occupiers is fully considered. This chapter contains guidance on the following:

- Overlooking and privacy
- Separation between buildings
- Mitigation measures
- Balconies and roof terraces
- Outlook

Overlooking and privacy

2.2 Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.

2.3 The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.

Separation between buildings

2.4 To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance. The 18m should be measured between the two closest points on each building (including balconies). See Figure A below.

Figure A: 18m separation distance measurement

- 2.5 Where there is an existing street or public space, this space is considered to already provide an adequate separation between properties and so the 18m guideline will not apply. However, care should be taken to reduce overlooking from the street into habitable rooms near to a street or public space, particularly bedrooms. Public spaces and communal areas will benefit from a degree of overlooking as this can increase natural surveillance of these spaces and therefore act to deter crime.
- 2.6 There may also be instances however, where the historic character of the immediate area is composed of buildings positioned less than 18m apart and it will be appropriate to reflect this in the design of development schemes.

Mitigation measures

- 2.7 They may be circumstances where a separation distance of 18m cannot be achieved. In these instances, mitigation measures should be incorporated to ensure overlooking is reduced to an acceptable level.
- 2.8 For example, buildings could be positioned at an angle to each other so it is less likely that people will be able to see directly into neighbouring habitable rooms and gardens of neighbouring buildings. Careful consideration could also be given to the layout of windows, using obscure glazing to prevent overlooking if necessary. It will however not be acceptable for habitable rooms to have windows glazed exclusively with obscure glass however.
- 2.9 Soft landscaping, such as the use of trees and shrubs can act as privacy screens. Where soft landscaping is proposed as the principle method of screening, applicants should demonstrate that the extent of planting proposed is sufficient to ensure that this will result in reasonable levels of privacy all year.
- 2.10 Carefully sited permanent domestic structures, such as solid fences, pergolas, garden sheds, bin stores, and cycle storage, can also act as privacy screens. In instances where mitigation is considered necessary to ensure privacy, but has not been provided adequately within development proposals, the Council will consider the use of planning conditions to secure mitigation measures. This could include conditions requiring:
- the installation of obscure glazing;
 - restrictions on openable windows; and
 - restrictions on inserting new windows into blank walls.

Balconies and roof terraces

- 2.11 Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase opportunities for overlooking. Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings. Conversely, residential buildings should also be designed so that new balconies and roof terraces do not suffer from an unacceptable degree of overlooking from existing developments, particularly when this is the only outdoor amenity space available to the new dwelling.
- 2.12 'Juliet' (or 'French') balconies are balconies that do not project far enough for an occupant to stand on. Where these are proposed, as the occupants using the balcony are still within the building, the extent of overlooking will be considered in the same way as would a normal window.

Outlook

- 2.13 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. Particular care should therefore be taken if the proposed development adjoins properties with a single aspect. Any unpleasant features should be screened if possible, for example with permanent landscaping.
- 2.14 Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. The location of bin or cycle stores, for example, should be carefully considered if they are in close proximity to windows or spaces used by occupiers.
- 2.15 It should be noted that the specific view from a property is not protected as this is not a material planning consideration.

3 Daylight and Sunlight

KEY MESSAGES:

- The Council expects applicants to consider the impact of development schemes on daylight and sunlight levels. Where appropriate a daylight and sunlight assessment should be submitted which should follow the guidance in the BRE's *Site layout planning for daylight and sunlight: A guide to good practice*.
- The 45 degree and 25 degree tests cited in the BRE guidance should be used to assess ('screen') whether a daylight and sunlight report is required.
- Levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context.
- The Council may seek independent verification of daylight and sunlight reports if necessary.

3.1 The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 Managing the Impact of Development, which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight. This guidance relates to daylight and sunlight levels and contains the following sections:

- What is daylight and sunlight?
- Assessing daylight and sunlight levels.
- When may daylight and sunlight reports be expected?
- What should daylight and sunlight reports contain?
- Flexible consideration of daylight and sunlight.
- Independent verification of daylight and sunlight reports.
- Other Considerations: Right to Light Legislation.

What is daylight and sunlight?

3.2 Levels of daylight and sunlight within buildings are important for amenity, health and well-being, for bringing warmth into a property and to save energy by reducing the need for artificial lighting and heating. High levels of sunlight can also cause overheating which can make a dwelling uncomfortable. The Council will carefully assess whether proposals have the potential to reduce daylight and sunlight levels for existing and future occupiers and to minimise overheating.

3.3 In this context, daylight is considered to be the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between dawn and dusk. Sunlight refers to direct sunshine. Whereas levels of daylight are associated with illumination, sunlight is brighter and has potential to heat buildings. Overshadowing is an outcome of sunlight being blocked and is associated with the measurement of sunlight levels.

Assessing daylight and sunlight levels

3.4 Daylight and sunlight levels are affected by the location of a proposed development and its position in relation to, the windows in nearby properties.

3.5 In order to demonstrate that adequate levels of daylight and sunlight are being provided in accordance with Policy A1, the Council may require applicants to submit daylight and sunlight reports informed by BRE's *Site layout planning for*

daylight and sunlight: A guide to good practice (the 'BRE guidance') or any updated best practice/technical guidance on the assessment of light impacts

- 3.6 The BRE guidance contains numerous tools, techniques and recommended standards relating to daylight and sunlight that are relevant to both minor and major developments. Officers will use the 45 degree and 25 degree assessment (as set out in the [BRE guidelines](#)) to make an initial judgement on the impact of a proposal.

When may daylight and sunlight reports be expected?

- 3.7 Major developments and proposals for new dwellings are expected to provide daylight and sunlight reports. These should always include the daylight and sunlight levels to any proposed new residential units. The reports should also include any nearby existing residential properties that may be affected. Although it is normally only residential uses that are assessed, there may also be non-residential uses, existing nearby or proposed as part of the application, that are particularly sensitive to light and so justify a report.
- 3.8 To help determine whether a daylight and sunlight report is needed for other types of development, the Council will have regard to several tests, taken from the BRE guidance. These are referred to as the 45-degree test and the 25-degree test.

3.9 What should daylight and sunlight reports contain?

- 3.9 The BRE guidance should form the basis for daylight and sunlight reports. They should be prepared by a specialist surveyor or consultant and assess the following:
1. Levels of daylight and sunlight that occupiers are likely to experience within the proposed development and gardens and open spaces (where relevant); and
 2. The extent that the proposed development is likely to cause on levels of daylight and sunlight entering windows of neighbouring properties, gardens and open spaces (where relevant)
- 3.10 Daylight and sunlight reports should also demonstrate how the design has taken into consideration the guidance contained in the BRE document on passive solar design; and have optimised solar gain.
- 3.11 The Council will expect daylight and sunlight reports to report daylight and sunlight levels using the tools cited in the BRE guidance. The most common tools used are:
- Vertical Sky Component (VSC)
 - No Sky Line (NSL) also referred to as Daylight Distribution (DD)
 - Average Daylight Factor (ADF)
 - Annual Probable Sunlight Hours (APSH)
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- 3.12 Detailed descriptions of these tools and suggested values can be found within the BRE guidance. It is helpful if the data provided for the above tests can also be provided in CSV or Excel format, to accompany the published report.
- 3.13 As a minimum, daylight and sunlight reports should show:

- the baseline of the existing situation
- the expected daylight and sunlight levels after the development is built to enable ease of comparison;
- full details of the methodologies used,
- the full results of assessments; and
- an executive summary.

Flexible consideration of daylight and sunlight

- 3.14 The Council notes the intentions of the BRE document is to provide advice to developers and decision makers and therefore it should be regarded as a guide rather than policy.
- 3.15 While we support the aims of the BRE methodology for assessing sunlight and daylight we will consider the outcomes of the assessments flexibility where appropriate, taking into account site specific circumstances and context. For example, to enable new development to respect the existing layout and form in some historic areas, or dense urban environments, it may be necessary to consider exceptions to the recommendations cited in the BRE guidance. Any exceptions will be assessed on a case-by-case basis.

Independent verification of daylight and sunlight reports

- 3.16 In order to provide the Council with greater certainty over the expected daylight and sunlight levels stated within a daylight and sunlight report, the Council may commission an independent verification of the report, which will be funded by the applicant. Independent verification is likely to be required in instances where there is a possible dispute regarding the measurements cited or new techniques/technology is used to create daylight and sunlight measurements.

Other Considerations: Right to Light Legislation

- 3.17 The right to light is a legal right which one property may acquire over the land of another. If a structure is erected which reduces the light to an unobstructed property to below sufficient levels, this right is infringed. A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959.
- 3.18 Planning permission does not override a legal right to light. There also may be instances where development built under permitted development rights compromises light levels to an existing window. In both instances, where a right to light is claimed, this is a matter of property law, rather than planning law. It will be for the parties affected to seek a legal remedy. The Council will have no role or interest in any private dispute arising and it will be for the owner or occupier affected to seek a legal remedy.