From: Alice Cook
Sent: 02 October 2024 13:57
To: Planning
Subject: 2024/3454/P
Attachments: ROLC Letter 021024.pdf

Dear Sirs,

Please find attached our letter of today in respect of the above application.

I would be grateful if you would acknowledge receipt of our letter and revert back to me with your assurance.

I look forward to hearing back from you shortly.
In the meantime, please do not hesitate to contact me directly should you have any questions or wish to discuss the matter further

Kind regards

Alice Cook BA (Hons)
Senior Right of Light Surveyor

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2 October 2024

Dear Mr Versluys

Application Reference No. 2024/3454/P
Proposed Development at 9-12 New College Parade, Finchley Road, London NW3 5EX

We are appointed by a number of neighbouring residents following concerns that the proposed redevelopment to provide a seven storey building at 9-12 College Parade will impact upon the daylight and sunlight receivable by the surrounding properties.

Our clients are disappointed that they have been obliged to respond negatively to the application but feel compelled to oppose a development which they consider will have such 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 July 2024 prepared by Point 2 Surveyors on behalf of the applicant. These results indicate a reduction in light to a number of windows and rooms within multiple properties, which amounts to breaches the BRE guidelines.

Vertical Sky Component (VSC)

The Vertical Sky Component (VSC) is a measure of daylight availability to habitable room windows. The applicant's report highlights that a number of windows fail the BRE tests for VSC.

Windows at Harold House, 9-10 College House, New College Court, College Court and 39 College Crescent all have windows that would fall short of the BRE VSC test. In total, 37 of the 160 windows tested would be left with a VSC of less than 27% and be less than 0.8 times their former values.

We note that the loss of VSC to the windows at 39 College Crescent Road is significant, with VSC reductions between 30.16% and 54.05%, meaning that some windows will lose over half of their existing VSC. We have inserted a copy of the results below for reference and have highlighted which windows would breach the VSC test.

DAYLIGHT						
Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss
39 College Crescent Rd						
R1/499	LK	W1/499	26.81	14.20	12.61	47.03
R2/499	LK	W2/499	30.27	13.91	16.36	54.05
R3/499	LK	W3/499	30.39	17.49	12.90	42.45
R4/499	LK	W4/499	29.77	22.41	7.36	24.72
R1/500	LIVINGROOM	W1/500	24.12	14.86	9.26	38.39
R1/500	LIVINGROOM	W2/500	8.27	7.93	0.34	4.11
R1/500	LIVINGROOM	W3/500	31.90	18.72	13.18	41.32
R2/500	LIVINGROOM	W4/500	30.51	16.51	14.00	45.89
R2/500	LIVINGROOM	W5/500	15.46	13.35	2.11	13.65
R2/500	LIVINGROOM	W6/500	33.94	17.44	16.50	48.62
R3/500	LIVINGROOM	W7/500	34.16	19.19	14.97	43.82
R3/500	LIVINGROOM	W8/500	20.84	20.51	0.33	1.58
R3/500	LIVINGROOM	W9/500	32.49	22.69	9.80	30.16
R4/500	LIVINGROOM	W10/500	34.45	25.96	8.49	24.64
R4/500	LIVINGROOM	W11/500	20.97	20.97	0.00	0.00
R4/500	LIVINGROOM	W12/500	31.74	26.63	5.11	16.10
R2/501	BEDROOM	W2/501	28.34	18.88	9.46	33.38
R4/501	BEDROOM	W4/501	36.02	23.19	12.83	35.62
R5/501	BEDROOM	W5/501	36.73	25.96	10.77	29.32
R7/501	BEDROOM	W7/501	33.29	27.50	5.79	17.39
R1/502	BEDROOM	W1/502	24.26	18.84	5.42	22.34
R2/502	BEDROOM	W2/502	29.82	22.29	7.53	25.25
R3/502	BEDROOM	W3/502	37.36	26.70	10.66	28.53
R4/502	BEDROOM	W4/502	30.70	21.44	9.26	30.16
R5/502	BEDROOM	W5/502	30.39	22.02	8.37	27.54
R6/502	BEDROOM	W6/502	38.29	30.41	7.88	20.58
R7/502	BEDROOM	W7/502	33.50	28.91	4.59	13.70
R8/502	BEDROOM	W8/502	30.94	28.20	2.74	8.86

In total, 19 windows of the 28 windows tested at this property would fall short of the VSC test. Several of the windows fall short by a significant margin, with reduction ratios greater than 50%.

Daylight Distribution

The distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

Rooms at 9 to 10 College House, College Court and 39 College Crescent fall short of the daylight distribution test. In total, 6 of the 122 rooms tested would be left with a daylight distribution within 0.8 of the existing level.

The most significant impact is to the rooms at 39 College Crescent, where two living/dining/kitchen's will have their daylight distribution reduced by 52% and 31.7%. One room will therefore have over half of its existing daylight taken away. The results are included below and the rooms that fall short are highlighted below for reference.

NSL

Room	Room Use	Whole Room sq ft	Existing sq ft	Proposed sq ft	Loss sq ft	%Loss
39 College Crescent Rd						
R1/499	LK	477.0	475.8	228.5	247.3	52.0
R2/499	LK	479.3	479.2	327.2	151.9	31.7
R3/499	LK	476.6	476.6	392.3	84.3	17.7
R4/499	LK	471.9	467.6	448.1	19.5	4.2
R1/500	LIVINGROOM	368.7	368.0	312.7	55.3	15.0
R2/500	LIVINGROOM	368.1	367.9	327.2	40.7	11.1
R3/500	LIVINGROOM	365.9	365.8	360.9	4.8	1.3
R4/500	LIVINGROOM	359.7	359.5	359.5	0.0	0.0
R2/501	BEDROOM	188.4	184.9	171.1	13.9	7.5
R4/501	BEDROOM	190.6	189.8	166.6	23.1	12.2
R5/501	BEDROOM	189.5	189.0	184.5	4.5	2.4
R7/501	BEDROOM	181.2	180.5	180.5	0.0	0.0
R1/502	BEDROOM	113.9	108.2	108.2	0.0	0.0
R2/502	BEDROOM	165.5	165.5	153.3	12.2	7.4
R3/502	BEDROOM	167.6	167.6	148.2	19.4	11.6
R4/502	BEDROOM	110.1	105.5	103.8	1.7	1.6
R5/502	BEDROOM	110.1	105.5	103.9	1.6	1.5
R6/502	BEDROOM	163.7	163.6	161.0	2.7	1.7
R7/502	BEDROOM	162.3	162.3	162.3	0.0	0.0
R8/502	BEDROOM	105.4	100.7	100.7	0.0	0.0

Para 8.49 of the applicant's report supports the impact to our client's property, stating the following:

8.49 Overall, when two daylight methods are considered in tandem as suggested by the BRE guidelines and taking the retained VSC and NSL values into consideration the impact on daylight received by 39 College Crescent Road will be minor to moderate on balance and the property will maintain daylight levels commensurate with an urban environment.

We disagree that the BRE guidelines suggest that the daylight methods are considered in tandem. The BRE guide states that both the total amount of skylight (Vertical Sky Component) and its distribution within the building (Daylight Distribution) are important and therefore the results of each should be considered as material factors.

The reported loss of the existing VSC and DD to the windows and rooms at 39 College Crescent are categorised as minor to moderate in 8.49 of the applicant's report. Appendix H of the BRE guidelines provides a framework for determining whether the impact can be categorised as minor moderate or major adverse, though it is normally applied in the context of an Environment Impact Assessment. I am pleased to insert an extract from the BRE guide for reference.

H7 Factors tending towards a major adverse impact include:

- a large number of windows or large area of open space are affected
- the loss of light is substantially outside the guidelines
- all the windows in a particular property are affected
- the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight, e.g. a living room in a dwelling or a children's playground.

The daylight to two rooms and two windows is reduced by over half as a result of the proposed development, the two windows/rooms are also main living/dining/kitchens. The loss of daylight therefore meets two of the three criteria to be considered as major adverse. We therefore consider the applicants report to be misleading in its statement.

We also disagree that the retained values for the daylight received by 39 College Crescent will be commensurate with an urban environment. The retained VSC values of the worst two affected windows are 14.2% and 13.9%. Whilst the BRE guide states that daylight may be adversely affected if the above targets are not met, when setting targets, both the BRE guide and National Planning Policy Guidance (NPPG) recognise that it is necessary to have regard to the development context and site location. Following a number of appeal decisions, it is generally accepted that in cities or densely populated town centre locations, a retained Vertical Sky Component of 20% or more represents a reasonably good level of daylight, and a retained Vertical Sky Component in the mid-teens (15% and above) is acceptable. Given the retained values of two of the windows are less than 15%, we would not consider these to be reasonable.

We also note that permission has been applied for at a neighbouring property, 104A Finchley Road (2022/3553/P). This proposed development may also have an impact on the light received by the neighbouring properties and should therefore be taken into consideration within the daylight and sunlight assessment for this application.

Conclusion

In summary, we are of the opinion that the loss of daylight to the neighbouring properties is major adverse in some cases, and should not be considered acceptable on balance.

Please acknowledge receipt of this letter and confirm that no decision will be made until the above points are addressed.

I look forward to hearing from you.

Yours sincerely

Alice Cook BA (Hons)
Senior Right of Light Surveyor

Optional Wording - An explanation of the D&S tests

For reference, please find below an explanation of the various BRE daylight and sunlight tests used in name of surveyor's study and applied to the aforementioned property/properties.

Vertical Sky Component & Daylight Distribution

The Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if, after a development, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

The BRE guide states that the total amount of skylight can be calculated by finding the Vertical Sky Component at the centre of each main window. The BRE guide does not define the term 'main window'. However, in our opinion, where a room has multiple windows, the largest window is usually taken as the main window and the smaller window(s) as secondary.

The distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

The BRE guide states that both the total amount of skylight (Vertical Sky Component) and its distribution within the building (Daylight Distribution) are important. The BRE guide states that, where room layouts are known, the impact on the daylighting distribution can be found by plotting the 'no sky line' in each of the main rooms.

Sunlight Availability to Windows

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight.

The tests should also be applied to non-domestic buildings where there is a particular requirement for sunlight. The test is intended to be applied to main windows which face within 90 degrees of due south. However, the BRE guide explains that, if the main window faces within 90 degrees of due north, but a secondary window faces within 90 degrees of due south, sunlight to the secondary window should be checked.

The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and

- receives less than 0.8 times its former sunlight hours during either period and

• has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Please note where we have stated ‘reduced to less than 0.8 times its former value’ – this can also be stated as ‘reduced by more than 20% of its former value’.

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