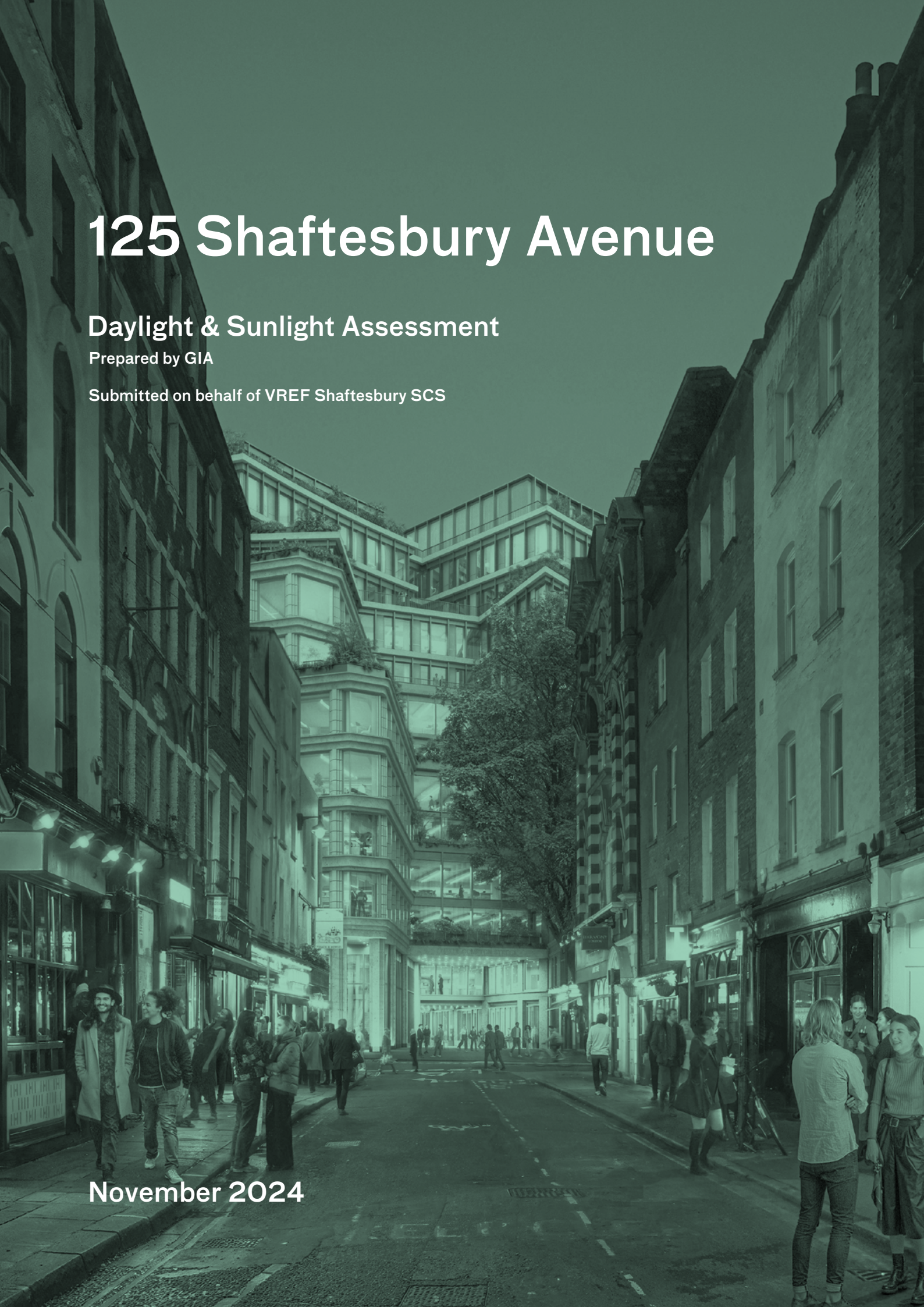
125 Shaftesbury Avenue

Daylight & Sunlight Assessment

Prepared by GIA

Submitted on behalf of VREF Shaftesbury SCS



November 2024

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Architect	**DSDHA**
Project Title	**125 Shaftesbury Avenue**
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DISCLAIMER:

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CONTENTS

APPENDICES (BOUND SEPARATELY)

1 EXECUTIVE SUMMARY

GIA have assessed the DSDHA scheme at 125 Shaftesbury Avenue to understand the potential changes in light to the relevant sensitive receptors.

1.1 GIA have been instructed by VREF Shaftesbury SCS to advise on impacts to neighbours in relation to daylight, sunlight, overshadowing and solar panels as a result of the Proposed Development at 125 Shaftesbury Avenue.

1.2 The technical analysis has been considered by reference to the criteria and methodology within the Building Research Establishment Guidance (BR209, 2022) which when published, recognised that it *"is advisory and the numerical target values within it may be varied to meet the needs of the development and its location"*[1].

1.3 When assessing the impacts of daylight and sunlight a 'two-stage' approach has been adopted. This approach has been examined and adopted at multiple recent planning inspectorate decisions, which stems from the High Court decision on the application of Melanie Rainbird and The Council of the London Borough of Tower Hamlets[2]. The 'two-stage' approach considers;

1 Is there strict compliant with the recommendations in the BRE Guidelines; and

2 Is the level of harm unacceptable.

Daylight & Sunlight - Scenario 01
Existing v Proposed

1.4 GIA have assessed 18 properties relevant for daylight and sunlight assessment surrounding the site. When assessed against daylight (VSC & NSL) and sunlight (APSH), the following levels of compliance are noted.

- VSC: 514/634 window meet BRE (81.1%)
- NSL: 230/268 rooms meet BRE (85.8%)
- APSH: 163/202 windows meet BRE (80.7%)

Percentage Reduction (%)	VSC	NSL
0-20 (Compliant)	514	230
20.1-29.9	50	13
30-39.9	31	7
40+	39	18

Table 01: Existing v Proposed - banded percentage reductions

1.5 Table 01 illustrates that of the 120 apertures which fall short of BRE recommendations for VSC; 50 will experience alterations of between 20.1%-29.9%, 31 would experience alterations of between 30%-39.9% and that 39 apertures would experience reductions of 40%+.

1.6 Of the 38 Rooms which fall short of BRE recommendations for the NSL methodology; 13 rooms would experience reductions between 20.1%-29.9%, 7 rooms would experience reductions between 30%-39.9% and 18 rooms would experience NSL reductions of 40%+.

1.7 When assessed for sunlight (APSH), of the 39 apertures which fall short of the BRE recommendations, 35 are located to the north of the site within 1A Phoenix Street and 1-2 St Giles Passage where the architecture features of the building contain projecting balconies and flank elevations which self-limit sunlight enjoyment. The remaining four apertures which experience losses beyond BRE recommendations are located within Phoenix Theatre (one aperture) and 1-8 The Alcazar (three apertures).

1.8 Owing to the sites location in an inner London locality, coupled with the narrow separation distances between neighbouring properties, GIA consider an overall compliance level of +80% for daylight and sunlight, to be a very good level of compliance in a dense urban environment. Where there are apertures / rooms that fall short of the BRE Guidance, factors such as low existing daylight / sunlight values, projecting balconies, flank elevations and narrow separation distance, means that any change from the existing building envelope, has the potential to create a disproportionate change in percentage terms from the base amenity value.

Daylight & Sunlight - Scenario 04
Existing & Historic Permission

1.9 The site contains an historic planning permission (2016/5202/P), which gained consent in 2016, but was never built out. GIA have been engaged, alongside the Design Team, to ensure any forthcoming design proposals have minimal additional daylight and sunlight impacts beyond the previous consent.

1.10 In order to do this, GIA have completed a supplementary assessment to understand the level of compliance this scheme would have against GIA's updated model and more accurate internal layouts to ensure a 'like for like' comparison. Our analysis provided the following comparison levels:

- VSC: 539/634 window meet BRE (**85%**)
- NSL: 238/268 rooms meet BRE (**88.8%**)
- APSH: 174/202 windows meet BRE (**86.1%**)

Percentage Reduction (%)	VSC	NSL
0-20 (Compliant)	539	238
20.1-29.9	49	8
30-39.9	22	11
40+	24	11

Table 02: Existing v Historic Proposed - banded percentage reductions

1.11 Whilst the Historic Permission does perform better than the Proposed Development, the actual changes are considered de-minimis. Table 01 illustrates the actual VSC changes of the 634 apertures between the two permutations.

VSC Change Historic Permission vs Proposed Development	Number of windows
Betterment in VSC	6
No Change in VSC	105
0.1% - 1% change	450
1.1% - 2% change	70
2.1% - 3% change	3

Table 03: Absolute VSC Change

1.12 The analysis shows that 17.5% of all apertures assessed would see a betterment or no change in VSC between the Historic Permission and Proposed Development. Moreover 82% of the apertures would experience a VSC change limited to 2% or less. Finally, just 0.5% of all apertures assessed would see an actual reduction in VSC between 2.1% - 3%.

1.13 GIA do not consider that such additional de-minimis changes would be noticeable beyond the Historic Permission. This is echoed in the approved 'Enterprise House, Buckle St[3]' planning appeal where the inspector states:

*"...starting from an existing low level, many (windows), would experience no more than **a 3% absolute loss of daylight, a virtually imperceptible change**. The worse affected living rooms would experience less than **5% absolute loss, a barely noticeable change**'..* **Daylight & Sunlight.**

Sunlight - Scenario 02
Existing v Cumulative

1.14 This scenario considers the cumulative effect of the proposed 104-110 Charing Cross Road scheme (planning ref 2018/0403/P) and the proposal development on daylight and sunlight to the neighbouring receptors. The technical analysis identifies that 33 apertures will experience additional VSC reductions, however 32 are limited to 0.1% and one aperture experiences a 0.2% change. When assessed against sunlight, six apertures will experience a small additional reduction in APSH.

Daylight & Sunlight - Scenario 03
Future Receptors

1.15 This scenario considered the effect of the proposed development upon the future receptors of 104-110 Charing Cross Road. The technical analysis identified that all proposed rooms would continue to meet the relevant daylight and sunlight targets post implementation of the proposed development.

Daylight & Sunlight Conclusions

1.16 GIA believe the existing v proposed results illustrate a very good level of overall BRE compliance (+80%) for a site in an inner London location. Whilst there are additional reductions in daylight & sunlight beyond the Historic Permission, any such changes are highly unlikely to be noticeable to the occupants using the space and therefore, we do not consider the level of harm to be unacceptable.

1 Littlefair, P. (2022). Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. Hertfordshire: HIS BRE Press, p 85 para F1

2 Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657 (Admin) (28 March 2018)

3 Appeal Ref: APP/E5900/W/17/3191757 - Enterprise House, 21 Buckle St, London, E1 8NN

Overshadowing

1.17 Two of the three assessed amenity areas achieve strict BRE compliant. The one remaining amenity space is a small south facing terrace within 1A Phoenix Street. When this space is assessed against the Historic Permission, the Proposed Development creates marginally more direct sunlight on the spring equinox (21st March) producing a betterment in sunlight enjoyment.

1.18 Of the two future amenity areas located at 104-110 Charing Cross road, one area (A5) breaches guidance however, the absolute loss is just 0.01 square metres, which won't be noticeable. The remaining area (A6) will meet BRE guidance.

PV Panels

1.19 An initial assessment using the annual probable sunlight hours method demonstrated that three of the future PV Panels within 104-110 Charing Cross Road would experience an alteration greater than 10% (1 – 3). The remaining seven panels (4-10) all met the recommended criteria.

1.20 When specialist Annual Cumulative Irradiance assessment is undertaken, our results demonstrate that none of the PV panels experience an alteration beyond 5% and therefore, no significant loss of radiation will occur to this future receptor.

Figure 01: CGI image of the Proposed Development.

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2 THE SITE & PROPOSED DEVELOPMENT

GIA have been instructed to review and advise on the daylight and sunlight impacts associated with the implementation of the proposed development at 125 Shaftesbury Avenue.

THE SITE

2.1 The proposed site is located at 125 Shaftesbury Avenue, London, WC2H. It lies approximately 100m south of St Giles in-the-fields Church, 250m south of Centre Point / Tottenham Court Road Station (Central and Northern lines and Crossrail) and 250m north of Leicester Square Station (Northern and Piccadilly lines).

2.2 The site is bounded by:

- Charing Cross Road to the south west;
- Shaftesbury Avenue to the south east;
- Stacey Street to the north east; and
- Phoenix Street to the north west.

2.3 The existing context is characterised by narrow streets of varying building typologies, which is typical of the urban grain of a city. Owing to the dense and narrow street grain, the large existing site building is closely fronted on all sides by building façades of differing architectural character.

2.4 Figure 02 below illustrates the Site in the existing scenario.

Figure 02: 3D model of existing site

PLANNING HISTORY: 2016/5202/P

2.5 The site is subject to a historic planning permission ('Historic Permission' - 2016/5202/P) that GIA were involved with in 2016. The description of that consent was as follows:

> *"Remodelling, refurbishment and extension of existing office building (Class B1) at upper floor levels, roof level and within lightwells to provide 9,682sqm additional floorspace, including terraces, a new public route, a relocated office entrance (Charing Cross Road), rooftop plant and flexible retail uses (Classes A1/A3), along with associated highway, landscaping and public realm improvements".*

2.6 Figure 03 on the page 7 illustrates the Historic Permission.

PROPOSED DEVELOPMENT

2.7 The Proposed Development can be described as follows:

> *"Remodelling, refurbishment and extension of the existing building to provide Use Class E commercial and retail space, amenity terraces, a new public route, relocated entrances, cycle parking, servicing and rooftop plant along with associated highway, landscaping and public realm improvements and other associated works".*

2.8 Figure 04 below illustrates DSDHA's Proposed Development.

Figure 03: 3D model of the Historic Permission

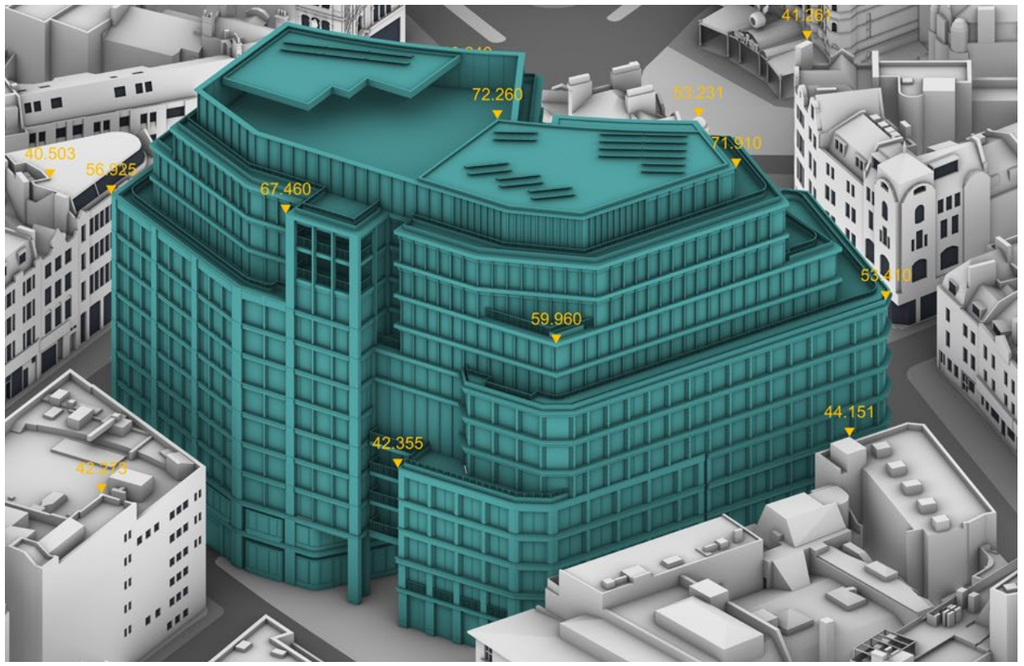


Figure 04: 3D model of the Proposed Development

SCENARIOS ASSESSED

2.9 Within this report, GIA has assessed and where appropriate, reported on the following scenarios:

Scenario 1 - Existing v Proposed

2.10 This scenario assesses the existing condition of the Site and surrounding context against the Proposed Development.

2.11 Scenario 1 has been used to assess the daylight, sunlight and overshadowing effects and is discussed as a default position.

Scenario 2 - Existing v Cumulative

2.12 This scenario considers the effect of the Proposed Development in conjunction with cumulative schemes in close enough proximity to cause cumulative effects to neighbours.

2.13 The cumulative scheme considered as part of this report are:

- 104-110 Charing Cross Road (planning ref: 2018/0403/P)

2.14 This scenario has been used to assess any cumulative daylight, sunlight and overshadowing effects.

Scenario 3 - Future Receptors

2.15 This scenario considers the effect of the Proposed Development upon the future receptors at 104-110 Charing Cross Road.

2.16 This scenario has been used to assess the daylight, sunlight, overshadowing and photovoltaic panel (PV) effects from the Proposed Development.

Scenario 4 - Historic Permission v Proposed

2.17 Through consultation with the London Borough of Camden (LBC), officers enquired how the daylight and sunlight position of the Proposed Development compared to the Historic Permission.

2.18 This scenario compares the effects of the Historic Permission and Proposed Development on the neighbouring residential receptors. This assessment permutation considers the effect the Proposed Development will have beyond that which was historically granted.

2.19 This scenario has been used to assess the daylight and sunlight effects.

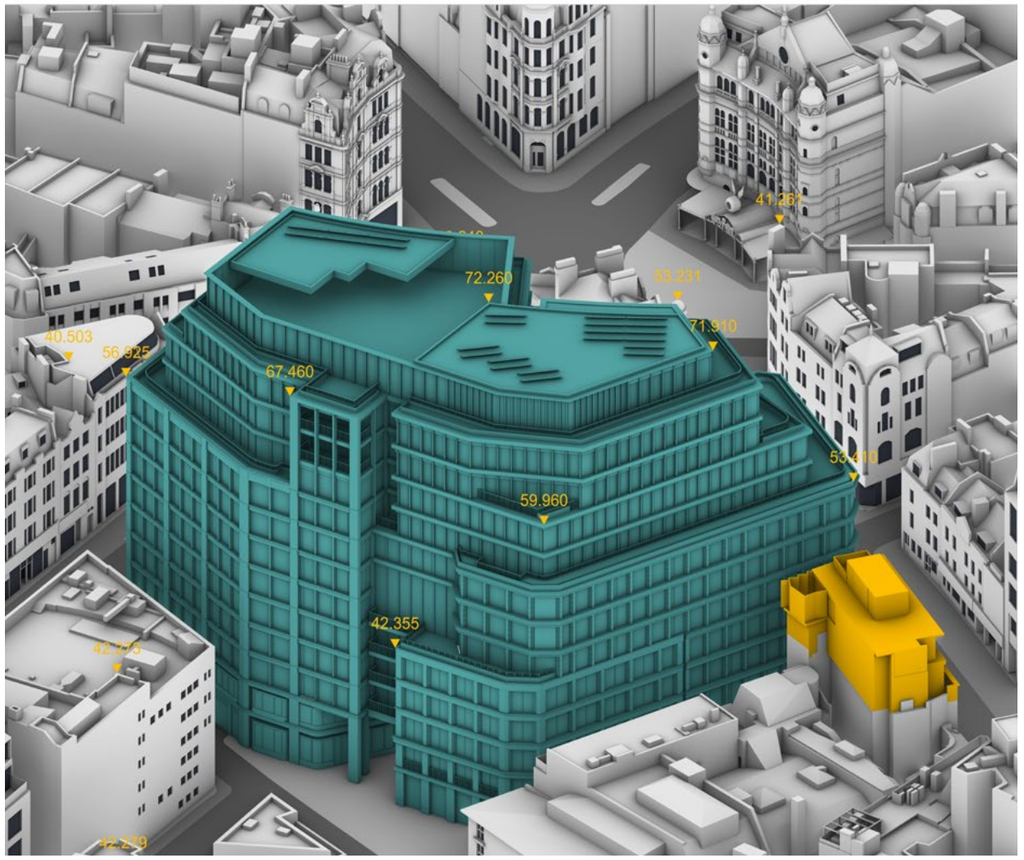


Figure 05: Existing v Cumulative (104-110 Charing Cross Road two-storey roof extension in yellow)

3 POLICY & GUIDANCE

This section details the relevant policy and guidance for daylight and sunlight amenity including overshadowing and photovoltaic panels.

3.1 Outlined below are sections from the following documents which are considered to be the most pertinent in relation to daylight and sunlight matters and how the effects of the Proposed Development on relevant neighbouring properties have been approached:

- National Planning Policy Framework (December 2023);
- Planning Practice Guidance (February 2019);
- London Plan 2021 (March 2021);
- Housing Design Standards LPG (June 2023);
- Housing SPG (March 2016);
- GLA Central Activities Zone SPG (March 2016);
- Camden Local Plan (July 2017);
- Camden Planning Guidance: Amenity (January 2021)
- Draft New Camden Local Plan (January 2024);
- Camden Draft Site Allocation Plan (2020); and
- Building Research Establishment Guidelines 2022.

3.2 The key headlines from each of the documents can be summarised as follows:

1 While the commentary on daylight and sunlight refers to applications for housing, the NPPF highlights the Government's recognition that increased flexibility is required on daylight and sunlight in response to the requirement for higher density development. By stating that *"when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)"*[1] (our emphasis).

2 The NPPG outlines that all developments should *"maintain acceptable living standards"* and that assessing appropriate daylight and sunlight amenity *"will depend to some extent on context"*[2].

3 It is clear from the London Plan 2021 that the GLA's focus is on "*sufficient*" or retained daylight and sunlight to neighbouring properties *"that is appropriate for its context"* by reference to criterion 'D' of ***Policy D6 (Housing Quality and Standards)***.

4 Table A1.1 of the London Plan identifies that Tottenham Court Road as an Opportunity Area (OA5), which the site resides in, and therefore, has a 'medium' commercial growth potential to provide 6,000 new jobs by 2041 (see Figures 06 - 08);

5 The GLA's Housing Design Standards LPG recognises that consideration of daylight and sunlight impacts involves a two-stage approach;

"Firstly, by applying the BRE guidance; and secondly, by considering the location and wider context when assessing any impacts."[3]

Paragraph A1.8 states that:

"particular consideration should be given to the impact of new development on the level of daylight and sunlight received by the existing residents in surrounding homes".

6 Whilst the commentary on daylight and sunlight refers to applications for housing, we consider the passage to be of relevance whereby, the Housing SPG advocates a flexible approach to daylight and sunlight matters, advising that:

"Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets." (our emphasis);

7 Within the Central Activities Zone (CAZ) SPG, the GLA recognises that a careful balance must be struck between the requirements and strategic functions of the CAZ and the amenity of local residents[4].

8 Policy A1 of the Camden Local Plan (2017) seeks to protect the quality of life to neighbours by ensuring that daylight, sunlight and overshadowing do not cause "unacceptable harm to amenity". This policy refers to how the BRE Guidelines 2022 will be taken into account as well as further information in the 'Camden Planning Guidance: Amenity'.

9 Under Chapter 3 of the Camden Planning Guidance: Amenity there are four 'Key Messages'. One is that "*levels of reported*

1 MHCLG. (2023). National Planning Policy Framework (2023), p 38, para 129(c)
2 MHCLG. (2019). National Planning Policy Guidance (2019), para 66-007-20190722
3 Greater London Authority. (2022). London Plan Guidance – Housing Design Standards (Consultation Draft). London: GLA, p 19, para 4.1.2
4 Greater London Authority. (2016). The London Plan – CAZ SPG. London: GLA, paras 0.1.2 and 1.3.6

daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context" (our emphasis). Therefore, Camden are aware that a more holistic and two-stage approach should be taken.

10 The 'Draft New Camden Local Plan' echoes the same wording as outlined at Point 8 above.

11 Within the 2020 Draft Site Allocations Local Plan, the Site is identified under both the Knowledge Quarter (03) and Holborn and Covent Garden Area (07).

3.3 The Site is located within both the CAZ, Tottenham Court Road Opportunity Area (see Figure 06 - 08) and emerging site designations, wherein the London Plan encourages the intensification and commercial growth to strengthen the neighbourhood and provide a significant amount of new jobs.

Figure 06: CAZ Diagram (taken from the London Plan - 'Site' added by GIA)

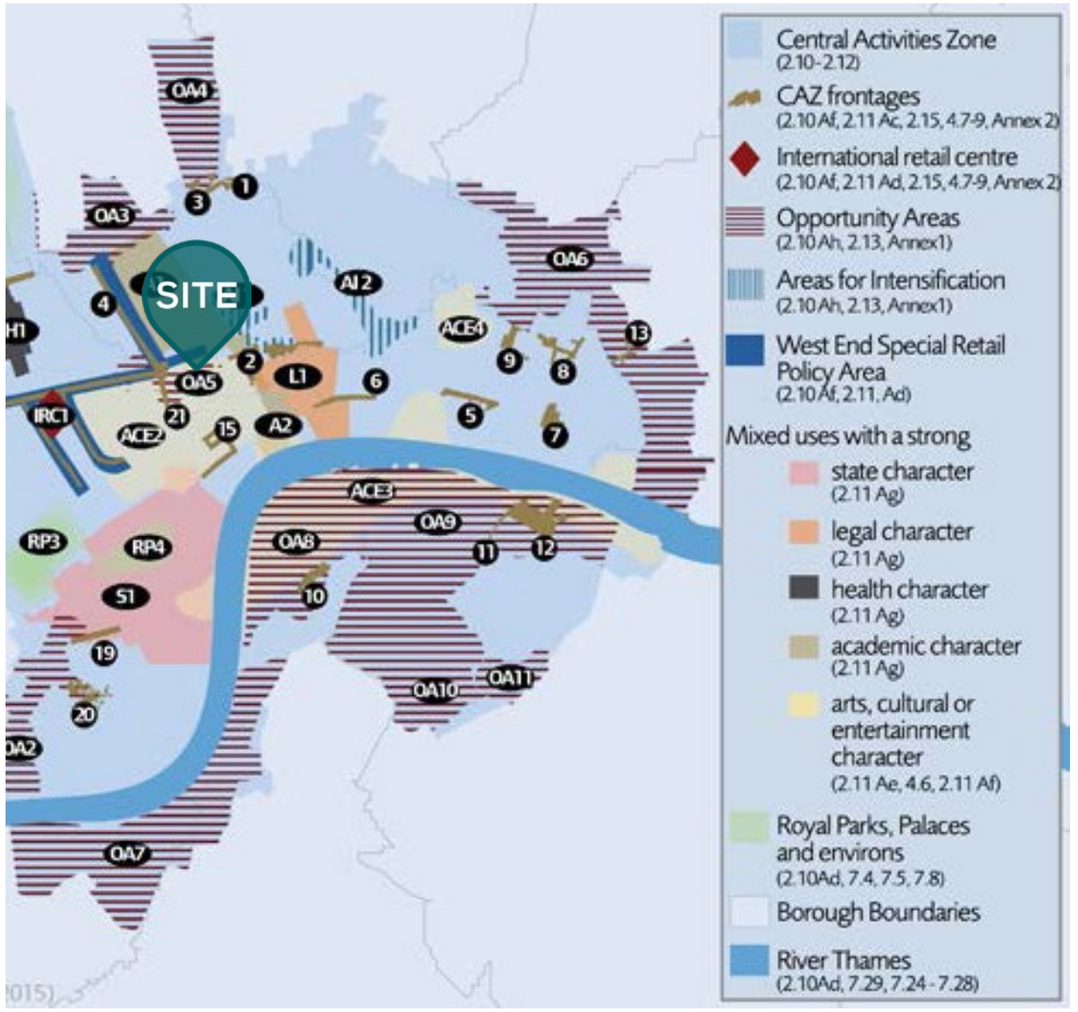


Figure 07: Annotated CAZ Diagram (taken from the CAZ SPG - 'Site' added by GIA , which falls in Opportunity Areas OA5)

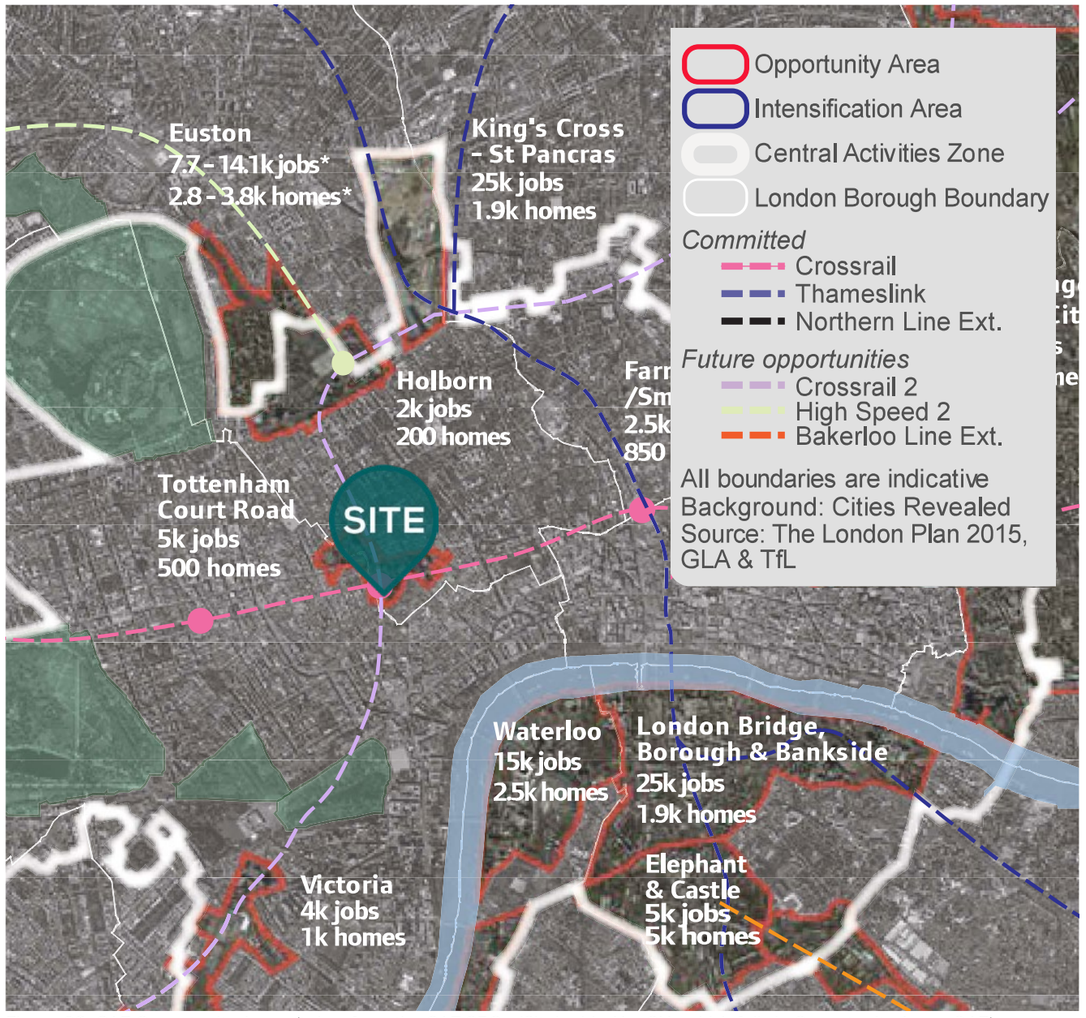


Figure 08: CAZ Opportunity Areas (taken from the CAZ SPG - 'Site' added by GIA, which falls in Opportunity Areas OA5)

BUILDING RESEARCH ESTABLISHMENT (BRE) GUIDELINES (2022)

3.4 The BRE Guidelines note that the document is intended to be used in conjunction with the daylight recommendations found within the BS EN 17037 (2019) and UK annex and The Applications Manual on Window Design of the Chartered Institution of Building Services Engineers (CIBSE).

3.5 The BRE Guidelines provides two methodologies for daylight assessment of neighbouring properties, namely;

1 The Vertical Sky Component (VSC); and
2 The No Sky Line (NSL).

3.6 For daylight to be compliant (in accordance with figure 20 of the Guide), both the VSC and NSL tests have to be met.

3.7 As well as the two daylight methodologies listed above, BR209 also provides two further methodologies for daylight:

- Illuminance Method
- Daylight Factor Method

3.8 The use of the daylight factor or illuminance for loss of light to existing buildings is not generally recommended. There are, however, situations where meeting set daylight factor or illuminance target values with a proposed development in place could be appropriate. Paragraph F9 (iv) of Appendix F states:

> *"As a special case of (i), where the existing building is proposed but not built. A typical situation might be where the neighbouring building has received planning permission but not yet been constructed."*

3.9 As there is a consented application for a two-storey roof extension at 104-110 Charing Cross Road, GIA has reviewed the Daylight Factor Method to this property.

3.10 This method involves calculating the daylight factors across the same reference plane (assessment grid)

3.11 The daylight factor is defined within BR209 as the *"Ratio of total daylight illuminance at a reference point on the working plane within a space to outdoor illuminance on a horizontal plane due to an unobstructed CIE standard overcast sky"* (BR209, page 6).

3.12 As this method of assessment considers an overcast sky, the orientation and location of buildings is not relevant. In order to account for different climatic conditions, Annex A within the BS EN 17037 sets equivalent daylight factor targets (DF) for various locations in Europe. Within London, the following targets are suggested to align with the targets of the National Annex:

- 0.7% DF for bedrooms;
- 1.1% DF for living rooms; and
- 1.4% DF for living/kitchen/diners, kitchens, and studios.

3.13 The median daylight factor (MDF), being the same value as the minimum achieved over at least half the room, should therefore meet or exceed the target daylight factor above

3.14 There is one methodology provided by the BRE Guidelines for sunlight assessment, denoted as Annual Probable Sunlight Hours (APSH).

3.15 The BRE Guide provides two methods of overshadowing assessment, the Sun Hours on Ground (SHOG) and Transient Overshadowing studies. For the purposes of this report, GIA has reported on the SHOG to relevant amenity areas.

3.16 The BRE 2022 handbook introduces new guidance on photovoltaics and suggests that *"where a proposed development may result in loss of radiation to existing solar panels (either photovoltaic or solar thermal), an assessment should be carried out".*

3.17 GIA has identified PV panels at the 104-110 Charing Cross Road consent and therefore, an assessment has been undertaken in accordance with the BRE Guidelines.

3.18 In addition to the above, BR209 also provide supplementary assessments to understand impacts at neighbouring properties, such as where windows are located underneath balconies and therefore, inherently reduces the available skylight reaching the window.

3.19 Para 2.2.13 of the BRE states that *"existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving*

direct skylight, for both the existing and proposed situations, without the balcony in place".

3.20 Similar text to the above is also applicable for sunlight (para 3.2.11, BRE Guidelines).

3.21 In consideration of the above, a no balconies assessment has been undertaken to the following two properties:

- 1-2 St Giles Passage; and
- 1A Phoenix Street.

3.22 As outlined in Section 2, the Site benefited from a previous consent. Appendix F2 of BR209 states that:

> *"Sometimes there may be an extant 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 probable sunlight hours (APSH) for the permitted scheme to be used as alternative benchmarks. However since the permitted scheme only exists 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 the values for the permitted scheme as benchmarks."*

3.23 To determine what is a material impact beyond the extant consent, the standard guidance (which looks at relative percentage loss), should not be applied as this is used to compare an existing condition against the implementation of a proposed scheme.

3.24 In this instance, consideration should be given to the absolute change in Daylight and/or Sunlight i.e. the difference between the consented value and the value achieved with the Proposed Development in place and to the retained value irrespective of the size of the change.

3.25 When comparing the consented baseline with the Proposed Development GIA would suggest an additional noticeable impact may be caused if:

- A window experiences an absolute reduction in VSC of 3% or more from the consented baseline; and
- A window experiences more than a 1% absolute change in winter sunlight (WPSH) and more than a 2% absolute alteration in annual sunlight (APSH) from the results associated with the consented schemes.

3.26 The above methodology has been applied and supported in several consented applications including the Kensington Odeon (planning reference PP/19/05105) and 344-350 Old Brompton Road (PP/21/00272).

3.27 If the alternative criteria detailed above is breached, then the next question should be whether the retained daylight and sunlight values are appropriate for the site taking account of its context as per the recommendations set out within planning policy.

3.28 Whilst GIA are aware that the Historic Permission consent has lapsed, we consider this a pertinent contextual factor given discussions through the consultation process and therefore, the results of this permutation has been used as part of a 'Stage 2' discussion within this report.

3.29 Appendix 01 of this report elaborates on the mechanics of each of the above assessment criteria, explains the appropriateness of their use and the parameters of each specific recommendation.

RECENT DECISIONS (APPEAL AND LOCAL)

Rainbird R (on the application of) v The Council of the London Borough of Tower Hamlets (March 2018)

3.30 With regards to relevant case law, the Rainbird judgement (28th March 2018) advises that daylight and sunlight should be approached in a certain way i.e. a two-stage process should be followed when assessing impacts. Stage one is a calculation and the question to ask is whether there is a noticeable impact. Stage two is a matter of judgement and it is necessary to consider whether any noticeable impact is unacceptable in the particular context of the case. Similar to GIA's approach, in order to answer the Stage one question, the BRE Guidelines can be utilised. In answering the Stage two question, wider contextual considerations are to be taken into account in arriving at a balanced judgement for a specific site location.

3.31 Against this backdrop, GIA has applied the BRE Guidelines to determine whether an impact has occurred. Wider contextual considerations have been outlined in this report to demonstrate whether the daylight and sunlight values are appropriate for their context within an inner-city location.

Enterprise House, 21 Buckle Street (APP/E5900/W/17/3191757)

3.32 GIA were daylight and sunlight consultants on the 21 Buckle Street (Enterprise House) development, which is located in the London Borough of Tower Hamlets. As this proposed scheme was a hotel development, no consideration was given to the Housing SPG, however, the context of this specific site played an important in role in the judgement of acceptability of daylight and sunlight impacts to neighbours.

3.33 The impact of the Proposed Development was considered in a two-stage process. The first stage determined whether there was a material deterioration based on a strict application of the BRE Guidelines. The second considered whether the material deterioration was unacceptable based on other contextual factors at this specific site.

3.34 At paragraph 15 of the Decision Notice, the Inspector notes,

> *"MDD policy DM25 requires that development should seek to protect, and where possible improve, the amenity of existing surrounding residents. Part (d) confirms that development should not results in unacceptable material deterioration of sun lighting and daylight conditions of surrounding development including habitable rooms of residential dwellings, assessed in accordance with the BRE Guide. A recent Court judgement has clarified that this should be a two-stage process. In essence, first, as a matter of calculation, whether there would be a material deterioration in conditions and second as a matter of judgement, whether the deterioration would be acceptable in the particular circumstances of the case."*

3.35 In his conclusion, the Inspector states at paragraph 28.

> *"There would be a significant number of apartments in the surrounding buildings where existing levels of daylight and sunlight would be reduced and current outlook restricted. Some residents understandably find these prospective changes objectionable. However, the reductions would not be excessive, and, in the site-specific circumstances of this case, wider considerations need to be taken into account. Because of its high accessibility, the area is rapidly, and deliberately changing into a high-density urban hub, with tall buildings close together. Inevitably this results in what might be termed dense urban living conditions, where flats are designed to allow for limited expectations of wide outlooks and high levels of sunlight and daylight. With the advantages of living in an accessible and thriving community, that is considered acceptable."*

3.36 On the basis of the above, it is clear that the reduction in daylight and sunlight beyond the BRE Guidelines was considered against the specifics of this site as an area undergoing significant regeneration in which increased density was to be expected due to its high level of accessibility. Based on the site context, lower daylight and sunlight target values were acceptable. The appeal was upheld, and planning permission granted on 17th December 2018.

Graphite Square (APP/N5660/W/18/3211223)

3.37 This appeal decision refers to the various site conditions which have been considered to fully understand the proposal and impact on daylight and sunlight in context beyond the technical calculations within the BRE Guidelines.

3.38 The contextual factors considered include the use and size of rooms affected i.e. **bedrooms or small galley type kitchens**. The unusually high levels of daylight and sunlight in the existing situation which are higher than would reasonably be expected in an urban location. The Inspector notes at paragraph 28 of the Appeal Decision;

> *"As a result, the flats affected receive much higher levels of daylight and sunlight than one might reasonably expect, in such an urban location. Any reduction in daylight and sunlight entering the flats as a result of either of the schemes at issue must be seen in that context."*

3.39 The existing architectural design of affected properties was also considered as a material factor at paragraph 29;

> *"It is clear then that the way the building has been designed contributes to the impact and I must say that whoever was responsible must have (or certainly ought to have) considered the strong likelihood that the appeal site, given its central London location, and obvious potential, would not remain underused."*

3.40 The above commentary demonstrates the importance of reviewing the daylight and sunlight impacts in context rather than focusing on the technical calculations outlined within the BRE Guidelines. The appeal was upheld, and planning permission was granted on 25th September 2019.

4 DAYLIGHT & SUNLIGHT IMPACTS TO NEIGHBOURING PROPERTIES

This section details the daylight and sunlight impacts in relation to the relevant properties neighbouring the Site.

MODELLING

4.1 A three-dimensional computer model of the Site and surrounding properties was produced using a combination of photogrammetric geometry from Vertex and 2D measured survey elevations dated September 2012. The model was subsequently updated in September 2024 following updated 2D elevations supplied by Plowman Craven (IR50 and IR51).

4.2 Where available, floor plans of the relevant properties have been included and this context model has been used to carry out the technical assessments. All relevant assumptions made in producing this model can be found in Appendix 03.

TWO-STAGE APPROACH

4.3 The impacts to relevant neighbouring properties have been considered in two stages:

Stage 1 - Is there a strict compliance with the BRE Guidelines?

- The national numerical assessments for daylight and sunlight as outlined in the BRE Guidelines are applied. Where properties, windows and/or rooms meet the recommendations of the BRE Guidelines, these are not discussed further.

Stage 2 - Is the level of harm "unacceptable"?

- Where properties, windows and rooms do not meet the recommendations of the BRE Guidelines, wider material considerations are examined and applied.

RELEVANT NEIGHBOURING PROPERTIES

4.4 GIA have identified the following 18 properties as relevant for daylight and sunlight assessment. All results can be found in Appendix 04:

- 1-2 St Giles Passage (Pendrell House)
- 99A Charing Cross Road & 1-35 Old Compton Street
- 97-99 Charing Cross Road
- 93 Charing Cross Road
- 95 Charing Cross Road
- Trentishoe Mansions
- 2 Old Compton Street (PH)
- 107-109 Charing Cross Road
- Phoenix Theatre, 104-110 Charing Cross Road
- 1A Phoenix Street
- 1-8 The Alcazar, 7-10 Stacey Street
- 3-5 Earlham Street
- 148-150 Shaftesbury Avenue
- 152-156 Shaftesbury Avenue
- 138 Shaftesbury Avenue
- 140 Shaftesbury Avenue
- 142 Shaftesbury Avenue (PH)
- 2-8 Earlham Street

4.5 In **Scenario 1**, the following 11 properties will meet the numerical recommendations set out within the BRE Guidelines (Stage 1) and are not discussed further:

- 99A Charing Cross Road & 1-35 Old Compton;
- 97-99 Charing Cross Road;
- 93 Charing Cross Road;
- 95 Charing Cross Road;
- 2 Old Compton Street (PH);
- 107-109 Charing Cross Road;
- 152-156 Shaftesbury Avenue;
- 140 Shaftesbury Avenue;
- 138 Shaftesbury Avenue;
- 142 Shaftesbury Avenue (PH); and
- 2-8 Earlham Street.

4.6 The seven properties that do not meet the numerical recommendations set out within the BRE Guidelines are considered in further detail. These properties are identified in Figure 09 overleaf.

4.7 In **Scenario 2**, the same 11 properties listed at paragraph 4.16 above will meet the numerical recommendations set out within the BRE Guidelines (Stage 1) and are not discussed further.

4.8 To assist the readers understanding of the surrounding properties and window locations, window maps have been included within this report.

Table 04: ted now

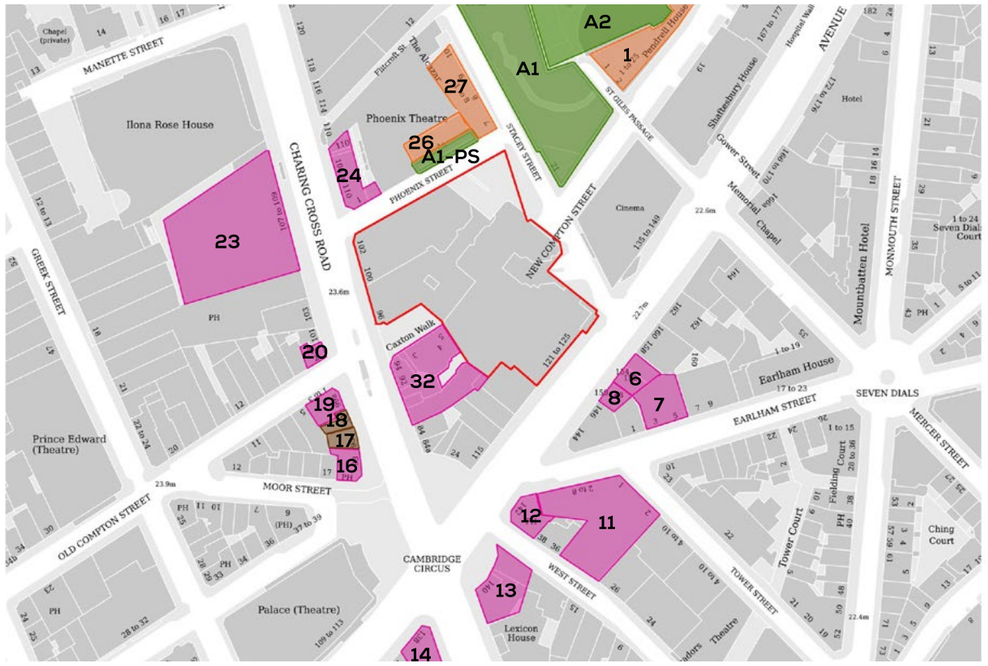


Figure 09: Sensitive Receptor Map (Use and Amenity)

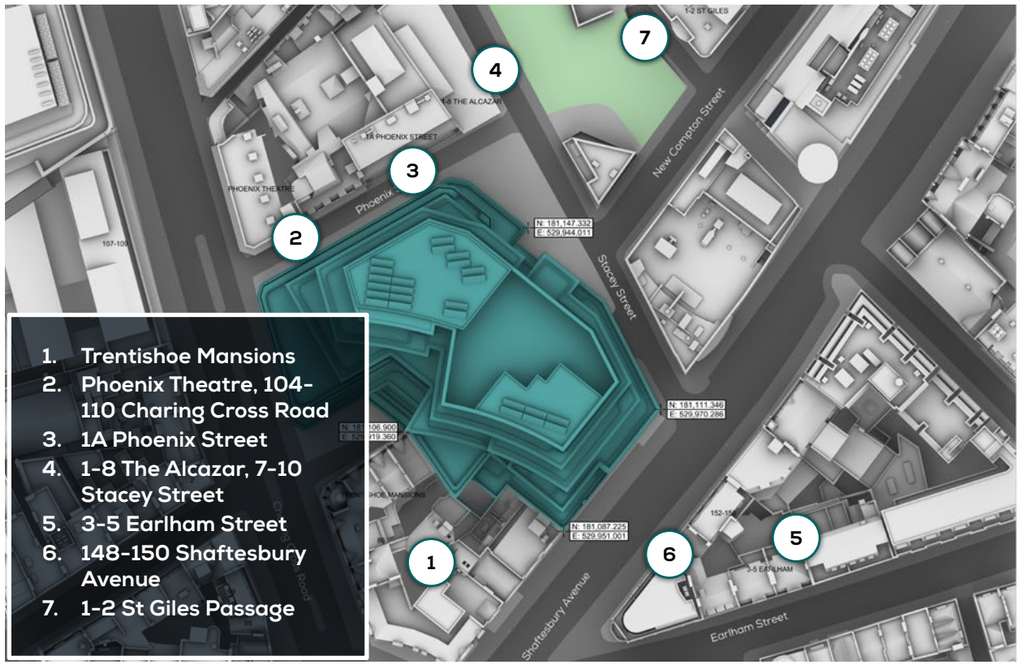


Figure 10: Location of properties to be discussed in detail (Stage 2)

DISCUSSION OF RESULTS

4.9 In order to establish whether the Proposed Development will cause unacceptable harm (Stage 2), the following material considerations have been examined and applied (where relevant):

1 The Site's location in the CAZ, wherein the London Plan encourages intensification of these areas, through a combination of the re-purposing and extension of, and replacement of, existing buildings to secure their long-term sustainability and a careful balance being struck between the requirements and strategic functions of the CAZ and the amenity of local residents;

2 The Site's location in both the Tottenham Court Road Opportunity Area and two emerging site designations whereby commercial growth is encouraged;

3 Where there are low existing VSC values that do not meet the suggested 27% target in the existing situation as outlined in Paragraph 2.2.23 of BR209;

4 Where there are low existing VSC values, it has been reviewed whether the change in daylight will be perceptible to the occupant i.e. where there is less than an absolute 3% VSC reduction, it is GIA's opinion that this may not be perceptible (in line with APP/E5900/W/17/3191757- Enterprise House, 21 Buckle Street;

5 If the post-development retained VSC values (mid-teens and above) are in line with acceptable inner-city urban environments as detailed in numerous Inspectorate and planning decisions (including APP/X5210/W/21/3284957 - 17-37 William Street);

6 Where there are low existing NSL values that do not meet the inferred 80% target in the existing situation, it is likely the users are already reliant on supplementary lighting (paragraph 2.2.10, BRE Guidelines);

7 If the change in daylight distribution (NSL) is to a bedroom; the BRE Guidelines note that the receipt of daylight is "*less important*" in bedrooms in line with paragraph 2.2.10 of the BRE Guidelines;

8 Where a room is greater than 5 metres deep then a greater movement of the NSL may be unavoidable as detailed at paragraph 2.2.12 of the BRE Guidelines;

9 If the change in sunlight is to a bedroom or kitchen. The BRE Guidelines note that the receipt of sunlight is "*less important*" in bedrooms and kitchens in line with paragraph 3.1.2 of the BRE Guidelines;

10 If room layouts are known, then the VSC and APSH to the room has been considered in line with paragraphs 2.2.8 and 3.2.3 of BR209, respectively;

11 If architectural features (e.g. inset / overhanging balconies or protruding side returns) exist which would restrict daylight or sunlight to rooms lit by windows beneath them in accordance with paragraph 2.2.17 of the BRE Guidelines; and

12 Whether there is a noticeable impact beyond the Historic Permission as referenced in Section 3 (see para 3.22-3.24).

Trentishoe Mansions

4.10 This eight storey building (inc. ground and basement) abuts the southern boundary of the site and shares party walls with the existing site building.

4.11 The main site facing facade of the building comprises retail and restaurants at ground floor with residential apartments at the upper floors. This front-facing facade is c. 10 metres from the existing building.

4.12 There are also habitable rooms within a rear courtyard which inherently reduces the available skylight to these windows.

4.13 GIA has sourced partial floor plans for this property, which have been used and extrapolated in our model. All modelling assumptions can be found in Appendix 03.

Stage 1 - Is there a strict compliance with the recommendations in the BRE Guidelines?

VSC

4.14 Of the 165 windows assessed, our analysis shows that 99 (60%) will meet the BRE criteria.

4.15 The remaining 66 windows serve 21 rooms (three unknown rooms, eight bedrooms and 10 living rooms).

NSL

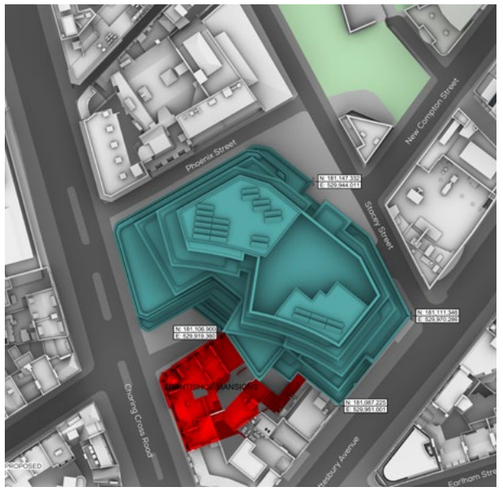
4.16 Of the 55 rooms considered 41 (75%) will adhere to the BRE guidelines. The remaining 14 rooms serve three rooms of unknown use, seven bedrooms and four living rooms.

4.17 On the basis of strictly applying the criteria for daylight, this property does not meet the criteria outlined in the BRE Guidelines.

APSH

4.18 With regards to sunlight, of the 19 windows relevant for assessment, all 19 will meet the recommended criteria outlined in BR209.

4.19 As this property remains compliant for sunlight, no further discussion has been made.



Stage 2 - Is the level of harm unacceptable?

VSC

4.20 The existing built environment is constrained, with a very narrow separation distance between the existing building and this property. Therefore, in the existing situation, 61 of the 66 impacted windows are unable to meet the 27% VSC target value and 24 (62%) of these windows record values less than 10%.

4.21 With the Proposed Development in situ, 29 windows experience alterations between 20.1% - 29.9%, which are typically considered minor in nature. Of the remaining 37 windows, 23 experience transgressions between 30-39.9% and 14 windows in excess of 40%.

4.22 Of these 66 windows, 15 retain levels in excess of a mid-teens value (15%+), which is considered reasonably good for inner city environments.

NSL

4.23 Of the 14 rooms demonstrating a technical breach, 11 (79%) record existing NSL values less than 80% (between 9.2 - 70.2%). Therefore, the neighbours are likely to be reliant on some form of supplementary lighting in the existing situation (Section 2.2.10, BRE Guidelines).

4.24 With the Proposed Development coming forward, four rooms experience relative losses between 20.1% - 29.9%, which in our view is considered minor losses. Of the remaining ten rooms, five experience alterations between 30-39.9% and the remaining five rooms experience lossesin excess of 40%.

APSH

4.25 All windows remain BRE compliant and therefore, are not discussed further.

Scenario 2 - Cumulative

4.26 There will be no cumulative effects to this property as a result of the nearby consented scheme.

Scenario 4 - Historic Permission vs Proposed

4.27 When the Proposed Development is assessed against the Historic Permission, our technical analysis demonstrates that of the 165 windows assessed, the largest absolute VSC alteration to any window will be limited to 2.1%. It is considered that such a change will not be noticeable to any of the occupants beyond the Historic Permission.

4.28 In review of sunlight, none of the windows assessed breach the alternative criteria.

4.29 Figures 11 - 14 illustrate the retained VSC daylight values when comparing the Proposed Development and the Historic Permission against the BRE Guidelines.

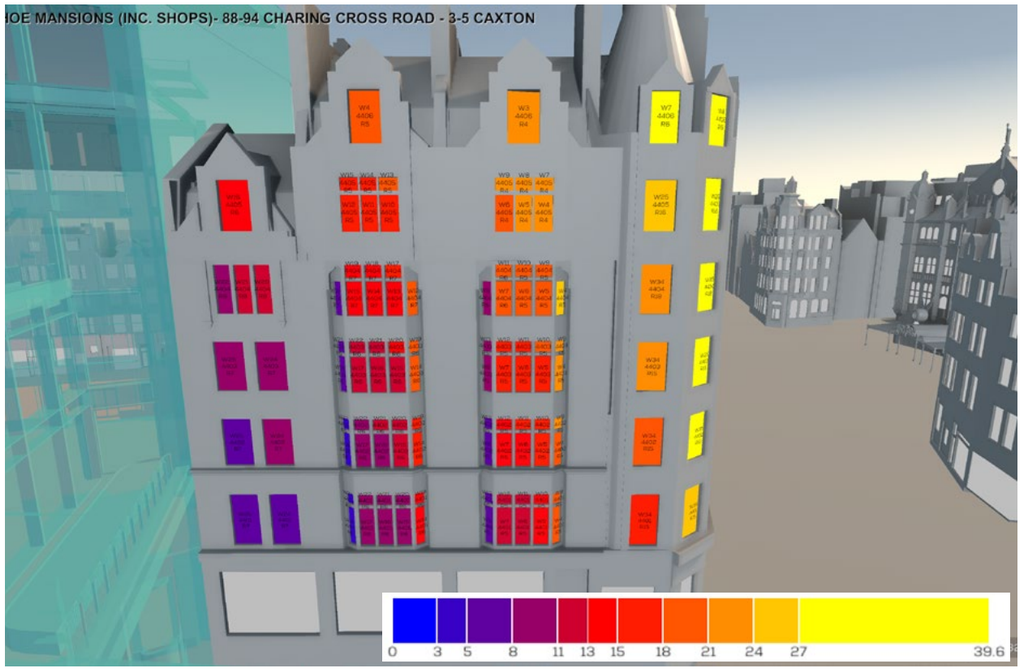


Figure 11: Proposed Development - Retained VSC - front elevation

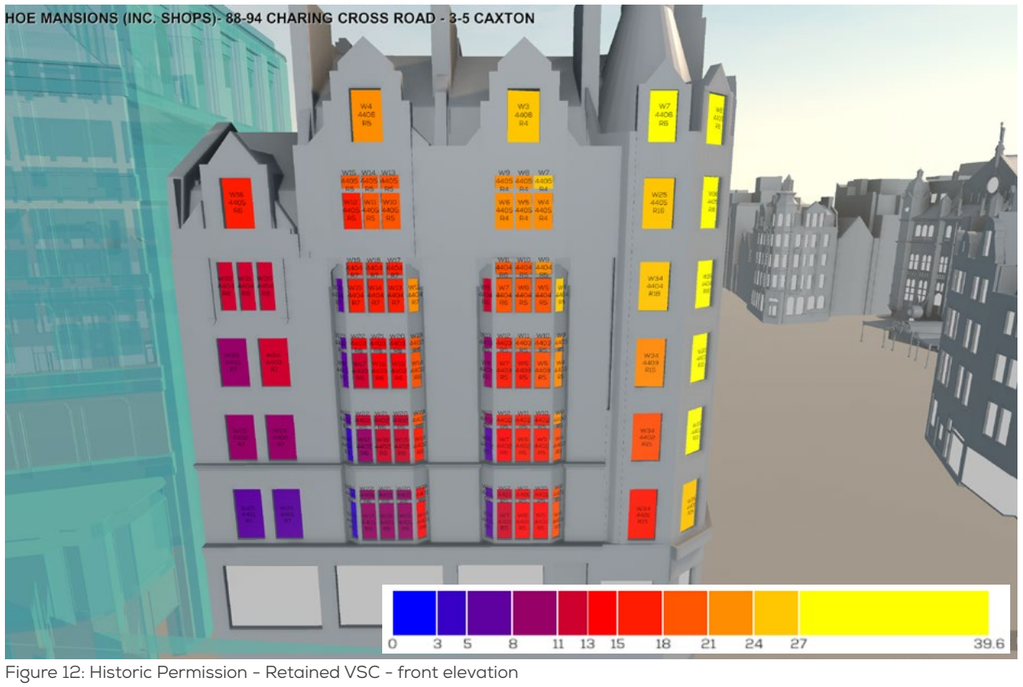


Figure 12: Historic Permission - Retained VSC - front elevation

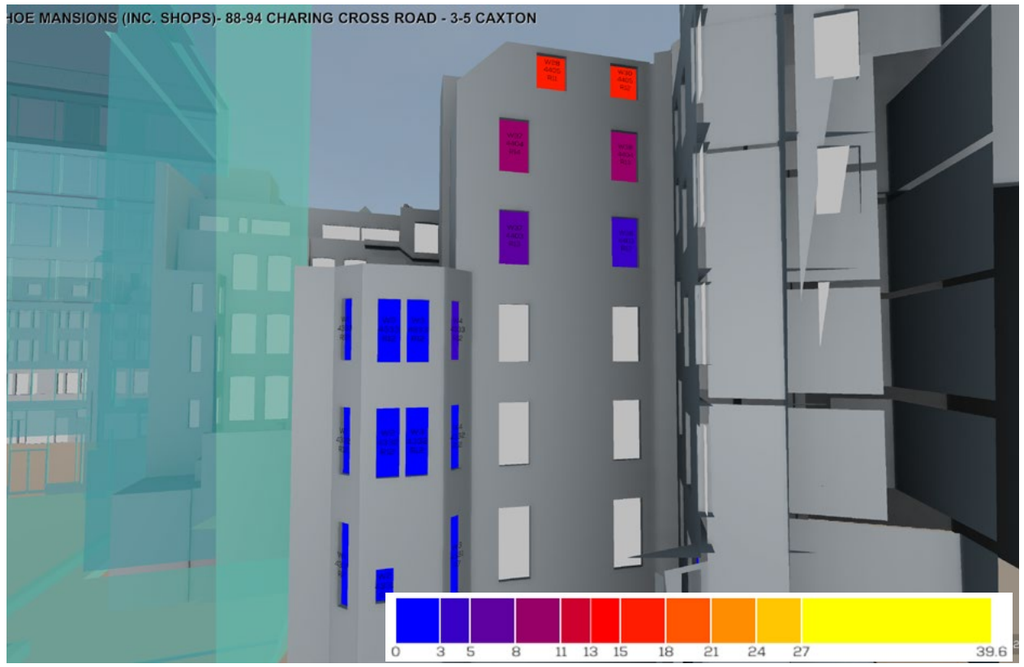


Figure 13: Proposed Development - Retained VSC - rear elevation

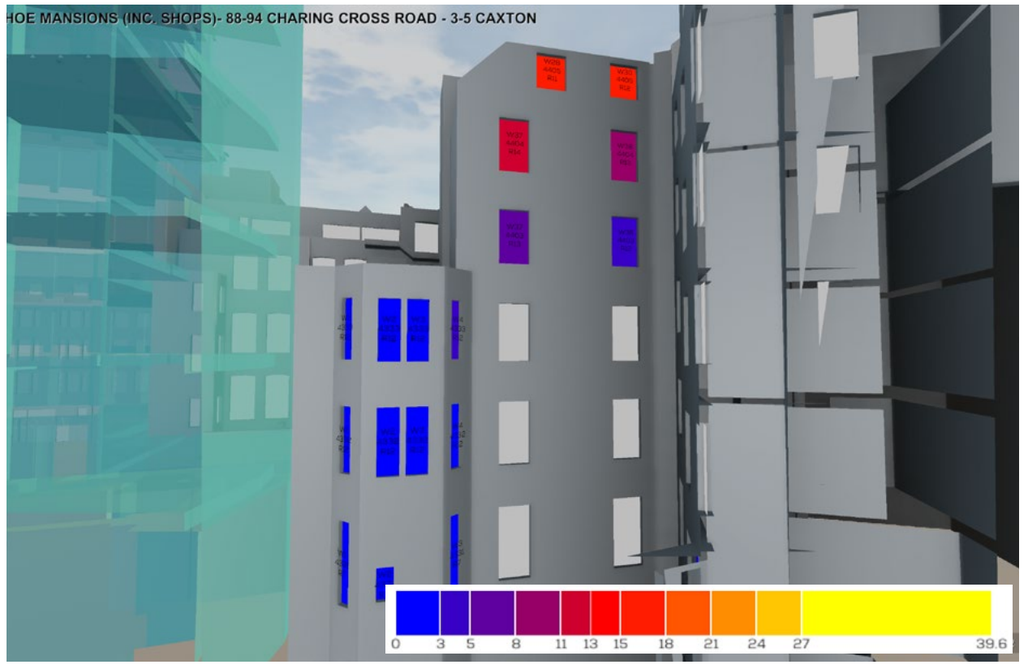


Figure 14: Historic Permission - Retained VSC - rear elevation

Phoenix Theatre, 104-110 Charing Cross Road

4.30 This six storey building comprises a theatre at ground floor with residential dwellings from first floor upwards. The building is located circa five metres to the north of the site and on the junction of Charing Cross Road and Phoenix Street.

4.31 GIA has sourced floor plans for this property, which have been used to model the property. All modelling assumptions can be found in Appendix 03.

Stage 1 - Is there a strict compliance with the recommendations in the BRE Guidelines?

VSC

4.32 Of the 10 windows assessed, six (60%) will meet the recommendations outlined in BR209. The remaining four windows all serve living/kitchen/diners (LKDs).

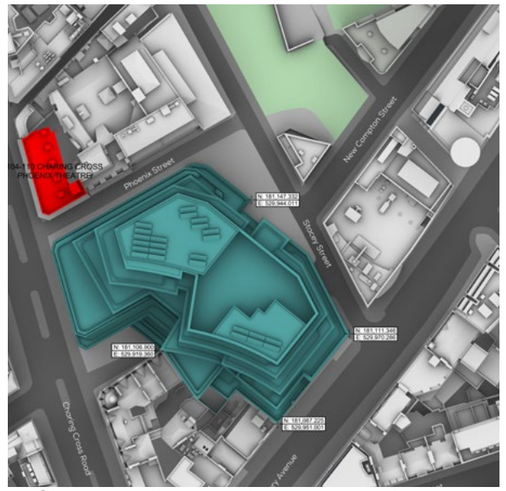
NSL

4.33 All rooms assessed at the property will meet the BRE guidelines.

4.34 On the basis of strictly applying the criteria for daylight, this property does not meet the criteria outlined in the BRE Guidelines.

APSH

4.35 Of the 10 windows assessed for sunlight, nine windows (90%) meet the sunlight criteria. One window (W1/1505) falls short of the recommended target for annual sunlight only; this window meets the BRE guidelines for winter sunlight.



Stage 2 - Is the level of harm unacceptable?

VSC

4.36 The four impacted windows (W1) serve LKDs that are located at each floor of the property from the third storey onwards (1502 - 1505).

4.37 Owing to the context, narrow street width and the proximity of the windows to the existing Site, all four impacted windows retain less than the recommended 27% value in the existing situation. When the Proposed Development comes forward these windows experience alterations between 21.7%-41.4%.

4.38 Each impacted window is also served by one mitigating window that is unaffected by the Proposed Development. Therefore, when VSC to the room is considered in line with paragraph 2.2.8 of BR209, all LKDs do not experience an alteration in excess of 20%.

NSL

4.39 All rooms assessed remain BRE compliant and are therefore, not discussed in this section.

APSH

4.40 The remaining window (W1/1505) serves an LKD and experiences a transgression in annual sunlight of 29.4%. However, the retained value is 24%, which marginally falls short of the 25% recommended target.

4.41 Similar to daylight, the impacted window is served by one mitigating window unaffected by the Proposed Development. Therefore, when sunlight to the room is considered in line with paragraph 3.2.3 of BR209, this LKD retains 48% (BRE's annual target is 25%).

Scenario 2 - Cumulative

4.42 Not Applicable.

Scenario 3 - Future Receptors

4.43 In consideration of the three future rooms to be located in the two-storey roof extension at 104-110 Charing Cross Road, GIA has reviewed the daylight potential using the Median Daylight Factor methodology.

4.44 Our analysis demonstrated that all three rooms would meet the respective targets outlined in BR209:

- 1506/R1 - Bedroom - 2.4% (*target of 0.7%*);
- 1507/R1 - LKD - 4.3% (*target of 1.4%*); and
- 1508/R1 - Winter Garden - 10.9% (*target of 1.1%*).

4.45 Whilst a winter garden doesn't have a specific target value stated in BR209, GIA considered the space to be an extension of a living room and therefore, considered a target value of 1.1% to be appropriate. Even if the highest target value was considered (1.4%), this space would continue to meet that target value.

4.46 In terms of sunlight, the BRE Guidelines suggest that a main room should receive 1.5 hours of sunlight. All three rooms exceed these targets.

4.47 As such, each room will meet relevant daylight and sunlight targets once the Proposed Development comes forward.

Scenario 4 - Historic Permission vs Proposed

4.48 **When the Proposed Development is assessed against the Historic Permission, our technical analysis demonstrates that of the 10 windows assessed, the largest absolute VSC alteration to any window will be limited to 1.1%. It is considered that such a change will not be noticeable to any of the occupants beyond the Historic Permission.**

4.49 **In review of sunlight (annual and winter), the largest absolute APSH transgression to any window will be limited to 1%. This is not considered to be a noticeable change beyond the Historic Permission.**

4.50 **Figures 15 and 16 illustrate the retained VSC daylight values when comparing the Proposed Development and the Historic Permission against the BRE Guidelines.**

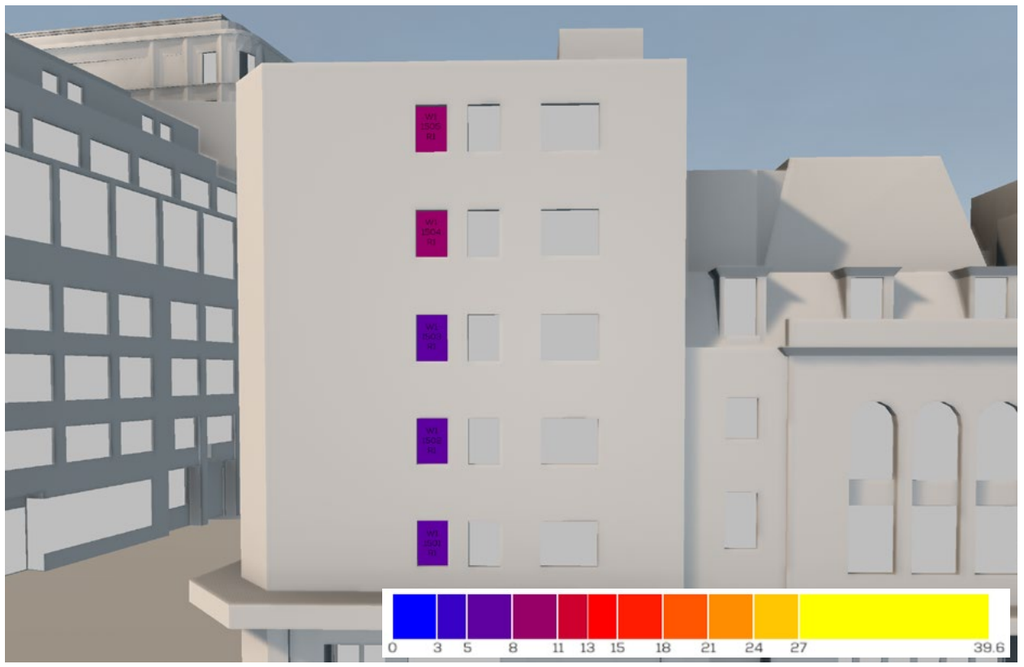


Figure 15: Proposed Development - Retained VSC

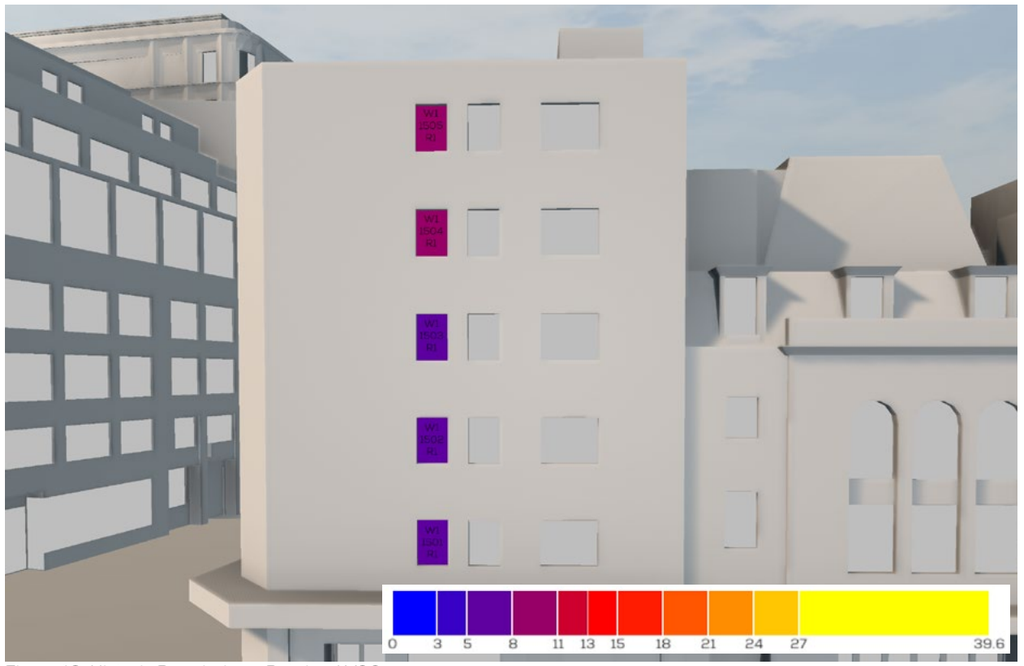


Figure 16: Historic Permission - Retained VSC

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1A Phoenix Street

4.51 This residential building of seven storeys (inc. basement and ground) is located circa five metres to the north of the site on the opposite side of Phoenix Street.

4.52 Many of the windows at this property are obscured by protruding balconies, brise soleil and narrow basement light wells. As a result of these architectural features the available daylight and sunlight in the existing situation is inherently restricted.

4.53 GIA has been able to obtain floor plans for this property, which have been inserted into our model. All modelling assumptions can be found in Appendix 03.

Stage 1 - Is there a strict compliance with the recommendations in the BRE Guidelines?

VSC

4.54 Of the 43 windows assessed, four (9%) will meet the recommendations outlined in BR209.

4.55 The remaining 39 windows serve 31 rooms (two rooms of unknown use, seven LKDs and 22 bedrooms).

NSL

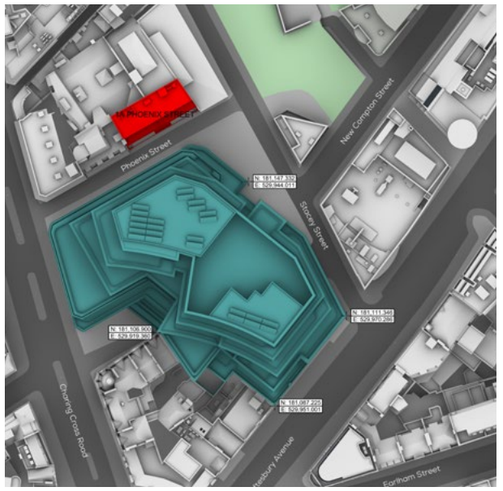
4.56 Of the 33 rooms considered, 18 (55%) will adhere to the BRE guidelines.

4.57 The remaining 15 rooms serve four LKDs and 11 bedrooms.

4.58 On the basis of strictly applying the criteria for daylight, this property does not meet the criteria outlined in the BRE Guidelines.

APSH

4.59 Of the 43 windows assessed for sunlight, 16 windows (37%) meet the sunlight criteria. The remaining 27 windows serve 20 rooms (two rooms of unknown use, five LKDs and 13 bedrooms).



Stage 2 - Is the level of harm unacceptable?

VSC

4.60 As set out above, the existing built environment at 1 Phoenix Street is constrained, with a very narrow separation distance between the existing building and this property. In addition, 32 of the 43 windows are set behind basement walls, protruding balconies and/or a brise soleil system. As such, all 39 impacted windows are unable to meet the 27% VSC target value in the existing condition and 25 (64%) of these windows record values less than 10% VSC.

4.61 With the Proposed Development in situ, 11 windows experience alterations between 20.1% - 29.9%, which are typically considered minor in nature. Of the remaining 28 windows, four experience transgressions between 30-39.9% and 24 windows in excess of 40%.

4.62 Of these 39 windows, three retain levels in excess of a mid-teens value (15%+), which is considered reasonably good for inner city environments.

NSL

4.63 Of the 15 rooms demonstrating a technical breach, 14 (93%) record existing NSL values less than 80% (between 20.5 - 64.1%). Therefore, the neighbours are likely to be reliant on some form of supplementary lighting in the existing situation (Section 2.2.10, BRE Guidelines).

Figure 17: Photo taken from Google

4.64 With the Proposed Development coming forward, two rooms experience relative losses between 20.1% - 29.9%, which in our view is considered minor losses. The remaining 13 rooms experience alterations in excess of 40%; nine of which are *"less important"* bedrooms.

APSH

4.65 For annual sunlight, of the 24 impacted windows, five experience alterations between 20.1% - 29.9% and would be considered of a minor nature. Of the remaining 19 windows, two experience transgressions between 30-39.9% and 17 windows in excess of 40%.

4.66 In consideration of winter sunlight, of the 18 apertures which demonstrate transgressions, one falls within a 20.1%-29.9% change, two apertures fall within 30%-39.9% change and 16 apertures fall within 40%+ change. Such impacts are appreciably higher due to the inherent architectural design of the property (balconies, flank elevations, brise soleil) already self-limiting sunlight availability.

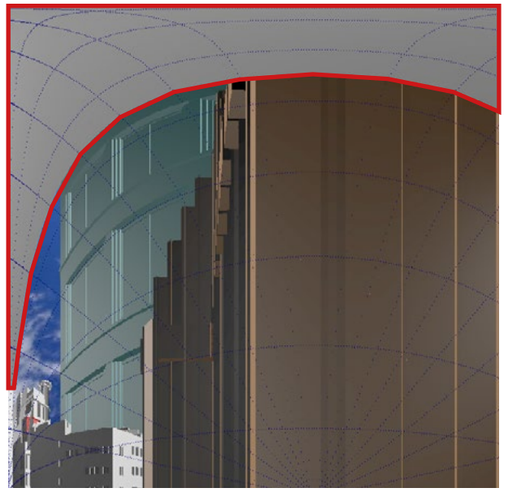


Figure 18: Waldram Diagram with balcony obstruction (in red)

Scenario 2 - Cumulative

4.67 For VSC, a very small cumulative effect will occur to five windows, whereby a further 0.1% absolute reduction occurs beyond the Proposed Development.

4.68 For NSL, there will be no cumulative effects to this property.

4.69 In sunlight, one window (W2/1704) will experience a very small cumulative effect beyond the Proposed Development of 1% annual sunlight only.

4.70 (between 20.5 - 64.1%). Therefore, the neighbours are likely to be reliant on some form of supplementary lighting in the existing situation (Section 2.2.10, BRE Guidelines).

4.71 With the Proposed Development coming forward, two rooms experience relative losses between 20.1% - 29.9%, which in our view is considered minor losses. The remaining 13 rooms experience alterations in excess of 40%; nine of which are *"less important"* bedrooms.

APSH

4.72 For annual sunlight, of the 24 impacted windows, five experience alterations between 20.1% - 29.9% and would be considered of a minor nature. Of the remaining 19 windows, two experience transgressions between 30-39.9% and 17 windows in excess of 40%.

4.73 ***Scenario 4 - Historic Permission vs Proposed***

4.74 When the Proposed Development is assessed against the Historic Permission, our technical analysis demonstrates that of the 43 windows assessed, the largest absolute VSC alteration to any window will be limited to 2.8%. This is not considered to be a noticeable change to any of the occupants beyond the Historic Permission.

4.75 In consideration of the 43 windows assessed for annual sunlight, 32 windows do not experience an absolute loss greater than 2%, which is not considered to be a noticeable change to any of the occupants using this space.

4.76 Of the remaining 11 windows, four windows see absolute losses of between 3% - 7%, but continue to meet or exceed the BRE's recommendations for annual sunlight hours. Three windows see absolute losses between 3-4%, but retain between 20-23%, which is considered good and falls just short of the BRE's target values. The remaining three windows (W1/1701, W1/1702, W1/1703) experience absolute losses of between 3-4% beyond the Historic Permission but are all located under restricting balconies.

4.77 On review of the winter sunlight, the largest absolute alteration to any window will be limited to 1%, which is not considered to be a noticeable change beyond the Historic Permission.

4.78 Figures 19 and 20 illustrate the retained VSC daylight values when comparing the Proposed Development and Historic Permission against the BRE Guidelines.

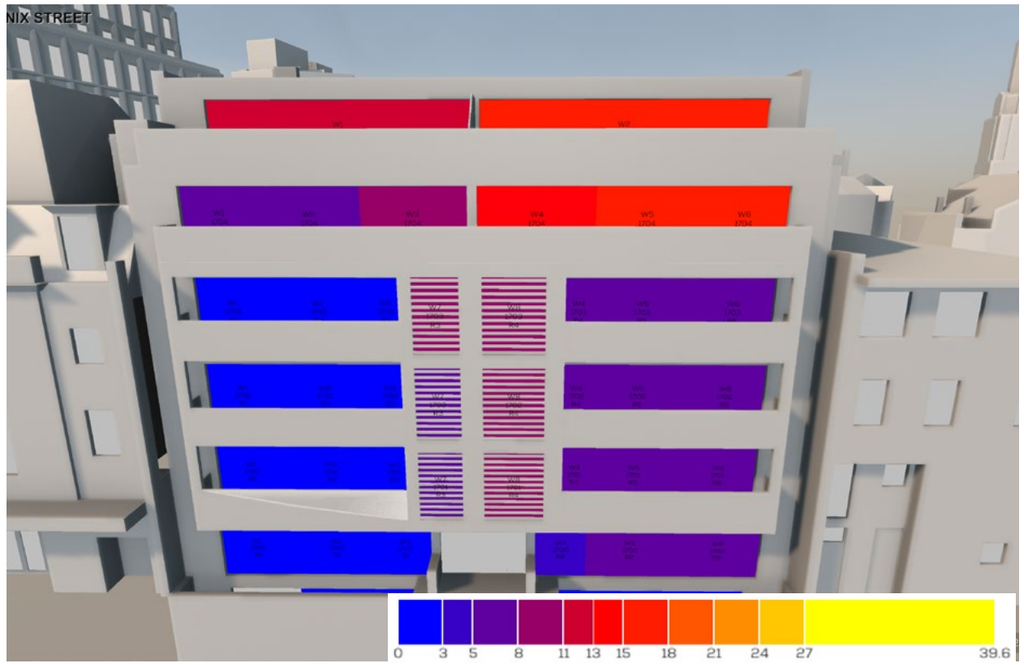


Figure 19: Proposed Development - Retained VSC

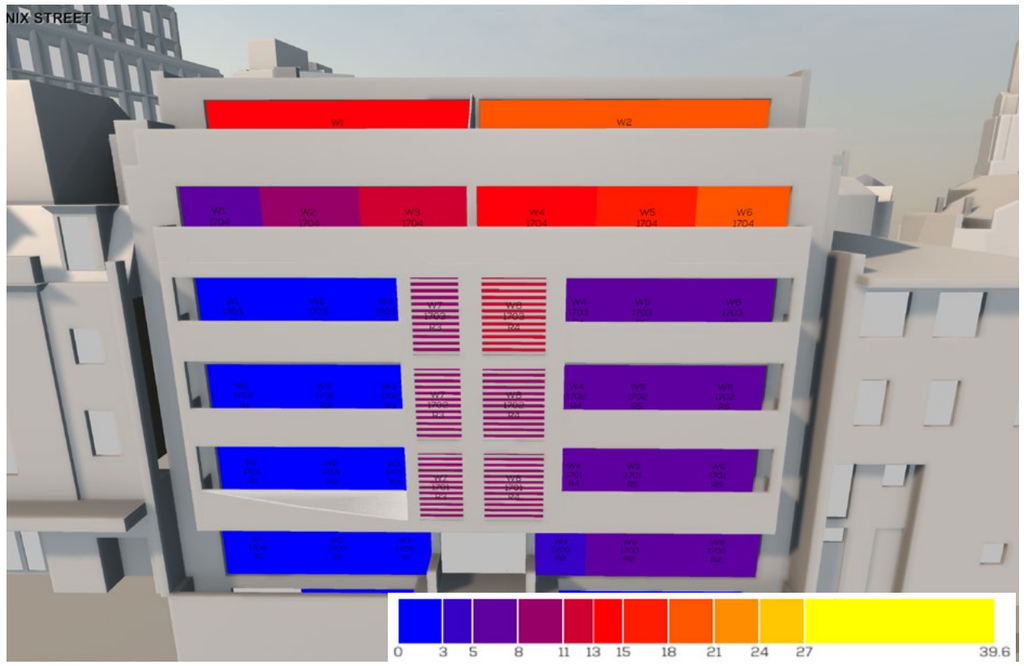


Figure 20: Historic Permission - Retained VSC

1-8 The Alcazar, 7-10 Stacey Street

4.79 This residential building of four storeys (inc. ground) is located circa five metres to the north of the site on the opposite side of Phoenix Street.

4.80 GIA was unable to source floor plans for this property an therefore, reasonable assumptions have been made regarding the size and use of the rooms. All modelling assumptions can be found in Appendix 03.

Stage 1 - Is there a strict compliance with the recommendations in the BRE Guidelines?

VSC

4.81 Of the 19 windows assessed, our analysis shows that 16 (84%) will meet the BRE criteria. The remaining three windows serve two rooms of unknown use.

NSL

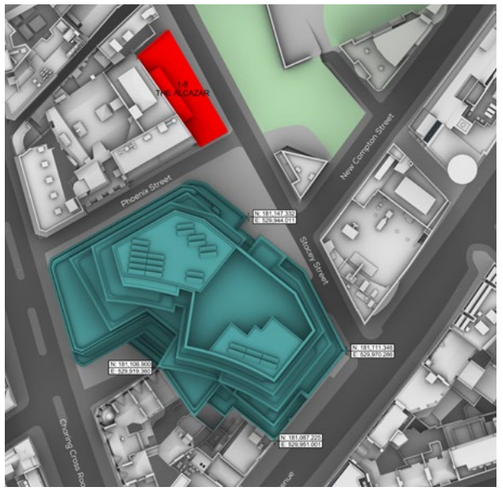
4.82 Of the six rooms assessed, all six adhere to the recommendations outlined in BR209.

4.83 On the basis of strictly applying the criteria for daylight, this property does not meet the criteria outlined in the BRE Guidelines

APSH

4.84 Of the nine windows assessed for sunlight, our analysis demonstrates that six windows (67%) will meet the BRE criteria. The remaining three windows serve three rooms of unknown use.

4.85 On the basis of strictly applying the criteria for sunlight, this property does not meet the recommended criteria outlined in BR209.



Stage 2 - Is the level of harm unacceptable?

VSC

4.86 Of the three windows that do not meet the recommended criteria, all three experience minor alterations in VSC that marginally exceed the 20% target alteration (20.7% - 21.8%).

4.87 Two windows (W1 and W2/1802) retain 15.8% and 16.5%, respectively. These retained values are considered *"acceptable"* for an inner city urban environment such as this.

4.88 The remaining window (W1/1803) experiences an absolute loss of 2.9%, which in our view is unlikely to be perceptible to the user of this space. The room this window serves will meet the recommendations outlined in BR209 for daylight distribution.

NSL

4.89 All rooms assessed remain BRE compliant and are therefore, not discussed in this section.

APSH

4.90 Of the three windows that do not meet the criteria outlined in BR209 for sunlight, this is in winter months only. Two windows (W2/1800 and W3/1802) experience changes in winter sunlight of 25% by retaining 3%.

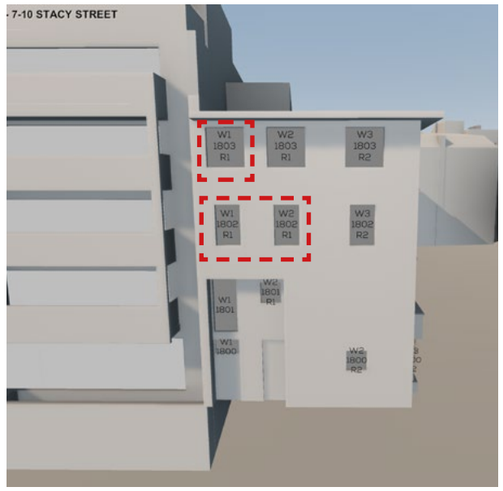


Figure 21: Window Map identifying impacted windows

4.91 The remaining window (W1/1803) demonstrates a transgression of 33.3% and retains 4%, which falls marginally short of BR209's target value (5%).

4.92 All three windows exceed the annual sunlight target value (25%) with retained values of between 28% - 33%.

Scenario 2 - Cumulative

4.93 For VSC, one window (W2/1800) experiences a very small cumulative effect of 0.1% beyond the Proposed Development.

4.94 On review of the NSL, there will be no cumulative effects to this property.

4.95 In consideration of sunlight, no cumulative effects to this property will occur.

Scenario 4 - Historic Permission vs Proposed

4.96 When the Proposed Development is assessed against the Historic Permission, our technical analysis demonstrates that of the 19 windows assessed, the largest absolute VSC alteration to any window will be limited to 0.7%. This is not considered to be a noticeable change to any of the occupants beyond the Historic Permission.

4.97 In consideration of the nine windows assessed for sunlight, seven windows do not experience an absolute loss greater than 2% annually, which is not considered to be a noticeable change.

Figure 22: 1-8 The Alcazar (taken from Google)

4.98 The remaining two windows (W1/1802 and W3/1802) experience absolute losses of 3% and 5%. However, both windows retain 33% and 32%, respectively, which exceeds BRE's recommended 25% target.

4.99 In consideration of winter sunlight, there will be no additional absolute alterations to any window and therefore, no change occurs beyond the Historic Permission.

4.100 Figures 23 and 24 illustrate the retained VSC daylight values when comparing the Proposed Development and Historic Permission against the BRE Guidelines.

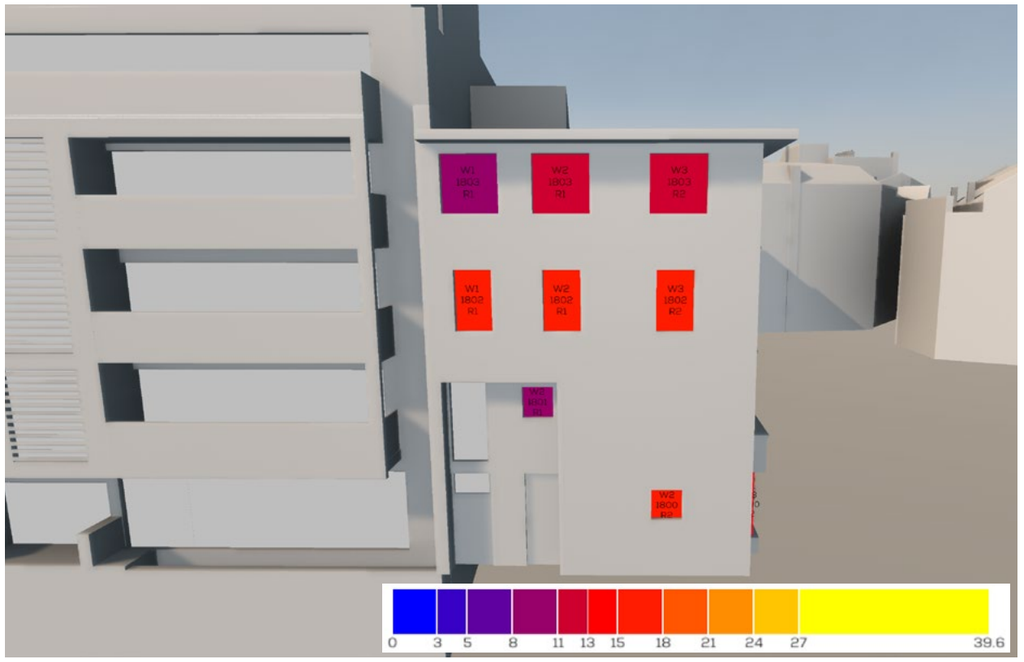


Figure 23: Proposed Development - Retained VSC

Figure 24: Historic Permission - Retained VSC

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3-5 Earlham Street

4.101 This four storey property (inc. ground) comprises retail at ground floor with residential dwellings above. The building is located circa 30 metres to the south -east of the site.

4.102 The building belongs to the second tier of properties on the opposite side of Shaftesbury Avenue (from the site) and it's rear windows face the site obliquely as well as looks within a rear light well.

4.103 GIA was unable to source floor plans for this property. Reasonable assumptions have been made regarding the size and use of the rooms. All modelling assumptions can be found in Appendix 03.

Stage 1 - Is there a strict compliance with the recommendations in the BRE Guidelines?

VSC

4.104 All 24 windows assessed will adhere to the suggested targets outlined in BR209.

NSL

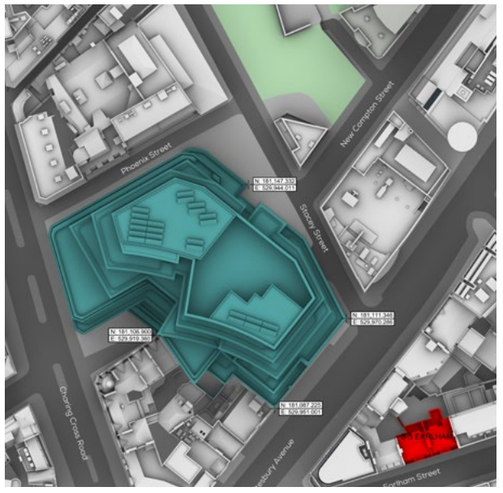
4.105 Of the 12 rooms assessed, our analysis shows that 11 (92%) will meet the BRE criteria.

4.106 The remaining room (1103/R4) experiences a marginal alteration of 20.4%.

4.107 On the basis of strictly applying the criteria for daylight, this property does not meet the criteria outlined in the BRE Guidelines

APSH

4.108 There are no windows relevant for assessment and as such, no further discussion is made.



Stage 2 - Is the level of harm unacceptable?

VSC

4.109 All windows meet BR209's criteria and are not discussed further.

NSL

4.110 The isolated transgression occurs to a room of unknown use (1103/R4) that looks within a heavily constrained rear light well with an oblique view to the Proposed Development. This room experiences an alteration of 20.4%, which is marginally beyond BR209's recommended 20% target.

APSH

4.111 There are no windows relevant for sunlight assessment.

Scenario 2 - Cumulative

4.112 There will be no cumulative effects to this property as a result of the other nearby consented scheme.

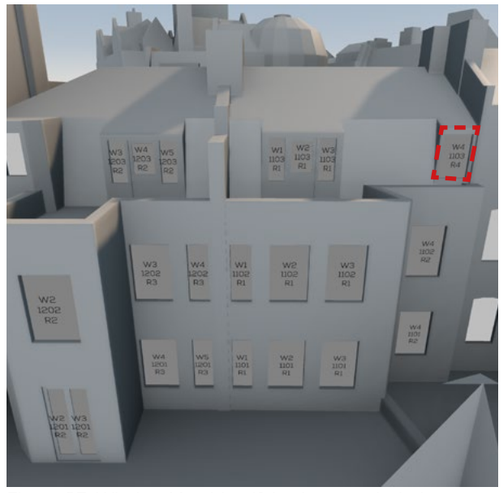


Figure 25: Window Map identifying impacted windows

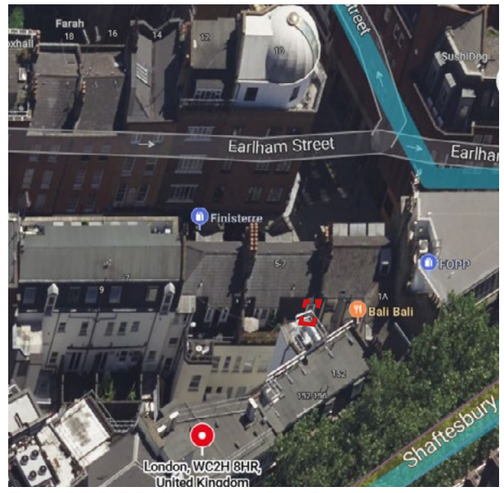


Figure 26: 3-5 Earlham (taken from Bing)

Scenario 4 - Historic Permission vs Proposed

4.113 When the Proposed Development is assessed against the Historic Permission, our technical analysis demonstrates that of the 24 windows assessed, the largest absolute VSC alteration to any window will be limited to 0.6%. It is considered that such a change is not considered noticeable to any of the occupants beyond the Historic Permission.

4.114 There are no windows relevant for sunlight assessment in this permutation.

4.115 Figures 27 and 28 illustrate the retained VSC daylight values when comparing the Proposed Development and Historic Permission against the BRE Guidelines.