

# **Statement of Case**

2A Conway Street

London W1T 6BA

18 December 2013

## **1. Site and Surroundings**

- 1.1 2A Conway Street is a three-storey building in mixed use situated on the south eastern side of Conway Street close to the junction with Maple Street. It comprises ground and two upper floors with a terrace at rear second floor level. The property is currently used as an art gallery on the ground floor with ancillary office and meeting rooms above.

The property is not listed but is located within the Fitzroy Square Conservation Area.

- 1.2 The immediately surrounding area to 2A Conway Street is in mixed use. Adjoining 2A Conway Street to the north is a pub whilst to the south, separated by a passageway at ground floor level, is 2 Conway Street which is divided into four flats. To the rear is County House a large office building with residential flats on the upper floors. On Maple Street to the south east there are both residential properties and offices as well as a Council-owned social services facility.

## **2. Relevant Site History**

- 2.1 In June 2006 planning permission was granted for change of use of the ground floor from office use (Class B1) to retail use (Class A1) as an art gallery.
- 2.2 In May 2007 planning permission was granted for the retention of a new ground floor frontage to the art gallery.
- 2.3 In October 2011 an application for the erection of an additional storey at roof level with rooflights, photovoltaics and green roof; creation of a terrace on the roof of the extension at rear third floor level and rear second floor extension; and extension of the existing terrace in connection with the provision of a studio flat within the roof extension was withdrawn.

- 2.4 In April 2013 planning permission was refused for the erection of a roof extension with terrace over, creation of a terrace at rear third floor level and enlargement of the rear second floor level terrace through the erection of a metal platform and creation of a doorway, all in connection with the provision of a studio flat within the roof extension.
- 2.5 In November 2013 planning permission was granted for a first floor rear infill extension including the extension of the existing roof terrace and balustrade at first floor level and replacement of the existing window with an access door to the existing art gallery/retail unit (Class A1). It should be noted that the art gallery/retail unit use is on the ground floor and not the first floor.

### **3. Proposals**

- 3.1 Planning permission is sought for:
- the erection of an extension at roof level in connection with the use of the second and new third floor as a residential flat;
  - the provision of a balustrade at third floor level;
  - the installation of planting boxes at third floor level to provide privacy screening.

### **4. Planning Considerations**

- 4.1 The main planning considerations to be taken into account in determining this application are the land use issues associated with the creation of a new dwelling; the impact of the proposal on the character and appearance of the building and the conservation area; and impact on the amenity of nearby properties.
- 4.2 The relevant Core Strategy policies are: CS1 (distribution of growth), CS5 (managing the impact of growth and development), CS14 (promoting high quality places and conserving our

heritage), DP24 (securing high quality design), DP25 (conserving Camden's heritage) and DP26 (managing the impact of development on occupiers and neighbours). The relevant Camden Planning Guidance is CPG1.

## **5. Issues With Respect to Previous Applications**

5.1 The development of the roof at the property has been the subject of a number of discussions with the Council, two previous applications (one of which was withdrawn) and a current appeal. The key points made by officers when considering these applications and which are relevant to this application are as follows:

### ***Design***

"a roof extension significantly reduced in size and set back from the front and rear building lines and away from the boundary with No.2 with a reduced height could be acceptable." (email dated 30 November 2011).

"In order to maintain a subordinate appearance and scale in relation to the adjacent listed buildings and the historic scale of this part of the conservation area, it is recommended that a setback mansard type design is considered. A historic pastiche would look out of place and a simple glazed industrial or artists' studio type structure which would reflect the character of the host building is suggested". (email dated 6 January 2012)

"The additional height to the rear is considered not only to dominate the scale of the neighbouring listed buildings but it also comes above the traditional roof form and height of the historic pub next door". (email dated 6 January 2012)

"The applicants are urged to consider a more modestly scaled and less dominant extension." (email dated 6 January 2012)

Application 2012/2754/P sought to address these design concerns

and was considered acceptable on design grounds because the proposed roof extension was:

- set back behind the existing parapet on the front elevation;
- respected the appearance of the existing building;
- the glazing did not interfere with stronger fenestration patterns at lower levels
- the extension appeared lightweight;
- the use of contemporary materials clearly separated the extension from the lower historic floors of the building;
- the railings and privacy screen did not appear out of character. (Delegated Report 5 April 2013)

### ***Amenity***

“concerned about loss of daylight to the residential units at No.2 Conway Street and overlooking of the residential units at upper floor levels at Conway Mews and 4 Conway Street from the proposed terraces at third and fourth floor level.” (email dated 30 November 2012)

“The bulk of the part of the extension adjacent to No.2 is considered likely to result in a loss of daylight to this residential unit to the detriment of the amenity of the occupiers” (email dated 6 January 2012)

Although the roof extension was acceptable on design grounds application 2012/2754/P was considered unacceptable because:

- there would be overlooking from the roof top terrace into the bedroom windows of 2D Conway Street and 44 Maple Street;
- adding further screening at this level to address this concern would result in additional bulk and height to the extension which would have a negative impact on the conservation area;
- the close proximity of the roof extension to the bedroom windows of 2D Conway Street and 44 Maple Street would

create a heightened sense of enclosure which would harm the amenity of the occupiers of these flats;

- the addition of a privacy screen at third floor level would exacerbate the sense of enclosure for users of the roof terrace of 2D Conway Street;
- the roof extension could result in a reduction in daylight to the habitable rooms of occupiers of 2C and 2D Conway Street.

## **6.0 Land Use – Creation of a New Dwelling**

6.1 Housing is regarded as a priority land use in Camden’s Local Development Framework and the proposed residential flat at second floor and roof level would assist the Council in meeting its strategic housing target. In assessing application 2012/2754/P the Council considered that providing residential accommodation on this location acceptable provided it was of a suitable standard and did not conflict with other planning policies.

6.2 The proposal would result in the loss of 70 sq.m of floorspace which is currently utilised as a small office and meeting room ancillary to the main exhibition space of the gallery use on the ground floor. The loss of this space would not impact on the overall operation of the gallery as the second floor is underutilised and unsuitable for exhibition use due to the lack of suitable wall space for hanging art works; its lower ceilings; and because access is via a small spiral staircase which is not practical when there are a large number of visitors to the gallery.

6.3 The use of the second floor and the proposed roof extension as residential accommodation would also go some way to addressing residents’ concerns about noise, privacy and disturbance as a residential use would, by its nature, be quieter and less intrusive.

6.4 It is accepted that other Camden policies seek to resist the loss of existing employment sites and employment generating uses.

However, as stated above the second floor of 2A Conway Street is underutilised and its loss would not impact on the functioning of the gallery use at ground floor level.

**6.5** The applicant is prepared to sign a section 106 agreement with respect to car free residential development.

## **7.0 Impact on the Conservation Area**

7.1 The proposed roof extension has been sensitively designed to remain in keeping with the architectural merits of 2A Conway Street whilst at the same time respecting the character and scale of the existing building and the Conservation Area. The design principles set out by officers in 2011 and 2012 are reflected in this new proposal for a roof extension and the design approach is similar to that of the previous scheme (2012/2754/P). It follows that on design grounds this application should be considered acceptable and in conformance with policies CS14, DP24 and DP25 and CPG1.

## **8.0 Impact on the Amenity of Nearby Properties**

8.1 In response to the concerns related to impact on the amenity of nearby properties this application addresses the concerns.

8.2 A roof top terrace is not included in this proposal and therefore there is no overlooking into the bedrooms of 44 Maple Street and 2D Conway Street from this level. A privacy screen is not proposed at roof top level.

8.3 The proposed roof extension is set back from the side parapet wall by 0.92m and the total distance from the side elevation of the roof extension to the 44 Maple Street and 2 Conway Street is between 4.6 to 4.75 metres. This set back and the reduced bulk of the roof extension will address concerns about an increased sense of enclosure from occupiers of 44 Maple Street and 2 Conway Street. As outlook is intrinsically linked to the amount of sunlight and daylight received and the viewable area out of a

window, consideration should be given to the findings of the Daylight and Sunlight Report when considering the impact of this proposal on outlook.

8.4 The roof terrace to 2D Conway Street is already partially enclosed by a gazebo. The set back of the roof extension together with new railings to match existing will ensure that a degree of openness is retained at this level sufficient to protect users of this terrace.

8.5 A Daylight and Sunlight Report is attached at Appendix One. This report concludes that the windows and rooms to the buildings most likely to be affected by the proposed extension comfortably meet the BRE guidelines for daylight with one minor transgression, but taking into account the mitigating factors, the proposal is, on balance, BRE compliant.

## **9.0 Objections**

9.1 Objections have been previously received to proposals for a roof extension at 2A Conway Street. In summary these objections have been concerned with:

- the change of use of the ground floor of 2A Conway Street to an art gallery;
- impact on daylight and sunlight to the bedroom and kitchen of 2D Conway Street;
- the roof extension would result in the loss of the means of escape for the occupiers of 2D Conway Street;
- the terrace at third floor level would result in loss of privacy and overlooking to occupiers of 2D Conway Street and 5 County House;
- the roof extension would result in a loss of sunlight to the bedroom window of 2B Conway Street and to the stairwell.

9.2 Responses to these objections are as follows:

- the use of the ground floor as an art gallery already has the benefit of planning permission;



- the impact of the roof extension on the habitable rooms of 2D Conway Street is set out in the Daylight and Sunlight Report at Appendix One;
- the roof of 2A Conway Street is not a means of escape for 2D Conway Street;
- County House is at some distance and would not be overlooked;
- the setback and the proposed privacy screen would address concerns with respect to 2D Conway Street;
- due to the proximity of 2B Conway Street to 2A light at this level is already compromised and there will be no worsening of the current situation.

## **APPENDIX ONE**

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**Daylight and Sunlight Report**  
**for the Proposed Extension at**  
**2A Conway Street, London, W1T 6BA**

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**Prepared for:** Epponerae Limited  
**Prepared by:** Jonathan Nash LLB (Hons)  
**Date:** 6 December 2013  
**Job Reference:** 1214/JN

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## **1. Executive Summary**

### **1.1 Scope of Service**

1.1.1 We have been instructed by Epponerae Limited to consider the potential impact upon the amenity of the surrounding residential properties, which may arise from the proposed extension at 2A Conway Street, London, W1T 6BA.

### **1.2 BRE Assessment Criteria**

1.2.1 To ensure that this assessment has been appropriately considered, daylight and sunlight assessments have been undertaken in accordance with the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2011 (the "BRE guide") and also on British Standard 8206 – 2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting', to which the BRE report refers.

1.2.2 The standards and tests applied within this assessment are briefly described in Appendix A.

### **1.3 Daylight and Sunlight**

1.3.1 In summary, the windows and rooms to the buildings most likely to be affected by the proposed extension, comfortably meet the BRE guidelines for daylight, with one minor transgression to a second floor bedroom to 2 Conway Street. Taking into account the mitigating factors outlined below, the proposed extension is, on balance, BRE compliant.

### **1.4 Generally**

1.4.1 When considering the numerical results, it is important to approach and interpret the BRE guidelines flexibly along with the following material mitigating factors:

- where developments match the height and proportions of existing surrounding buildings, the Local Authority may wish to apply different target values. The proposed extension only partially in-fills the "gap" at third floor level between 4 Conway Street and 2 Conway Street;
- The BRE guidelines recognises that buildings located close to the site boundary, as is the case here, may be considered as "bad" neighbours, taking more than their fair share of light. This is particularly so in situations where existing buildings have yet to meet their fullest potential by matching the height and proportions of existing surrounding buildings. Accordingly, a greater reduction in daylight or sunlight may be unavoidable and so the local authority may wish to apply different target values;
- kitchens and bedrooms are given less weighting than that of a living room; and
- the BRE guidelines are not intended to be mandatory, or applied in strict calculation terms.



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## 2. Introduction

### 2.1 Scope of Service

2.1.1 We have been instructed by Epponerae Limited to consider the potential impact upon the amenity of the surrounding residential properties, which may arise from the proposed extension at 2A Conway Street, London, W1T 6BA.

### 2.2 Planning Policy

The London Borough of Camden's Plan

2.2.1 The London Borough of Camden's Local Development Framework adopted on 8 November 2010, discusses the need to ensure the consideration of site layout when undertaking development. In particular Development Policy DP26 Managing the impact of development on occupiers and neighbours, states that: -

*"The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:*

*c) sunlight, daylight and artificial light levels;"*

2.2.2 It goes on to state at paragraphs 26.2 and 26.3: -

*"Development should avoid harmful effects on the amenity of existing and future occupiers and to nearby properties. When assessing proposals the Council will take account the considerations set out in policy DP26. The Council's Camden Planning Guidance supplementary document contains detailed guidance on the elements of amenity."*

***"Visual privacy, overlooking, overshadowing, outlook, sunlight and daylight***

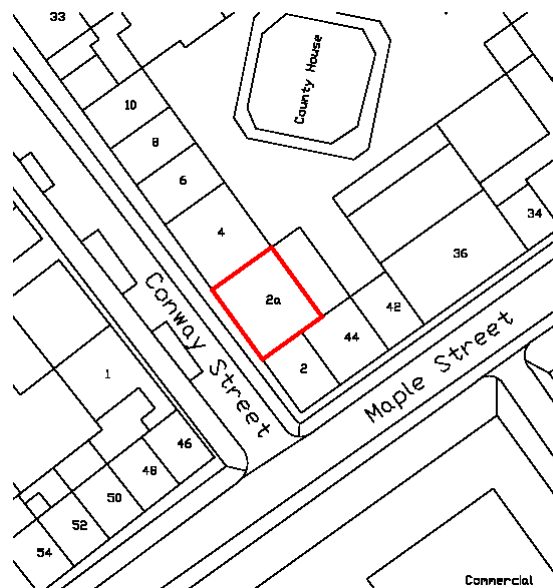
*A development's impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours. To assess whether acceptable levels of daylight and sunlight are available to habitable spaces, the Council will take into account the standards recommended in the British Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'"*



## 2.3 Assessment

- 2.3.1 To ensure that this assessment has been appropriately considered, daylight and sunlight assessments have been undertaken in accordance with the Building Research Establishment Report ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’ 2011 (the “BRE guide”) and with the British Standard 8206 – 2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’, to which the BRE report refers.
- 2.3.2 The standards and tests applied within this assessment are briefly described in Appendix A.
- 2.3.3 The existing buildings adjacent to the site are shown on the Site Location Plan below.

### Site Location Plan



- 2.3.4 The existing buildings adjacent to the site considered for this report are listed in the following table. Some of these buildings may not require a comprehensive assessment with the reasons for these findings given later in this report under section 3: Results and Consideration.

Adjacent Building Summary Table		
Name/Address of Building	Assumed Use of Building	Position in Relation to the Proposed Development
2 Conway Street (Flats A to D)	Residential	South
44 Maple Street	Residential	South



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## 2.4 Limitations

- 2.4.1 Our assessment is based on the proposed development drawings by Trevor Lahiff Architects.
- 2.4.2 The location of the windows to the surrounding properties and their relationship to the proposed extension were recorded.
- 2.4.3 Topographical survey information was provided with regard to the existing building on site and elevational details of the rear facades of 2 Conway Street and 44 Maple Street. Where topographical survey information was not provided, the locations and heights of the surrounding properties were derived from the aforementioned drawings, site photographs and oblique aerial photography.
- 2.4.4 We refer you to the drawings which accompany this report for a list of the third party information relied upon which our 3D computer model and resultant analyses are based.
- 2.4.5 Evergreen trees, hedges and shrubs have been represented in our 3D model where appropriate, but deciduous trees have not.





### 3. Results and Consideration

#### 3.1 Daylight

3.1.1 The table below shows a summary of the results for the buildings tested for daylight availability in accordance with the BRE recommendations. Detailed test results are shown in Appendix C.

Daylight Assessment Summary Table						
	Vertical Sky Component Assessment			Daylight Distribution Assessment		
Building Reference	No. of windows assessed	No. that meet the BRE Guidelines	No. that do not meet the BRE Guidelines	No. of rooms assessed	No. that meet the BRE Guidelines	No. that do not meet the BRE Guidelines
2 Conway Street (Flats A to D)	5	5	0	4	3	0
44 Maple Street (Flats A to D)	6	6	0	6	6	0
<b>Total</b>	<b>11</b>	<b>11</b>	<b>0</b>	<b>10</b>	<b>9</b>	<b>1</b>

#### Existing Baseline Condition

3.1.2 The existing baseline condition is a Site situated at the junction of Conway Street and Maple Street. The Site presently comprises a 3 storey building (ground to second floor level) with a flat roof, see accompanying drawing 1214/DSO/01.

#### The Proposed Scheme

3.1.3 The proposed extension will raise the aforementioned existing structure by a single storey, creating a new structure at roof level (third floor level) of a modern design. The proposed extension will be set back from the existing boundary lines at roof level, see accompanying drawing 1214/DSO/01.

3.1.4 We have considered those windows the surrounding buildings most likely to be affected by the proposed development, namely, 2 Conway Street and 44 Maple Street.

#### 2 Conway Street, Flats A to D

3.1.5 This 4 storey residential building is located immediately to the south of the Site. It comprises a flat at each floor level. Flat A is located at the ground floor level, Flat B to the first, Flat C to the second and Flat D to the third. Each flat is served by windows located to the rear elevation.

3.1.6 With reference to the accompanying drawing 1214/DSO/01, we consider that the windows located to the main rear façade (W1 and W2), probably serve habitable rooms for the purposes of the BRE guidelines. There are also some oblique northeast facing windows (W3).

3.1.7 Turning now to the assessment results, the windows and habitable rooms were assessed for Vertical Sky



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Component (VSC) and Daylight Distribution (DD) respectively.

- 3.1.8 The oblique windows (W3), due to their juxtaposition with the Site and their orientation, are highly unlikely to be affected by the proposed extension. They have, therefore, not been assessed. In any event, we consider that these rooms potentially serve circulation space, or are dual aspect. In accordance with the BRE guidelines, circulation space, hallways, storerooms, toilets and bathrooms, need not be assessed.

#### Flat A

- 3.1.9 The window and habitable room that were assessed, comfortably meet the BRE criteria.

#### Flat B

- 3.1.10 The window and habitable room that were assessed, comfortably meet the BRE criteria.

#### Flat C

- 3.1.11 The window comfortably meets the BRE criteria. We have noted a minor transgression at second floor level, which is likely to be a bedroom. This bedroom, however, still attains 62% sky visibility at table level. Now, bearing in mind the material mitigating factors outlined below, we consider this to be acceptable.

#### Flat D

- 3.1.12 Both windows and habitable rooms that were assessed (W1 and W2) comfortably meet the BRE criteria.
- 3.1.13 The minimal impact is largely due to the following factors. Principally, the extension is set back from the roof boundary and the roof profile, in cross-section, has been chamfered towards 2 Conway Street. Accordingly, the lower levels of 2 Conway Street cannot see the proposed extension. As one moves up the building, the potential to view the proposed extension increases, however, it generally remains within the lee, or silhouette, of the higher gable wall with 4 Conway Street and the substantial office building known as County House beyond.

#### Mitigating Factors

- 3.1.14 As with all development sites, it would be helpful at this stage to outline material mitigating factors. First, where developments match the height and proportions of existing surrounding buildings, the Local Authority may wish to apply different target values. The proposed extension only partially in-fills the “gap” at third floor level between 4 Conway Street and 2 Conway Street.
- 3.1.15 Second, the BRE guidelines recognises that buildings located close to the site boundary, as is the case here, may be considered as “bad” neighbours, taking more than their fair share of light. This is particularly so in situations where windows appear to be overly reliant upon light coming across buildings on adjacent land; these windows tend to be oversensitive to even a modest change in adjacent massing. Or, equally, probably being more pertinent here, where existing buildings have yet to meet their fullest potential by matching the height and proportions of existing surrounding buildings. Accordingly, a greater reduction in daylight or sunlight may be unavoidable and so the local authority



may wish to apply different target values.

- 3.1.16 And last, kitchens and bedrooms are generally given less weighting than that of a principle room such as a living room.

#### 44 Maple Street, Ground to Third Floor

- 3.1.17 This residential building is located south of the Site, adjacent to 2 Conway Street. This building is substantially of the same character as 2 Conway Street. It appears to comprise several self-contained bedsits at each floor level. Each bedsit is served by windows located to the rear elevation.
- 3.1.18 With reference to the accompanying drawing 1214/DSO/01, again there are a number of windows to the rear elevation of this building. We consider that the windows (W1) at ground to third floor levels are likely to serve circulation space, or toilets. For the avoidance of doubt, however, we have included them in our assessments. (W2) are likely to serve habitable rooms.

#### Ground Floor Level

- 3.1.19 The windows and habitable rooms that were assessed, comfortably meet the BRE criteria.

#### First Floor Level

- 3.1.20 The windows and habitable rooms that were assessed, comfortably meet the BRE criteria.

#### Second Floor Level

- 3.1.21 The windows and habitable rooms that were assessed, comfortably meet the BRE criteria.

#### Third Floor Level

- 3.1.22 The windows and habitable rooms that were assessed, comfortably meet the BRE criteria.

- 3.1.23 In summary, the windows and rooms to the buildings most likely to be affected by the proposed development, comfortably meet the BRE guidelines for daylight, with one minor transgression to a bedroom of Flat C, 2 Conway Street. Taking into account the mitigating factors we consider that the proposed extension is BRE compliant.

## **3.2 Sunlight**

- 3.2.1 In accordance with the BRE report, the buildings outlined below have been assessed for annual probable sunlight hours (APSH), where the windows face within 90 degrees of due south.
- 3.2.2 None of the of the windows to the buildings considered face within 90 degrees of due south, accordingly, no assessments were undertaken.



### 3.3 Overshadowing

#### Transient Overshadowing Assessment

3.3.1 It is considered that there are no amenity spaces in the immediate surrounding area that will be affected by the proposed development. Accordingly, no assessments were undertaken.

### 3.4 Further Points to Consider

#### 25 Degree Section Line Test

3.4.1 The 25 degree section line test is a rudimentary test for designers to initially consider any potential effects upon neighbouring properties. The 25 degree section line test, is essentially the equivalent of a uniform obstruction subtended 25 degrees from the horizontal from the centre of a subject window, from left to right. From this information, where some obstructions are greater than 25 degrees and some are lower than 25 degrees, designers may reasonably conclude whether on balance neighbouring properties may be affected. If that is the case, more detailed tests may be required.

3.4.2 There are, however, circumstances where the 25 degree section line test is not wholly applicable. This includes situations where the existing building to be developed is already subtending more than 25 degrees, or as is the case an infill site particularly if with proposals are to match the height and proportions of surrounding buildings.

#### Increased Sense of Enclosure

3.4.3 There are no express assessments within the BRE guidance to determine if an increased sense of enclosure is actual or perceived; it is rather subjective. Having said that, it would be useful to issue diagrams that show, both visually and mathematically, how minor the impact of the proposed extension really is. The red indicates the proposed extension.

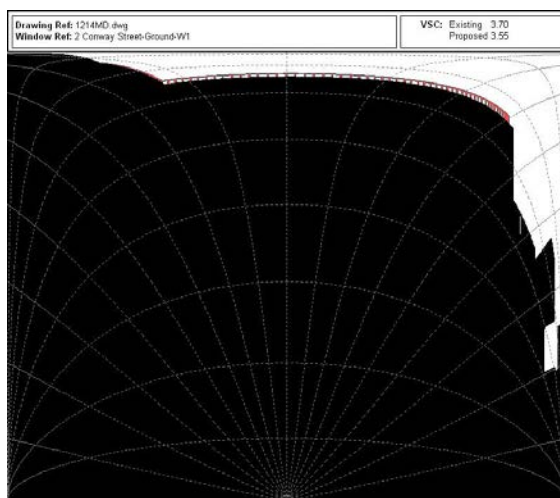


Figure 1: Flat A

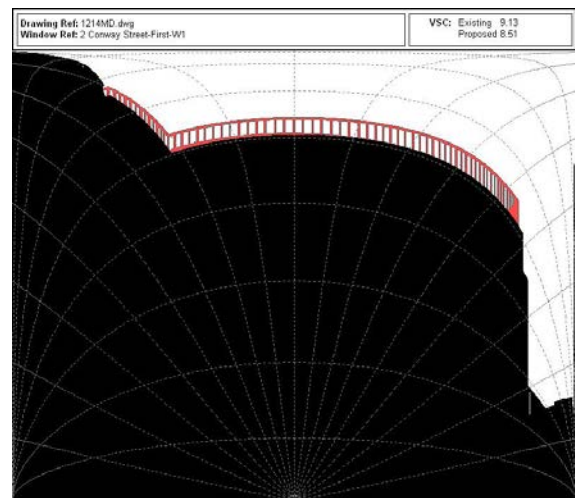


Figure 2: Flat B

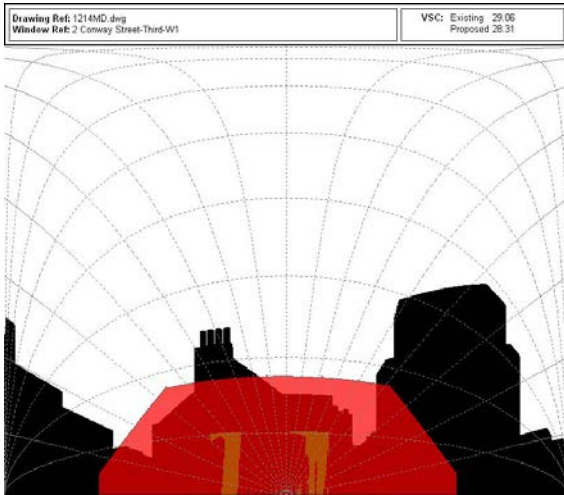


Figure 3: Flat C

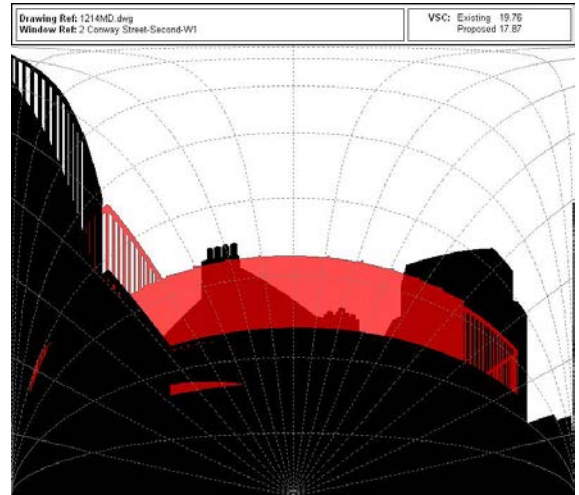


Figure 4: Flat D



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## 4. Conclusion

### 4.1 Daylight and Sunlight

4.1.1 In summary, the windows and rooms to the buildings most likely to be affected by the proposed extension, comfortably meet the BRE guidelines for daylight, with one minor transgression to a second floor bedroom at Flat C, 2 Conway Street. Taking into account the mitigating factors outlined below, we consider that the proposed extension is BRE compliant.

### 4.2 Generally

4.2.1 When considering the numerical results, it is important to approach and interpret the BRE guidelines flexibly along with the following material mitigating factors:

- where developments match the height and proportions of existing surrounding buildings, the Local Authority may wish to apply different target values. The proposed extension only partially in-fills the “gap” at third floor level between 4 Conway Street and 2 Conway Street;
- The BRE guidelines recognises that buildings located close to the site boundary, as is the case here, may be considered as “bad” neighbours, taking more than their fair share of light. This is particularly so in situations where existing buildings have yet to meet their fullest potential by matching the height and proportions of existing surrounding buildings. Accordingly, a greater reduction in daylight or sunlight may be unavoidable and so the local authority may wish to apply different target values;
- kitchens and bedrooms are given less weighting than that of a living room; and
- the BRE guidelines are not intended to be mandatory, or applied in strict calculation terms.

## **Appendix A**

BRE Assessments

## **BRE Assessments**

### **Introduction**

The Building Research Establishment Report “Site Layout Planning for Daylight and Sunlight – a guide to good practice 1991” (“the BRE Guidelines”) provides advice to building designers on site layout planning in order to achieve good daylight and sunlight amenity, not only to the proposed development and the open spaces between the proposed blocks, but also to the existing surrounding properties.

As part of this advice, the Building Research Establishment (BRE) have developed a series of assessments along with numerical guidelines so that the potential for good daylight and sunlight amenity can be achieved.

In general, the application of the BRE Guidelines are more appropriate for low density suburban development sites where there is a greater flexibility for site layout planning. In dense urban areas, however, development sites are usually constrained to a greater degree, often by immediately adjacent buildings etc. Accordingly, when dealing with dense urban areas the guidelines should be applied flexibly. This point is expressly recognised by the BRE Guidelines, which states in the introduction at page 1:

*‘The Guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design... .. In special circumstances the developer or Planning Authority may wish to use different target values. For example, in a historic city centre a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.... ..’*

### **Daylight**

The criteria for assessing daylight to existing surrounding buildings are outlined at pages 4 to 8 of the BRE Guidelines. Generally, daylight assessments should be undertaken to habitable rooms within dwellings and to principal rooms in non-domestic buildings such as schools, hospitals and offices where the occupants have a reasonable expectation of daylight.

Whilst the BRE Guidelines contain a number of rules of thumb that inform site layout design some relate to specific situations, such as domestic extensions to the rear of a property, which although useful may not be considered appropriate for general site layout design.

The principal assessments used to assess daylight to existing surrounding buildings are outlined in more detail below along with a further daylight assessment, usually applied to proposed dwellings, which is admissible provided it is agreed with the local authority, or there are past precedents.

#### 25° section line assessment

The first assessment is known as the [modified] 25° section line test. It is a simple rule of thumb that determines whether an existing building should still receive adequate daylight with the proposed development in place.



The BRE guide states at page 11:

*“If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of a lowest window, subtends an angle of more than 25° to the horizontal may be affected.”*

This assessment is most appropriate for well spaced, low-density or low-rise, uniform proposed developments. It is not an appropriate assessment for dense urban environments, where the existing building on the development site already subtends at an angle greater than 25° to the horizontal from the subject window. It is for this reason this 25° assessment is generally dispensed with and the more detailed assessments outlined below are entered into at the outset.

### The Vertical Sky Component (“VSC”) Assessment

The Vertical Sky Component (“VSC”) assessment represents the amount of available daylight received directly from the sky at a particular window. The reference point for this assessment is the centre of the window, on the plane of the outer window wall.

A VSC is expressed as a percentage, being a ratio of that part of illuminance on a vertical plane (a window) that is received from a Standard Overcast Sky (CIE Sky), to the illuminance received on a horizontal plane on an unobstructed hemisphere of Standard Overcast Sky. To put it another way it is simply the amount of direct sky visibility a window receives, howsoever obstructed, expressed as a percentage of the amount of direct sky a horizontal unobstructed roof-light would receive.

The maximum percentage of direct skylight a vertical window can receive from a Standard Overcast Sky is 39.62%, or 40% when rounded. The BRE have determined that where a VSC value of 27% is achieved, then enough skylight (direct daylight) should reach the window of an existing building. This value is roughly equivalent to a uniform obstruction of 25°, with reference to the above assessment. The Guidelines go on to state:

*“If the vertical sky component, with the new development in place, is both less than 27% and less than 0.8 times its former value, (a 20% reduction), then the occupants of the existing building will notice the difference.”*

Consequently, the daylight to an existing building, as a result of a proposed development, may be reduced by 20% before that loss becomes noticeable.

### The Daylight Distribution (“DD”) Assessment

The Daylight Distribution Assessment is undertaken at working plane level from within a subject room and represents the change in skyline when viewed through a subject window. The working plane level is set at 0.85m above floor level in dwellings and 0.70m in offices, however, in practice this distinction in height is not normally made, and so the working plane is generally set at 0.85m.

If significant areas beyond the no-sky line i.e. the point beyond the line where no sky can be seen at working plane level, the room will usually appear gloomy and supplementary electric lighting will be required. The BRE Guidance states:

*“If, following construction of a new development, the no-sky line moves so that the area of the existing room which does not receive direct skylight is reduced to less than 0.8 times its former value, (a 20% reduction), then this will be noticeable to the occupants, and more of the room will be poorly lit.”*

Consequently, the daylight to an existing building, as a result of a proposed development, may be reduced by 20% before that loss becomes noticeable.

The VSC and DD are the 2 principal assessments that are required to be undertaken in order to assess daylight to existing surrounding buildings.

### The Average Daylight Factor (“ADF”) Assessment

A further daylight assessment, which may be undertaken, provided it is accepted by the local authority, is known as the Average Daylight Factor (ADF). Strictly speaking ADF assessments are used to determine the daylight availability to units within a proposed development, however, in more recent times the ADF assessment has been accepted by local authorities as a valid assessment for existing surrounding buildings.

An ADF assessment takes into account the amount of direct sky visibility incident on a window serving a subject room, the transmittance of the light through the glass, and the reflectance of that resultant light from the entire surface area of the room, which is then expressed as a percentage.

The ADF values recommended in the British Standard BS8206 Part 2 to which the BRE refers are: 2% for kitchens or open plan living areas, 1.5% for living rooms and 1% for bedrooms, if supplementary electric lighting is provided.

Nb. The guidelines outlined in the latest edition of BS8206 Part 2: 2008 are now applied.

### **Sunlight**

Sunlight is valued in both residential and commercial buildings. It is seen as providing warmth and cheerfulness to a room, whilst also giving the occupants a therapeutic effect and a sense of wellbeing.

In residential properties the main requirement for sunlight is in the living room or conservatories, which should be assessed if they have a main window facing within 90° of due south. Sunlight is considered less important in kitchens and bedroom, although care should be taken not to block out too much.

In commercial or non-domestic buildings, the requirement for sunlight varies according to the use of the building. The BRE recommends that for a commercial building any space that has a particular or special requirement for sunlight should be assessed.

### Annual Probable Sunlight Hours (APSH) Assessment

The APSH assessment is undertaken to the main window of residential and commercial buildings, where the window faces within 90° of due south. “Probable Sunlight Hours” may be defined as the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness.

At page 17 of the BRE guidelines the criteria for the APSH assessment are as follows: -

*'If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely effected. This will be the case if a point at the centre of the window, in the plane of the inner window wall, received in the year less than one quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours between 21 September and 21 March, and less than 0.8 times its former sunlight hours during either period.'*

Consequently, the sunlight to an existing building, as a result of a proposed development, may be reduced by 20% in either the annual or winter periods before that loss becomes noticeable.

## **Overshadowing**

The BRE guidance also offers advice on how to preserve sunlight to both existing and proposed open amenity spaces. Areas such as main back gardens of dwellings, parks, playing fields, playgrounds, waterways and public spaces such should be assessed. Small front gardens to dwellings and parking areas need not be assessed.

### The permanent overshadowing assessment

The permanent overshadowing assessment is undertaken on 21 March, the spring equinox. This assessment shows areas of a subject amenity area where no sunlight will be available during the winter period, however, the subject area may still receive some sunlight during the summer.

The BRE states at page 20:

*"for it to appear adequately sunlight throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive 2 hours of sun on 21 March is less than 0.8 times its former value (a 20% reduction), then the loss of sunlight is likely to be noticeable".*

Consequently, if an open amenity area, is more than 50% in shade for more than 2 hours in either existing or proposed situations, and is reduced by more than 20% of its existing value as a result of new development, then that loss is likely to be noticeable.

### The transient overshadowing assessment

A further overshadowing assessment, sometimes requested by the local authority for larger schemes, is the temporary, or transient overshadowing assessment. This assessment usually comprises hourly overshadowing images of the existing and proposed situations undertaken on key dates during the year such as 21 March, the spring equinox; 21 June, the summer solstice; and 21 December, the winter solstice.

The BRE guidance offers no express numerical values for this type of assessment, consequently it is purely subjective.

## **Appendix B**

### Context Drawings

## **Appendix C**

### Daylight Results

Building/Floor/Reference	Window Reference	Existing v. Proposed	VSC Values %	% of Existing	Does it meet the BRE Guidelines?
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**2 Conway Street**

Ground, Flat A	W1	Existing	3.70	96%	✓
		Proposed	3.55		
First, Flat B	W1	Existing	9.13	93%	✓
		Proposed	8.51		
Second, Flat C	W1	Existing	19.76	90%	✓
		Proposed	17.87		
Third, Flat D	W1	Existing	29.06	97%	✓
		Proposed	28.31		
Third, Flat D	W2	Existing	28.68	98%	✓
		Proposed	28.10		

**44 Mable Street**

Ground	W1	Existing	3.16	95%	✓
		Proposed	2.99		
First	W1	Existing	21.95	95%	✓
		Proposed	20.95		
First	W2	Existing	12.06	95%	✓
		Proposed	11.51		
Second	W1	Existing	26.96	98%	✓
		Proposed	26.49		
Second	W2	Existing	23.61	92%	✓
		Proposed	21.74		
Third	W1	Existing	28.63	98%	✓
		Proposed	28.09		

Building/Floor/Reference	Room Reference	Whole Room sq m	Existing Area sq m	Proposed Area sq m	% of Existing Area	Does it meet the BRE Guidelines?
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**2 Conway Street**

Ground, Flat A	R1	11.67	1.16 10%	1.15 10%	<b>0.99</b>	✓
First, Flat B	R1	11.66	1.85 16%	1.78 15%	<b>0.96</b>	✓
Second, Flat C	R1	11.67	9.60 82%	7.29 62%	<b>0.76</b>	x
Third, Flat D	R1	23.39	20.86 89%	19.74 84%	<b>0.95</b>	✓

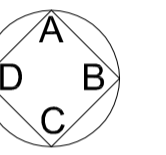
**44 Mable Street**

Ground	R1	15.98	1.53 10%	1.52 10%	<b>1.00</b>	✓
First	R1	7.09	6.38 90%	6.38 90%	<b>1.00</b>	✓
First	R2	15.98	3.43 21%	3.23 20%	<b>0.94</b>	✓
Second	R1	7.09	6.54 92%	6.54 92%	<b>1.00</b>	✓
Second	R2	15.98	12.69 79%	11.31 71%	<b>0.89</b>	✓
Third	R1	9.09	8.04 88%	7.96 88%	<b>0.99</b>	✓

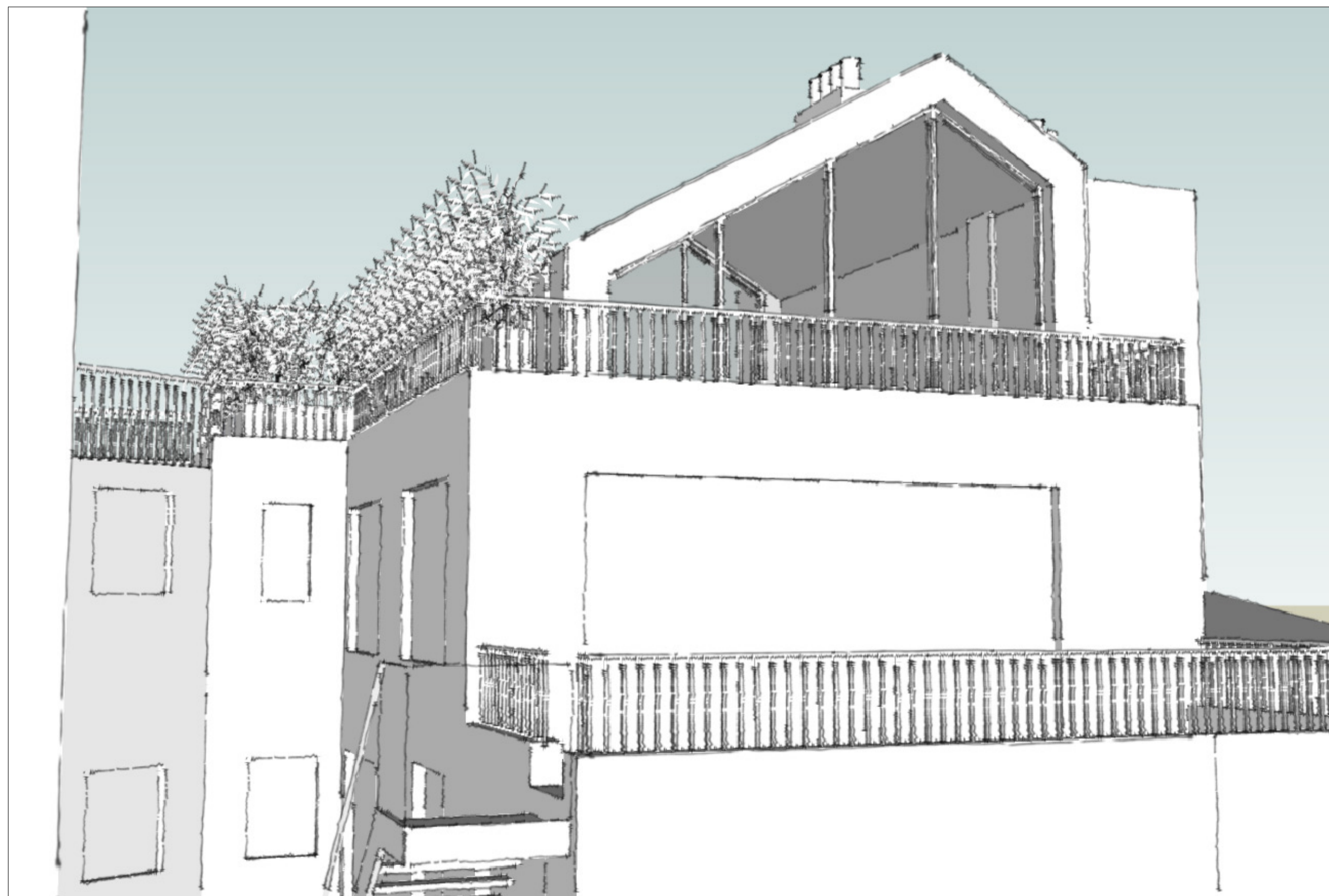
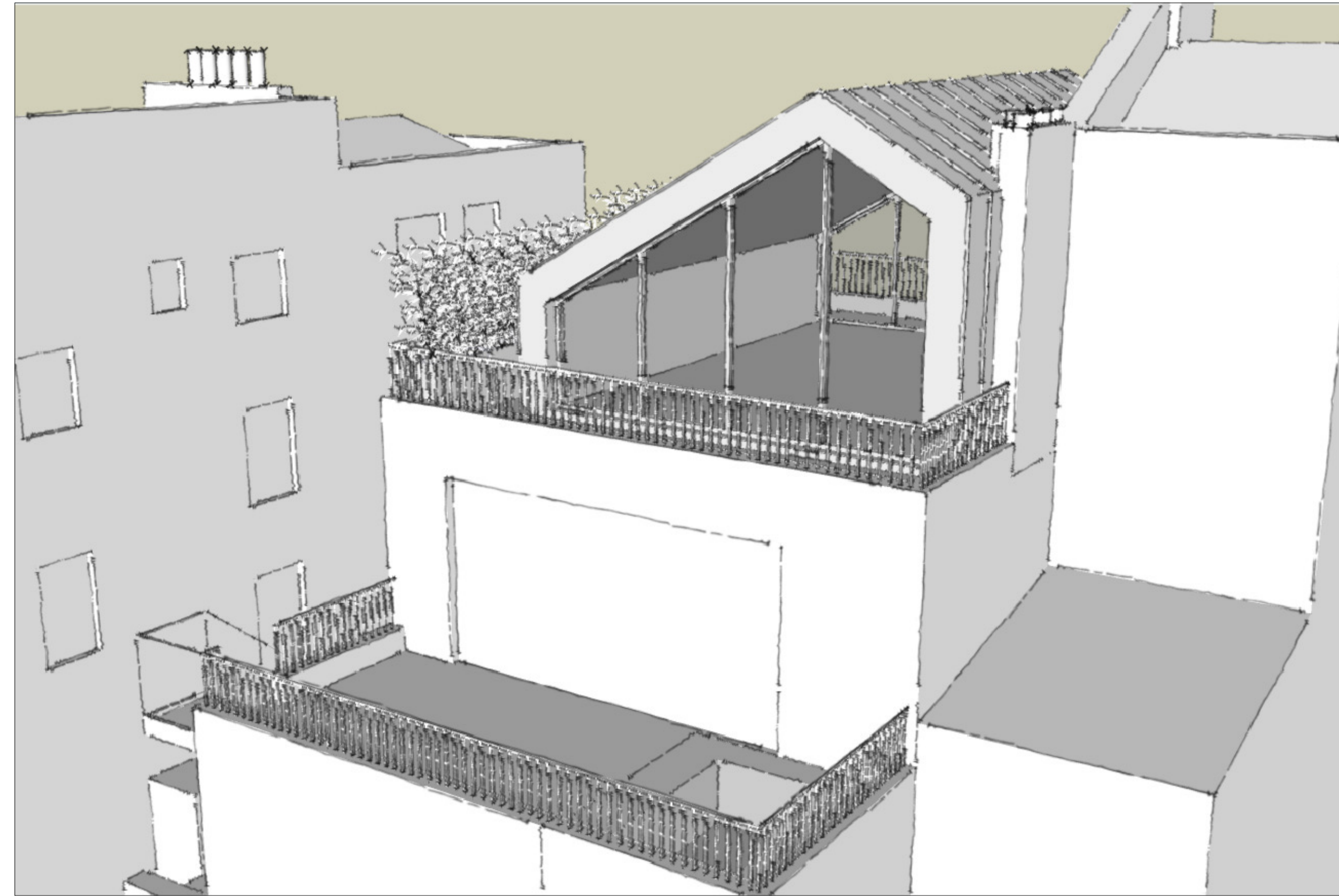
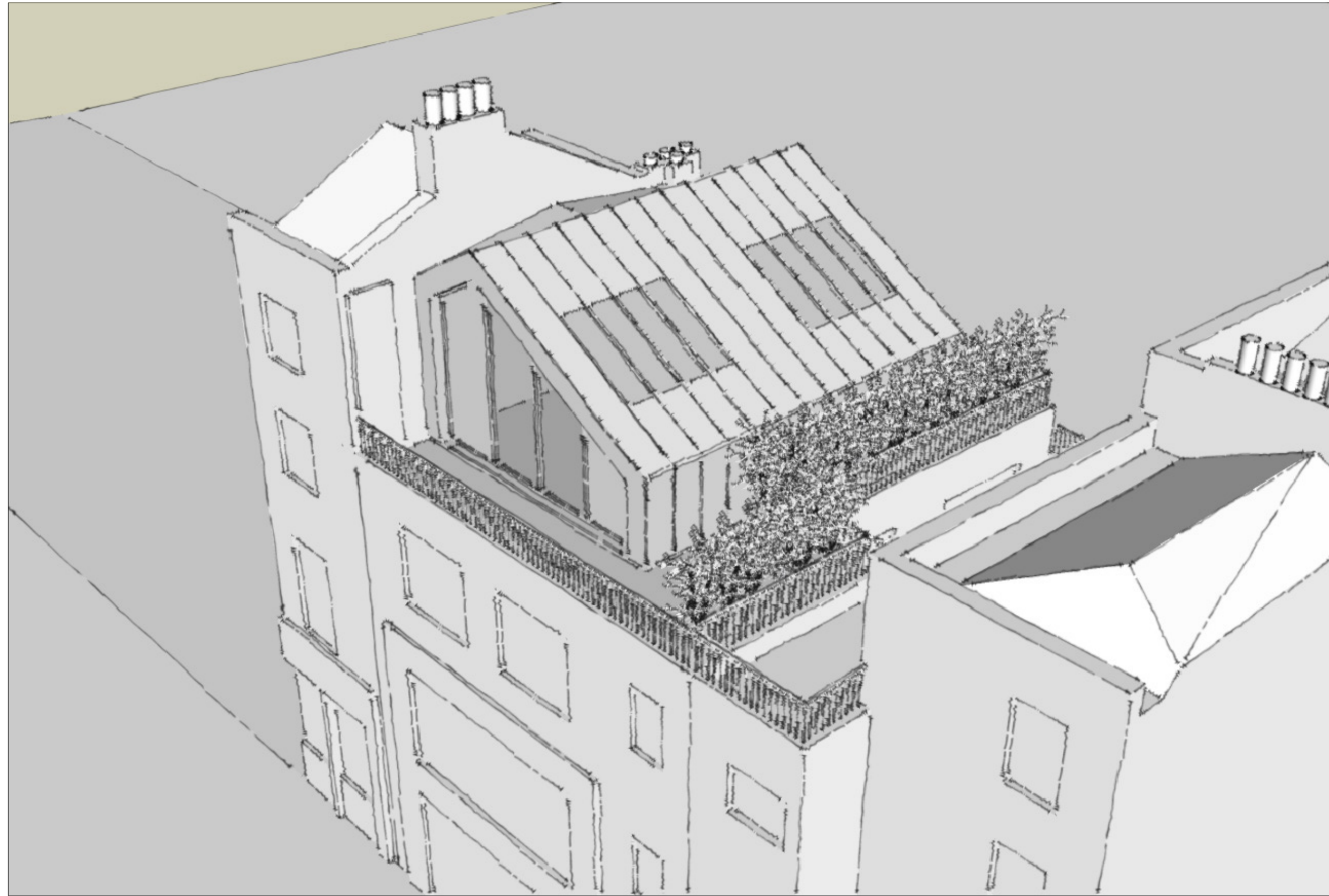
CLIENT  
APPONNEE RAE LTD

- TREVOR LAHFF ARCHITECTS
1. Do not scale off this drawing, use figured dimensions only. All dimensions and levels to be checked on site. Contractor and/or subcontractor/supplier is obliged to promptly report all errors, discrepancies and omissions to TLA.
  2. Issued only for purpose indicated.
  3. The drawing is to be read in conjunction with consultants drawings and specifications before proceeding with works. All consultants informed to be referred to to ensure compliance with local and statutory building regulations and British/EU standards.
  4. This drawing is copyright and sole property of TLA and may not be copied, altered or reproduced in any way or passed to a third party without our written consent.
  5. The main contractor should be conversant with the statutory obligations under the CDM regulations.
  6. The dimensions shown on this drawing have been based on the measurements provided by an independent survey company.
  7. Samples to be provided by main contractor for TLA approval.
  8. TLA to approve all drawings and rods prior to construction.

SPECIFIC NOTES:



PROPOSED



P1	131211	PLANNING ISSUE	CF	CT
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REV	DATE	DESCRIPTION	DWN	CHD
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ADDRESS  
2A CONWAY STREET  
LONDON  
W1T 6BA

TITLE  
PROPOSED VIEWS

STATUS	PLANNING	DRAWN BY	CF
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SCALE	NOT TO SCALE	CHECKED BY	CT
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DATE	OCTOBER 2013	DWG	REV
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PROJECT No.	850	(08)	320	P1
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