

Mr. Mark Pender  
PAD  
4 Abbots Place  
London NW6 4NP

Our Ref: JC/SAU/9552

Date: 21<sup>st</sup> December 2011

Dear Mark

### **30A Highgate Road & Overshadowing To Rear Garden, 8 Burghley Road**

I am writing in response to the concerns expressed by Mr. & Mrs. Aldrick, owners of the garden to the rear of 8 Burghley Road.

You are aware that I recently made an inspection of their garden, when I took a number of dimensions. These were then compared to the garden that was included in the location plan element, of the modelling included in my report of 29<sup>th</sup> September 2011, Appendix 1 and 4, model and overshadowing respectively.

Without a complete survey of the land and boundaries our presentation is never going to be perfect but I am satisfied that it is wholly adequate for the purposes of reviewing overshadowing. We have though made some minor variations in order to improve the presentation. See Appendix 1. The relevant garden is highlighted in yellow (the annotation of G1 and G2 is explained later), the development site's proposed buildings are highlighted in magenta and all other neighbouring property in green.

Appendix 2 is a copy of item 5 of my report of 29<sup>th</sup> September 2011 and confirms what I said at that time with regard to overshadowing of this garden.

Since then BRE have published new guidance. This matches item 5.1.1 almost to the last word but most importantly, it continues to define a main back garden as a private amenity space and should be considered in relation to overshadowing.

However item 3.3.17 of the new guidance varies from the guidance outlined in 5.1.2 of my previous report. The new guidance is detailed below.

3.3.17 It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out it is recommended that the centre of the area should receive at least two hours of sunlight on 21<sup>st</sup> March.

Appendix 3 details the transient shadow in both existing and proposed conditions on 21<sup>st</sup> March.

These confirm that at the hours of 09:00 and 10:00, the rear garden of 8 Burghley Road receives sunshine across at least 50% of its main area. I have not considered the passageway leading to the garden as this is not an amenity space. At 1100 hours the outcome is too close to call. In other words it is extremely close to 50% in both the existing and proposed conditions, albeit that the shadow zones are different in plan shape.

This suggests that the BRE's first requirement of two hours sunlight on 21<sup>st</sup> March is received during the morning hours. When the afternoon is considered then there can be no doubt. The western end of the garden which is under shadow in the morning receives sunlight in the afternoon. Taken overall much more than 50% of the garden receives sunlight.

However if the existing and proposed shadows are compared on an hour by hour basis then, in very general terms, the following occurs.

- 08:00 hours - the same.
- 09:00 hours - the merest fraction more shadow in proposed condition.
- 10:00 hours - different shadow outlines with the overall effect being the same.
- 11:00 hours - different in outline but overall effect the same.
- 12:00 hours - different in outline but overall effect the same.
- 13:00 hours - different in outline but overall effect the same.
- 14:00 hours - different in outline but overall effect the same.
- 15:00 hours - more sunlight available in the proposed condition.
- 16:00 hours - different in outline but overall effect the same.

This summary confirms, whilst it was not necessary to prove the point, the proposed shadow would not be less than 0.8 times the former (existing) value. The leads BRE to conclude the loss of sunlight would not be noticeable, in other words there would not be an adverse affect.

Last but not least, BRE have introduced a completely new test which is to consider sunlight received at the centre of the amenity space. We have been advised this should be used for simple shapes, which is why we have divided the garden into two spaces, G1 and G2.

The outcome is detailed in Appendix 4. These are known as sun path diagrams. Working from the top down of each diagram, the top sun path is relevant to 21<sup>st</sup> June, the middle sun path to 21<sup>st</sup> March and 21<sup>st</sup> September and the lowest sun path 21<sup>st</sup> December. Furthermore, the standalone blue together with the deeper plum colour represents the existing buildings, whilst the magenta and the deeper plum represent the outline of the proposed. The plum colour is created where blue and magenta buildings coincide.

These diagrams confirm that sun on the ground in the centre of garden G1 was previously confined to the morning hours of 0840 to 1110. This would now change to 0840 to 1035 and in the afternoon 1310 to 1435. An overall improvement of at least 50 minutes.

The centre point of G2 presently receives sunlight from about 0805 to 1005 and then 1420 to 1635. This would now be extended from 0805 to 1035 and from 1345 to 1635. An improvement of over one hour.

I am satisfied that these results confirm there would be no adverse affect due to increased permanent overshadowing, quite the contrary. The revised transient shadow would produce a slight reduction in overshadowing.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'John Carter', written over the printed name.

**John Carter FRICS**

email: [john.carter@brooke-vincent.co.uk](mailto:john.carter@brooke-vincent.co.uk)

## **APPENDIX 1**

### **LOCATION PLAN**



LEGEND



- Existing buildings
- Existing buildings to be demolished
- Proposed new buildings

SOURCES OF DATA

Rev.	Date	Description

**Brooke Vincent & Partners**  
 Chartered Building Surveyors  
 Enterprise House, The Crest, London, NW4 2HW  
 Tel: 020 8202 1013 Fax: 020 8202 9488  
 E-mail: info@brooke-vincent.co.uk

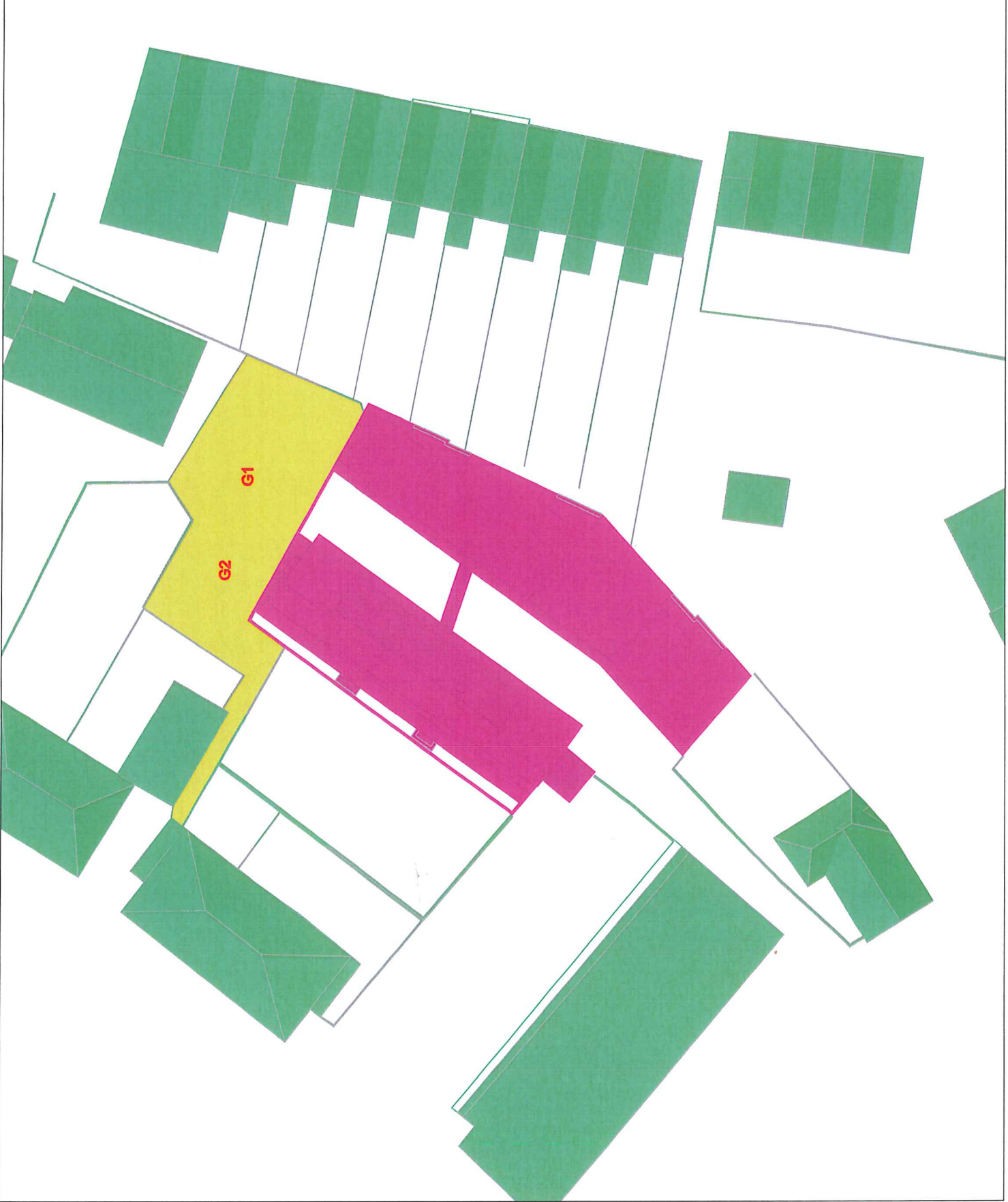
CLIENT / ARCHITECT:  
**CHASSAY STUDIO**

PROJECT: Highgate Road  
 NWS

DRAWING:  
 Plan View  
 Surpath

DRAWN: BS	PROJECT NO:
SCALE: NTS	<b>9552</b>
DATE: 16.12.12	

DRAWING NO:	REV:
<b>9552-01</b>	<b>C</b>



**APPENDIX 2**

**ITEM 5**

**REPORT 29<sup>TH</sup> SEPTEMBER 2011**

## **5.0 OVERSHADOWING**

### **5.1 Generally**

5.1.1 The BRE guide considers that sunlight availability should be checked for all open spaces “where it will be required”, including:

- Gardens, usually the main back garden of a house and allotments;
- Parks and playing fields;
- Children’s playgrounds;
- Outdoor swimming pools and paddling pools;
- Sitting-out areas, such as those between non-domestic buildings and in public squares; and
- Focal points, such as monuments or fountains.

5.1.2 The BRE guide adds:

*“... for it to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> 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 some sun on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable”.*

### **5.2 Transient & Permanent Overshadowing**

5.2.1 The shadow images in Appendix 4 define existing and proposed shadow for each hour of the day between 0800 hours and 1600 hours on 21<sup>st</sup> March, the date referred to by BRE.

5.2.2 Whilst there will be variation between existing and proposed shadow on neighbouring gardens, this is not significant. More importantly there would be no additional permanent overshadowing.

5.2.3 Within the proposed courtyard, were this to be defined as amenity space, there would be only one small area of permanent overshadowing. BRE criteria as defined by 5.1.2 would be satisfied.

### **5.3 OVERSHADOWING SUMMARY**

5.3.1 Overshadowing of neighbouring and proposed amenity space satisfies BRE criteria. There would be no adverse affect.