REPORT

KAY COURT
368 FINCHLEY ROAD
LONDON NW3

DAYLIGHT & SUNLIGHT
TO
NEIGHBOURING RESIDENTIAL PROPERTIES

BVP
BROOKE VINCENT + PARTNERS

RICS

CONTENTS OF REPORT

BVP
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CHARTERED BUILDING SURVEYORS, ENTERPRISE HOUSE, THE CREST, LONDON NW4 2HN
www.brooke-vincent.co.uk Tel 020 8202 1013 Fax 020 8202 9488

21st Architecture Limited
39 Underwood Street
London N1 7JQ

Our Ref: JC/FR/9555

Date: 25th August 2011

Dear Sirs

Kay Court, 368 Finchley Road, London NW3

Daylight & Sunlight

We are instructed by Jewish Care to report upon the daylight and sunlight aspects of this Planning Application, in relation to the neighbouring residential properties.

Our report is based upon the scheme drawings prepared by 21st Architecture Limited, site inspection and photography.

1.0 INTRODUCTION

1.1 The London Borough of Camden's Local Development Framework (LDF), November 2010, sets out the key elements of the Council's vision for the Borough through its Core Strategy, whilst detailed planning criteria are defined through its Development Policies.

Core Strategy

POLICY CS5 - Managing the impact of growth and development

The second part of this Policy confirms:

"The Council will protect the amenity of Camden's residents and those working in and visiting the Borough by:

(e) Making sure that the impact of developments on their occupiers and neighbours is fully considered".

In the explanatory notes following this Policy item 5.8 confirms .... *"We will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts".*

RICS
Directors: John Carter FRICS Christopher Negus BSc Dip Proj Man FRICS David Sirman MRICS
Associate Director: Andrew Cornick BSc(Hons) MRICS
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Development Policies

POLICY DP26 - Managing the impact of development on occupiers and neighbours

"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;

(b) Overshadowing and outlook

(c) Sunlight, daylight and artificial light levels."

Thereafter, explanatory comment 6.3 confirms the Council will take into account the standards recommended in the British Research Establishment's (BRE) Report: Site layout planning for daylight and sunlight. A guide to good practice. 1991.

1.2 We confirm all calculations and considerations are based upon the BRE guidance referred to above. This Guide does not contain mandatory requirements, but in the Introduction provides a full explanation of its purpose:

"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."

"It aims 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 levels. For example, in an historic city centre, a high degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings."

1.3 Reference is made in the BRE report to various methods of assessing the effect a development will have on diffused daylight. Conventionally, we would provide an explanation of the methodology used in the preparation of this report but as will become apparent, this is not necessary.

2.0 DAYLIGHT

2.1 Generally

2.1.1 We have defined the development site and its proximity to neighbouring buildings in our Appendix 1 model.

2.1.2 In this model, neighbouring properties are represented by green, the existing site buildings by blue and the proposed development, magenta.

2.2 366 Finchley Road

2.2.1 This is a residential building, with a number of windows in the flank elevation facing towards the development site.

2.2.2 From site inspection we are able to confirm that each and every window is fitted with translucent/frosted glass. This suggests they are all secondary spaces, bathrooms, toilets, hallways and landings, none of which are used for habitable purposes and for which there are no daylighting criteria. There is nothing further to consider for the purposes of this report.

2.2.3 To the front and rear of this property, windows have a relatively open view of the sky dome and there need be no cause for concern. This includes the angled windows on the front corner between front and flank elevation, at both ground and first floor levels. Two out of three elements of the bay would retain open views of the sky dome across Finchley Road and there would be no adverse affect.

2.3 374 Finchley Road

2.3.1 At the time of our site inspection, this was more difficult to review, as the flank elevation was scaffolded. However, as far as we could tell, windows were again fitted with translucent glass and this, together with the copious plumbing, suggested these windows serve non habitable space. In any case, they are set extraordinarily close and low in relation to the line of boundary between the sites and in these circumstances, BRE consider the placing of those windows to have been unneighbourly in relation to any proposed development. In Appendix 3, we detail the relevant parts of a report written by Professor Paul Littlefair, the author of the BRE guidance, in which he explains his thinking in relation to another development in the London Borough of Camden.

2.3.2 Like the neighbouring property at 366 Finchley Road, windows to the front and rear will retain good daylight. The front windows are set in line with Kay Court and there would be no revision to the receipt of daylight. The rear windows, particularly at ground level, are set at a significant distance from the proposed building and their view of the sky dome would remain very similar to existing. There would be no adverse affect.

2.4 **Other Residential Properties**

2.4.1 Any residential property on the west side of Finchley Road is too distant to be a cause for concern and in any case massing would remain very similar to existing.

2.4.2 Eastwards, to the rear of the development site, the land rises and buildings are either set at a significant distance or are offset from the proposed development. These factors ensure that there can be no cause for concern.

3.0 SUNLIGHT

3.1 Generally

3.1.1 The BRE *Guide to Good Practice* confirms:

(i) Sunlight is only relevant to neighbouring residential windows which have a view of the proposed development and face south of the east/west axis.

(ii) If any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of a main living room window, in a vertical section perpendicular to the window, then the sunlighting in the existing dwelling may be adversely affected.

(iii) Similarly, the sunlighting of the existing dwelling may be adversely affected if the centre of the window receives less than 25% of the annual probable sunlight hours, of which 5% of the annual total should be received between 21st September and 21st March (winter) and less than 0.8 times its former sunlight hours during either period.

(iv) Kitchens and bedrooms are less important, although care should be taken not to block too much sun.

3.2 Neighbouring Residential Buildings

3.2.1 Just as we found no cause for concern with regard to daylighting, the same is true for sunlight availability.

3.2.2 In the immediately adjoining properties the rooms with a view of the development site are north facing (366 Finchley Road) and likely to serve non habitable rooms. Sunlight criteria is only relevant to main living rooms.

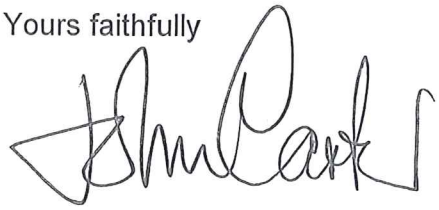
3.2.3 Properties to the east and west are too distant or, are sited on rising land.

4.0 SUMMARY

4.1 This report has been unusual, as it has not required daylighting or sunlight availability calculations to be carried out, for the reasons detailed in the body of our report.

4.2 Nearby windows appear to serve non habitable rooms for which there is no criteria to satisfy, whilst more distant properties are sited too far away or are on rising land and need not be a cause for concern. The London Borough of Camden's relevant policies are satisfied.

Yours faithfully

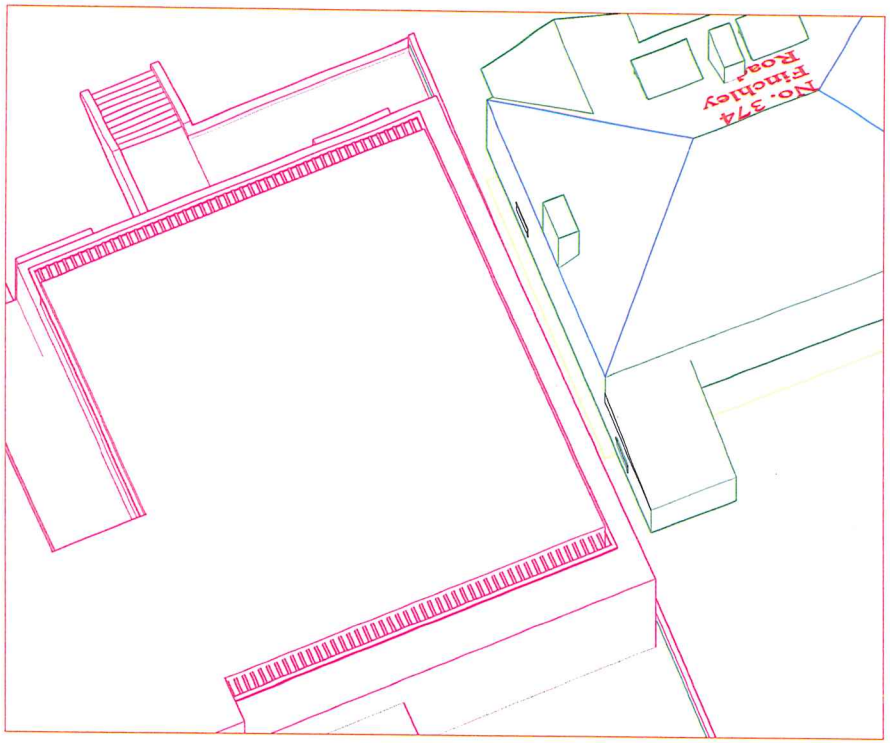


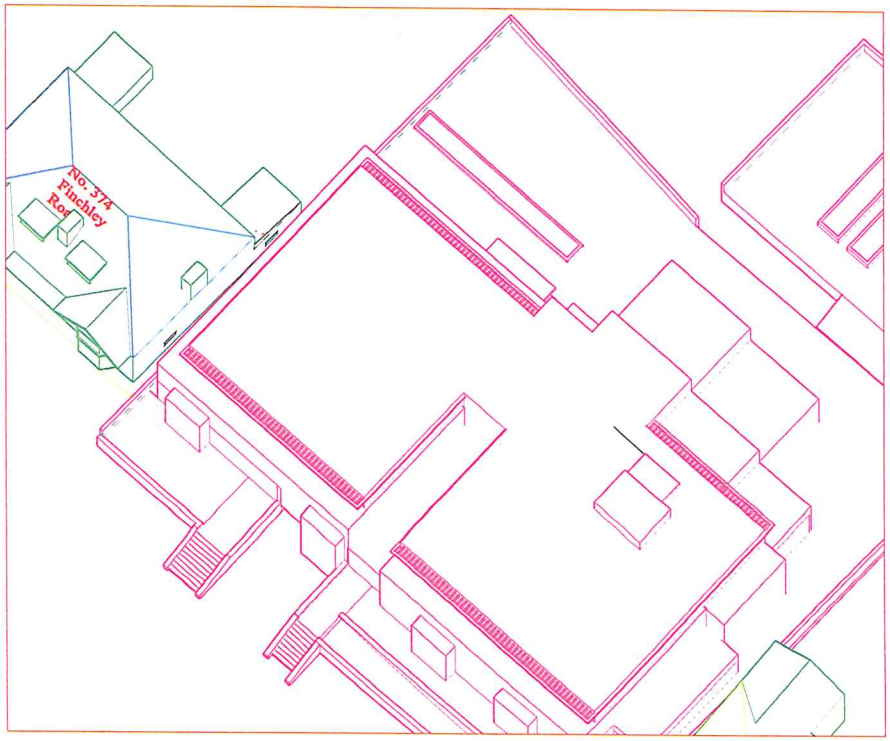
John Carter FRICS
For and on behalf of Brooke Vincent + Partners

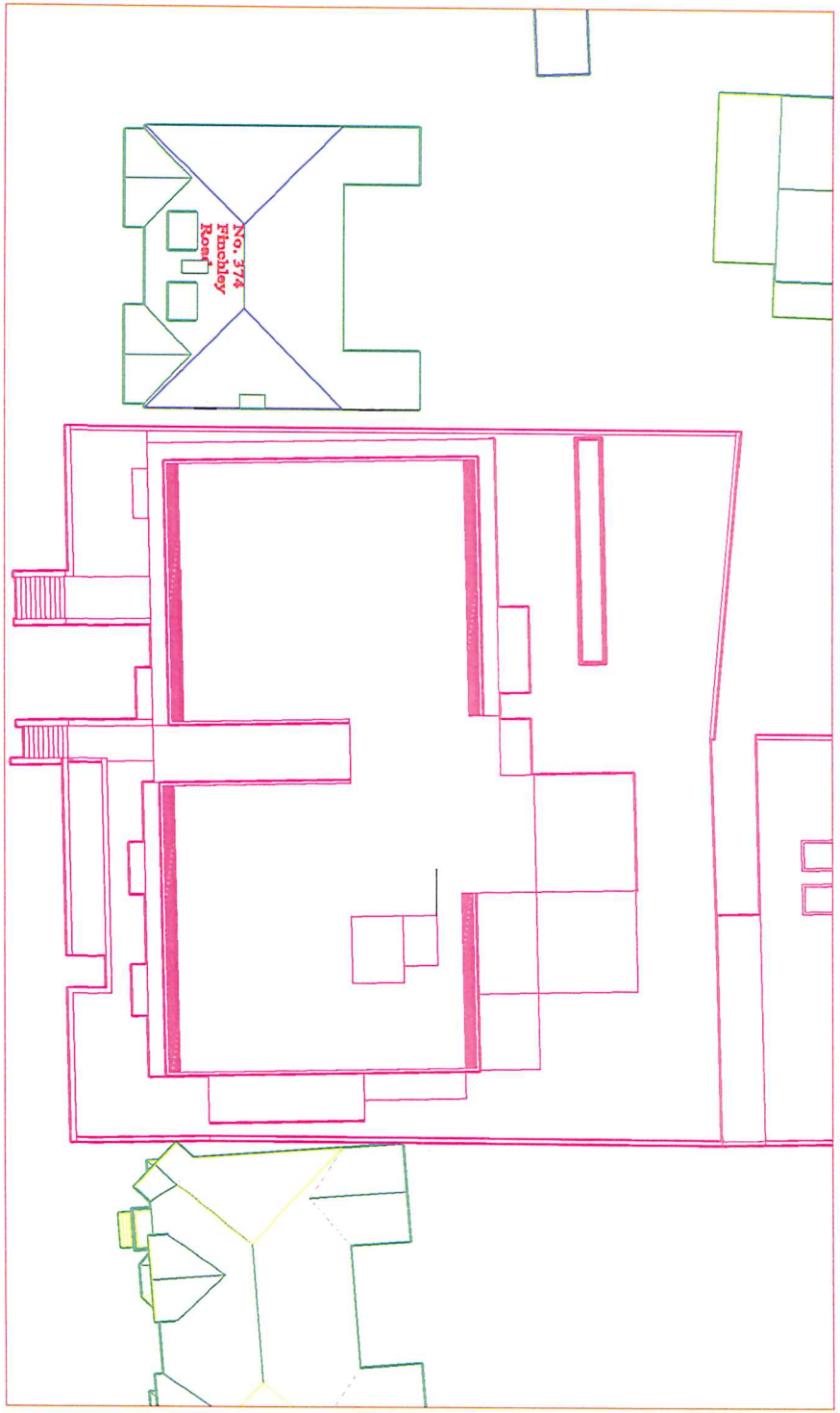
email: john.carter@brooke-vincent.co.uk

APPENDIX 1

LOCATION PLAN
AND
MODEL







LEGEND

Indicative

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

ARCHITECT:
21st architecture ltd

PROJECT:
KAY COURT
D/S

STUDY

DRAWING:
PLAN
PERSPECTIVE 1
PERSPECTIVE 2

DRAWN: IKA	PROJECT NO: 9555
SCALE: NTS	
DATE: 23-08-2011	
DRAWING NO:	REV: A

APPENDIX 2

EXTRACT OF REPORT
BY
PROFESSOR PAUL LITTLEFAIR

POTENTIAL LOSS OF DAYLIGHT TO NEARBY DWELLINGS FOLLOWING PROPOSED BUILDING WORK AT DELANCEY STREET & PARKWAY, CAMDEN

by Paul J Littlefair MA PhD CEng MCIBSE MSLL
Principal Lighting Consultant

and

Richard Watkins BSc PhD
Senior Lighting Consultant

31 October 2007

BRE
Bucknalls Lane
Garston
Watford
WD25 9XX

Tel : 01923 664881
Fax : 01923 664781
Email : WatkinsR@bre.co.uk

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97-101 Parkway

3.11 In these buildings the residential parts are at or above the third storey. The reduction in daylight availability would be less than at 103 Parkway and would be well within the BRE guidelines.

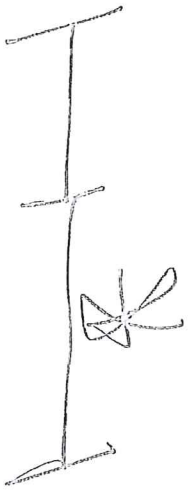
4. SUNLIGHT

4.1 The BRE Report recommends that for existing buildings sunlight should be checked for all main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. Windows to the rear of the houses in Delancey Street face north or north east so do not fall into this category. Windows to the rear of 103 Parkway face south east, and therefore within 90° of due south, but none of these is a living room. Sunlight need not therefore be considered in this analysis of the proposed development.

5. CONCLUSION

5.1 The potential loss of light to nearby dwellings following proposed development of the Garage site at the junction of Delancey Street and Parkway in London has been analysed. The results have been compared with the guidance in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. A total of 15 windows around the proposed development have been analysed in detail.

5.2 Loss of light to 103 Parkway would satisfy the BRE Guidelines for all but two windows on the first floor (windows A1 and B1). Window B1 falls only marginally outside the guidelines.



5.3 Loss of light to 80-84 Delancey Street would satisfy the BRE guidelines for all but one window – the second floor bedroom window in the rear extension of No. 84 (end of terrace). The extension to the terrace has placed this window very close to the boundary wall of the Garage site.

5.4 The BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' highlights this issue, stating that an 'important issue is whether the existing building is itself a good neighbour, standing well back from the boundary and taking no more than its fair share of light.' It can be argued that the rear extension of 84 Delancey Street is not a good neighbour in this respect as the rear windows are very close to the boundary and over-dependent on light from over the proposal site.

5.5 Other dwellings in Parkway and Delancey Street would not be significantly affected by the development.

5.6 Loss of sunlight has not been considered as no property around the site has a living room facing within 90° of due south that would be affected by the proposed development.

APPENDIX 3

CREDENTIALS

JOHN CARTER FRICS 2011

A Founding Partner of Brooke Vincent + Partners in 1974, a Director from May 2007 and a Fellow of the Royal Institution of Chartered Surveyors since 1981.

Professional experience covers most aspects of a Chartered Building Surveyor's workload. Now almost exclusively Rights to Light and Daylighting but occasionally Party Wall legislation, boundary disputes and building surveys of a wide variety of building styles and ages.

Past Chairman of the Pyramus & Thisbe Club (a club for surveyors advising on boundary related disciplines) and Honorary Secretary from 2000 to 2007. Previously a member of two of the Institution's skills panels (residential surveys and geodetics) and a consulting member to the boundaries panel.

Whilst with the residential survey panel, co-opted onto the working party responsible for revising and extending the RICS Good Practice Note for Residential Building Surveys and thereafter scripting and presenting an educational tape on the same subject.

For many years an independent assessor of candidates undertaking their RICS Assessment of Professional Competence. In 1999, received CEDR accreditation as a mediator and became a member of the RICS panel of mediators (both now lapsed).

Previously a frequent speaker on Party Wall issues and building surveys but now speaking almost exclusively on Right of Light, Daylight and related topics. During the last few years, providing the knowledge based background to the production of new software that has now gained widespread acceptance for the analysis of natural light in the built environment.