

Miss Jenna Litherland
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London WC1H 8ND

Our Ref: JC/FR/10518

Date: 3 September 2014

Dear Miss Litherland

Planning Application 22 Lancaster Grove

Planning Reference 2014/2037/P

In response to my letter of 9 August 2014, in which I expressed my concerns regarding the daylight, sunlight and sense of enclosure aspects of this Planning Application on 24 Lancaster Grove, I have been forwarded Syntegra Consulting's response, which I now refer to. Syntegra's letter helpfully uses the same annotation as my letter of 9 August 2014 and I shall continue in the same vein.

1. **Generally**

- 1.1 I trust it can be accepted that as my letter quotes from Camden's Policies CS5 and DP26, the content of those policies cannot be refuted. Syntegra conclude that their report is wholly in accordance with the London Borough of Camden's expectations, despite reference only to neighbouring buildings, not proposed accommodation. This cannot be the case, as DP26 clearly states "*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 policy then goes on to define factors that are to be considered in relation to sunlight and daylight. In other words, the daylight and sunlight of proposed accommodation should be considered as part of the Planning Application. It is a local policy and it is something that I am expected to provide when submitting Daylight & Sunlight Reports to the London Borough of Camden, unless there is a specific agreement to the contrary. I do not believe that four townhouses can be considered worthy of an exclusion.

- (f) Syntegra have confirmed their model is not in accordance with the architect's drawings. I can understand the argument that shortcuts are taken where architectural detailing is not relevant to outcome. That is both sensible and appropriate, but I do not accept the case in this location.

I attach drawings of the proposed ground floor and Section A-A. See **Appendix 1**. Whilst the internal floor to ceiling height of the ground floor is not intended to rise above the boundary wall, the flat roof structure would, and this would have a small effect on daylight readings where the rear (south east corner) of the ground floor will stand independently of the higher walls that rise behind the 1m setback. However, more significant is the fact that the front half of the building, with no upper floor setback, has also been excluded from the model and this would have a more noticeable effect on the readings to the flank window of the dining room which, lest it be forgotten, is the larger and primary window serving this space.

In numerical terms, this means the average Vertical Sky Component (VSC), which is 19.4% in the existing condition, reducing to 13.75% in the proposed condition as presently measured by Syntegra, would further reduce. The present figures already show the proposed value to be 71% of the existing, which BRE define as an adverse effect, but I conclude is worse than that stated.

Continuing with the dining room windows. Even the revised graphics for the second window to this room show a window that is significantly larger than the window in situ and I attach a photograph to confirm this. See **Appendix 2**.

- (g) I remain unconvinced the model has been revised to reflect the true location of the breakfast room serving 24 Lancaster Grove. The graphics on pages 4, 6 and 7 all show a gap between this room and the boundary wall. This does not exist, as confirmed by the attached Photograph 2, **Appendix 2**. In consequence, it is difficult to accept the window is correctly located in relation to the existing built environment and proposed built environment. The revised figures confirm a reduction from existing VSC to proposed VSC of 27% to 21.25%, a ratio of 80%. This is touching on an adverse impact and for the reasons I have outlined in items (f) and (g), could in fact be an adverse impact.

- (h) I am grateful to Syntegra for explaining their inclusion of trees, which can be a very difficult aspect of reporting. However, there remains the problem that Syntegra correctly quote from BRE in relation to a *"dense belt of evergreen trees"* but then go on to say the aerial photograph confirms the presence of *"a dense belt of high trees"*. Whilst this is a difficult area to deal with in a rational manner, it would be helpful if you were able to confirm Camden's attitude in this matter. Are the trees simply there to define overshadowing or are they also there to be considered in relation to daylight and sunlight readings? Unfortunately Syntegra's response does not explain whether the bank of trees is included or excluded from daylight and sunlight. In my opinion, inclusion or exclusion will create an enormous variation in readings and it was therefore perfectly appropriate for me to raise the question, as the trees are a significant element of sky obstruction.

Revised Daylight Study

I have already commented on the revised study to windows S3, S5 and S14 and now take this opportunity of commenting on other matters referred to in Syntegra's response.

At the bottom of page 6 they refer to the living room and dining room of 24 Lancaster Grove being a single room. It is conventional to view these as two separate spaces and in that respect, Window S1 is an irrelevance.

At the bottom of page 7, Syntegra seek to exclude a breakfast room as being relevant to daylight guidelines. Syntegra correctly quote BRE item 2.2.2, which states, *"The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, store rooms, circulation areas and garages need not be analysed"*. The suggestion that the list of habitable rooms by BRE as kitchen, living/dining room and bedrooms is exclusive to those rooms alone, is incorrect. The reference is to *"including living rooms, kitchens and bedrooms"*, it is not an exclusive list, and it is noticeable that Syntegra refer to living/dining room when BRE do not. This confirms Syntegra's view also that the list is not exclusive. Indeed it cannot be, as nearly every block of flats is built with large open space living, with the main room being a combined kitchen, living and dining room. You cannot cut out the

dining space, it is properly accepted as part of the living space. The Code for Sustainable Homes refers to studies, now more commonly called home offices, and these are undoubtedly a habitable room but are not a living room, kitchen or bedroom. There can be no suggestion that a breakfast room is anything other than a habitable room. The comments I made in my original letter are both correct and appropriate.

- (i) I agree most of the surrounding buildings are irrelevant in terms of daylight/sunlight/overshadowing, but I would have expected those to the south to have had a small effect in relation to daylight. Having defined the buildings, it is appropriate that they should be fully modelled.

2. Daylight

I acknowledge and accept Syntegra's explanation with regard to windows S7 to S10 inclusive, although I still find the table misleading. The impact on windows S9 and S10 is not negligible. There is an adverse impact. It is the impact on the rooms they serve that is negligible in the circumstances of this case.

I note that my commentary on the use of impact criteria is refuted. I attach herewith the relevant page from BRE Guidance on Impact Assessment. See **Appendix 3**. This refers to the reduction factors that Syntegra reference but only in relation to environmental impact assessment. That is not to say they are unknown to me. I use them myself when undertaking an Environmental Impact Assessment for a major Planning Application and an Environmental Statement has to be submitted. However, that is to help the reader of the Statement, whether it be the Local Planning Authority or a lay person, understand the degree of impact on a wide variety of locations, or a significant variation to the existing built environment. It is clear from BRE's Guidance that this system is not to be used where consideration is being given to a conventional application. In those circumstances we are bound to refer to any loss up to 20% as being negligible but thereafter, it is to be defined as an adverse effect. I know from having had my own work peer-reviewed by BRE that if there is an adverse effect, consideration has to be given to how frequently this occurs, the relevance of the room - bedroom, living room etc - and other factors specific to the case. To do otherwise is to rewrite BRE's Guidance.

3 + 4 **Sunlight and Overshadowing**

I am unable to make further comment, as I still do not understand the manner in which these have been assessed. Are the deciduous trees included or excluded, assuming a full year's tree canopy?

5. **Sense of Enclosure**

The more I consider this matter, the more important I believe the sense of enclosure to be. It is an inevitable consequence of a councillor's workload that they cannot read every word of every report that is submitted and they cannot independently assess each and every aspect of those reports. However, it is reasonable to assume that a councillor may pick up the Daylight & Sunlight Report and consider the modelling. This gives the impression of a distance between No. 24 and the proposed building at No. 22 that would simply not exist. If all parts of the building adjacent to the boundary were built, it would give a very different impression, and the sense of enclosure would be manifest. This sense cannot be appreciated by looking at the architect's plans alone. See **Appendix 1**. Section A-A is of no help, as the immediately neighbouring elements of No. 24 are not included. What is more misleading is the drawing of the proposed front elevation. See **Appendix 4**. This seems to have been drawn parallel to the front elevation of No. 22, not parallel to the street. If, as one would expect, the elevation is taken parallel to the street, to give the proper street scene, then it would be shown how the rearward extension of this proposal would enclose upon 24 Lancaster Grove and not remain hidden behind the front elevation, constantly at the same distance from No. 24.

The rear elevation creates an even greater distortion. This again suggests the two buildings stand parallel to one another, but the location plan shows they do not. Photograph 3 clearly shows the boundary line cuts across the face of the breakfast room window, whereas the drawing of the rear elevation suggests the boundary and the proposed building, both stand well clear of this window.

From the moment I arrived on site, I was convinced there would be a significant sense of enclosure. My previous letter remarked upon how the incomplete modelling failed to give this impression as well as giving incorrect daylight and sunlight readings. I should also have added that the architect's drawings give an entirely wrong impression and it is important the councillors visit site and enter the rear garden of No. 24 to understand just how significant this sense of enclosure would be.

Summary

Despite the entirely appropriate nature of the concerns expressed in my detailed correspondence, I understand this matter is set for the September Committee date, with a recommendation for approval.

This letter explains why I consider this is inappropriate. Whilst BRE guidelines and the manner in which numerical values have been defined can always be discussed between experts, I am absolutely convinced beyond doubt that this proposal would be the cause of an unacceptable sense of enclosure to 24 Lancaster Grove. No. 24 does not stand parallel to the boundary between the two buildings. At the rear, it faces towards the boundary. Whilst the forward extension of the proposed building beyond the apparent building line came as a surprise, it is not entirely relevant to the purpose of my report. The rearward extension of the proposal is unacceptable and anybody who stands in the rooms on the west side of 24 Lancaster Grove or within the rear garden, can only conclude that the sense of enclosure is unacceptable. I continue to believe this is overdevelopment of the site and should not proceed to Committee with a recommendation to approve. If it is to go to Committee, then it is important that the councillors are given the opportunity to make an inspection from within 24 Lancaster Grove.

Yours sincerely

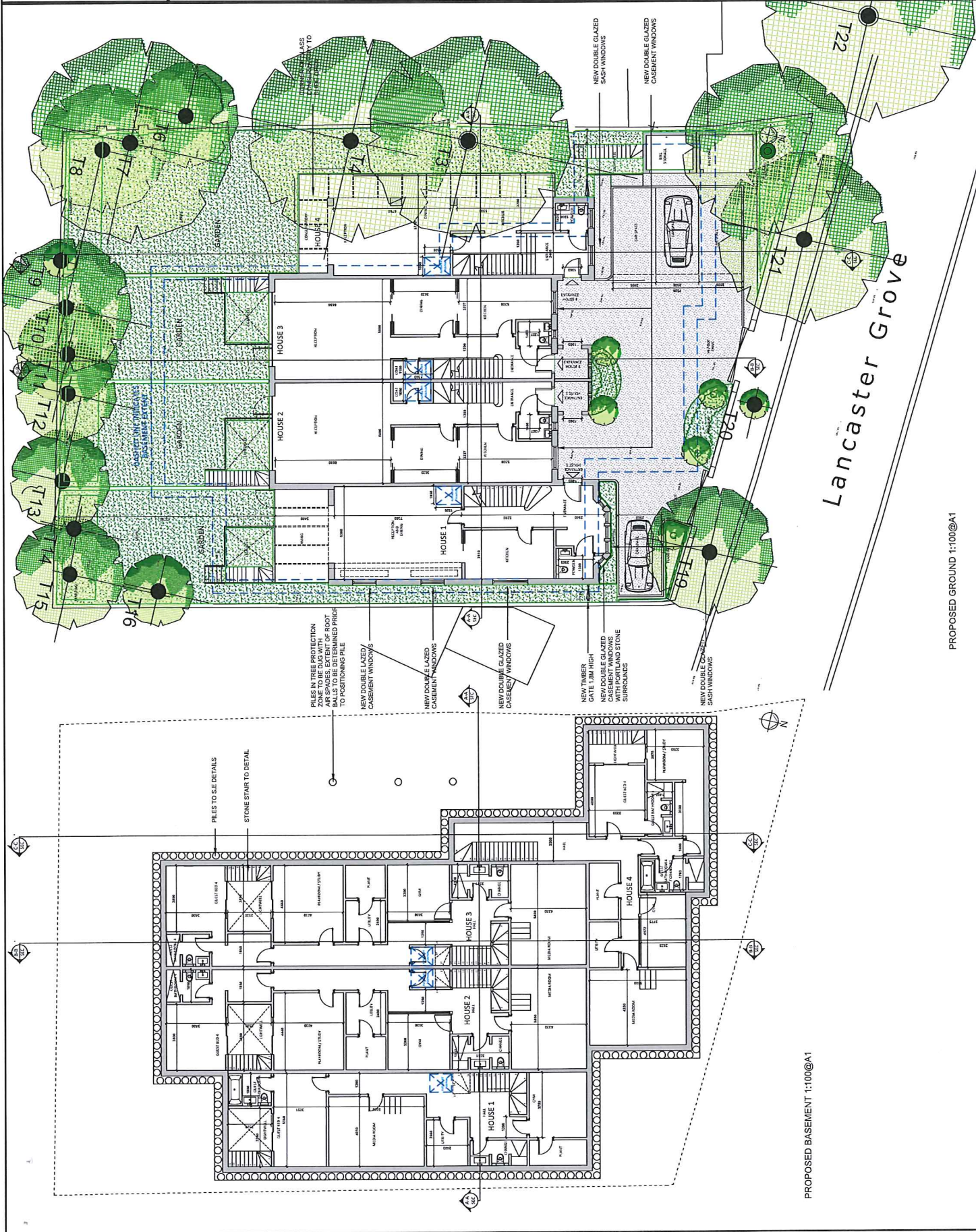
A handwritten signature in black ink, appearing to read 'John Carter', followed by a small 'r.p.' in the bottom right corner.

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

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

cc: Dr. Oliver Samuel
Barrie Tankel

APPENDIX 1



NOTES:
1. All dimensions in millimeters.
2. The drawing is to be used for the construction of the building and for the construction of the surrounding landscape. Any dimensions in the drawing are to be used for the construction of the building and for the construction of the surrounding landscape.
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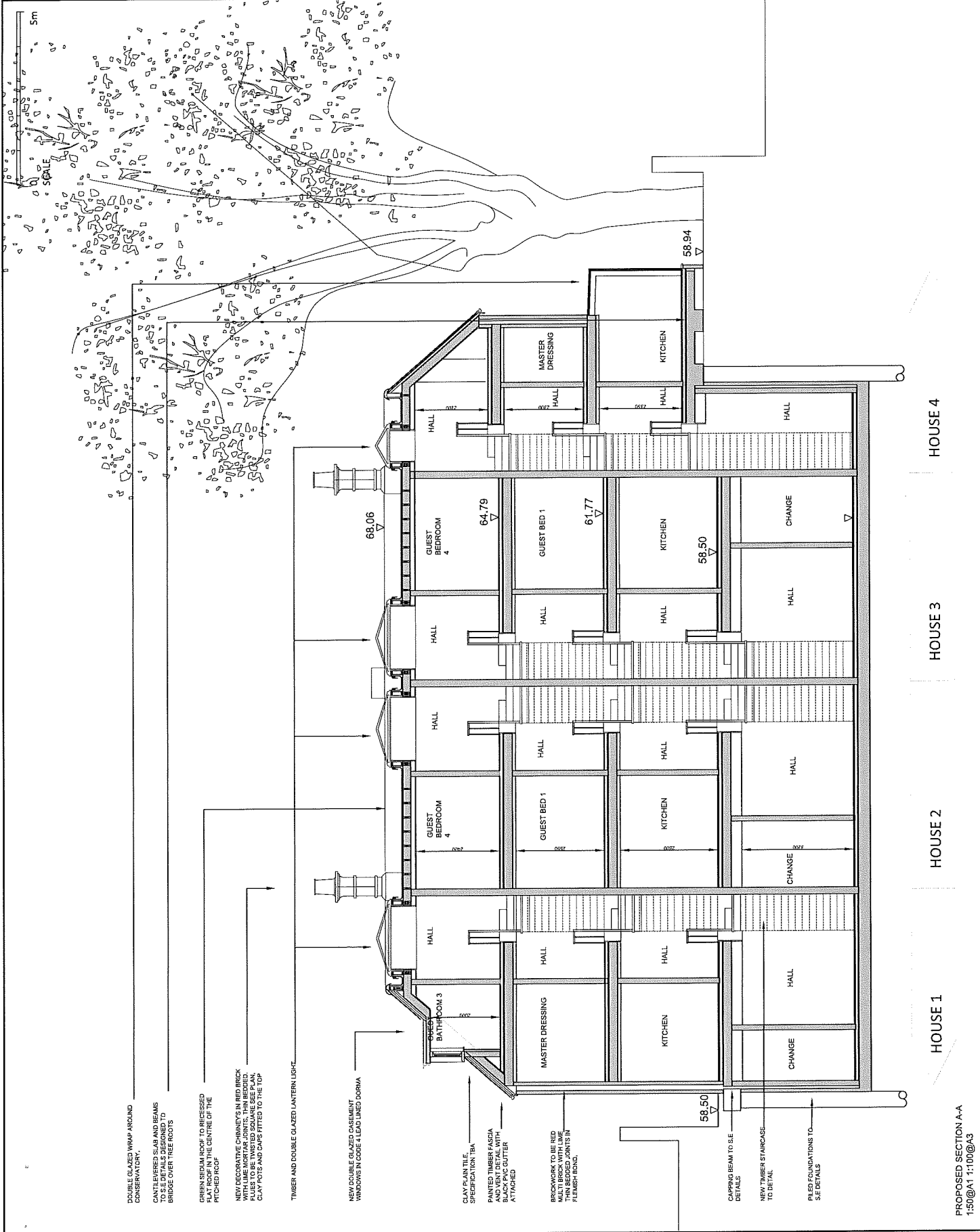
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PROPOSED GROUND AND BASEMENT
22 LANCASTER GROVE
DRAWING NO: 22LGS
DATE: 2013-05-22
SCALE: 1:100 (A1): 1:200 (A3)
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]
CLIENT: [Name]
PROJECT: [Name]

KAS
ARCHITECTURE AND INTERIOR DESIGN
18111 STREET, LONDON, E1V
TEL: 020 7123 4567

PROPOSED BASEMENT 1:100@A1

PROPOSED GROUND 1:100@A1



NOTES:
All dimensions are in millimeters.
All dimensions and levels are to be checked on site by the main contractor.
The drawing is the property of KAS DESIGN and may not be reproduced or
distributed in any form without written permission.

NO.	Revisions	DATE	BY	APP
1/8				

REV C: BUILDING REDUCED IN HEIGHT - REDUCED STONE
TO 1.50M
REV B: NOTES ADDED

CLIENT PROJECT:

22 LANCASTER GROVE

DRAWING STATUS:

PROPOSED SECTION A-A

SCALE:	1:50 (A1): 1:100 (A3)	DRAWN BY:	
DATE:	2013-03-22	APPROVED:	
APP. NO.:	22LG-PI-111	DATE:	
22LG			

KAS
ARCHITECTURE AND INTERIOR DESIGN
14711 STREET, LONDON, E14 4JY
TEL: 020 3461 1010

HOUSE 4

HOUSE 3

HOUSE 2

HOUSE 1

PROPOSED SECTION A-A
1:50@A1 1:100@A3

APPENDIX 2

Фото 1

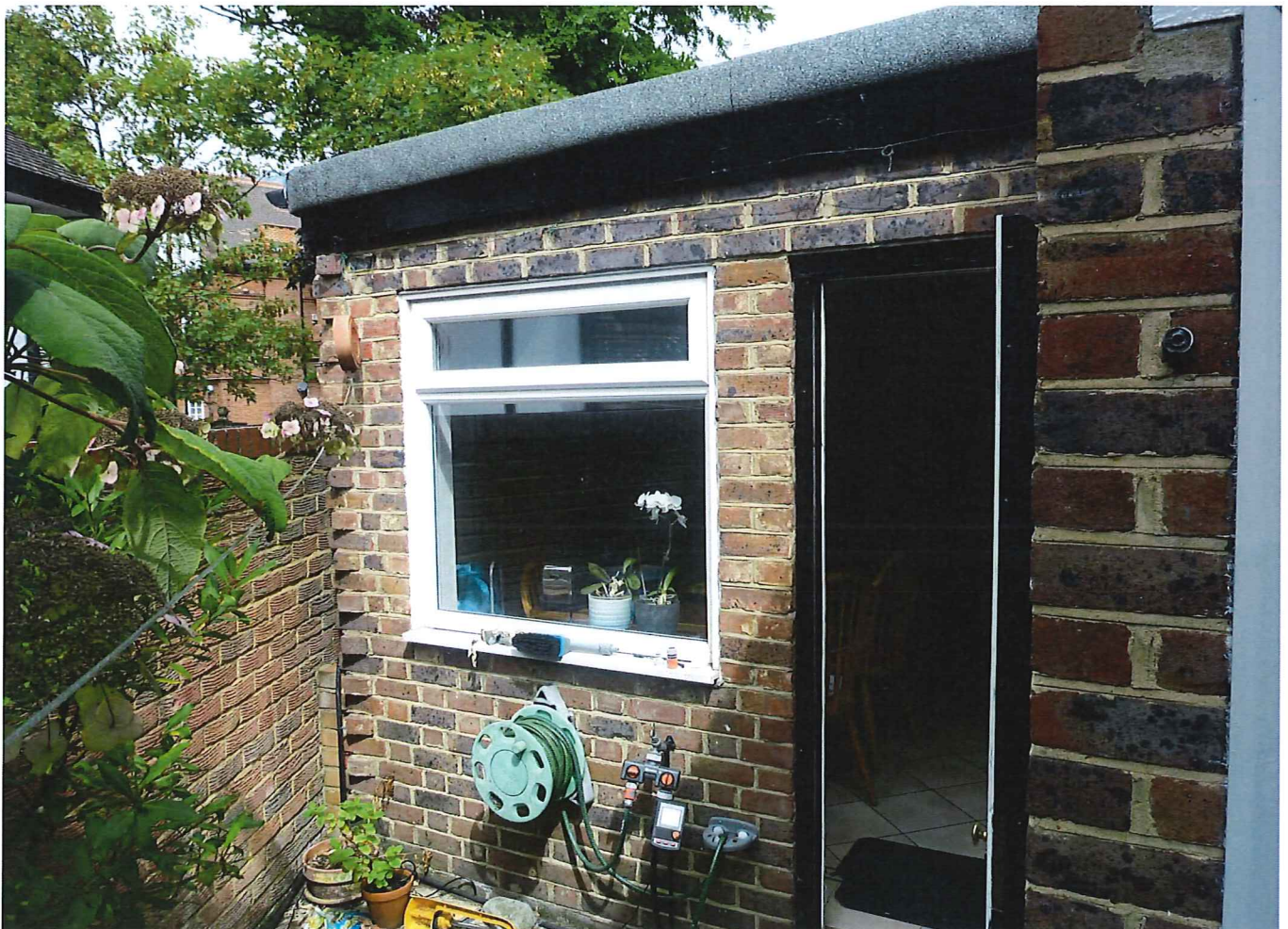


Фото 2

Photo 3.



APPENDIX 3

APPENDIX I

ENVIRONMENTAL IMPACT ASSESSMENT

I1 The guidelines in this book may be used as the basis for environmental impact assessment, where the skylight and sunlight impact of a new development on its surroundings are taken into account.

I2 Where a new development affects a number of existing buildings or open spaces, the clearest approach is usually to assess the impact on each one separately. It is also clearer to assess skylight and sunlight impacts separately.

I3 Adverse impacts occur when there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space.

I4 The assessment of impact will depend on a combination of factors, and there is no simple rule of thumb that can be applied.

I5 Where the loss of skylight or sunlight fully meets the guidelines in this book, the impact is assessed as negligible or minor adverse. Where the loss of light is well within the guidelines, or only a small number of windows or limited area of open space lose light (within the guidelines), a classification of negligible impact is more appropriate. Where the loss of light is only just within the guidelines, and a larger number of windows or open space area are affected, a minor adverse impact would be more appropriate, especially if there is a particularly strong requirement for daylight and sunlight in the affected building or open space.

I6 Where the loss of skylight or sunlight does not meet the guidelines in this book, the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:

- only a small number of windows or limited area of open space are affected
- the loss of light is only marginally outside the guidelines
- an affected room has other sources of skylight or sunlight

- the affected building or open space only has a low level requirement for skylight or sunlight
- there are particular reasons why an alternative, less stringent, guideline should be applied (see Appendix F).

I7 Factors tending towards a major adverse impact include:

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

I8 Beneficial impacts occur when there is a significant increase in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space. Beneficial impacts should be worked out using the same principles as adverse impacts. Thus a tiny increase in light would be classified as a negligible impact, not a minor beneficial impact.

I9 An adverse impact on one property cannot be balanced against negligible or beneficial impacts on other properties. In these situations it is more appropriate to quote a range of impacts.

I10 The provision of new dwellings, or commercial or industrial buildings, or private gardens that meet the skylight or sunlight guidance in this book should not be classified as a beneficial daylight or sunlight impact on the local environment. However, the provision of community buildings or public open spaces with good skylight and/or sunlight could be classed as a beneficial impact.

APPENDIX 4

