24 July 2014

# Statement of Case

2A Conway Street, London W1T 6BA

**Contents**

## 1. Introduction

1.1 2A Conway Street is a three-storey building in mixed use with a gallery on the ground floor on the south eastern side of Conway Street close to the junction with Maple Street.

1.2 An application for planning permission was submitted by the appellant, Ms Rebecca Hossack, to the London Borough of Camden on 23 December 2013.

1.3 This Statement of case responds to the London Borough of Camden's refusal to grant planning permission on 19 June 2014 for:

"erection of a roof extension with rear roof terrace in connection with the use of the second and third floor as a residential flat".

## 2.0 Site and Surroundings

2.1 2A Conway Street is a commercial property situated on the south eastern side of Conway Street close to the junction with Maple Street. It comprises ground and three upper floors with a roof terrace at rear second floor level. The property is currently used as an art gallery with ancillary office space above

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

2.2 The immediately surrounding area to 2A Conway Street is in mixed use. Adjoining 2A Conway Street to the north is a pub.

2 Conway Street is a corner property which adjoins 2A Conway Street. It comprises a flat at basement and ground floor level and three flats above at first, second and third floor level. The third floor flat has access to a flat roof which adjoins the roof of 2A Conway Street. This flat roof is used as a roof terrace and has a semi-permanent gazebo.

44 Maple Street comprises basement, ground and three upper floors. The property is in multiple occupation comprising twelve small rooms each with their own bathroom; kitchen facilities are shared.

To the rear is a large office building with residential flats on the top two floors.

## 3.0 Planning History

3.1 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.

3.2 In May 2007 planning permission was granted for the retention of a new ground floor frontage to the art gallery.

3.3 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.

3.4 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. An appeal against this refusal was dismissed in March 2014 (APP/X5210/A/13/2206683)

3.5 In June 2014 planning permission was refused for the erection of a roof extension with rear roof terrace in connection with the use of the second and third floor as a residential flat.

## 4.0 Appeal Decision APP/X5210/A/13/2206683

4.1 The main concerns about the appeal against the refusal of the scheme refused in April 2013 was the effect on the living conditions of nearby neighbouring properties with particular regard to privacy and outlook. In dismissing the appeal, the Inspector stated that:

"At such a short distance away the scale and massing of the development would be overbearing and would significantly and unacceptably diminish the outlook from those windows. This overbearing would be made worse by the additional height resulting from the screening to the proposal roof terrace. Also in the absence of a detailed assessment I am concerned that the extension would result in an unacceptable loss of daylight to rear habitable rooms of flats at second and third floor level in 2 Conway Street.

In addition, the proximity of the proposed roof terrace would allow overlooking of rear windows of habitable rooms in 2 Conway Street and 44 Maple Street which would result in an unacceptable loss of privacy to occupiers of those properties".

## 5.0 Grounds of Appeal

5.1 The reasons for refusal in the decision letter dated 1 July 2014 is that:

"The proposed roof extension and terrace by virtue of their close proximity to neighbouring habitable residential windows would result in a loss of outlook, visual amenity, light and privacy as well as light and noise pollution to the detriment of the amenity of the occupiers of those properties contrary to policies CS5 (Managing the impact of growth and development) and to policy DP26 (Managing the impact of development on occupiers and neighbours)."

5.2 There are no concerns with the proposal with respect to the change of use or the design of the roof extension. The key concerns relate to the impact of the roof extension and terrace on the amenity of adjoining occupiers.

5.4 The scheme that is the subject of this appeal addresses the reasons for refusal of the 2013 scheme, the Inspector's reasons for dismissal of the appeal against the refusal of the 2013 scheme and revisions made to the 2014 revised scheme at the request of the planning officer.

The key differences are as follows:

- the height, bulk and footprint of the extension has been reduced and set away from 2 Conway Street;
- the proposed terrace over the roof extension has been removed;
- no new windows are created on the elevation towards

44 Maple Street and 2 Conway Street;

- the terrace to the front and side of the roof terrace has been replaced with a green roof;
- the associated privacy screening to the front and side has been removed;
- the only access to the 3rd floor terrace is via a small door restricting access to the roof for maintenance purposes only;
- the only usable terrace is at rear second floor level;
- the railings to the front match the height and design of those to 2D Conway Street.

5.5 This revised scheme was considered by officers to address the previous reasons for refusal as well as the Inspector's concerns and the application was recommended to the Camden Development Committee for approval on 19 June 2014. However, this application was refused.

5.6 ***Loss of outlook***

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 windows of 44 Maple Street and 2 Conway Street is 4.8 metres. The vertical height is 1.7 metres above the existing roof level before sloping away to a height of 4.3 metres at a distance of 9 metres from these windows.

This set back and the reduced bulk of the roof extension address concerns about loss of outlook and sense of enclosure. Furthermore, as outlook is intrinsically linked to the amount of sunlight and daylight received and the

viewable area out of a window, consideration should also be given to the findings of the Daylight and Sunlight Report at Appendix One.

5.7 ***Visual amenity***

The roof extension has a modest height of 1.7 metres at its closest point to the windows of 2D Conway Street and 44 Maple Street. It then slopes away gradually. As a result the impact on the amenity of adjoining occupiers is significantly reduced. Whilst, the roof extension will be visible, it will not block out the sky and given the site context will not create a heightened sense of enclosure that would harm the amenity of the occupiers of these flats.

5.8 ***Light and privacy***

The roof terrace to the side and front at 3rd floor level was removed in order to protect the privacy of adjoining occupiers. There are therefore no issues with respect to overlooking and privacy. The terrace at the rear is at some distance from the adjoining properties and will be screened to prevent overlooking.

The existing windows on the flank elevation at second floor level are currently obscurely glazed. No changes are proposed to these windows.

The metal staircase is an existing staircase which is already in use for access to the first and second floors. There will be no intensification of the use of the metal staircase as a result of the change of use of the second floor to a residential flat.

5.9 ***Light and noise pollution***

The impact of the roof extension with respect to loss of daylight and sunlight is set out in the Daylight and Sunlight Report at Appendix One. A summary of the findings of this report is set out in paragraph 5.6.

The proposed use is as a residential flat and this will not give rise to an increase in noise levels over and above the existing situation. The terrace at the rear of the second floor is an existing terrace and is already in use as such.

The skylights will not give rise to light pollution or glare due to their materials of construction.

## 6.0 Conclusion

6.1 In our considered opinion planning permission should be granted for the proposal. The scheme complies with policy at national and local level and would not give rise to harm or be injurious to amenity to the extent that a refusal of planning permission would be justified in this case. We respectfully suggest that planning permission ought to be granted for the proposed development and the Appeal upheld.

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

**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.

# 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'"*

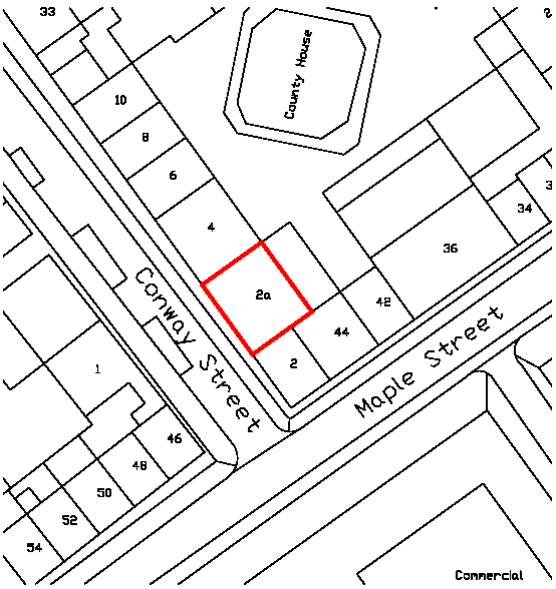
## 2.3 Assessment

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 |

## 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 |
| Total | 11 | 11 | 0 | 10 | 9 | 1 |

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

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.

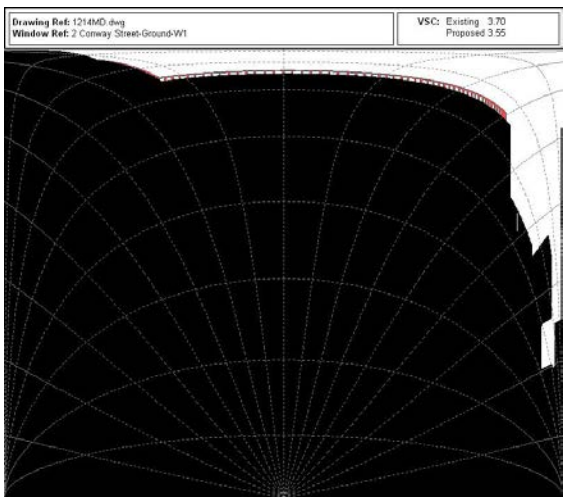



Figure 1: Flat A

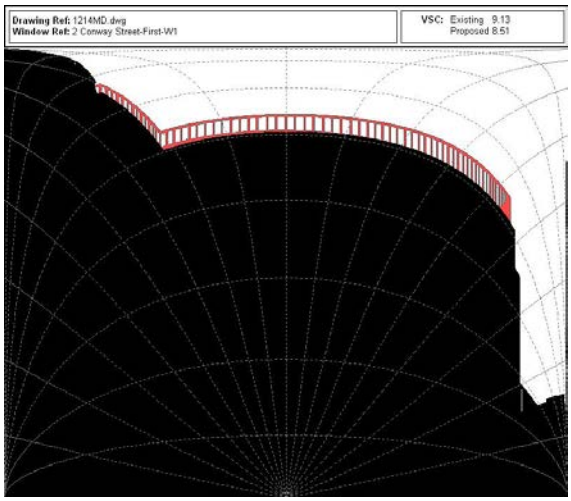



Figure 2: Flat B

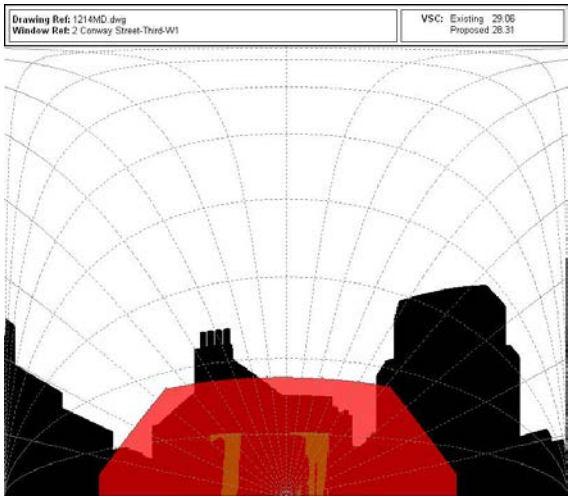



Figure 3: Flat C

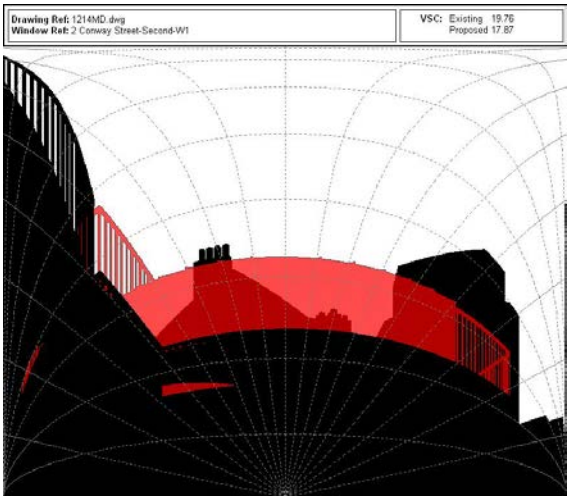



Figure 4: Flat D

# 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 been 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.

<u>25° section line assessment</u>

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.

<u>The permanent overshadowing assessment</u>

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.

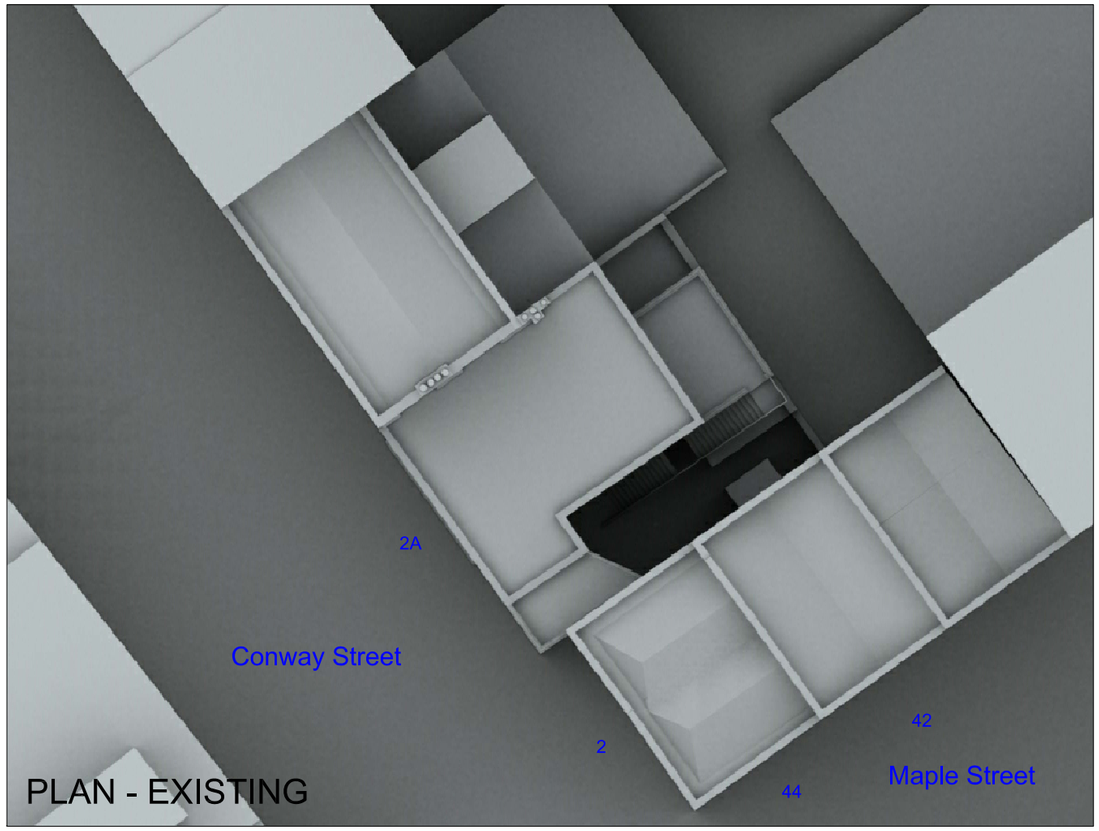
<u>The transient overshadowing assessment</u>

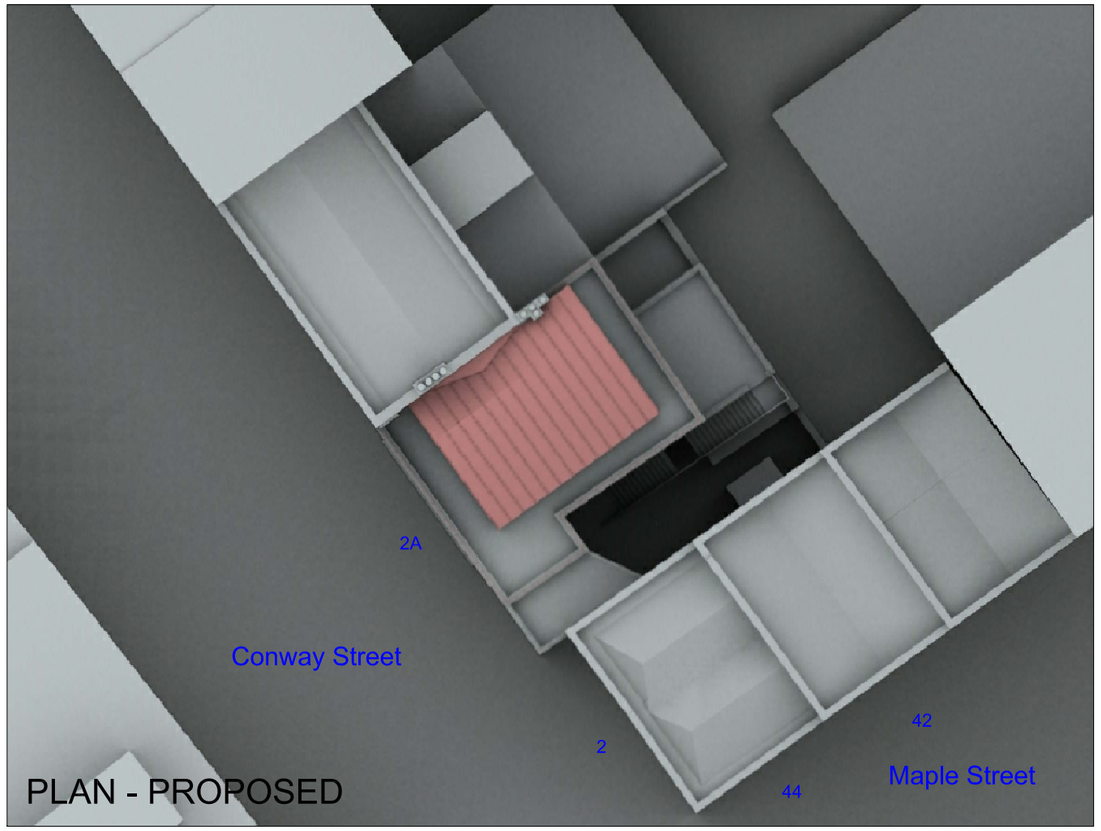
A further overshadowing assessment, sometimes requested by the local authority for larger schemes, is the temporary, or transient overshadowing assessment. This assessment usually comprises hourly overshadowing images of the existing and proposed situations undertaken on key dates during the year such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

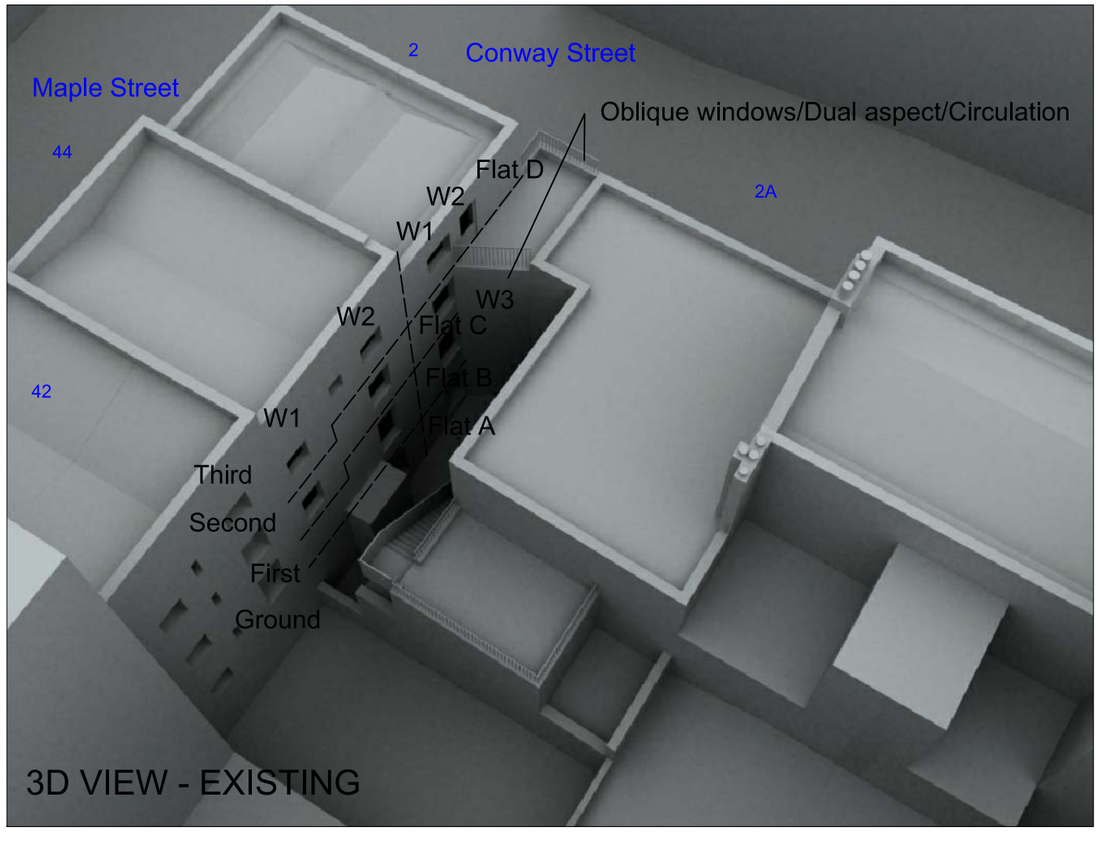
The BRE guidance offers no express numerical values for this type of assessment, consequently it is purely subjective.

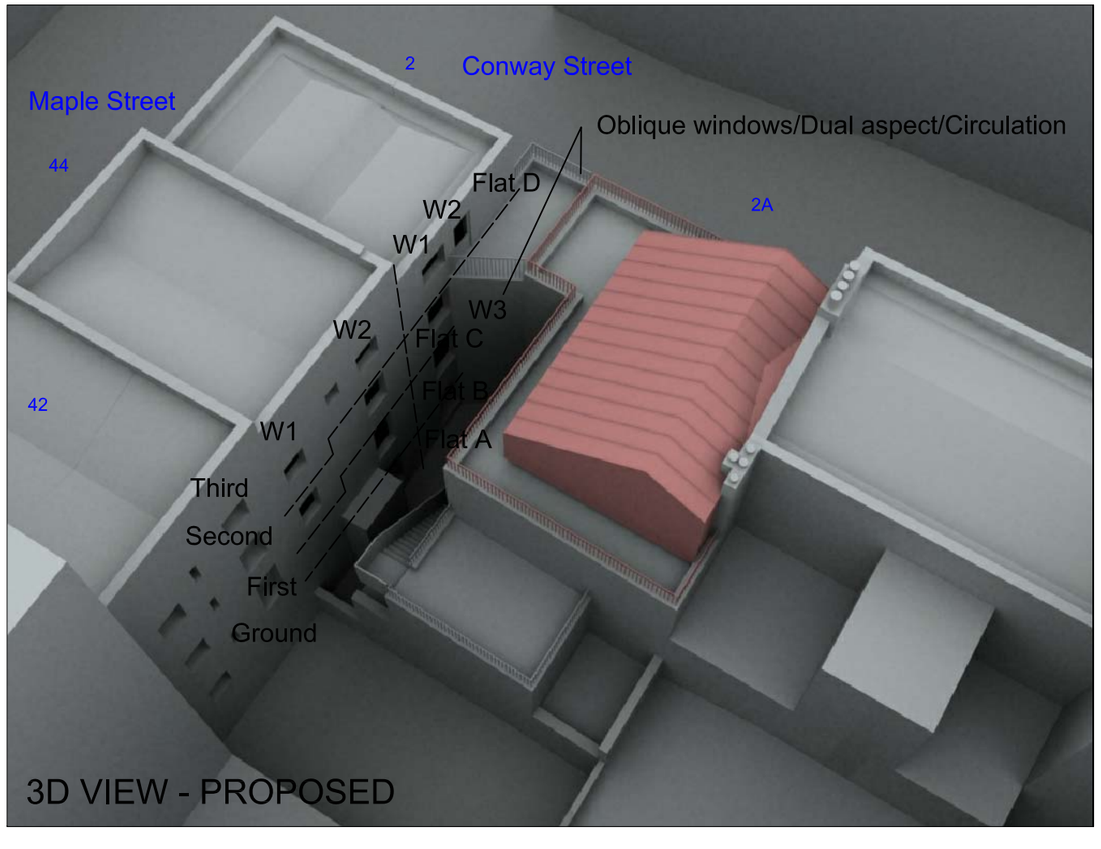
**Appendix B**

Context Drawings




1) ALL DIMENSIONS TO BE CHECKED ON SITE AND NOT
2) DAYLIGHT AND SUNLIGHT SHALL BE INFORMED OF ANY DISCREPANCIES IN WRITING.
3) ALL DIMENSIONS ARE IN MMs

SOURCES OF INFORMATION

Trevor Lahiff Archtects
850 (08) 200, 201, 202, 210, 211, 212
850 (08) 302, 303, 310, 311, 312 and 320
Received November 2013

Site Photographs
Received November 2013

KEY

EXISTING BUILDING

PROPOSED BUILDING

TITLE

Plan and 3D View
Existing and Proposed Buildings

CLIENT

Epponerae Limited

PROJECT

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| DRAWN BY | DATE |
|---|---|
| JN | Dec 2013 |
| SCALE | CHECKED |
| NTS | . |
| DRAWING NO. | RELEASE NO. |
| 1214/D&S/01 | 1 |

**Appendix C**

Daylight Results

| Building/Floor/ Reference | Window Reference | Existing v. Proposed | VSC Values % | % of Existing | Does it meet the BRE Guidelines? |
|---|---|---|---|---|---|
| **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? |
|---|---|---|---|---|---|---|
| **2 Conway Street** | | | | | | |
| **Ground, Flat A** | R1 | 11.67 | 1.16<br>10% | 1.15<br>10% | **0.99** | ✓ |
| **First, Flat B** | R1 | 11.66 | 1.85<br>16% | 1.78<br>15% | **0.96** | ✓ |
| **Second, Flat C** | R1 | 11.67 | 9.60<br>82% | 7.29<br>62% | **0.76** | **x** |
| **Third, Flat D** | R1 | 23.39 | 20.86<br>89% | 19.74<br>84% | **0.95** | ✓ |
| **44 Mable Street** | | | | | | |
| **Ground** | R1 | 15.98 | 1.53<br>10% | 1.52<br>10% | **1.00** | ✓ |
| **First** | R1 | 7.09 | 6.38<br>90% | 6.38<br>90% | **1.00** | ✓ |
| **First** | R2 | 15.98 | 3.43<br>21% | 3.23<br>20% | **0.94** | ✓ |
| **Second** | R1 | 7.09 | 6.54<br>92% | 6.54<br>92% | **1.00** | ✓ |
| **Second** | R2 | 15.98 | 12.69<br>79% | 11.31<br>71% | **0.89** | ✓ |
| **Third** | R1 | 9.09 | 8.04<br>88% | 7.96<br>88% | **0.99** | ✓ |