



DIXON PAYNE

D. Norris Esq.
ADN Planning

Date Wednesday, January 13, 2016
Our ref rs/ROL.14/4

Dear Mr Norris

137 TORRAINO AVENUE LONDON NW5 2RX
DAYLIGHT/SUNLIGHT REPORT
SUNPATH ANALYSIS

As instructed by our mutual Client, I would like to confirm my advice with regard to the Planning Permission Application to be submitted for the construction of 2nr residential dwellings as shown on the drawings prepared by Martin Evans Architects at the above.

The proposals follow the massing proposed within the Planning Permission Application 2014/5401/P, dated 20 August 2014, was refused by notice dated 25 March 2015 which was further refused permission on Appeal - Planning Inspectorate Reference APP/X5210/W/15/3095453 Appeal Decision dated December 11, 2015..

Reports detailing the technical analysis undertaken in accordance with the *Building Research Establishment* guideline document entitled "*Site Layout planning for daylight and sunlight: A guide to good practice*" by Paul Littlefair (2011) were prepared and submitted to the Local Authority.

At the commencement of the Hearing, the Local Authority withdraw their objections to the proposals in respect of the effect upon daylight and sunlight, the matter was still considered by the Inspector to address the Third Party. Within her Appeal Decision, the Inspector concluded within paragraph 35 in respect of daylight and sunlight:-

35. In terms of daylight and sunlight, detailed evidence was presented in relation to this issue by the appellants. This assessment included the Vertical Sky Component Assessment of the impact of the development on neighbouring properties. The conclusions reached are that whilst there would be some effect on adjacent properties, these would be entirely in accordance with the BRE Second Edition 2011 guidelines. I am satisfied that on the basis of this evidence, the effect on the proposal in relation to this matter would be acceptable. Similarly, the appellants daylight and sunlight report dated October 2014 addressed the impact of the proposal on 103 Brecknock Road. This report concluded that as a consequence of the existing terrace of properties in place, there would be no discernible difference in daylight and sunlight to this property. As No 105 Brecknock Road is situated further way from the appeal site, I see no reason why the same conclusions should not apply to this property.

The foregoing agreement that there was no material effect upon daylight and sunlight by both the Planning Authority and the contents of the Inspector's Hearing Decision therefore demonstrate and conclude that the proposals at the above, in respect of daylight and sunlight, accord entirely with the *Building Research Establishment* guideline document entitled "*Site Layout planning for daylight and sunlight: A guide to good practice*" by Paul Littlefair (2011).

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For the sake of good order, I will summarise below the evidence presented to the Inspector upon which the decision was based. I attach the previous Reports referred to in the Inspector's Appeal Decision as well as the submission presented to the Inspector which provided copies of the exchanges prior to the Hearing with the Local Authority.

Immediately prior to the Hearing, the Local Authority advised:

'The Council still has concerns about the proposal's impact on sunlight and daylight.

The Dixon Payne report states that the patio window only receives limited sunlight, but following the proposal would receive no direct sunlight

DP report indicates two windows (1003 and 1004) would see a reduction on VSC of more than 20% and that the patio window would see a reduction of VSC of 50%

As such, we will not be withdrawing this reason for refusal.'

In response, the following advice was provided:-

'With regard to windows 1003 & 1004, these are in a series of windows and, in accordance with paragraph 2.2.6 of the BRE Second Edition 2011 – 'If a room has two or more windows of equal size, the mean of the VSCs can be taken.'. Using the figures for 1001, 1002, 1003 & 1004, the mean of the VSCs in the existing condition is 11.315% whereas in the proposed the mean is 9.2925%. This is a reduction of 0.8215 or less than 20% so the effect to these windows is indiscernible to the human eye and complies entirely with the aforementioned BRE Second Edition 2011.

In respect of the patio doors, it is accepted that the reduction in VSC will be discernible to the human eye, but this is not the principle window to kitchen/diner, the bi-folding rear patio door are which are accepted as not being affected by the works; the plan of 135 Torriano Avenue is attached for ease of reference. Whilst not part of the BRE Second Edition 2011 for the consideration of the affect upon daylight, I have considered the effect upon internal illuminance. The advice given is that states that where a predominately daylight appearance is required, the ADF should be at least 5% or more if there is no supplementary electric lighting or 2% or more if there is. In respect of kitchens, living rooms and bedrooms there are additional recommendations of 2%, 1.5% and 1% respectively. Considered in isolation, the patio doors to the internal courtyard – the doors affected by the proposals – would provide internal illuminance of approximately 0.5%. For the patio doors to the rear, to achieve sufficient additional internal illuminance to provide an ADF of in excess of 2%, a uniform obstruction to skylight would need to be above a line drawn at 60 degrees to the horizontal. I do not believe that the properties to the rear to Leighton Grove are of that height irrespective of the fact that there is a gap where the gardens to the rear of the properties to Brecknock Gardens run parallel with Leighton Grove; again, a screen shot is attached for ease of reference'.

Upon receipt of the foregoing, the Local Authority responded:

'I have reviewed the latest daylight/sunlight information and concur that the proposal would not materially affect daylight to no. 135.

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However, the report indicates that no. 135 currently receives only a limited amount of sun during summer mornings, and that the proposal would result in the kitchen receiving no sun at all. It is accepted that the BRE guidance advises that sunlight is less important for kitchens, but it also states that care should be taken not to block out too much sun.

As the reason for refusal referred to a material loss of sunlight, and the latest evidence indicates a total loss of sunlight, it is my opinion that such a loss would be material and harmful to the amenity of the adjoining occupier. As such we will not be withdrawing the reason for refusal.

However, ultimately the Inspector should decide whether the loss of sunlight would be a material consideration.'

In response the following was submitted:-

'Thank you for confirming that your reason for refusal is now limited to the effect upon sunlight and specifically you state that the kitchen will receive no direct sunlight; this is entirely incorrect. For the avoidance of doubt, the statement with regard to the reduction in sunlight relates solely to the assessed windows, i.e. 1001-1005; the rear patio doors.

The rear bi-folding doors will receive direct sunlight during March/April through to August/September from approximately 1.00pm until sunset as they face north of west albeit there will be no winter sun. Again for the avoidance of doubt, windows 1003/1005 receive very limited annual sun (1003 -1% annual, 1004 - 2% annual and 1005 - 7% annual), but do not receive any winter sun in the current situation either.'

The Local Authority subsequently confirmed:-

'The revised comments suggest that impact on sunlight would now be acceptable'.

The foregoing agreement that there was no material effect upon daylight and sunlight by both the Planning Authority and the contents of the Inspector's Hearing Decision therefore demonstrate and conclude that the proposals at the above, in respect of daylight and sunlight, accord entirely with the *Building Research Establishment* guideline document entitled "*Site Layout planning for daylight and sunlight: A guide to good practice*" by Paul Littlefair (2011).

Should you require anything further from me, please do not hesitate to contact me.

Yours sincerely

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