

August 2017

Planning appeal statement

Addendum # 2 rev A

73 Maygrove Road, London, NW3 2EG

Camden - 2017/I882/P 73

As Camden councils refusal of this planning application rests by in large in the change in the VSC we have carried out some additional research into VSC . We note and comment as follows;

Vertical Sky component .

The Vertical Sky Component (VSC) test is a 'spot' test which measures the amount of skylight on an overcast day reaching a Midpoint on the outside of the window.

This VSC is used in the calculation, along with other data, to determine what the **ADF** (Average Daylight factor)

Anthony Fawell B.Sc.(Hons) of "Right of light consulting ltd " has advised that the **ADF** test is the suitable test to use when assessing light levels within proposed dwelling in order to insure future occupiers will receive enough daylight.

The ADF is a sophisticated test that takes into account the size of the window and the size of the room and the rooms use.

"Right of light consulting ltd " have tested and confirmed that the bedroom would pass the ADF test if the proposed lift is constructed, that is it will get an acceptable amount of light.

Anthony has advised that "*whilst there will be a noticeable loss of daylight, we are of the opinion that the loss can be considered acceptable given that the room will continue to meet its recommended ADF target for a bedroom (after the development the room achieves 1.1% against its target of 1%).*"

He has also advised that the VSC when used as a test by itself , rather than as one of the factors used to calculate the ADF , is flawed because it does not take into account the size of window, the type of glazing, the size of the room or the use of a room.

A view that is shared by many Right of Light Surveyors and other experts in this field.

This is especially important in this instance as the window in this room is very large and the VSC assumes that the occupant is standing at the middle of the window with their nose pushed against the window pane.

As the sketch PL- 500 demonstrates the VSC would change if it was taken from the middle of the side opening pane. The two side panels of this large window are as big if not bigger than most of the windows in the habitable rooms in the basements which Camden gave planning permission (as cited in our Statement of Case)

I asked Right of Light Consulting Ltd to test this and they confirmed that the VSC at position IC would be 10.1% and 9.4 % at position IA . What is interesting is that the high wall between the courtyard and the peace park is 13meter away from the window and even though the three storied building is more 32meters away (more than twice the distance of a standard urban street) the VSC on the eastern side of the window is 0.7% lower. I queried this with Anthony and he confirmed that it was correct saying that this simply demonstrated how sensitive VSC test, and why decisions should not be based on the VSC results when taken in isolation and not as part of the ADF.

When standing on the side of the window the tenant will have views not only past the lift tower into the courtyard but also of the sky. As dwg PL 116 demonstrate when standing in front of the window the tenant of the gets 30 degree views past the lift and less than 50% of the view of the carpark is lost.

I have taken photos of the views at 45 degrees when standing outside the window last week.

These long views are the nicest views from the rooms. Looking to the west one looks towards the wall of the Maygrove peace park (on which we have planted Boston ivy, jasmine and purple flowering Wisteria with Ceanothus in front) to the trees of the Peace Park and the sky beyond. Looking East one looks towards the buildings on the other side of the courtyard and the sky beyond.

What is also lovely is that in mid-summer the low early morning sunlight comes into the courtyard (as does the evening sun). Because of the positioning of the proposed lift shaft away the building, this sunlight will, for two months of the year, still come into the bedroom window. Neither the lift shaft nor the bridge will block it and these long views will not **only** be retained they will be enhanced. And as the tenants will not be overlooked they may choose to open the venetian blinds so they can enjoy these views.

The VSC test is also flawed as small windows in a basement development, two basements down, like the houses at 73 +75 Avenue road, might pass the VSC test even though the rooms look out onto a tiny basement light well .

It would be interesting to see the VSC and ADF test for each of the basement / rear extension developments, cited in our statement of case, which Camden has granted planning permission for. Do these rooms fulfil the ADF and has Camden taken this into account when granting planning permission?

It would appear from looking at the planning information submitted for these applications that none of applications were accompanied with a BRE Sunlight / daylight report. When a daylight/skylight report was submitted it was to show how the new building would affect the neighbouring houses and not the basement room in the house.

I would like to request that Camden submit (to demonstrate that they are being consistent) , the BRE Daylights / Sunlight reports for the following approved planning applications;

- 120 Maygrove road . 2005/1781/P
- 158 Iverson road 2016/3632/P
- 159 - Iverson road - 2013/7505/P
- 73+75 Avenue road 2016/1808/P
- 16 Avenue road 2016/5375/P
- 81 Avenue road 2016/5197/P
- 77 Avenue road 2010/0351/P
- 87 Avenue road 2010/2713/P
- 1/154 Iverson road - 2016/2033/P
- 163 Iverson road 2012/09/P, Derby Lodge
- 1-3 Britannia street 2016/6356/P
- 26 Holmdale road 2016 /3944/P
- 25 Holmdale road 2016/2171/P

I am not sure if there is an “outlook” test which has also been used to justify subterranean bedrooms looking out onto a blank wall or the view from living room windows blocked by the 3000mm high walls of new infill rear side extensions. But if there is we would like Camden to submit as part of this appeal.

Camden’s argument may be that with a completely new build there is no change in the VSC but this is not true for infill rear extensions.

Also at 73 Maygrove as the flat is leased out any future tenants will not notice any change in the VSC as they will rent the space with the lift and courtyard garden in place. The current tenants will not notice a change as the venetian blinds are permanently closed (to prevent overlooking) they never see the sky .

What is disappointing about the way Camden have approached this planning application. Rather than giving consideration as to whether the proposed building / structure would improve the existing conditions, both practically and aesthetically, they are simply applying a test to try and prove that the building causes harm and they are not recognizing that the test that they are using to justify refusing this planning application is inherently flawed.

The test they are applying also cannot be used to analyze whether the proposal is good architecture which will enhance the built environment.

A badly considered proposal may well pass all these scientific tests and therefore be granted planning permission. But surely Architecture is an art not a science and most of the great buildings that make up our cities would have never been built if they were subject to random tests like this.

Sadly the proposal which our client initially proposed, which was designed by an Architectural student fresh out of college with no experience and no knowledge of how to build, might well have passed the VSC test.

The proposal was for a lift located hard against the rear of the building, the shaft clad in glass with a 'cantilevered' floating glass box linking it to the first floor. No consideration had been given to how the lift would be constructed and we knew, as experienced Architects, that if constructed the lift would not only be impractical but would also be a bit of a mess, not unlike the new apartments 163 Iverson road. There would be awkward junctions between the glass clad lift shaft and the existing building filled with Mastic (like the zinc detailing on 163 Iverson). The glass walkway structurally would not work as naively drawn (it would need an additional steel post) and the glass to glass junctions would be crud and commercial. It would be difficult to dig the new lift pit adjacent to the existing building and the view from the top floor flat would probably be of a roof finished in fibre glass or single ply Membrane.

A third of the existing window to the bedroom would be blocked in and people waiting for the lift would be standing directly outside the other bedroom window, reducing what little privacy this bedroom has. The lift tower would not block the view directly onto the carpark but would block completely the much nicer oblique view towards Maygrove peace park and it would block the mid summer late afternoon / early evening sunlight.

We thought that there could be a much better solution to installing a lift to access the first floor. A solution which would fulfil the practical requirements, improve the amenity of the ground floor apartment and be a beautiful contemporary architectural intervention (like the bridge at the royal opera house in Covent Garden). We therefore persuaded the client, with some difficulty, to let us investigate alternative options - which we did. We came up with the balanced solution which we submitted for planning.

A solution for a beautiful lift shaft which works on many levels improving the amenity of the flat on the ground floor (less overlooking better outlook etc) and allowing disabled access to the first floor. But Camden are refusing it even though the lighting consultant / expert has calculated the daylight and advised that *“The Vertical Sky Component test measures the access to visible sky from a point at the centre of each main window. Where a window does not satisfy the Vertical Sky Component test, it does not automatically follow that daylighting will be of a poor standard as this test does not take into account the size of the window, type of glazing and the internal dimensions and reflectance’s of the room itself.”* And that *“ whilst there will be a noticeable loss of daylight, we are of the opinion that the loss can be considered acceptable given that the room will continue to meet its recommended ADF target for a bedroom (after the development the room achieves 1.1% against its target of 1%)”*

We contend that Camden are making an unbalance decision which is also inconsistent with other planning applications for basement and rear infill extension which they have granted planning permission for.

We therefore request that this appeal is allowed.