GL Hearn
Part of Capita Real Estate

Proof of Evidence
Toby Rogan-Lyons

One Housing Group

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Date 23 October 2017

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Contents

APPENDICIES (bound separately)

1 INTRODUCTION

1.1 Experience

1.1.1 I have specialised in the fields of rights to light (Common Law) and sunlight and daylight (Town and Country Planning) since 2006. I commenced my work in this area of practice with GL Hearn in 2011 and remain at that firm. I was made an Associate Director in 2015.

1.1.2 I advise developers, neighbouring adjoining owners and local authorities on the impact of developments on natural light. These services include undertaking detailed computer based modelling and analysis of the effects of developments on neighbouring properties and on the natural lighting within the development, preparation and presentation of technical assessments and evidence, and critical examination of other consultants' assessment for Local Planning Authorities

1.1.3 I act for clients on development projects across the residential and commercial sectors throughout London and the UK, including town centre regenerations and estate renewal projects.

1.1.4 Prior to GL Hearn, I worked as a building surveyor in the field of daylight and sunlight and rights to light at Anstey Horne Chartered Surveyors and as a technical operative undertaking daylight and sunlight and rights of light analysis and research for both Gordon Ingram Associates and Watts Group.

1.1.5 I confirm that the opinions expressed are my true and professional opinions.

1.2 Scheme overview

1.2.1 The site for the appeal scheme is located at Bangor Wharf, Georgiana Street, London, NW1 0QS. The appeal scheme is detailed within the Statement of Common Ground (page 3).

1.3 Planning Application – overview of daylight and sunlight work

1.3.1 CHP Surveyors Ltd (CHP) were instructed by One Housing Group ('the appellant') in February 2016 to carry out technical analysis and advise on the impact of the appeal scheme on the neighbouring properties and to assess the adequacy of the light received within the appeal scheme.

1.3.2 On the whole, the daylight and sunlight technical analysis undertaken by CHP was appropriate when assessing the amenity of the neighbouring properties but contained omissions when assessing the Appeal Scheme. In summary, this comprised:

- Daylight amenity analysis of the neighbouring residential properties using the Vertical Sky Factor (VSC), No Sky Line (Daylight Distribution) and Average Daylight Factor (ADF) analysis tests.

- Sunlight amenity analysis of the neighbouring residential properties using the Annual Probable Sunlight Hours (APSH) tests.
- Daylight amenity analysis of the appeal scheme using the ADF test.

1.3.3 To the best of my knowledge these tests were undertaken in line with the guidance given in the Building Research Establishment report Site Layout Planning for Daylight and Sunlight, A guide to good practice (BRE Report).

2 REASONS FOR REFUSAL

2.1.1 The Council refused the planning application, on daylight and sunlight grounds, as follows:

2.1.2 Reason 3

"A number of the proposed residential units by reason of the poor quality of their access to outlook, light, external amenity space and due to overlooking and privacy issues, would result in sub-standard accommodation, which would be harmful to the amenities of future occupiers, contrary to core policies CS5 (Managing the impact of growth and development) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 (securing high quality design) and DP26 (managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Policies and policy 3.5 of the London Plan 2016"

2.1.3 This was recently revised to reflect the changes in local planning policy as follows:

"A number of the proposed residential units by reason of the poor quality of their access to outlook, light, external amenity space and due to overlooking and privacy issues, would result in substandard accommodation, which would be harmful to the amenities of future occupiers, contrary to **policies A1 (Managing the impact of development) and D1 (Design) of the Camden Local Plan 2017 and policy 3.5 of the London Plan 2016**."

2.1.4 Reason 9

"The proposed development, due to its height, massing, positioning of windows and balconies/terraces and proximity and relationship with the western boundary, would result in a material loss of outlook, privacy and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 54 Georgiana Street and 118-142 Royal College Street, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies."

2.1.5 This was recently revised to reflect the changes in local planning policy as follows:

"The proposed development, due to its height, massing, positioning of windows and balconies/terraces and proximity and relationship with the western boundary, would result in a material loss of outlook, privacy and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 54 Georgiana Street and 118-142 Royal College Street, contrary to ***policies G1 (Delivery and location of growth) and A1 (Managing the impact of development) of the Camden Local Plan 2017.***"

3 SCOPE OF EVIDENCE

3.1.1 The evidence presented will show the daylight and sunlight amenity that would be retained by the neighbouring residential properties as analysed within the CHP report. It will provide discussion on the guidance given within the BRE Report and how this relates to relevant regional and local planning policy.

3.1.2 Additionally the daylight and sunlight amenity within the Appeal Scheme will be discussed. Again this will be discussed in relation to guidance in the BRE Report and how this relates to relevant regional and local planning policy.

3.1.3 Further to the analysis undertaken by CHP we have completed our own analysis of both the natural light within the appeal scheme and its effects on the natural light of the neighbouring residential buildings.

3.2 Structure of Evidence

3.2.1 The remainder of my proof of evidence is structured as follows:

- Section 4 discusses the local planning policies referenced in the reasons for refusal discussed above and planning policy guidance that is relevant to the assessment of the appeal scheme.
- Section 5 considers the potential daylight and sunlight effects of the appeal scheme.
- Section 6 considers the potential daylight and sunlight amenity within the scheme.
- Section 7 gives a response to reason 3 for refusal
- Section8 gives a response to reason 9 for refusal
- Finally, Section 9 provides my conclusions.

4 PLANNING POLICY CONTEXT

4.1 Introduction

4.1.1 In addition to the planning policies referenced in the reasons for refusal listed above and reproduced within section F of the Core Documents, there is discussed below further planning guidance relevant to daylight and sunlight amenity in Camden.

4.2 Housing Supplementary Planning Guidance March 2016

4.2.1 Standards for privacy, daylight and sunlight

Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

4.2.2 When discussing area density the Housing SPG provides the following guidance:

"Appropriate density ranges are related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (Ptal). The setting can be defined as:

- ***central** – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an international, Metropolitan or Major town centre.*
- ***urban** – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a district centre or, along main arterial routes*

- ***suburban*** *– areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys."*

4.3 Camden Planning Guidance CPG6, Amenity

4.3.1 CPG6 (Section 6) is particularly concerned with ensuring that the daylight and sunlight amenity retained by neighbouring buildings and within proposed development is adequate. The guidance document sites the guidance within the BRE Report but does state that Camden Council will view the results of daylight and sunlight amenity tests flexibly and where appropriate may accept alternative targets.

4.3.2 This flexibility is supported by the BRE Report which contains the following guidance:

> *'The advice given here is not mandatory and this document should not be 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…' (P1, para. 1.6)*
>
> *'In special circumstances the Developer or Planning Authority may wish to use different target values.' (P1, para. 1.6)*
>
> *'Note that numerical values given here are purely advisory. Different criteria may be used, based upon the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light'. (P7 para. 2.2.3)*

5 THE POTENTIAL DAYLIGHT AND SUNLIGHT EFFECTS OF THE APPEAL SCHEME

5.1 CHP Surveyors Ltd Report (February 2016)

5.1.1 CHP undertook a review of the Appeal Scheme and its neighbours and applied the initial BRE Report 25° line test. This test determines if a building will receive enough light from the sky for daylight and sunlight amenity to remain without the need for further testing. Buildings that pass this test need not be analysed in detail.

5.1.2 A review of the CHP report shows that the analysis was based on Ordinance Survey information, site observations and TM Architect's scheme drawings.

5.1.3 Buildings that did not pass this test were included in the detailed analysis exercise. CHP undertook analysis of the following properties:

- 40 and 42 St Pancras Way,
- 118-138 Royal Collage Street, and

- Reachview Close.

5.1.4 The CHP Report concluded that there will be no effects on the daylight and/or sunlight amenity of the St Pancras Way and Reachview Close properties with the Appeal Scheme in place. Sunlight amenity to 118-138 Royal College Street was not undertaken as the windows serving these properties and overlooking the Appeal Scheme do not face within 90° of due south, BRE Report guidance limits sunlight amenity testing for neighbouring properties to south facing windows only.

Figure 1: VSC transgressions along Royal Collage Street in red

5.1.5 Daylight amenity analysis of 118-138 Royal Collage Street concluded that:

- 24 of the 37 windows tested would achieve full compliance with the BRE Report VSC guidance (retaining 27% VSC or 0.8 times the current VSC value),
- 26 of the 34 rooms tested would comply with the Daylight Distribution recommendations,

5.1.6 Where transgressions of the BRE Report guidance do occur the CHP Report discusses the urban context of the Appeal Scheme location and the proximity of the neighbouring buildings to this undeveloped site. These factors lead to the conclusion that the retained daylight values are appropriate for this urban area.

5.2 GL Hearn analysis of the Appeal Scheme

5.2.1 As part of our verification process GL Hearn undertook detailed daylight and sunlight amenity analysis of properties with a view of the Appeal Scheme. We have received the following documents and used them in preparing our analysis:

- Cloud 10 – site survey three-dimensional model.
- TM Architects – proposed development plans, elevations and sections, received by GL Hearn on 19 September 2017.

5.2.2 In line with BRE Report guidance we have undertaken daylight analysis of the neighbouring properties using the VSC and No Sky Line (daylight distribution) analysis tests. As per the detailed guidance in the BRE Report we have limited daylight distribution analysis to those properties where details of the internal arrangements were available.

5.2.3 The BRE Report provides guidance for the setting of alternative targets within Appendix F of the BRE Report. This appendix gives guidelines on setting alternative target values for skylight and sunlight access. This allows a developer to set alternative targets for VSC levels which can be generated from the layout dimensions of existing development or derived from the internal layouts and direct daylighting needs of the proposed development itself. The BRE Report uses the example of a mews in an historic city centre, where a typical obstruction angle from the ground floor window level might be closer to 40 degrees, which would correspond to a VSC of 18%. This can then be used as a target value for development in that street if new development is to match the existing layout.

5.2.4 GL Hearn have not undertaken the methods discussed for the setting of alternative targets but we have referenced the reduced expectations of occupiers in urban environments and note that historically, VSC ranges in urban areas have been shown to range between 15% and 21%. These VSC levels are prevalent at lower levels in urban areas and can be see at the lower levels of the Royal College Street properties.

5.2.5 Desktop research of the Camden planning database and local estate agent details has been undertaken to gather internal arrangement details, these details were verified through external observation. We have not sought access into any of the neighbouring properties.

5.2.6 As with the analysis undertaken by CHP Surveyors our analysis shows that the majority of neighbouring properties will see minimal or no change to their current daylight and sunlight amenity and will be compliant with the recommendations within the BRE Report. Below is a summary of our findings on the neighbouring properties.

Address	VSC (BRE Report compliance / Windows tested)	Daylight Distribution (BRE Report compliance / Rooms tested)	APSH (BRE Report compliance / Receptors tested)
1-30 Bruges Place	10/10	6/6	7/7
31-43 Bruges Place	10/10	6/6	7/7

Address	VSC (BRE Report compliance / Windows tested)	Daylight Distribution (BRE Report compliance / Rooms tested)	APSH (BRE Report compliance / Receptors tested)
1-12 Reachview Close	39/39	20/20	20/20
13-28 Reachview Close	62/66	24/24	24/24
29-44 Reachview Close	51/56	24/24	24/24
45-60 Reachview Close	52/60	24/24	24/24
4 Barker Drive	5/5	-	5/5
6 Barker Drive	5/5	-	5/5
8-10 Barker Close	21/21	-	9/9
44 St Pancras Way	7/7	-	-
42 St Pancras Way	4/4	3/3	1/1
17-19 Rossendale Way	5/5	-	1/1
13-15 Rossendale Way	4/4	-	-
38-40 St Pancras Way	35/35	5/5	4/4
53 Georgianna Street	9/9	4/4	4/4
54 Georgianna Street	4/4/	-	-
163a Royal College St	6/6	-	-
165 Royal College St	3/3	2/2	-
167 Royal College St	3/3	2/2	-
169 Royal College St	3/3	2/2	-

Address	VSC (BRE Report compliance / Windows tested)	Daylight Distribution (BRE Report compliance / Rooms tested)	APSH (BRE Report compliance / Receptors tested)
171 Royal College St	3/3	2/2	-
173 Royal College St	3/3	-	-
175 Royal College St	3/3	-	-
177 Royal College St	3/3	2/2	-
179 Royal College St	3/3	2/2	-
181 Royal College St	3/3	-	-
118 Royal College St	5/7	3/4	-
120 Royal College St	2/4	4/4	-
122 Royal College St	2/4	4/4	-
124 Royal College St	2/4	-	-
126 Royal College St	3/4	-	-
128 Royal College St	4/10	4/4	-
130 Royal College St	1/1	1/1	-
132 Royal College St	10/12	-	1/1
134 Royal College St	8/12	-	2/2
136 Royal College St	5/7	-	2/2
138 Royal College St	6/6	5/5	-
140 Royal College St	5/5	3/3	-

Address	VSC (BRE Report compliance / Windows tested)	Daylight Distribution (BRE Report compliance / Rooms tested)	APSH (BRE Report compliance / Receptors tested)
142 Royal College St	3/3	2/2	1/2
144 Royal College St	2/2	2/2	-
152 Royal College St	7/7	5/5	4/4

5.3 1-12, 13-28, 29-44 & 45-60 Reachview Close

5.3.1 These four storey buildings are to the north-east of the Appeal Scheme. Desktop research has provided internal arrangement details, which show that there are flats at all levels.

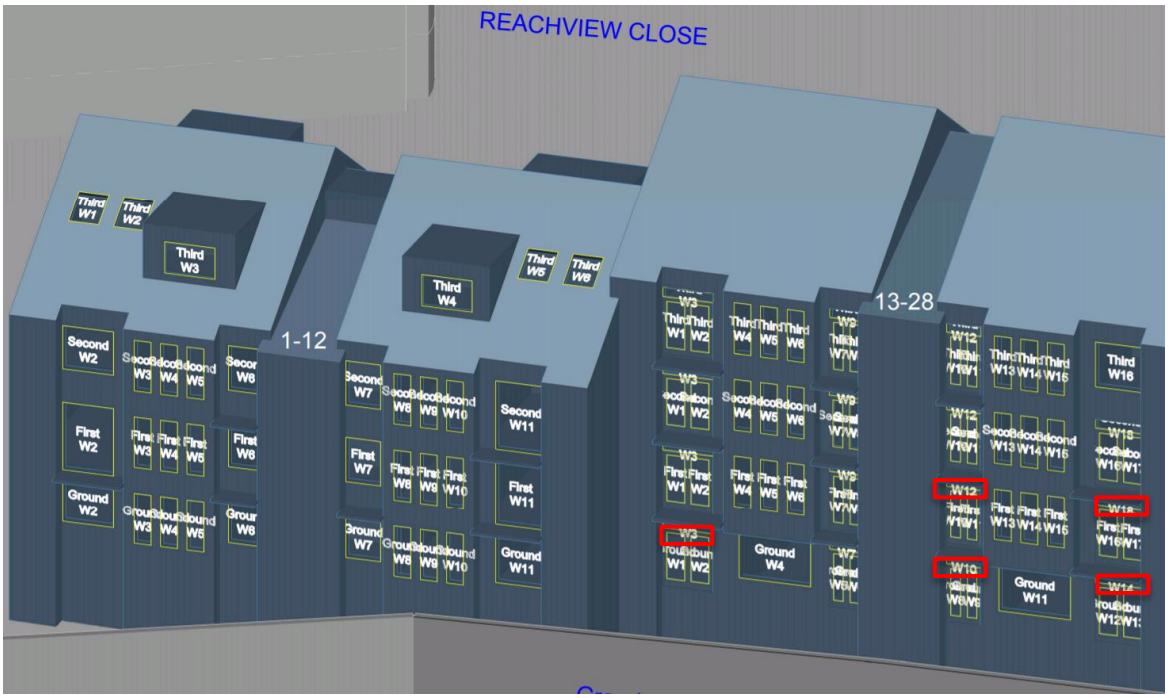

Figure 2: VSC transgressions Reachview Close in red

Figure 3: VSC transgressions Reachview Close in red

5.3.2 Daylight amenity studies undertaken using the VSC test shows that the overwhelming majority of windows, 204 (92%) of 221, will remain fully compliant with the BRE Report recommendations. Study of the analysis (Appendix B) shows that, where transgressions do occur, they are predominantly limited to those windows below balconies, as indicated above. These balconies, while providing valuable amenity to occupants, do restrict sky view access to any windows below them. It can be seen that the majority of transgressing windows are secondary windows where the primary windows will retain BRE Report compliance.

5.3.3 DD analysis of the rooms served by the analysed windows shows that all of the rooms, including those where transgressions of the VSC guidance occur, will remain fully compliant with BRE Report recommendations in terms of daylight penetration.

5.3.4 Sunlight amenity analysis undertaken using the APSH analysis shows that all of the windows will remain fully compliant with the BRE Report recommendations.

5.4 Study of the daylight and sunlight amenity results shows that the amenity retained by these properties is in excess of urban expectations, i.e. all rooms will remain compliant with the BRE Report guidance for daylight penetration and the sunlight amenity guidance despite the urban location.

5.5 <u>118-144 (evens including) Royal College Street</u>

5.5.1 The rear of these predominantly residential properties directly overlooks the Appeal Scheme site. Desktop research has provided internal arrangement details for the majority of these properties. These details have been used within our daylight amenity studies.

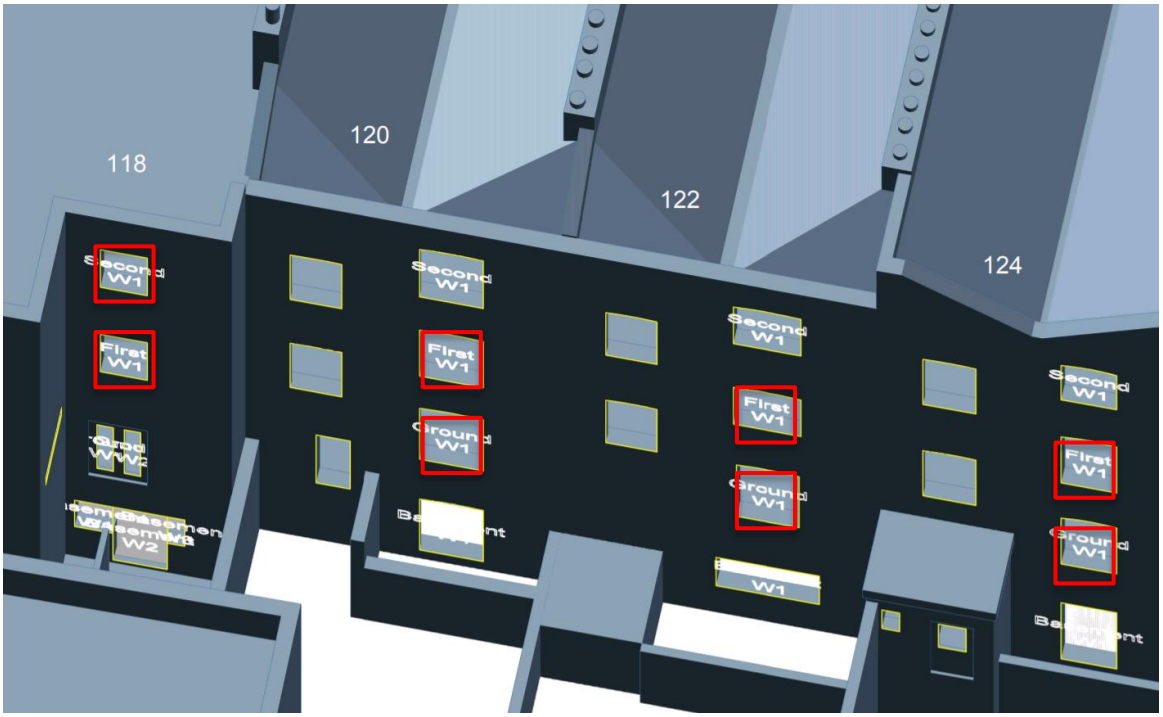

Figure 4: VSC transgressions Royal College Street in red

Figure 5: VSC transgressions Royal College Street in red

5.5.2 VSC analysis of the windows overlooking the Appeal Scheme shows that the vast majority of windows will remain fully BRE Report compliant. DD analysis, where applicable, shows that all but

one room will remain BRE Report compliant. Some transgressions of the guidelines do exist to windows serving:

1 118a Royal College Street, 5 of 7 windows retain VSC compliance,
- First floor bedroom window W1 retains 0.64 times its current VSC,
- Second floor bedroom window W1 retains 0.65 times its current VSC,
- 3 of the 4 rooms tested will retain full BRE Report DD compliance, bedroom R1 at first floor will retain 0.72 times its current DD value,

2 120 Royal College Street, 2 of 4 windows retain VSC compliance,
- Ground floor kitchen window W1 retains 0.78 times its current VSC,
- First floor kitchen window W1 retains 0.72 times its current VSC,
- All rooms will remain DD compliant,

3 122 Royal College Street, 2 of 4 windows retain VSC compliance,
- Ground floor kitchen/diner window W1 retains 0.74 times its current VSC,
- First floor kitchen window W1 retains 0.72 times its current VSC,
- All rooms will remain DD compliant,

4 124 Royal College Street, 2 of 4 windows retain VSC compliance,
- Ground floor window W1 retains 0.73 times its current VSC,
- First floor window W1 retains o.73 times its current VSC,

5 126 Royal College Street, 3 of 4 windows retain VSC compliance,
- Ground floor window W1 retains 0.77 times its current VSC,

6 128 Royal College Street, 4 of 10 windows retain VSC compliance,
- Basement bedroom windows W1 and W2 retain 0.49 and 0.63 times their current VSC,
- 6 windows serving the conservatory will transgress the VSC guidance,
- All rooms will remain DD compliant,

7 132 Royal College Street, 10 of 12 windows retain VSC compliance,
- Ground floor windows W1 and W2 retain 0.71 and 0.58 times their current VSC,

8 134 Royal College Street, 8 of 12 windows retain VSC compliance,
- Ground floor windows W, W3 and W4 retain 0.75, 0.45 and 0.53 times their current VSC,

5.5.3 Analysis of the results shows that the majority of VSC transgressions occur to windows serving bedrooms. The BRE Report considers daylight to living spaces to be of primary concern. The desktop research exercise and site observations indicate that none of the windows overlooking the Appeal Scheme are the primary windows serving living spaces and, hence, these spaces will remain unaffected by the Appeal Scheme.

5.5.4 The orientation of these properties means that the number of windows requiring APSH analysis is limited. However, where this analysis is required, study shows that all of the windows will remain fully BRE Report compliant.

5.6 Overshadowing

5.6.1 The proposed Appeal Scheme is directly south of the Grand Union Canal. Given its proximity to this waterway we have undertaken overshadowing analysis of the towpath and canal. We have undertaken analysis using the recommendations within the BRE Report and assessed the areas' access to two hours or more sunlight on the 21 March and 21 June. This analysis is shown in the appended drawings and shows that both the towpath and canal will remain fully compliant with the overshadowing guidance given within the BRE report.

5.6.2 Analysis of the gardens to the rear of the Royal College Street properties that directly overlook the Appeal Scheme shows that there will be little or no modification to the existing sunlight amenity levels. The gardens will remain fully BRE Report compliant.

6 THE POTENTIAL DAYLIGHT AND SUNLIGHT AMENITY WITHIN THE PROPOSED SCHEME

6.1 The CHP report Analysis

6.1.1 The CHP report discusses the analysis undertaken to assess the natural light amenity within the Appeal Scheme. This analysis was limited to the rooms at ground and first floor and also only applied the ADF calculation.

6.1.2 Whilst it is often true that daylight amenity at upper levels will tend to be improved over that seen at lower levels it is good practice to apply testing to upper levels also, particularly when a scheme is not considered a tall building.

6.1.3 The analysis undertaken and discussed within the CHP report concludes that all rooms will comply with the BRE Report recommendations. Whilst the values shown within the CHP Report are favourable it has not been possible to verify them as no reference is made to the parameters applied within the ADF calculation.

6.2 GL Hearn Analysis

6.2.1 Daylight

6.2.2 We have analysed the daylight amenity light levels within the proposed accommodation using the Average Daylight Factor (ADF) and Daylight Distribution (DD) tests. For ADF testing, we have used the following values

- a glass transmittance value of 0.68 for standard double-glazing,
- frame correction value of 0.8,
- maintenance factor of 0.88,
- floor reflectance of 0.4 (light coloured laminate or cream carpet),
- ceiling reflectance of 0.85 (white paint),
- wall reflectance of 0.7 (light coloured walls with reasonable level of obstruction)

6.2.3 The location of the tested rooms and window references are shown on the drawings appended to this report; the results' spreadsheets are also included in the appendices.

6.2.4 ADF analysis of the 135 rooms within the Appeal Scheme shows that 132 (98%) will be fully compliant with the recommendations contained in BS8206:2 and the BRE Report. The BRE Report considers daylight amenity within main living spaces to be of primary importance. Study of the results shows that all but one of combined lounge, kitchen and dining rooms (LKDs) and living rooms will comply fully with BS8206:2 guidance.

6.2.5 Where a room serves more than one purpose, the highest ADF guidance is applied. For the LKDs, this means that the guidance ADF value is 2%, however, the guidance for living spaces is 1.5% which is the predominant use of these rooms. Guidance received from BRE has stated that, in urban locations, the guidance value of 1.5% for LKDs is often more appropriate as there is little benefit to the occupants in dividing the kitchen usage from these rooms. Study of the analysis results shows that all of the LKDs will comply with an ADF target of 1.5%.

6.2.6 DD analysis of the 135 rooms shows that 124 (92%) will see full BRE Report compliance. This analysis also shows that all but one of the LKDs will see daylight penetration in excess of 80% of their room areas, in line with BRE Report guidance. The transgression occurs within the LKD, room R7, at ground floor level, which will see daylight penetration to 69% of its area. Given the urban location this level of daylight penetration is in line with expectations.

6.2.7 It is also worth noting that a number of the rooms within this property are afforded private balcony amenity space. Whilst this balcony space provides much sought after amenity space, it often leads to reduced daylight amenity to the windows below. Despite this, the daylight amenity analysis shows that the overwhelming majority of rooms will attain daylight amenity far in excess of urban expectation.

6.3 Sunlight

6.3.1 BS8206:2 suggests that sunlight provision is analysed for all habitable rooms within a proposed Appeal Scheme. The BRE Report provides discussion on this requirement and highlights that windows predominantly facing north would be unlikely to comply with the sunlight guidance. BS8206:2 does discuss sunlight expectations within habitable rooms and concedes that expectation within north-facing rooms would be reduced from those where it would be reasonable to expect appropriate levels of sunlight.

6.3.2 We have undertaken APSH analysis of all rooms within the Appeal Scheme which shows that in total 63 (47%) will be fully compliant with the BRE Report APSH guidance. Study of the building orientation shows that, in total, 84 rooms will have a southerly aspect. Our analysis shows that all 63 of the compliant rooms are south-facing and would equate to a compliance rate of 75%. Comparison with the sunlight amenity of the neighbouring properties shows that level of compliance is appropriate for this area.

6.4 Overshadowing

6.4.1 The Appeal Scheme includes the formation of private amenity spaces. The orientation of the site is such that sunlight expectations within the site are reduced. We have undertaken two analysis exercises for the proposed amenity spaces. The first tests the potential sunlight hours on the 21 March. As expected within this predominantly north facing site direct sunlight access is limited for some of the proposed areas. The testing shows that 3 of the 8 areas will comply fully with BRE Report guidance. The main amenity space between the north and south blocks will fall just short of the guidance and will see 2 hours or more sunlight access across 28% of its area. As guided by the BRE Report we have undertaken an additional study for the 21 June. This study shows that 7 of the amenity spaces will see 2 hours or more sunlight amenity to above 50% of their areas with 5 of the studied areas seeing above 80% of their areas achieving 2 hours sunlight access.

6.4.2 Given the orientation of the site, the constraints placed upon sunlight access by the neighbouring buildings, the proximity of the canal and the aspect this provides we would consider the sunlight amenity to be above expectations and appropriate for this urban area.

7 RESPONSE TO REASON 3 FOR REFUSAL

7.1 Introduction

7.1.1 Reason for refusal 3 combines a number of concerns into one note. The concerns regard the quality of the proposed accommodation in terms of access to outlook, light, external amenity space and overlooking. GL Hearn have been tasked with reviewing the concerns regarding light.

7.1.2 We have undertaken a review of the daylight and sunlight analysis and report undertaken by CHP Surveyors and have completed our own assessments. Whilst there are some differences in analysis results the conclusions reached in the CHP Report match our own.

7.2 Reason for Refusal 3

7.2.1 Within the reason for refusal the local authority discuss policies:

- CS5 (Managing the impact of growth and development),
- CS6 (Providing quality homes),
- DP24 (securing high quality design), and
- Policy 3.5 of the London Plan 2016.

7.2.2 Three of these policies (CS5, CS6 and DP24) have now been superseded; however, we have reviewed the guidance contained within the policies having regard for the findings of the GL Hearn and CHP daylight and sunlight analysis.

7.2.3 None of the policies listed above mention daylight and/or sunlight within their text. The policies do seek to ensure that the proposed accommodation is of appropriate quality and is "fit for purpose" (Policy 3.5 of the London Plan 2016). Whilst this can be considered to include natural lighting as a concern there are no specific targets discussed.

7.2.4 The London Plan references the guidance within the Housing Supplementary Planning Guidance (SPG) March 2016 document. This document does discuss daylight and sunlight amenity within new development and states:

"*Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites*

and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time."

7.2.5 Policies CS5, CS6 and DP24 have now been superseded by:

- A1 of the Camden Local Plan 2017 (Managing the impact of development), and
- D1 of the Camden Local Plan 2017 (Design).

7.2.6 Policy A1 seeks to protect the quality of life of occupiers and neighbours but also states that permission for development will be granted unless unacceptable harm to amenity occurs. The policy does mention daylight and sunlight and lists these as factors that will be considered.

7.2.7 Policy D1 seeks to ensure a high quality of design and does not provide any guidance on daylight and sunlight.

7.2.8 The CHP analysis concluded that all of the proposed accommodation would meet ADF guidance. GL Hearn have also undertaken daylight and sunlight analysis of the proposed accommodation which shows that:

- 98% of the rooms will comply with the ADF guidance,
- 92% of the rooms will comply fully with the DD guidance, and
- 75% of the south facing rooms will comply with the APSH guidance.

7.2.9 Despite the guidance contained in the Housing SPG alternative target values have not been used in either the CHP or GL Hearn assessments.

7.2.10 The Appeal Scheme site is within an urban environment. Study of the neighbouring area shows that buildings are in close proximity to each other and that this has an effect on the daylight and sunlight amenity available within the lower parts of residential properties. Analysis of the Royal College Street properties shows that VSC levels below the 27% BRE Report guidance value occur for numerous windows with the Appeal Scheme site in its current site conditions. Additionally, very few of the windows will have access to direct sunlight due to their predominantly northerly aspect. These values show the restrictions and expectations common within urban environments.

7.3 The Officer's Report

7.3.1 The officer's report discusses the daylight and sunlight within the Appeal Scheme and draws attention to the restricted analysis undertaken by CHP Surveyors. GL Hearn have undertaken a more robust analysis of the Appeal Scheme accommodation and have shown that the overwhelming majority of rooms will adhere to the BRE Report guidelines despite the urban location of the site.

7.3.2 The officer's report states that (Paragraph 4.17) a number of the proposed units would have poor access to light. However, the results of the detailed analysis clearly show that this is not the case. ADF analysis shows that 98% of the rooms will be fully compliant with the recommendations contained in BS8206:2 and the BRE Report. The BRE Report considers daylight amenity within main living spaces to be of primary importance. Study of the results shows that all but one of combined lounge, kitchen and dining rooms (LKDs) and separate living rooms will comply fully with BS8206:2 guidance.

7.3.3 Under BS 8206-2 guidance, where a room serves more than one purpose, the highest ADF guidance is applied. For the LKDs, this means that the guidance ADF value is 2%, however, the guidance for living spaces is 1.5% which is the predominant use of these rooms. Guidance received from BRE has stated that, in urban locations, the guidance value of 1.5% for LKDs is often more appropriate as there is little benefit to the occupants in dividing the kitchen usage from these rooms. Study of the analysis results shows that all of the LKDs will comply with an ADF target of 1.5%.

8 RESPONSE TO REASON 9 FOR REFUSAL

8.1 Introduction

8.1.1 Reason for refusal 9 considers the impact of the Appeal Scheme on the neighbouring residential buildings to the properties along the western site boundary. In terms of daylight amenity the reason for refusal considers the impact on these properties to be material.

8.1.2 The CHP report and the GL Hearn analysis have both concluded that transgressions of the BRE Report guidance do occur in a limited number of locations but that the retained daylight amenity levels are appropriate for this urban location.

8.2 Reason for Refusal 9

8.3 Reason for refusal 9 discusses the guidance contained in the now superseded Core Strategy policy CS5 (Managing the impact of growth and development) and policy DP26 (Managing the impact of development on occupiers and neighbours).

8.3.1 As discussed above Policy CS5 does not discuss daylight and sunlight amenity directly, however it does seek to ensure that impacts on neighbouring properties are fully considered. Policy DP26 does discuss daylight and sunlight and seeks to protect the quality of life of occupiers and neighbours. The policy lists daylight and sunlight as factors that will be considered.

8.3.2 These policies have now been superseded. The reason for refusal was updated and policies G1 (Delivery and location of growth) and A1 Managing the impact of development) of the Camden Local Plan 2017 have been substituted for the previous policy references.

8.3.3 Policy A1 seeks to protect the quality of life of occupiers and neighbours but also states that permission for development will be granted unless unacceptable harm to amenity occurs. The policy does mention daylight and sunlight and lists these as factors that will be considered.

8.3.4 Policy G1 concentrates on ensuring the efficient use of development land and does not discuss daylight and sunlight amenity.

8.3.5 Both the CHP report and the GL Hearn analysis have concluded that impacts on neighbours will be limited. Where impacts do occur the retained levels of natural light amenity should be considered appropriate for this urban area.

8.3.6 The GL Hearn analysis shows that 54 Georgiana Street will continue to comply with the BRE Report guidance. Study of the windows serving 118 to 142 Royal College Street shows that 32 (71%) will retain full compliance with the BRE Report guidance.

8.4 The Officer's Report

8.4.1 Attention is drawn to the impacts on a few of the windows serving the rear of properties along Royal College Street. The report considers the impacts to be a material loss of daylight.

8.4.2 The GL Hearn analysis differs slightly from the CHP Surveyors analysis. As discussed in the officers report the use of ADF as a daylight amenity test for neighbouring properties is not supported by the BRE Report. Additionally the GL Hearn analysis is based on an analysis computer model that has been prepared using site topographical and elevational details.

8.4.3 The GL Hearn analysis has undertaken VSC analysis of the windows serving habitable spaces and DD analysis of the rooms served by these windows where desktop research has provided internal arrangement details.

8.4.4 This analysis shows that the majority of the windows that transgress the BRE Report guidance will retain in excess of 0.7 times their current values. This is only marginally below the BRE Report guidance on 0.8. Additionally, where appropriate, DD analysis shows that all but one room will retain BRE Report compliant daylight penetration values.

8.4.5 The majority of VSC transgressions occur to windows serving bedrooms. The BRE Report considers daylight to living spaces to be of primary concern. The desktop research exercise and site observations indicate that none of the windows overlooking the Appeal Scheme are the primary windows serving living spaces and, hence, these spaces will remain unaffected by the Appeal Scheme.

9 CONCLUSIONS

9.1 Effect on surrounding residential properties

9.1.1 The GL Hearn analysis demonstrates that the proposed Appeal Scheme at Bangor Wharf, Georgiana Street, Camden, London would not materially effect the daylight and sunlight amenity received to the neighbouring residential and commercial properties (requiring analysis), when assessed in accordance with the guidelines given in the local planning policy guidance and, more specifically, with the guidelines set-out in the BRE Report.

9.2 Light received to proposed habitable rooms

9.2.1 Foreword to BS8206-2:1992 states that:

> *'The aim of the standard is to give guidance to architects, builders and others who carry out lighting design. It is recognised that lighting is only one of many matters that influence fenestration. These include other aspects of environmental performance (such as noise, thermal equilibrium and the control of energy use), fire hazards, constructional requirements, the external appearance and the surroundings of the site. The best design for a building does not necessarily incorporate the ideal solution for any individual function. For this reason, careful judgement should be exercised when using the criteria given in the standards for other purposes, particularly town planning control.'*

9.2.2 The analysis shows that the overwhelming majority of rooms assessed would meet or exceed the guideline daylight amenity given in both the BRE Report and BS8206:2 and that the daylight amenity achieved by all rooms is appropriate for this urban area. Sunlight analysis shows that 63

(75%) of the 84 south-facing rooms will see full BRE Report compliance. Given the urban context of the Appeal Scheme, this level of compliance is in excess of expectations.

9.2.3 We submit that our analysis demonstrates that the flats within the Appeal Scheme would receive appropriate daylight and sunlight amenity when assessed in accordance with the local planning authority's guidelines and, more specifically, with the guidance given in the BRE Report.