GVA Schatunowski Brooks

Our ref: GF05

04 August 2016

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Dear Nigel

Proposed Development at 1-3 and 4, 6 and 8 Ferdinand Place
Daylight and Sunlight

Thank you for issuing the formal objections submitted to the London Borough of Camden in response to our mutual clients planning application for the above site, reference 2016/ 2457/P.

Having reviewed the objections and supporting expert's reports submitted by Optic Realm and Philip's Planning Services (PPS) we have considered in detail below the points of objections raised and set out our considered responses below.

Executive Summary

- All of the points of objection raised in respect of Daylight and Sunlight have been previously considered in the detailed Report which was submitted with the planning application.

- This report set out reasoned arguments, based on the authoritative advice contained in the Building Research Establishment (BRE) guidance, as to why the residual effects to neighbouring dwellings would be considered, on balance, to be acceptable.

- As set out in the report, in general any noticeable differences in existing Daylight and Sunlight are simply due to a change in an unusually high baseline to that which would be more commensurate with the immediate context. As set out in the BRE Guidance this is a wholly acceptable approach to deriving alternative to the default targets, which are considered more appropriate for suburban environments.

- In summary, the findings and conclusions of the Daylight Sunlight report as submitted are considered to remain wholly applicable to the proposals i.e. that on balance having regard for the baseline, context and inherent flexibility of the BRE guidance the residual amenity would be entirely acceptable for an urban environment.

Optic Realm Objection

Optic Realm Ltd, owners of 2, 10, 12 Ferdinand Place have commissioned an expert review of our detailed Daylight Sunlight report by Anstey Horne & Co Surveyors.

The formal objection by Optic Realm quotes this report but also makes additional points throughout which will be addressed step by step as follows.

Lack of Notification

The objection by Optic Realm states they did not receive any notification of the consultation for this application from either the Local Planning Authority or the applicant.

Whilst we are not in a position to comment on the historical dialogue between the Local Planning Authority and Optic Realm, indeed our Client went to great lengths to publicly consult on the proposals and specifically issued an invite to Optic Realm as they were identified very early in the process as a potentially interested party.

Indeed, further on in the Optic Realm letter of objection there is conformation of the invitation in October 2015 to an exhibition of the proposals and for comments thereon.

Optic Realm have stated their reasons for not attending is because in October 2015, i.e. a full six months prior to the application, did not have available a fully resolved set of drawings available for Optic Realm's review.

We are aware that Optic Realm are highly experienced Central London property developers therefore can presumably understand that it would be highly unusual to have such detailed information available six months in advance of a submission for planning approval.

Indeed, as advised to Optic Realm the invitation was extended at this point in the process to expressly to allow them to influence the evolving design, an opportunity which by Optic Realm's own admission they declined.

GVA Schatunowski Brooks made our most senior team member available at that meeting specifically to be on hand to address any concerns which neighbours may have had in respect of Daylight and Sunlight.

Optic Realm are experienced in such matters and therefore presumably would have been in a position to raise concerns given their past experience, particularly in respect of the development of the properties for which they are now objecting.

GVA would therefore refute that Optic Realm did not receive any notification of the consultation for this application from the applicant.

Conclusions as to Significance of Daylight and Sunlight Study

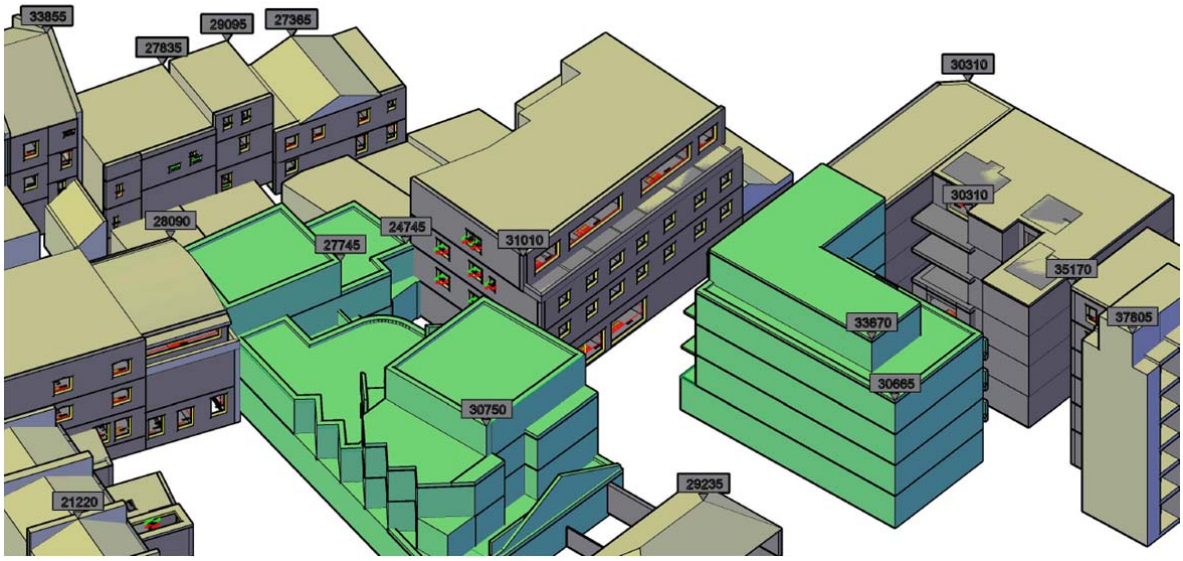
The objection states Anstey Horne concluded that there will be a significant and unacceptable reduction.

On review of the Anstey Horne letter we could not identify this conclusion being reached in respect of acceptability.

The letter states that whilst there would be significant results, the justification for alternative target setting set out by GVA (based on the BRE guidance) would be entirely appropriate where new development is of similar height to that of its neighbours.

Optic Realm has concluded the proposed development could not be described as similar in height terms to its neighbours.

In order to understand the relationships in more detail, GVA has undertaken bespoke spot height analyses of the proposed development and its immediate context, inserted below for ease of reference.



As can be seen the existing surrounding buildings are in some cases slightly taller and in other cases slightly lower, but overall the proposed development could not be considered to materially different in terms of height.

On this basis, Anstey Horne would presumably concur with GVA's approach to applying alternative target values based on realistic expectations of dwellings in the immediate area, as set out in the BRE guidance, and therefore acceptable.

Accuracy of Technical Assessment

The Optic Realm objection states the GVA analyses are incorrect to a material degree.

Set out below are the points of objection on a property-by-property basis, together with GVAs response.

2 Ferdinand Place

The objection states that the Vertical Sky Component (VSC) assessment undertaken by GVA Schatunowski Brooks is incorrect, as the study is based on notional room layouts.

As prescribed by the BRE, VSC assessments undertaken on the face of windows serving existing adjoining properties, on the basis of their exact layouts and room uses are not known in detail.

It is therefore factually incorrect that the VSC analyses would be affected by the reasonable notional room layouts which were adopted in the technical study. Any conclusions reached by consideration of the VSC results would therefore remain unchanged.

We would accept that in terms of the internally assessed No-Sky Line (NSL) assessment, as set out by Anstey Horne, that there may be different results when using the actual layouts which we are now advised are some 7.5m deep.

This is considered to be unusually deep and furthermore, although the room layouts could be modelled based on plans it would still not be possible to capture details such as cill to floor heights.

The BRE guidance states the following at paragraph 2.2.10:-

> *"If an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no skyline may be unavoidable."*

Now the depths of the rooms facing the site have been confirmed as materially in excess of 5m, as set out in the BRE Guidance, it is considered impossible to meet the default BRE recommendations for NSL, especially having regard for the dense urban location and the applicant's intention to simply match the height and massing of existing neighbours as demonstrated above.

This clear guidance from the BRE has not been referred to by Anstey Horne or Optic Realm, which is considered to be the reason for the unavoidable results. Designing the property without regard for this guidance is considered to have created the conditions in which these results are inevitable.*10 Ferdinand Street*

The objection is respect of this property is that GVA have not considered a sufficient number of windows and that the results for those windows assessed show significant reductions where facing the development site.

As set out in the BRE guidance GVA considered potentially affected windows serving habitable rooms.

GVA undertook desktop research of this property, which confirmed that windows serving habitable rooms on the north facing elevation were blocked up as part of Optic Realms development of the former garages directly adjacent.

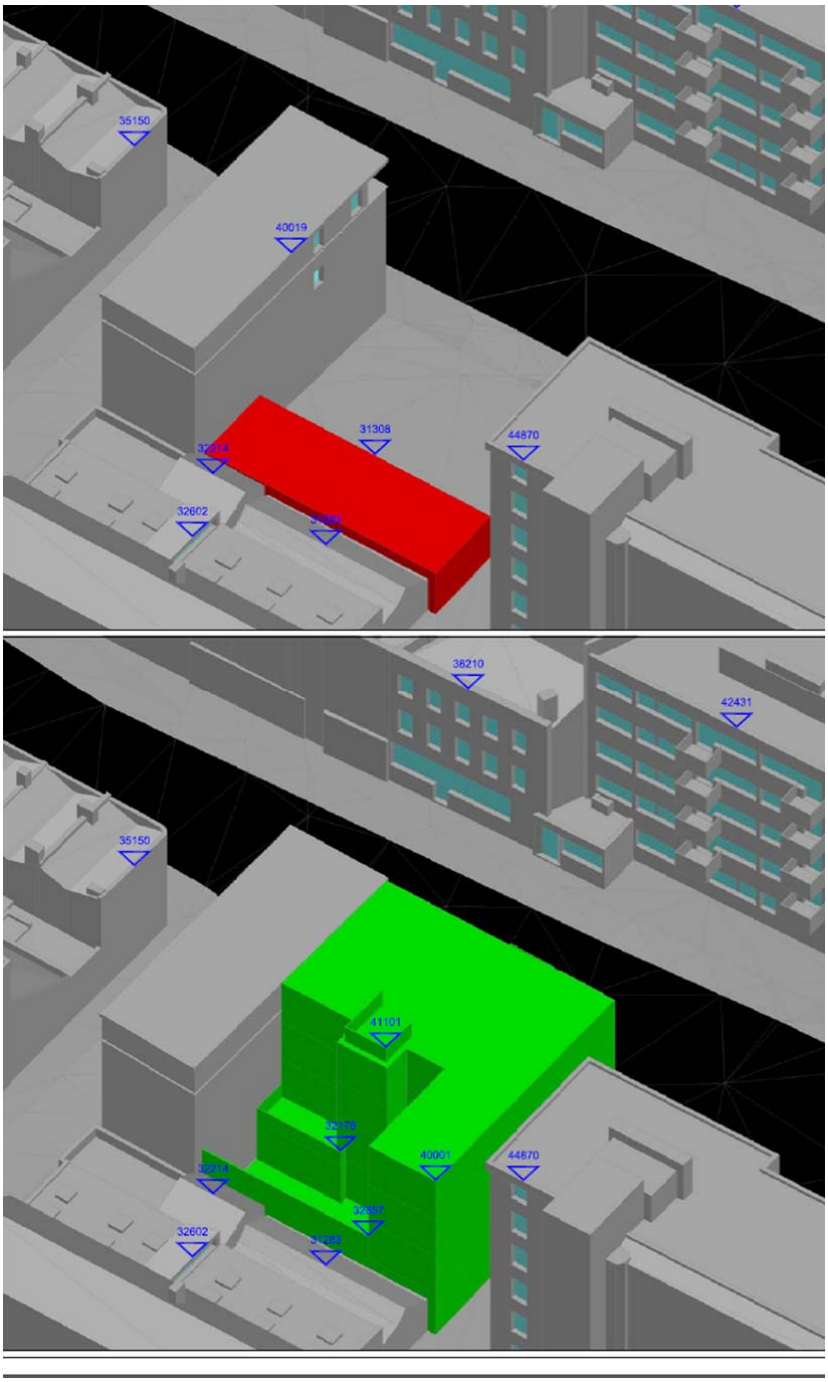
For ease of reference an extract from Optic Realms Daylight and Sunlight study for the former garages site is shown below.

The top image illustrates the three windows at 10 Ferdinand Place on the boundary serving habitable rooms.

As can be seen in the bottom image, all three were completely enclosed upon by Optic Realm's development.

The remaining windows all serve non-habitable areas, such as stairs, as illustrated on the plans below.

As such the BRE would not recommend applying the guidance in respect of Daylight and Sunlight, hence not being assessed by GVA.



Turning to the corner windows on the boundary, an image of this location is inserted below.

As discussed in the detailed Daylight and Sunlight report submitted by GVA, these "wrap around" windows quite clearly serve dual aspect rooms.

Their location directly on the site boundary creates an unneighbourly condition in Daylight and Sunlight terms, one which is explicitly referred to in the BRE guidance at para 2.2.3:

"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."

Indeed given its dual aspect nature, occupants of the room would not depend on skylight via the un-neighbourly window in isolation and therefore greater emphasis and focus has been placed on conditions within the room.

As discussed in the detailed Daylight and Sunlight report, post-development conditions within the room were concluded as hardly affected, which demonstrates that the windows on the boundary contribute little amenity to the room behind.

In any case, given this potentially restrictive situation, a conscious design decision was made to set back the proposed massing where adjacent this window, in order to retain a degree of outlook for occupants.

New Development at 12 Ferdinand Street

Optic Realm have objected to the reduced light levels to two bedrooms, however neither they or Anstey Horne have referred to numerous references in the BRE guidance whereby bedrooms are considered less important, due to their mainly night time use.

GVAs Daylight and Sunlight report confirmed that the post-development assessment results would be below the recommended ADF but that living rooms to these flats, where natural light amenity is much more important, would be unaffected.

Anstey Horne has not mentioned the BRE Guidance in respect of situations whereby these types of reduction may be unavoidable if a window has projecting wings on one or both sides of it or is recessed into the building so that it is obstructed on both sides as well as above.

These factors are clearly present and relevant when considering the affected areas of 12 Ferdinand Street.

Furthermore, it has always been apparent that development would be brought forward on the subject site.

Indeed, there was a formal objection submitted by Leverton & Sons in March 2014 which highlighted the constraint which this development could have to future development potential of Levertons site adjacent.

Prior to this, some discussion took place with regard to a joint venture to develop both sites together. However, Optic Realm chose not to pursue this and instead developed their site in isolation.

As such Optic Realm have been aware both formally and informally of Levertons intention to develop their adjacent site in a similar fashion.

Given the above, GVA would again reiterate the advice given in the detailed report, which can be summarised as follows:

- The differences occur to bedrooms, which are the room type requiring the least daylight and sunlight amenity,
- The living rooms to these flats would be unaffected,
- The developers were fully aware of the intention to develop the adjacent site, however despite the formal objection not only placed these rooms on the site boundary but also designed the building to feature side wings, balconies and recesses so that they are highly self-obstructed.

In conclusion for these reasons GVA would reiterate that the assessment results are entirely as would be expected by consideration of the BRE guidance for these situations and acceptable in the round.

Given all of the above factors and having regard for the inherent flexibility of the BRE and BS guidance, appropriate living conditions for these units will be maintained following the proposed development of the site.

Collard Place Objection

A separate objection has been prepared and issued by Phillips Planning Services Ltd (PPS) on behalf of the owners of Collard Place in respect of the impact the proposed development would have on existing Daylight and Sunlight.

This focuses on numbers 4-6 Collard Place, given that they are directly adjacent the northern site boundary.

VSC Reductions

As previously identified by GVA, the objection quotes the exceptionally high existing levels of daylighting for a dense urban environment, close to the maximum possible VSC. This is extremely rare in such locations.

The report by PPS incorrectly states the following:-

> *"However, following the erection of the proposals, the levels of daylight would be less than the BRE recommendation (VSC 27%)."*

Indeed GVAs analysis and report confirmed that of the 19 potentially affected windows assessed, the majority i.e. 11 would retain in excess of 27% VSC.

Of the eight windows which would retain less than 27% VSC post-development, two would experience reductions in existing VSC less than 20%, differences which the BRE guidance would consider unnoticeable to occupants.

Three of the eight would retain around 26%VSC, which is extremely close to the default BRE recommendation of at least 27%VSC. Given the dense urban environment 26%VSC is considered wholly acceptable.

This leaves three of 19 window locations assessed at Collard Place where retained VSCs would be both notably less than 27%VSC and represent greater than 20% reductions of existing values.

All three of these windows are heavily self-obstructed.

This is evident from consideration of the existing VSC values for Collard Place. In general, as stated above, these are between 33%VSC and 38%VSC. However, in these three locations the existing VSC values are around 23%VSC – 24% VSC.

The differences at these windows are no greater than at the other windows, however due to the lower baseline values these would be expressed as greater than 20% reductions.

The retained VSCs are not considered to materially differ from the existing values and in any case acceptable for an urban environment.

Significance

The PPS letter incorrectly states that the changes in daylight were reported by GVA as unlikely to be noticeable to occupants at Collard Place.

GVA's report does note that some difference will be noticeable, however it must be reiterated that in the context of a normal urban environment the difference that will arise will not be so great as to be materially harmful. The level of lighting to the properties in Collard Place will remain commensurate with the general urban location.

Sunlight

The PPS objection makes reference to the impact to sunlight amenity which would be experienced by occupants at 4-6 Collard Place. There is an extract of the sunlight assessment results tables intended to demonstrate that there would be a material impact to these properties.

Closer review of the tables confirms that all 19 windows assessed would retain in excess of the BRE recommendation of at least 25% annual APSH.

The winter month APSH results are highlighted, however of the 19 windows analysed, all but two would retain greatly in excess of the BRE recommendation for winter months APSH of at least 5%.

As has been previously considered in the GVA report, at these two window locations the retained winter month's APSH would be marginally below this target recommendation, at 3% APSH.

These two windows are in the same self-obstructed area discussed in greater detail above in respect of the VSC analyses. As for the VSC results, the differences are no greater than elsewhere on the same elevation however the self-obstruction means a lowered baseline and therefore lowered proposed results.

In any case, the retained values would again be considered entirely consistent with an urban environment.

Summary

All of the points of objection are considered to have been previously highlighted and addressed in detail in the report submitted with the proposed development.

In several locations, neighbouring dwellings s record unusually high existing values which would inevitably be reduced but only such that they either retain in excess of the BRE recommendations or are more reflective of expectations in an urban environment. A good quality of living condition will be maintained in all cases.

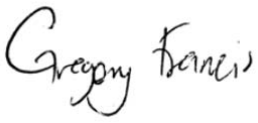
In respect of 2 Ferdinand Place in particular, we have now had confirmation that the rooms are 2 ½m deeper than 5m, the point at which the BRE would suggest that it may be impossible to achieve the daylight distribution recommendations.

They are also located in a dense urban environment and therefore as clearly set out in the BRE guidance it would be impossible to achieve the typical BRE recommendations in such circumstances.

The new development at 12 Ferdinand Street has been designed and built in such a way as to potentially place a significant to development of the adjacent site were the BRE recommendations rigidly applied. Formal representations to this effect were historically submitted to the Local Planning Authority at the time of the application.

I trust the foregoing is adequate, but please do not hesitate to contact me should you require anything further to the above.

Yours sincerely



Gregory Francis MBA
For and on behalf of GVA Grimley Limited