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10 January 2020

Dear Mr. Farrant,

**Application Reference No. 2019/5817/P & 2019/6239/L
Proposed Development at 9 Pilgrims Lane NW3 1SJ
Impact on 7 Pilgrims Lane NW3 1SJ**

We have been appointed by our client, [REDACTED] the owner of 7 Pilgrims Lane following concerns that the proposed single storey extension at 9 Pilgrims Lane will impact upon the light receivable by the ground and lower ground floor habitable rooms within the property.

The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight: a good practice guide" 2011 by PJ Littlefair provides guidance for the planning department to consider.

The introduction to the BRE guide at 1.1 suggests that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight or sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."

We note that the applicant has now submitted what has been termed as a 'daylight and sunlight study'. However, the report produced is a desktop study, without any results or evidence of the requested analysis. We are therefore of the opinion that this does not evidence compliance with the nationally recognised BRE guidelines. To highlight some points of concern; it is misleading to state, in section 2.4 for example, that the guide does not provide exact pass/fail criteria. The guide sets out a number of scientific tests with clear thresholds. Indeed, section 2.9 is one example of contradictions within the report itself, where pass/fail criteria are later acknowledged. It is also incorrect to state that a potential pass for the daylight distribution test would remove the relevance of a window failing the VSC test. Whilst we understand that the applicant may view this from a commercial property perspective, references to matching the height of modern high-rise

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buildings in sections including 1.5 & 2.5 for example, is not pertinent to the case at hand. Furthermore, in section 2.22, references to 'bad neighbours' and 'unfair share of light' would usually indicate that various additional tests should be undertaken in accordance with the BRE guide. It is misleading to make such comments without having undertaken an analysis and provided results to support the statement, let alone without any specific reference to the exact tests they would be seeking to rely upon.

Please also note that, the plans of our client's property in section 4 of the report are dated and incorrect. The area marked as a kitchenette is a lower ground floor dining room. The proposal therefore affects not only the ground floor kitchen and dining room, but also the lower ground floor dining room and study.

This is a non-exhaustive list of our concerns, we therefore reinstate our request that no decision in favour of the application is made until the applicant undertakes a daylight and sunlight study to determine the impact of his proposal upon the further daylight and sunlight tests and produces a proposal which evidences compliance of BRE guidelines. We also request that a copy of the computer model and analysis be forwarded to us so that we can advise our client accordingly on the accuracy of the results.

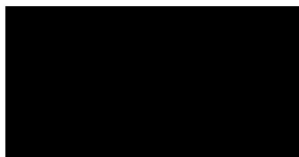
In addition to planning considerations, it is useful to assess the risk of any potential civil action from the outset and mitigate any future costs which could be incurred defending a claim. Our client is disappointed that they have been obliged to respond negatively to the application but feels compelled to oppose an extension which they consider will have such a negative impact on the way they enjoy their property. If our client is forced to seek an injunction from the court preventing the construction of the proposal any fees that are incurred will be sought for reimbursement from the applicant. We aim to avoid these further courses of action. Therefore, we strongly advocate that the issue is resolved during the planning stage - in particular, to avoid planning permission being granted for a development that may not be built due to legal rights of light restrictions.

In summary, we request that no decision is made in favour of the application until we are satisfied that the proposal complies with both the BRE guidelines and the civil legal rights of light criteria.

Please acknowledge receipt of this letter and respond accordingly with your assurance. Should you wish to discuss any aspect please do not hesitate to contact me.

I look forward to hearing from you shortly.

Yours sincerely



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