



RIGHT OF LIGHT
CONSULTING
Chartered Surveyors

Right of Light Consulting

Burley House
15-17 High Street
Rayleigh
Essex
SS6 7EW
TEL 0800 197 4836
E-MAIL enquiries@right-of-light.co.uk
WEBSITE www.right-of-light.co.uk

By Email: Gavin.Sexton@Camden.gov.uk

Gavin Sexton
Camden Council
5 Pancras Square
London
N1C 4AG

08 January 2021

Dear Mr Sexton

Application Reference No. 2020/5633/P
Proposed Development at 14-19 Tottenham Mews, London W1T 4AA
Impact on 11-12 Tottenham Mews, London W1T 4AG

We are appointed by our clients noted below, following concerns that the proposed redevelopment of 14-19 Tottenham Mews will significantly impact upon the daylight and sunlight receivable by their properties.

<u>Address</u>	<u>Name</u>
Flat 1, 11-12 Tottenham Mews	A Stone & Lord Etherton
Flat 3, 11-12 Tottenham Mews	C Pantazis & M Karaolis
Flat 7, 11-12 Tottenham Mews	Dr T Hunt & Prof. M Collins

The development proposal is to replace the existing two storey building at 14-19 Tottenham Mews with a six storey building. The properties noted above are located to the north east of the development site on the opposite side of the mews. All windows fronting the mews look directly towards the proposed development. Please find overleaf an image extracted from the daylight and sunlight report submitted by the applicant, which shows the 3D computer model of the proposal in relation to the neighbouring properties.

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."



Company:
Right of Light Consulting Ltd
Registered in England and Wales
No. 5908040

Registered Office:
Burley House,
15-17 High Street, Rayleigh,
Essex SS6 7EW

The percentage of sky visible from the centre of a window is known as the vertical sky component (VSC). Diffuse daylight may be adversely affected if after the proposal, the VSC is both less than 27% and less than 0.8 times its former value – i.e. a relative loss of more than 20%.

From a review of the VSC results for daylight, the losses can be summarised to include those which result in minor, moderate and major adverse impacts to the flats within 11-12 Tottenham Mews considered in this letter.

Please find below an image of Point 2's window key which identifies the locations of the windows considered.



I have summarised Point 2's VSC results below for ease of reference and highlighted the percentage loss for the windows which appear in the window key above and fall short of their BRE VSC target. Those highlighted in red fall into the moderate or major adverse category.

Flat 1, 11-12 Tottenham Mews

Room	Window	Existing VSC %	Proposed VSC %	Loss
R1/19 – LKD	W1/20	13.74	5.95	56.70%

Flat 3, 11-12 Tottenham Mews

Room	Window	Existing VSC %	Proposed VSC %	Loss
R1/41 - LKD	W1/41	16.82	8.74	48.04%
R1/41 - LKD	W2/41	19.77	9.90	49.92%
R1/41 - LKD	W3/41	20.85	10.02	51.94%

Flat 7, 11-12 Tottenham Mews

Room	Window	Existing VSC %	Proposed VSC %	Loss
R1/43 - LKD	W2/43	28.81	20.10	30.23%
R2/43 - Bedroom	W3/43	29.05	20.19	30.50%
R3/43 - Bedroom	W4/43	29.09	20.67	28.94%

The distribution of daylight within a room can also be calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The BRE guide states that both the total amount of skylight (VSC) and its distribution within the building (NSL) are important.

The NSL results in Point 2's report also demonstrate that the above flats will experience major adverse impacts as a result of the proposed development. To summarise:

- The LKD (room R1/19) at Flat 1 will experience a loss of **51.6%** and be left with light to 45% of its area
- The LKD (room R1/41) at Flat 3 will experience a loss of **68.8%** and be left with light to 28% of its area
- The LKD (room R1/43) at Flat 7 will experience a loss of 18.2% and be left with light to 81% of its area
- The bedroom (room R2/43) at Flat 7 will experience a loss of **58.1%** and be left with light to 41% of its area
- The bedroom (room R3/43) at Flat 7 will experience a loss of 8.2% and be left with light to 91% of its area

Finally, the BRE sunlight test should be applied to all main living rooms and conservatories which have a window that faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of winter probable sunlight hours (between 21 September and 21 March), and
- Receives less than 0.8 times its former sunlight hours during either period, and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Out of the five LKD windows mentioned above which need to be considered for the sunlight test, four windows (W1/20 at flat 1 and W1/41, W2/41 & W3/41 at flat 3) all experience losses in excess of 50% both annually and in the winter months. This clearly demonstrates the major adverse impact that the proposed development will have on the sunlight receivable by these windows at ground and first floor level.

The second floor LKD window (W2/43 at flat 7) will receive APSH to less than 0.8 times its former value annually and in the winter months, but will maintain more than 25% annually and 10% in the winter months, so this does not amount to non compliance with the BRE guide, but highlights a significant absolute loss nonetheless.

Furthermore, Point 2 have taken the approach of comparing a consented scheme which was granted in 2012 to the proposed scheme. In planning approval terms, this approach may seem appropriate as it is usually a useful exercise to compare the massing differences of new proposals with old ones. However, in this instance we do not feel that this approach is appropriate with reference to 11-12 Tottenham Mews. This is because in 2012 this property was not of residential use and so the impact on daylight and sunlight did not hold much weight. As per the committee report from the 2012 application, paragraph 6.4.7 states:

"The daylight study shows that there would be a noticeable reduction to daylight levels at both No. 6 and 11-12. However, at present these units are not currently in residential use and therefore they do not have occupiers which have enjoyed a certain level of daylight."

Consent was given on the assumption that there were no domestic residents in this building who would experience a noticeable difference. Today, this is not the case as my clients will experience a significant loss of light if the proposal is built as planned.

Several times in section 7 of Point 2's daylight and sunlight report, it mentions that when compared to the 2012 consent, the proposed scheme is unlikely to be noticeably different, or wording along those lines. However, the reality is that regardless of whether there was a consented scheme, the loss of daylight and sunlight to my clients' properties will be significant compared with the existing two storey building opposite.

As such, care must be taken by the local authority to appreciate the material detrimental impact the absolute light loss will have on 11-12 Tottenham Mews, rather than purely considering the wording comparing the results. We are of the opinion that the loss of light cannot be deemed acceptable because of a consented scheme, which was not only one storey smaller than the current proposal, but also achieved such poor daylight and sunlight results in the first instance.

We understand the daylight and sunlight study has been prepared without a site visit to inspect the internal arrangements of our clients' properties. In this instance, although the daylight distribution test has been run on these properties, we cannot confirm to our clients that the results demonstrate an accurate representation of the light loss within the rooms.

In light of the above, we would request that no decision in favour of the application is made until:

- a) The applicant instructs Point 2 to liaise with us to confirm room and window dimensions, amend their computer model where necessary, re-run the BRE daylight

tests and cutback the proposal to a level which satisfies the BRE recommendations, and

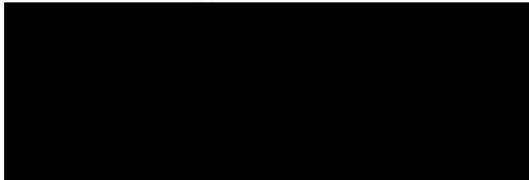
- b) Once that has been done, the residents affected by daylight and sunlight loss be able to make further representations on these and other issues, in order for the planning decision to be taken on a fully and properly informed basis.

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. 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 this planning application is not granted 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.

Yours sincerely,



Joe Palmer *BEng (Hons) DIS*
Right of Light Surveyor