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DAYLIGHT & SUNLIGHT REPORT

Flitcroft House

114-116 Charing Cross Rd, London WC2H 0JR

Our Ref:4930

27 June 2022

Contents

Prepared by:	HA
Checked by:	IT

1 Introduction

1.1.1 eb7 have been instructed to assess the effect of proposed development at Flitcroft House on daylight and sunlight to the existing surrounding properties. The assessment considers the latest architects scheme proposals received on the 27th May 2022.

1.1.2 The methodology and criteria used for these assessments is provided by Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2011).

1.1.3 In order to carry out an assessment, we have generated a 3D computer model (Test Environment) of the existing site, the key surrounding properties and the proposed scheme. Using this model and our specialist software, we have calculated the daylight and sunlight levels in both the existing and proposed conditions for the relevant neighbouring buildings.

1.1.4 The numerical criteria suggested within the BRE guidelines has been applied to each of the assessments mentioned above. It is important to note that these guidelines are not a rigid set of rules, but are advisory and need to be applied flexibly according to the specific context of a site.

2 Guidance

2.1 Daylight & sunlight for planning

'Site layout planning for daylight and sunlight: A guide to good practice', BRE 2022

2.1.1 We understand a new version of the BRE guidance has been released in June 2022, however for the purposes of this report, we have continued to refer to the 2011 version. The reason is that the new guidance is very recent and is still going through a period of transition including an internal CPD sessions, updating of light software and also informing planning authorities to update their local policy information to reflect this new guidance document.

'Site layout planning for daylight and sunlight: A guide to good practice', BRE 2011

2.1.2 The Building Research Establishment (BRE) Report 209, *'Site layout planning for daylight and sunlight: A guide to good practice'*, is the reference document used by most local authorities for assessing daylight and sunlight in relation to new developments. Commonly referred to as 'the BRE guidelines', it provides various testing methodologies to calculate the potential light levels received by neighbours of a development site and provided within proposed new development.

2.1.3 The guidance given within the BRE document makes direct reference to the British Standard BS8206 Part 2: Code of Practice for Daylighting (2008) and the CIBSE (Chartered Institute of Building Services Engineers) guide LG10: Daylighting – a guide for designers (2014). It is intended to be used in conjunction with these guides as they provide more detailed background to the assessments and methodologies used for assessment of proposed dwellings.

2.1.4 The European Standard EN17037 was published in 2018 and is intended to replace the British Standard BS8206 Part 2: Code of Practice for Daylighting. Current policy and guidance from most planning authorities still refers to the BRE guide and its methodologies, which in turn are based upon the BS8206 document. As such, we continue to base our daylight and sunlight assessments for proposed new dwellings on the BRE, British Standard and CIBSE guidance until planning policy dictates otherwise.

<u>Daylight and Sunlight to Neighbouring Properties</u>

2.1.5 The guidance outline three detailed methods for calculating daylight: the Vertical Sky Component (VSC), the No-Sky Line (NSL) and the Average Daylight Factor (ADF).

2.1.6 The VSC and NSL are primarily used for the assessment of existing buildings, while the ADF test is generally recommended for proposed rather than existing dwellings. The ADF test may sometimes be useful as a supplementary analysis for existing buildings, particularly newer ones, and a number of local authorities request this as a standard measurement for impact assessments. It can help in judging whether

impacts to daylight, which might otherwise be deemed 'noticeable', are nonetheless acceptable if affected rooms continue to receive levels of daylight sufficient for their use..

2.1.7 Where new developments are proposed on adjacent properties, but not yet built or occupied, the BRE guide suggests using the ADF test rather than the VSC and NSL tests. The ADF test will have been used during the design of these apartments to establish whether a suitable amount of daylight is provided. The ADF test is therefore used to determine the continuing acceptability of daylight conditions within them.

2.1.8 The VSC test measures the amount of sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. It is measured on the outside face of the external walls, usually at the centre point of a window.

2.1.9 The NSL test calculates the distribution of daylight within rooms by determining the area of the room at desk / work surface height (the 'working plane') which can and cannot receive a direct view of the sky and hence 'sky light'. The working plane height is set at 850mm above floor level within residential property.

2.1.10 For the above methods, the guidance suggests that existing daylight may be noticeably affected by new development if: -

- Windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value; and / or
- Levels of NSL within rooms are reduced to less than 0.8 times their former values.

2.1.11 Where rooms are greater than 5m in depth and lit from only one side, the guidance recognises that *"a greater movement of the no sky-line may be unavoidable"* (page 8, paragraph 2.2.10).

3 Application of the guidance

3.1 Scope of assessment

Impact analysis for neighbouring buildings

3.1.1 The BRE guidelines advise that, when assessing any potential effects on surrounding properties, only those windows and rooms that have a 'reasonable expectation' of daylight and sunlight need to be considered. At paragraph 2.2.2 it states: -

> *"The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed."*

3.1.2 Our assessments therefore consider the neighbouring residential properties only, which the BRE recognises have the highest expectation for natural light. We have tested the impact on the main rooms in each residential property and ignored non-habitable space (e.g. staircases, hallways, bathrooms, toilets, stores etc.) as per BRE guidance.

3.2 Application of the numerical criteria

3.2.1 The opening paragraphs of the BRE guidelines state:

> *"The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide 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 since natural lighting is only one of many factors in site layout design… In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*

3.2.2 It is therefore very important to apply the BRE guidance sensibly and flexibly, with careful consideration of the specific site context. Its numerical targets theoretically apply to any built environment, from city centres to rural villages. However, in more tightly constrained environments, achieving the default BRE targets can be very challenging and conflict with other beneficial factors of site layout design.

3.2.3 With the above in mind, rigid adherence to the BRE in certain situations could easily result in an inappropriate form of development. In which case it may be appropriate to adopt lower target values more appropriate to the location concerned. This is acknowledged in the BRE guidance at paragraph 2.2.3 (page 7):

"Note that numerical values given here are purely advisory. Different criteria maybe used, based on the requirements for daylighting in an area viewed against other site layout constraints.

3.2.4 For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development, if either; its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value, or the levels of NSC within rooms are reduced to less than 0.8 times their former values.

3.2.5 Some recent planning decisions by the Mayor of London[1] and Planning Inspectorate[2] have suggested that retained levels of daylight (VSC) between 10% and 20% can be considered acceptable for residential properties neighbouring new developments in Central London. Further to these decisions, recent guidance from the Mayor of London (Draft SPG 'Good Quality Homes for all Londoners') suggests that residential properties in Central London can typically expect VSC values of between 13% and 18%. We have therefore assessed the severity of impacts to the neighbouring residential properties in light of this guidance.

Appendix F – Setting alternative target values

3.2.6 In certain situations, the BRE guidance suggests that alternative target values may be set for the assessment of daylight and sunlight to neighbouring buildings.

"F1 Sections 2.1, 2.2 and 2.3 give numerical target values in assessing how much light from the sky is blocked by obstructing buildings. These values are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. Such alternative targets may be generated from the layout dimensions of existing development, or they may be derived from considering the internal layout and daylighting needs of the proposed development itself."

"F5. A similar approach may be adopted in cases where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light. Figure F3 shows an example, where side windows of an existing building are close to the boundary. To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary."

[1] Monmouth House, Islington (Ref.: D&P/3698/02)
[2] Whitechapel Estate (Ref: APP/E5900/W/17/3171437)

4 Planning Policy

4.1.1 We have considered local, regional and national planning policy relating to daylight and sunlight. In general terms, planning policy advises that new development will only be permitted where it is shown not to cause unacceptable loss of daylight or sunlight amenity to neighbouring properties.

4.1.2 The need to protect amenity of neighbours is echoed within recent publications from the Mayor of London and the Secretary of State for Housing, Communities and Local Government. Although, these documents also stress that current guidance needs to be used flexibly where developments are located in urban areas and intend to achieve higher densities. Specifically, these documents suggest that the nationally applicable criteria given within the BRE guidance needs to be applied in consideration of the development's context.

4.2 Camden Local Plan 2017

4.2.1 The Council has adopted a number of planning documents that together form the development plan for Camden. This is the starting point for planning decisions in the borough. The Local Plan was adopted by Council on 3 July 2017. It has replaced the Core Strategy and Camden Development Policies documents. It is now the basis for planning decisions and future development in Camden.

Policy A1 Managing the impact of development

"The Council will seek to protect the quality of life of occupiers and neighbours.

We will grant permission for development unless this causes unacceptable

harm to amenity…

f. sunlight, daylight and overshadowing;"

Camden Planning Guidance: Amenity January 2021

"KEY MESSAGES: The Council expects applicants to consider the impact of development schemes on daylight and sunlight levels. Where appropriate a daylight and sunlight assessment should submitted which should be follow the guidance in the BRE's Site layout planning for daylight and sunlight: A guide to good practice. The 45 degree and 25 degree tests cited in the BRE guidance should be used to assess ('screen') whether a sunlight and daylight report is required. Levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context. The Council may seek independent verification of sunlight and daylight reports if necessary.

4.3 The London Plan – The Mayor of London (March 2021)

4.3.1 The Mayor of London's New London Plan gives the following: -

Policy D6 Housing quality and standards

"C. Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating."

"D. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space."

4.4 The Housing SPG – The Mayor of London (March 2016)

4.4.1 The London Plan Housing SPG confirms the flexibility that should be applied in the interpretation of the BRE guidelines having regard to the 'need to optimise capacity; and scope for the character and form of an area to change over time.'

1.3.45. 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.

1.3.46 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.

4.5 The National Planning Policy Framework - Department for Housing, Communities and Local Government (July 2021)

4.5.1 The latest version of the National Planning Policy Framework was issued in July 2021.

The document sets out planning policies for England and how these are expected to be applied. In respect of daylight and sunlight it stresses the need to make optimal use of sites and to take a flexible approach to daylight and sunlight guidance. Para 125 States: -

11. Making effective use of land

Achieving appropriate densities

> *"125. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*
>
> *c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*

5 Sources of Information & Assumptions

5.1.1 A measured survey, architectural drawings, site photographs and Ordnance Survey information have been used to create a 3D computer model of the proposed development in the context of the existing site and surrounding buildings.

5.1.2 Where survey or planning information was unavailable, the position of the neighbouring property elevations has been estimated based upon brick counts from site photographs. Window positions and dimensions used directly affect the results of all assessment methods.

5.1.3 We have not sought access to the surrounding properties and, unless we have been able to source floor layouts via public records, the internal configuration and floor levels have been estimated. Unless the building form dictates otherwise, we assume room depths of c. 4.2m for principal living space. Room layouts used directly affect the results of the NSL and ADF assessments.

5.1.4 Where possible neighbouring building use has been identified via online research, including Valuation Office Agency (VOA) searches, and/or external observation.

5.1.5 The full list of source of information used in this assessment is as follows: -

5.2 DMBA Architects

3D model or 2D drawings

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20024-DMBA-XX-S-DR-A-0314-ProposedSite Plan.dwg
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6 The Site and Proposal

6.1.1 The site is located on the east side of Charing Cross Road at the junction with Flitcroft Street. It comprises a five-storey period building which is in commercial use as a restaurant on the ground floor and the four upper floors are multi-let to a range of office occupiers.

6.1.2 The proposals comprise the comprehensive refurbishment of the existing building, the construction of a two-storey roof extension. A roof terrace is proposed on the roof extension to provide amenity space for occupants of the building. A plant room would also be provided on the roof extension, next to 120 Charing Cross Road.

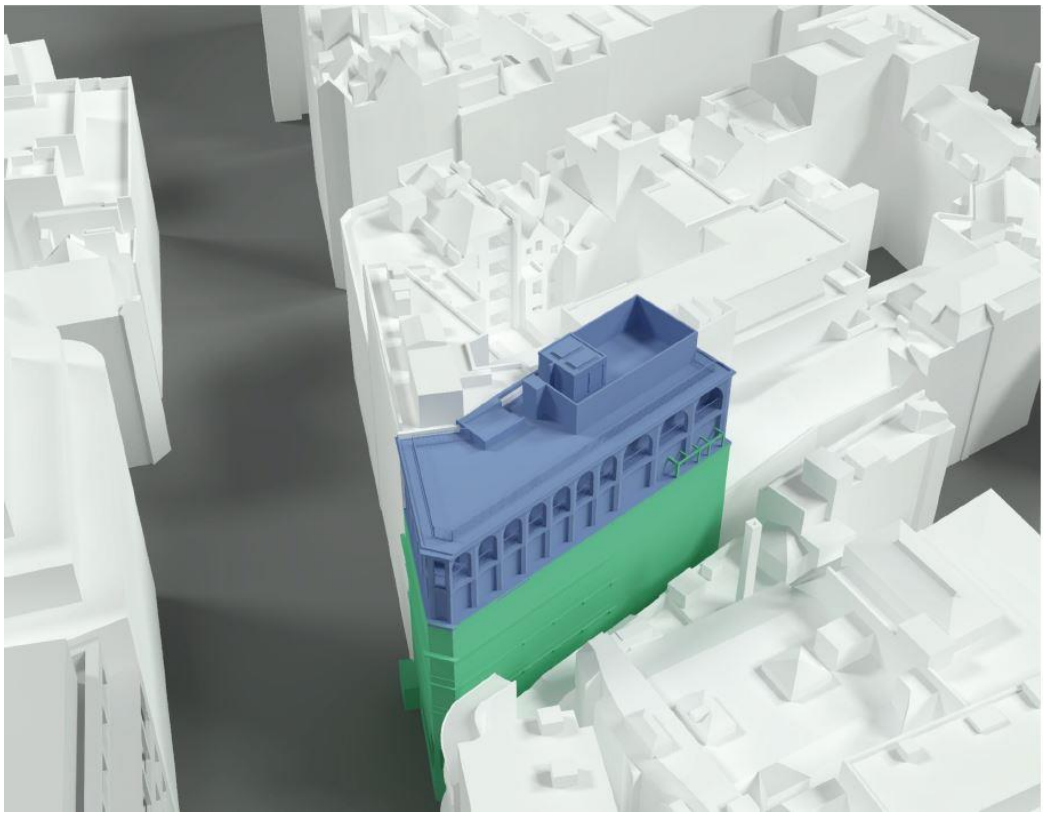


Image 1 - 3D view of the proposed development and context

7 Assessment results

7.1 Daylight and sunlight to neighbouring buildings

7.1.1 Full results of the daylight and sunlight assessments are attached within Appendix 2. Drawings to show the existing and proposed buildings in the context of the neighbouring properties are attached within Appendix 1.

7.1.2 Our assessment has considered all of the closest neighbouring residential properties with windows overlooking the proposed development. These are shown on the following image: -

- 9-11 Denmark Street (north east)
- 109 Charing Cross Road (south west)

Image 2 - Map showing site location and neighbouring residential properties

7.1.3 It is important to note that there are other residential properties surrounding the site, including Phoenix House (104 Charing Cross Rd), 7-10 Stacey Street, and 7 Denmark, however they would not have no direct windows with a view of your development. Furthermore, the results for those properties that have been tested are above BRE guidance, therefore any other properties at a greater would only be improved upon and BRE guidance would be fully satisfied.

9-11 Denmark Street

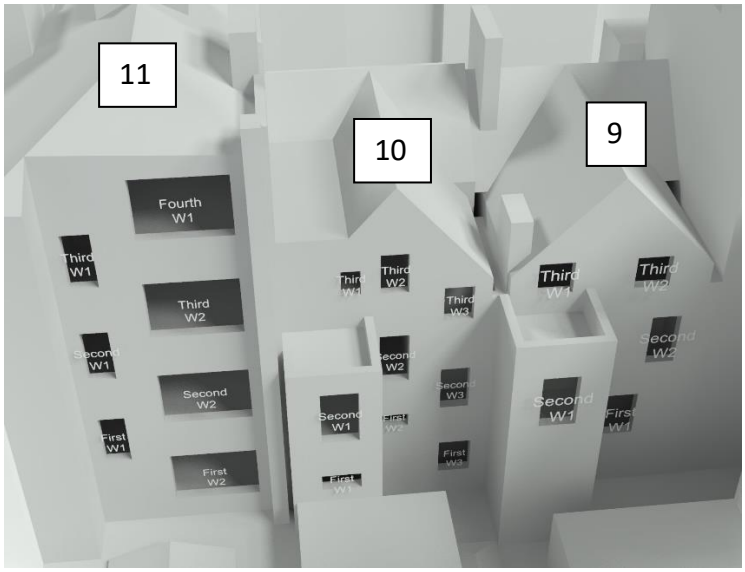


Image 3 - 3D model view of 9-11 Denmark Street

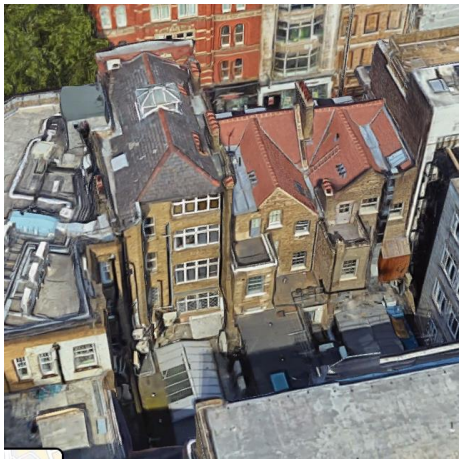


Image 4 - Google arial view of 9-11 Denmark Street

7.1.4 There is a row of terraced properties to the north east and opposite the development site. There is non-domestic use contained within the ground, with residential accommodation on first to third floor. We have obtained internal layouts from the planning portal for No.10 Denmark Street only. No.9 and No.11 are based on assumed internal layouts.

Daylight

7.1.5 The results of the VSC and NSL assessments for all properties demonstrate full compliance with the BRE guidance with values above 0.93 times the former value (target 0.8).

Sunlight

7.1.6 For sunlight, the results have shown that all windows would either have retained values above 25% APSH and 5% WPSH or remain well above 0.8 times the former value and BRE guidance has been fully satisfied.

109 Charing Cross Road

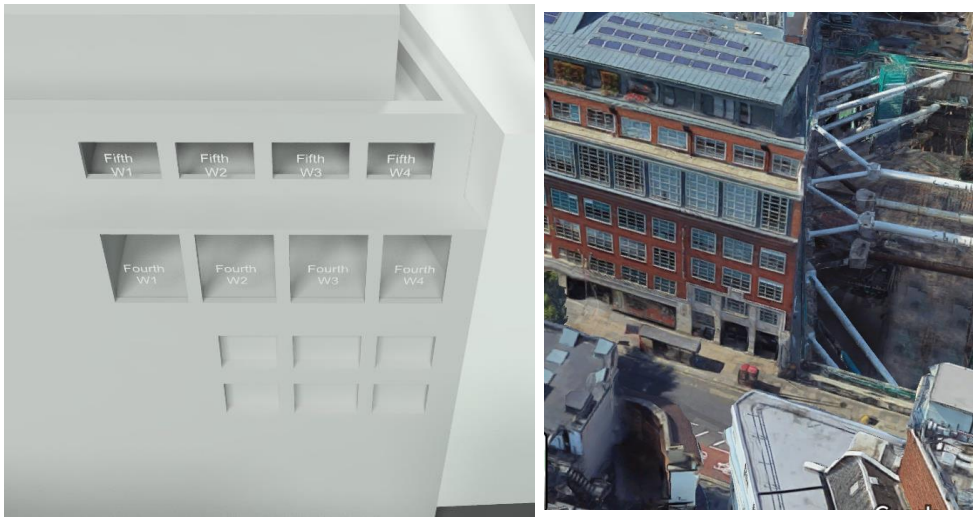


Image 5 - 3D model view and Google arial view of 109 Charing Cross Road

7.1.7 There is a mixed use building to the south west of the development site. There is non-domestic use contained within the lower floors, with residential accommodation on fourth and fifth floor. We have some information from the planning portal on room areas for this property but no room uses.

Daylight

7.1.8 The results of the VSC and NSL assessments for this property demonstrates full compliance with the BRE guidance with values above 0.96 times the former value (target 0.8) and retained VSC values above 35.5% (27% target).

Sunlight

7.1.9 For sunlight, in accordance with BRE recommendations, it has not been necessary to test this property because the windows facing the site are not within 90° of due south.

8 Conclusions

8.1.1 This practice has undertaken a detailed assessment of the potential daylight and sunlight effects of the proposed development at Flitcroft House on the key neighbouring properties.

8.2 Daylight and sunlight impact to neighbouring properties

8.2.1 Our assessments have been undertaken using the VSC, NSL, (daylight) and APSH (sunlight) tests set out within the BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011).

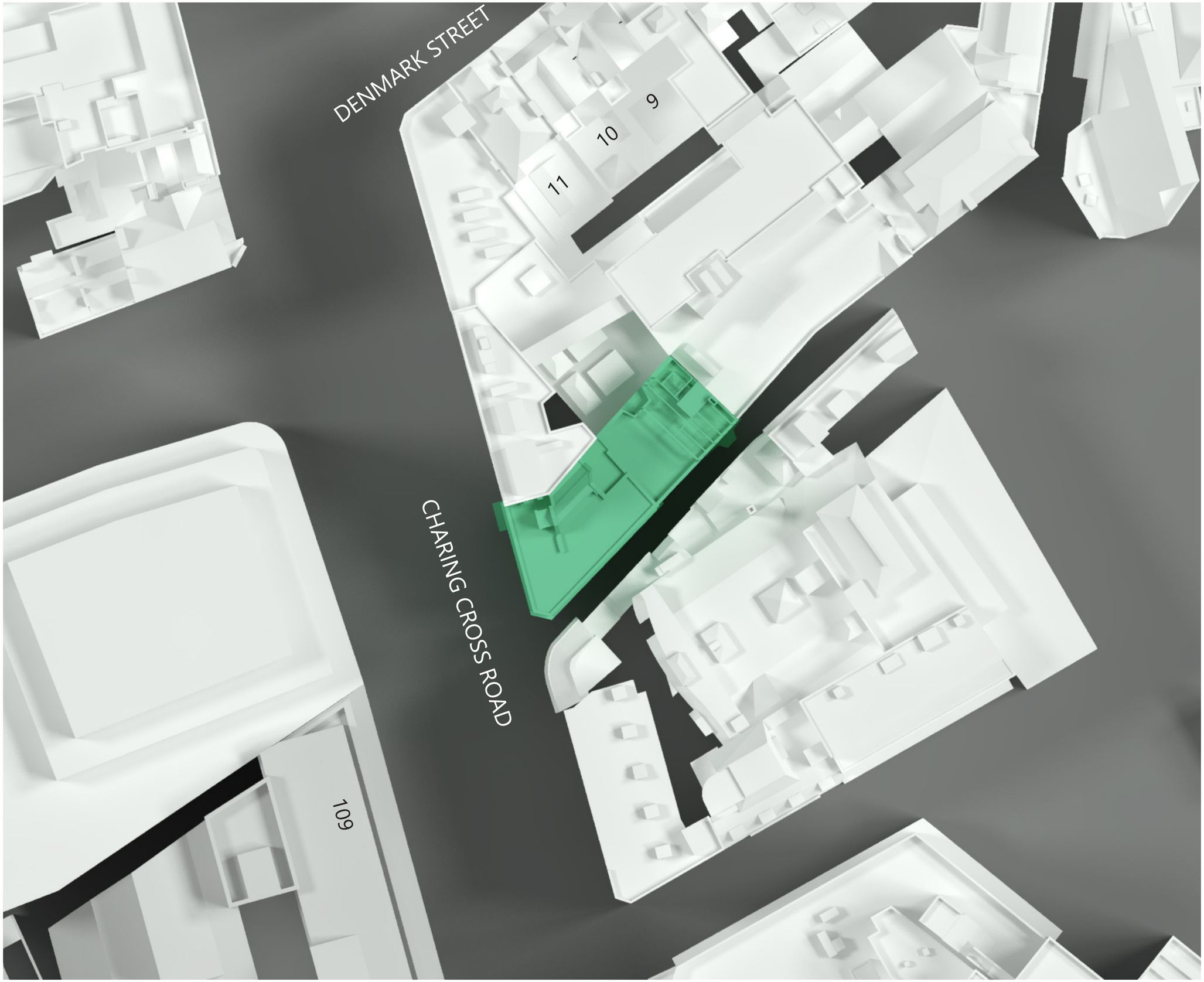
8.2.2 Due to the high levels of BRE compliance, the change within the new BRE guidance which has very recently been released (June 2022), would not result in any changes to the conclusions of this report.

8.2.3 It is important to reiterate that alterations in daylight and sunlight to adjoining properties are often inevitable when undertaking any meaningful development, especially in an urban environment. Therefore, the BRE guide is meant to be interpreted flexibly because natural lighting is only one of many factors in site layout design. Indeed, the guidelines suggest that different criteria may be used based upon the requirements for natural lighting in an area viewed against other constraints.

8.2.4 The results of these tests have shown that, whilst there will be some reductions to individual windows, the amount of daylight received within each of the neighbouring habitable rooms will remain very high and in excess of the BRE criteria. The assessment of sunlight to neighbouring windows has also shown full compliance with the BRE criteria.

Appendix 1

Drawings of the existing, proposed and surrounding buildings



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Received 04/05/2022

Key:

Existing

NORTH

Project	Flitcroft House Flitcroft Street London
Title	Existing Condition Plan View

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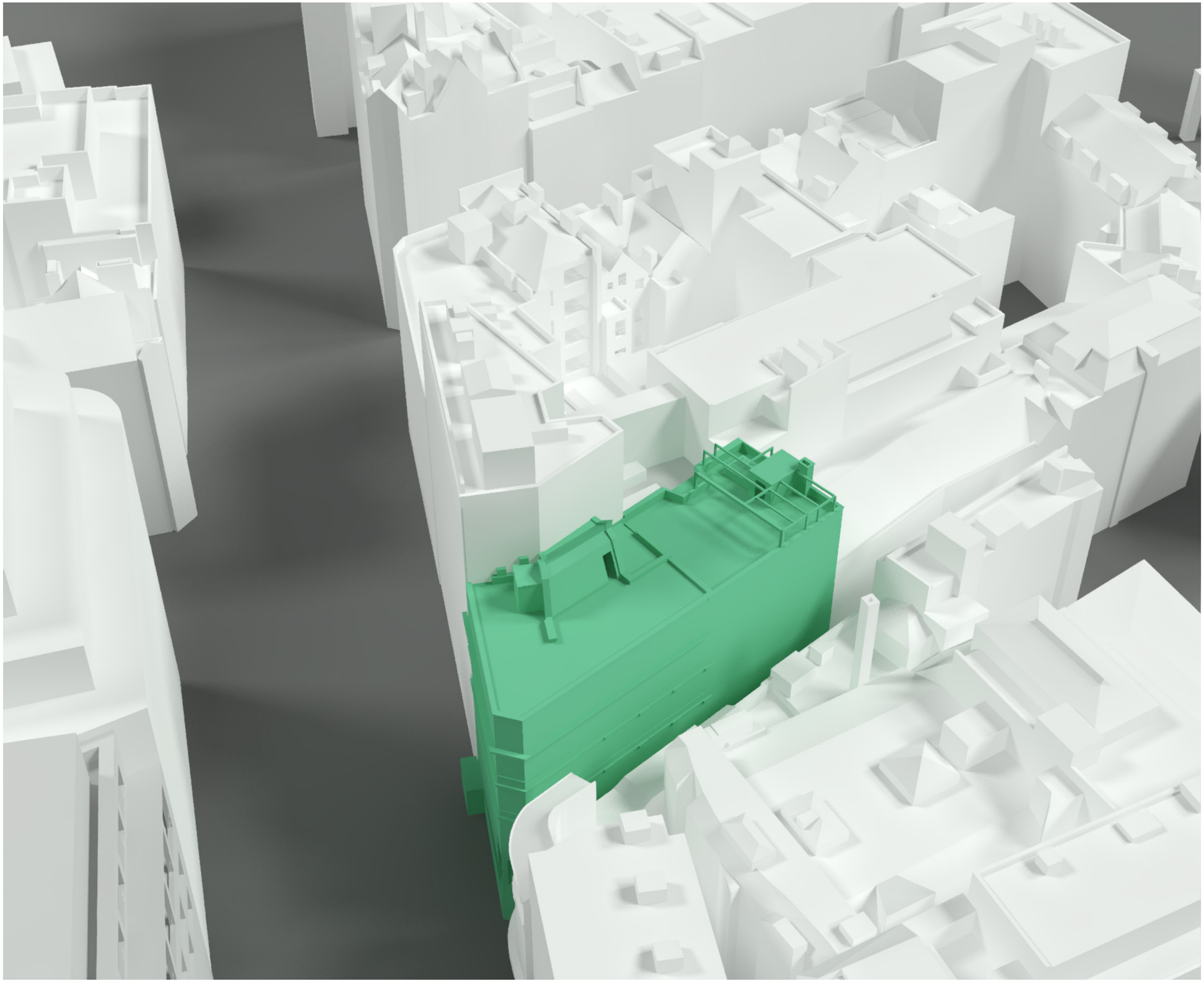

Notes: All heights are shown in meters above ordnance datum (AOD)

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London

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3D View

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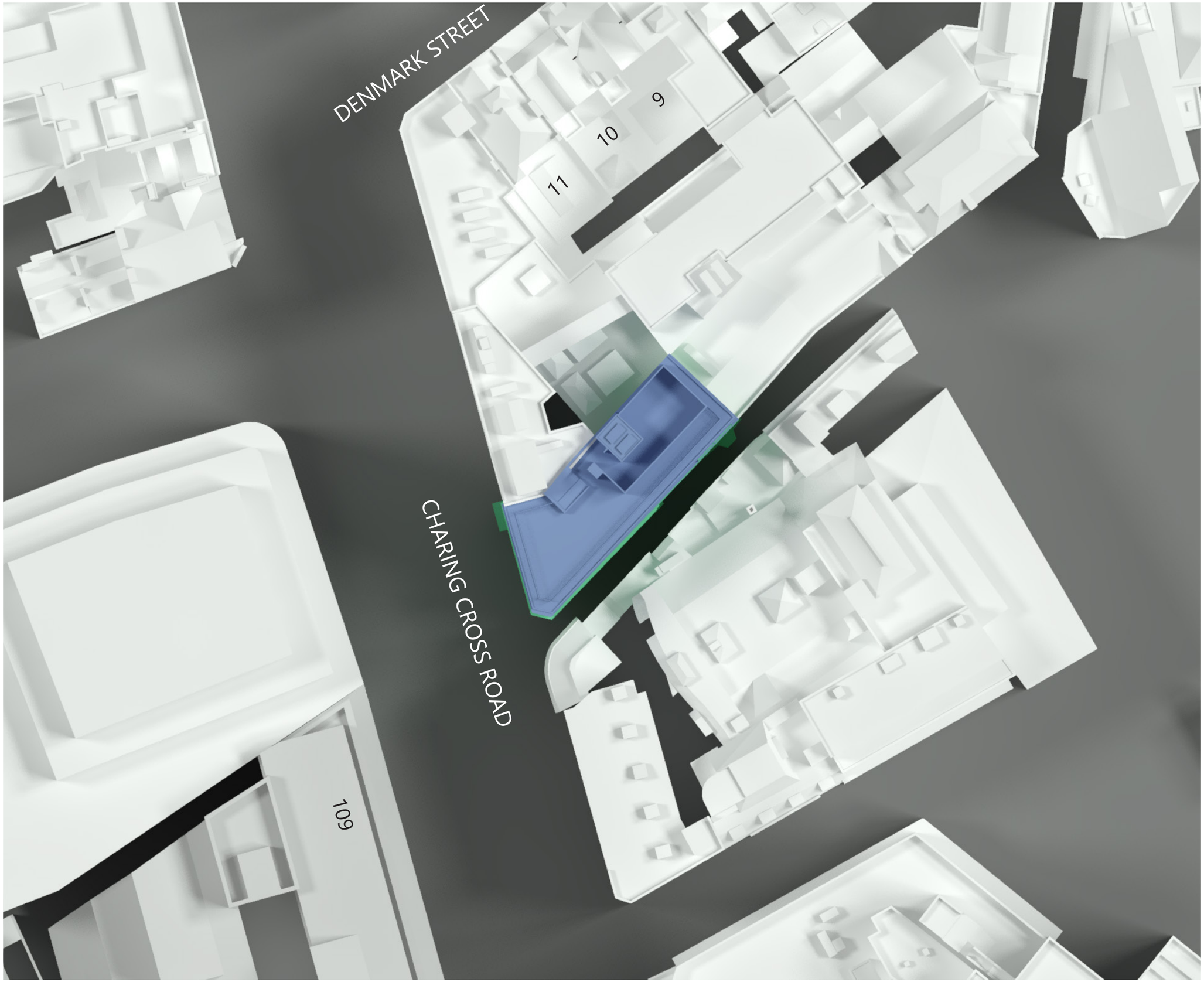

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Proposed

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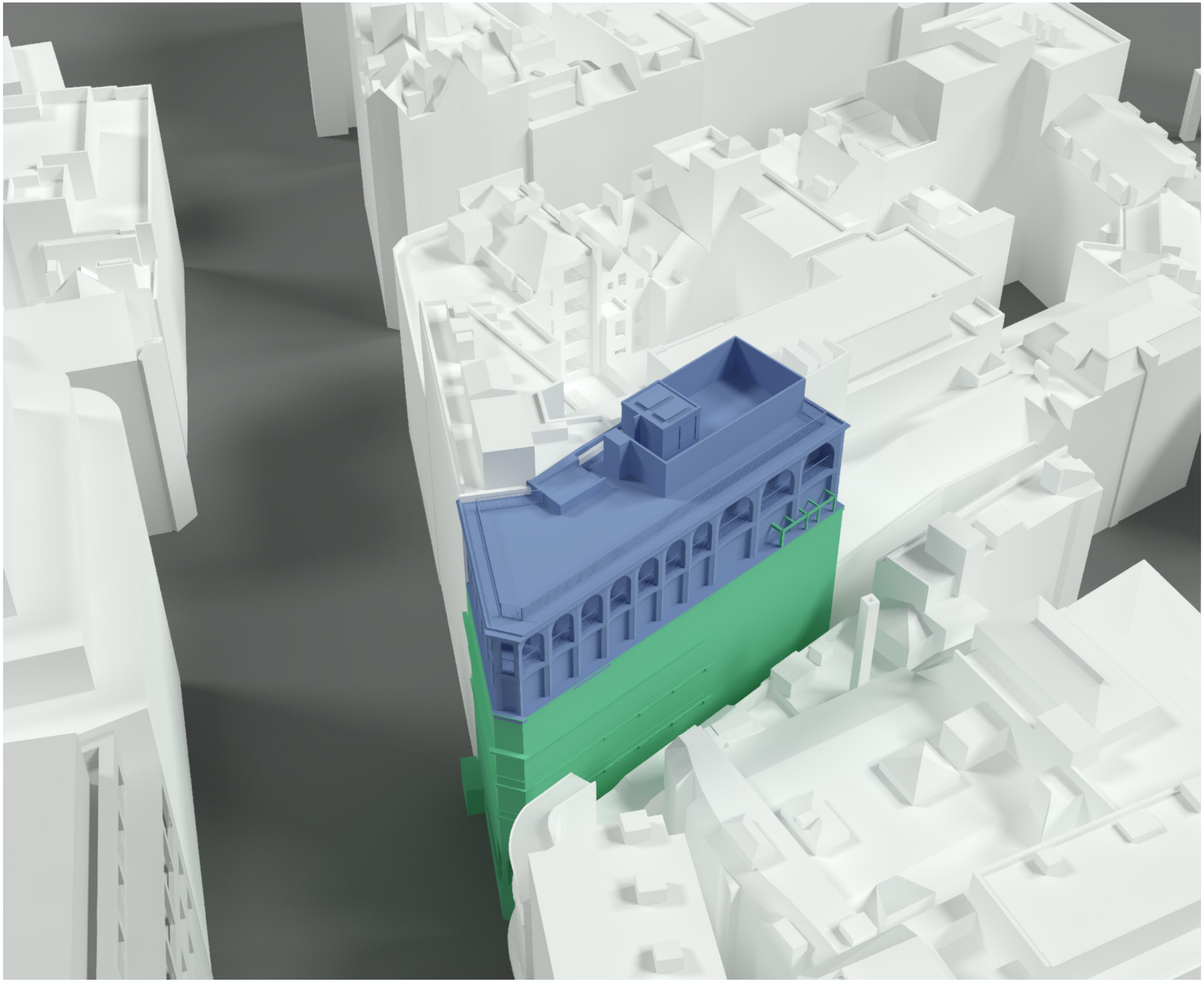

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Title	Proposed Development 3D View

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Appendix 2

Results of the daylight and sunlight assessments within neighbouring properties

Address	Room	Window	Room use	Vertical Sky Component (VSC)			No-Sky Line (NSL)						Annual Probable Sunlight Hours (APSH) by Room					
				Existing VSC	Proposed VSC	Proportion Retained	Room Area	Existing NSL m^2	Existing NSL %	Proposed NSL m^2	Proposed NSL %	Proportion Retained	Existing APSH Total	Existing APSH Winter	Proposed APSH Total	Proposed APSH Winter	Retained Total	Retained Winter
109 Charing Cross Rd																		
Fourth	R1	W1	Residential	36.0	35.5	0.99												
		W2		36.1	35.4	0.98												
		W3		36.1	35.0	0.97												
		W4		36.1	34.4	0.96	58.0	58.0	100%	58.0	100%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Fifth	R1	W1	Residential	37.3	37.1	0.99												
		W2		37.4	37.1	0.99	29.8	29.8	100%	29.8	100%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Fifth	R2	W3	Residential	37.3	36.9	0.99												
		W4		35.8	35.3	0.98	28.0	27.9	100%	27.9	100%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
11 Denmark Street																		
First	R1	W1	Residential	14.9	14.0	0.94	4.7	4.2	89%	3.4	73%	0.82	23	2	21	0	0.91	0.00
First	R2	W2	Residential	14.3	13.9	0.97	13.7	7.4	55%	6.4	47%	0.86	24	1	24	1	1.00	1.00
Second	R1	W1	Residential	19.2	17.8	0.93	4.7	4.5	96%	4.4	93%	0.97	29	3	28	2	0.97	0.67
Second	R2	W2	Residential	19.5	18.7	0.96	13.7	10.8	79%	8.7	64%	0.80	39	5	36	2	0.92	0.40
Third	R1	W1	Residential	23.9	22.2	0.93	4.7	4.6	97%	4.6	96%	1.00	35	8	32	5	0.91	0.63
Third	R2	W2	Residential	25.2	23.8	0.94	13.7	13.5	99%	13.4	98%	0.99	46	10	43	7	0.93	0.70
Fourth	R1	W1	Residential	31.2	29.6	0.95	13.7	13.6	100%	13.6	100%	1.00	57	18	54	15	0.95	0.83
10 Denmark Street																		
First	R1	W1	Bedroom	15.4	15.2	0.99	4.6	2.2	48%	2.0	44%	0.92	4	2	2	0	0.50	0.00
First	R2	W2	Bedroom	9.7	9.7	1.00	14.0	1.9	13%	1.9	13%	1.00	2	0	2	0	1.00	0.00
First	R3	W3	Hallway	9.4	9.3	0.99	2.4	2.0	84%	2.0	84%	1.00	16	0	16	0	1.00	0.00
Second	R1	W1	Bedroom	19.6	19.2	0.98	4.6	4.1	90%	4.1	88%	0.98	33	3	32	2	0.97	0.67
Second	R2	W2	Bedroom	14.9	14.9	1.00	14.0	4.6	33%	4.6	33%	1.00	25	1	25	1	1.00	1.00
Second	R3	W3	Hallway	13.5	13.3	0.98	2.4	2.1	88%	2.1	88%	1.00	24	3	23	2	0.96	0.67
Third	R1	W1	Bedroom	24.1	23.1	0.96												
		W2		25.7	24.7	0.96	13.0	12.0	92%	12.0	92%	1.00	43	11	40	8	0.93	0.73
Third	R2	W3	Hallway	23.4	22.8	0.97	2.4	2.1	88%	2.1	88%	1.00	37	9	35	7	0.95	0.78

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