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DAYLIG<mark>HT &</mark> SUNLIGHT REPORT

34 Kilburn High Road London, NW6 5UA

Our Ref: 5446

3 October 2022

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Report details

Client:

Prepared by:	MA
Checked by:	IT
Date of issue:	3 rd October 2022

JD Wetherspoons PLC

1 Introduction

- 1.1.1 eb7 have been instructed to assess the effect of proposed development at 34 Kilburn High Road, London, NW6 5UA on daylight and sunlight to the existing surrounding properties and neighbouring amenity spaces. These assessments consider the latest LBF Architects scheme proposals dated 14th September 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, 2022).
- 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 As well as considering the daylight and sunlight to neighbouring properties, we have also quantified the overshadowing effects to neighbouring amenity areas and gardens, again considering both the existing and proposed conditions.
- 1.1.5 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 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.
- 2.1.2 The guidance given within the BRE document makes direct reference to the British Standard BS EN17037 (2018) 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 documents, which provide guidance on the assessment of daylight and sunlight within new buildings.

Daylight and Sunlight to Neighbouring Properties

Detailed daylight assessments

- 2.1.3 The BRE guidance outlines two detailed methods for calculating daylight within properties neighbouring a proposed development: the Vertical Sky Component (VSC) and the No-Sky Line (NSL) tests.
- 2.1.4 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.
- 2.1.5 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.
- 2.1.6 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.
- 2.1.7 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 16, paragraph 2.2.12).

Detailed sunlight assessments

- 2.1.8 For sunlight, the Annual Probable Sunlight Hours (APSH) test calculates the percentage of probable hours of sunlight received by a window or room over the course of a year.
- 2.1.9 In assessing sunlight effects to existing properties surrounding a new development, only those windows orientated within 90° of due south and which overlook the site require assessment. The main focus is on living rooms, with bedrooms and kitchens deemed less important.
- 2.1.10 The guide suggests that occupiers will notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during winter) and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.8 times its former value.

Sunlight to gardens and outdoor spaces

- 2.1.11 Where sunlight to an amenity space may be affected by new development, the BRE guidelines recommend that an overshadowing assessment is conducted. The key analysis is the '2hr sun on ground' test, which quantifies the proportion of an amenity area (e.g. rear gardens, parks and playing fields, public squares etc.) receiving at least 2hrs of sun on the 21st of March.
- 2.1.12 The BRE guidance recognises that different types of amenity space may have different sunlighting requirements. Generally, if an existing neighbouring open space receives less than 50%, then the guidelines suggest that the loss in sunlight may be noticeable if it is reduced below 0.8 times its former value.

3 Planning Policy

- 3.1.1 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.
- 3.1.2 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.

3.2 Local Plan – Camden Council (2017)

3.139 High quality accessible homes

"Many aspects of housing quality have a critical impact on the health and wellbeing of occupiers. These aspects of quality include the external environment, the condition of the property and its state of repair and decoration, accessibility, internal space and number of bedrooms, separation between functions such as kitchens, living rooms and bedrooms, adequate noise insulation, and daylight and sunlight and all of which can affect physical and mental health and influence life chances. The Council will therefore seek to secure a variety of high quality housing to meet the needs of different users, and will not sacrifice quality in order to maximise overall housing delivery."

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.

The factor we will consider include:

f. sunlight, daylight and overshadowing;"

6.5 Sunlight, daylight and overshadowing

"Loss of daylight and sunlight can be caused if spaces are overshadowed by development. To assess whether acceptable levels of daylight and sunlight are available to habitable, outdoor amenity and open spaces, the Council will take into account the most recent guidance published by the Building Research Establishment (currently the Building Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011). Further detail can be found within our supplementary planning document Camden Planning Guidance on amenity."

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8.50 Other assessment measures

"The Home Quality Mark, launched 2015, is one way of demonstrating the standard of a new residential dwelling, which includes measures for low CO2, sustainable materials, good air quality and natural daylight. The Council will strongly encourage schemes to use the Home Quality Mark."

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

3.3.1 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."

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

3.4.1 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.

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

3.5.1 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).

3.6 Appeal Decision for The Whitechapel Estate (Ref: APP/E5900/W/17/3171437) The Planning Inspectorate (2017)

3.6.1 In his decision to overturn the Local Authority's reasons for refusal and to grant planning permission, the inspector commented on daylight and sunlight as follows:-

"112. The figures show that a proportion of residual Vertical Sky Component ('VSC') values in the mid-teens have been found acceptable in major developments across London. This echoes the Mayor's endorsement in the pre-SPG decision at Monmouth House, Islington that VSC values in the mid-teens are acceptable in an inner urban environment. They also show a smaller proportion in the bands below 15%. Even if there were some discrepancy in the appellants' figures for this lower band at Whitechapel Central, which is disputed, the VSC outcomes for the appeal proposal would in general be very similar to those of the other major schemes. The appeal proposal would therefore appear to be in compliance with the LP as amplified by the SPG and as it is being interpreted by the Mayor. The GLA responses to the planning application did not raise any concern about neighbours' amenity."

"113. I acknowledge that a focus on overall residual levels could risk losing sight of individual problem areas. It is accepted that light is only one factor in assessing overall levels of amenity, but I consider that the trade-off with other factors, such as access to public transport or green space, is likely to be of more relevance to an occupier of new development than to an existing neighbour whose long-enjoyed living conditions would be adversely affected by new buildings. However, I also consider that Inner London is an area where there should generally be a high expectation of development taking place. This is particularly so in the case of the appeal site, where the WVM and the OAPF have flagged the desirability of high density development. Existing residents would in my view be prepared for change and would not necessarily expect existing standards of daylight and sunlight to persist after development."

"125. I conclude that the proposal would result in some significant individual reductions in daylight and sunlight levels, but that this is almost unavoidable in achieving the policy requirement for high density development in a confined urban setting. The new buildings would for the most part be comparable in height with the existing and would re-define traditional street frontages. Retained levels of daylight and sunlight would be adequate and comparable with existing and emerging urban conditions. The effects would appear very comparable with those recently allowed by the Council at Whitechapel Central. There would be minimal adverse losses of outlook and increases in overlooking. Taken as a whole, the proposal would not result in unacceptably harmful effects on living conditions and would comply with the development plan in this respect."

3.7 Appeal Decision for Graphite Square Development (App/N5660/W/18/3211223) The Planning Inspectorate (2019)

3.7.1 In addition to the flexibility confirmed in the NPPF and Whitechapel Estate Appeal the recent decision in respect of the Graphite Square development dealt specifically with the effects to neighbouring properties where access decks / balconies was a factor limiting pre-existing daylight / sunlight levels to neighbours and making them particularly sensitive to the effects of neighbouring development. In allowing the appeal the inspector concluded that, in respect of both bedrooms and kitchens that were overhung by access decks and already poorly lit: -

"22. Second, I accept the appellant's point that many of the affected kitchens in Arne House are too small to qualify as habitable rooms for the purpose of the calculations 11. That said, I heard from residents of Arne House, and noted during my accompanied site visit that despite their limited dimensions, residents do use them as sitting, and dining, areas, and clearly value them for uses beyond mere utility. Many would lose relatively significant levels of daylight as a result of the proposals but the resulting impact on residents' living conditions cannot be judged purely in those terms. I make that point because from what I saw, these kitchens receive little in the way of daylight already, because of the overhanging deck access, or in the top floor flats, roof overhang, and would be most likely to need electric lighting to facilitate use.

23. It might be said that the impact of losing daylight from a room that is already relatively poorly so served would be all the more serious a matter. However, to my mind, given that these kitchens rely on electric lighting for most of the time anyway, the loss of even the relatively significant amounts of daylight calculated would make little difference to their pattern of use, or the manner in which residents enjoy them.

24. The second bedrooms affected are also poorly served by daylight because of the deck access or roof overhang and, like the kitchens, largely dependent on electric lighting. Even if one allows for the idea that bedrooms are sometimes used during the daytime, as playrooms, or home offices, or the like, as with the kitchens, I do not consider that the loss of even significant amounts of daylighting would make any great difference to their pattern of use or enjoyment."

3.7.2 In allowing the appeal the inspector acknowledged the level of impact to the neighbours but concluded that the effects were not unacceptable given the specific nature of the affected spaces some of which were considered to be secondary or non-habitable uses and were already dimly lit.

3.8 Appeal Decision for 8 Albert Embankment (APP/N5660/V/20/3254203 & APP/N5660/V/20/3257106)

- 3.8.1 The called-in Appeal decision at 8 Albert Embankment considered, amongst other issues, the impact that the proposals would have upon daylight and sunlight to existing residents of neighbouring buildings. Some of the key findings from the Planning Inspector's decision are noted below.
- 3.8.2 The key points are that the BRE guidance is not planning policy and should not be implemented rigidly (i.e. a scheme that falls below the suggested BRE targets should not automatically be considered unacceptable). The decision also gave weight to the degree of daylight reduction experienced by affected properties, as well as retained values. It is noted that material reductions should not be set aside lightly. Also, care needs to be taken when forming comparisons of daylight levels and daylight impacts with other buildings, ensuring that such comparisons are contextually consistent.

Acceptability of daylight impacts

"749. The BRE guidelines are an aid to analysing effects. They can assist in quantifying effects of development in terms of whether a room would become more gloomy, but they are not standards which, if not complied with, dictate that a scheme must fail. What is acceptable in a particular context remains a matter of judgement. The Applicant points to examples where decision makers have accepted lower daylight standards to accommodate more housing where higher densities are called for by policy, and referred to this as 'the current balanced approach to the issue of daylight and sunlight in inner London'. A case in point is the Whitechapel Estate decision from 2018 (CD L3). The Inspector agreed that 'the blanket application of the BRE guide optimum standards, which are best achieved in relatively low-rise, well-spaced layouts, is not appropriate in this instance'."

"756. The Applicant points out that it is not hard to identify locations in London where historic residential development does not meet the BRE guidelines, including mansion blocks and terraces in Westminster. Such developments are often considered highly desirable, with no suggestion that living conditions are unacceptable. It is likely that people will make a trade-off between the benefits of living in a central metropolitan location and the better sunlight and daylight standards that might be expected in lower density outer areas."

"757. In my view, there is a danger in placing too much reliance on such comparisons. Although it is close to the heart of London, some of the affected accommodation around the appeal site houses families with vulnerabilities, who have little choice about where they live. Evidence that links daylight levels with human health, including mental health and disease resistance was referred to by LV, and is more than anecdotal (CD W12 page 10). Material reductions in daylight should not be set aside lightly."

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4 Application of the Guidance, Planning Policy& Precedents

4.1 Scope of assessment

Impact analysis for neighbouring buildings and outdoor spaces

4.1.1 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."

- 4.1.2 Our assessments of daylight and sunlight impact to neighbouring buildings therefore consider only residential properties, which the BRE recognises have the highest expectation for natural light. We have tested the impact on the habitable rooms in each residential property and ignored non-habitable space (e.g. staircases, hallways, bathrooms, toilets, stores etc.) as per BRE guidance.
- 4.1.3 Our assessment of impact to sunlight within outdoor spaces has considered any areas of public or shared amenity as well as private residential gardens, where the proposed development has some potential to impact sunlight. In some instances the geographical location of outdoor spaces, relative to the proposed development, may negate technical assessment.

4.2 Application of the numerical criteria

4.2.1 The opening paragraphs of the BRE guidelines state:

"1.6 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 (see Section5). 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."

4.2.2 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.

4.2.3 Some recent planning decisions by the Mayor of London¹ and Planning Inspectorate² have suggested that retained levels of daylight (VSC) above 20% can be considered reasonably good and levels in the 'mid teens' should be acceptable for residential properties neighbouring new developments in Central London. The decision at 8 Albert Embankment³, however, reiterated that material reductions should not be set aside. We have therefore assessed the severity of impacts to the neighbouring residential properties in light of this guidance.

4.3 Assessment of windows with balconies, overhangs or other obstructing projections

4.3.1 The BRE guidance recommends that care be taken when assessing the impact of a development proposal upon neighbouring windows that have been provided with balconies, access decks or other obstructions, as these obstructions inhibit the access to/potential for daylight and sunlight and place larger constraint upon a proposed development site. The BRE guidance gives the following statements in this regard: -

"2.2.11 - Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large impact on the VSC, and on the area receiving direct skylight (NSL). One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight for both existing and proposed situations without the balcony in place."

"2.2.12 - A larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or if it is recessed into the building so that it is obstructed on both sides as well as above."

- 4.3.2 As noted in the planning precedents section above, the Inspectors decision at the Graphite Square appeal⁴ noted that rooms set behind walkways and access decks will have their light severely restricted and can mean that affected rooms are already dependent on electric lighting, rather than natural light.
- 4.3.3 It is therefore often relevant and necessary to conduct assessments of the surrounding properties with their balconies or other obstructions omitted, so that the impact upon the potential for good daylight and sunlight can be fully understood.

¹ Monmouth House, Islington (Ref.: D&P/3698/02)

² Whitechapel Estate (Ref: APP/E5900/W/17/3171437)

³ 8 Albert Embankment (Ref: APP/N5660/V/20/3254203 & APP/N5660/V/20/3257106)

⁴ Graphite Square (App/N5660/W/18/3211223)

5 Sources of Information & Assumptions

- 5.1.1 A measured survey and architectural drawings 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 sources of information used in this assessment is as follows: -

5.2 Midland Survey Ltd

Measured survey

40071-R1.dwg Received 06/07/2022

5.3 LBF Architects

2D drawings of the proposed scheme

B003-EXISTING PLANS.dwg B004-EXISTING PLANS.dwg B005-EXISTING PLANS.dwg B006-EXISTING ELEVATIONS & SECTION.dwg B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION.dwg Received 14/09/2022

5.4 Promap

Promap-2098400-2201300-720-0.dwg

6 The Site and Proposal

6.1.1 The site is located at 34 Kilburn High Road, London, NW6 5UA and currently contains a former bed and breakfast hotel. The proposal is to provide a new JD Wetherspoon public house and restaurant, including a single-storey extension at first-floor level.

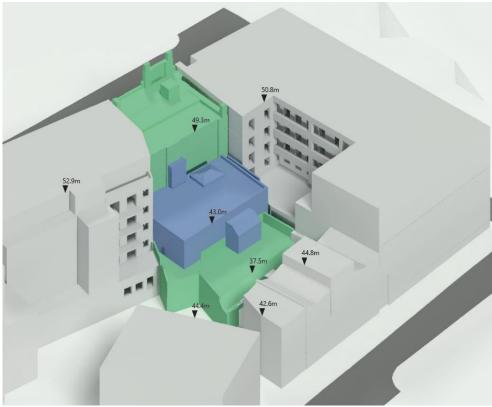


Image 1 - 3D view of the proposed development and context

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.
- 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: -
 - 1. 34a-36 Kilburn High Road
 - 3. 8 Springfield Lane
 - 5. 12 Springfield Lane
 - 7. 24-30 Kilburn High Street
- 2. 6 Springfield Lane
- 4. 10 Springfield Lane
- 6. 14-18 Springfield Lane



Image 2 - Map showing site location and neighbouring residential properties

34a-36 (Even) Kilburn High Road



Image 3 - Aerial view of 34a-36 Kilburn High Road

- 7.1.3 This is a five-storey, mixed-use building located directly adjacent to the development site, containing ground floor commercial units with residential units above. For the purposes of our assessments, we have considered the residential units only. It has windows in its rear southeast and southwest-facing elevations which have an oblique view of the proposal.
- 7.1.4 We have modelled this building using planning documents obtained through the local planning portal (REF: 2006/3489/P).

Daylight

- 7.1.5 The results of the VSC assessment have shown that 43 (96%) of the 45 habitable windows assessed will remain largely unaffected and will retain good levels of daylight with the proposal in place, in line with BRE targets (i.e. above 27% VSC or 0.8 times the former value). Two first-floor LKD windows (W1/W4) will retain 0.71 and 0.73 times their former values respectively, clearly very close to the 0.8 target and should be considered acceptable given that the BRE guidance is meant to be interpreted flexibly.
- 7.1.6 The further NSL assessment has shown that all habitable rooms will retain good levels of daylight distribution in line with BRE targets and will remain largely unaffected by the proposal.

Sunlight

7.1.7 The results of the APSH assessment have shown that all habitable rooms will retain good levels of both annual and winter sunlight with the proposal in place, in line with BRE targets (25% APSH/5% WPSH).

6-12 (Even) Springfield Lane



Image 4 - Aerial view of 6-12 Springfield Lane

- 7.1.8 This is a row of four, four-storey (including basement) residential properties located to the north of the development site. Each has windows in its rear, southwest-facing elevation which have a direct view of the proposal.
- 7.1.9 We have modelled these properties using a combination of estate agent floorplans, planning documents and assumed layouts (for areas where no information was available). The BRE guidance suggests that NSL results should not be used where layouts are unknown.

Daylight

- 7.1.10 The results of the VSC assessment have shown that all habitable windows across this row will remain largely unaffected and will retain good levels of daylight with the proposal in place, in line with BRE targets (i.e. above 27% VSC or 0.8 times the former value).
- 7.1.11 The further NSL assessment (where relevant) has shown that all habitable rooms will remain largely unaffected and will retain good levels of daylight distribution with the proposal in place, in line with BRE targets.

Sunlight

7.1.12 The results of the APSH assessment have shown that all habitable rooms will retain good levels of both annual and winter sunlight with the proposal in place, in line with BRE targets (25% APSH/5% WPSH).

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14-18 (Even) Springfield Lane



Image 5 - Aerial view of 14-18 Springfield Lane

- 7.1.13 This is a four-storey residential block located to the east of the development site. It has windows in its northwest-facing elevation, some of which have a direct view of the proposal.
- 7.1.14 We have modelled this building using planning documents obtained through the local planning portal (REF: 2003/1590/P).

Daylight

- 7.1.15 The results of the VSC assessment have shown that all habitable windows assessed will remain unaffected by the proposal and will retain good levels of daylight, in line with BRE targets (i.e. above 27% VSC or 0.8 times the former value).
- 7.1.16 The further NSL assessment has shown that all habitable rooms will retain good levels of daylight distribution in line with BRE targets and will remain unaffected by the proposal.

Sunlight

7.1.1 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.

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24-30 (Even) Kilburn High Road



Image 6 - Aerial view of 24-30 Kilburn High Road

- 7.1.2 This is a six-storey, mixed-used building located directly adjacent to the development site, containing ground floor commercial units with residential units above. For the purposes of our assessments, we have considered the residential units only. It has windows in its rear, northeast-facing elevation which have an oblique view of the proposal.
- 7.1.3 We have modelled this building using planning documents obtained through the local planning portal (REF: 2005/0291/P).

Daylight

- 7.1.4 The results of the VSC assessment have shown that 11 (92%) of the 12 habitable windows assessed will retain good levels of daylight with the proposal in place, in line with BRE targets (i.e. above 27% VSC or 0.8 times the former value). One first-floor bedroom window (W2) will retain a VSC of 22.2% and 0.75 times its former value which is clearly very close to the 0.8 target and should be considered acceptable when interpreting the BRE guidance flexibly.
- 7.1.5 The further NSL assessment has shown that all habitable rooms will remain largely unaffected and will retain good levels of daylight distribution with the proposal in place, in line with BRE targets.

Sunlight

7.1.6 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.

7.2 Overshadowing to neighbouring amenity

Sunlight Amenity Assessment (2-hour sun on ground)

- 7.2.1 We have assessed the scheme's potential effect on overshadowing using the twohour sun on ground / sunlight amenity assessment. This has considered the following amenity areas and opens spaces: -
 - 6 Springfield Lane
 - 8 Springfield Lane
 - 10 Springfield Lane
- 7.2.2 The results of the analysis are shown on our drawings labelled 5446_R01_SA01 within Appendix 3.
- 7.2.3 The results of our assessment show that none (0%) of these gardens currently receive two hours of sun on 21st March. There is no change to these figures with the proposed development in place (i.e. they remain at 0%) and so the proposed development is compliant with the BRE guidance.

8 Conclusions

8.1.1 This practice has undertaken a detailed assessment of the potential daylight and sunlight effects of the proposed development at 34 Kilburn High Road, London NW6 5UA 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 and NSL (daylight) and APSH (sunlight) tests set out within the BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2022). 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.
- 8.2.2 The results of the VSC (daylight) test have shown that all but three neighbouring habitable windows will retain good levels of daylight with the proposal in place, in line with BRE targets. The three falling below do so only marginally with retained values between 0.71 and 0.75, clearly very close to the 0.8 target and should be acceptable given the BRE guidance advises flexibility.
- 8.2.3 The further NSL (daylight distribution) test has shown that all neighbouring habitable rooms will retain good levels of daylight distribution with the proposal in place, in line with BRE targets.
- 8.2.4 For sunlight, all neighbouring habitable rooms will retain good levels of both annual and winter sunlight with the proposal in place, in line with BRE targets.

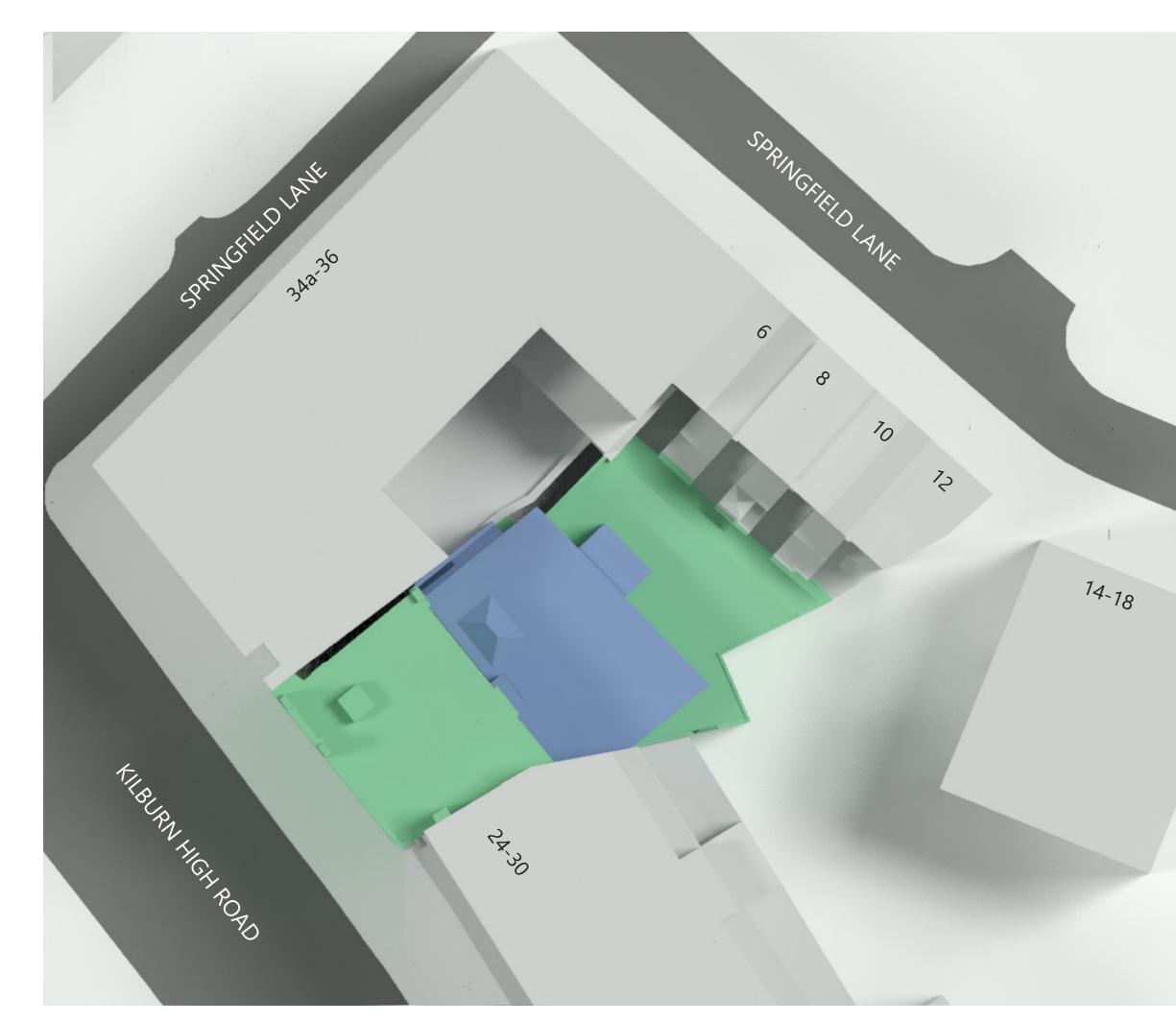
8.3 Overshadowing impact to neighbouring properties

8.3.1 The assessment of sunlight amenity (overshadowing) within the rear gardens of 6-10 (even) Springfield Lane has shown that all currently receive none (0%) sunlight on March 21st. This does not change following the proposed development, so the proposals are compliant with BRE guidance.





Drawings of the existing, proposed and surrounding buildings





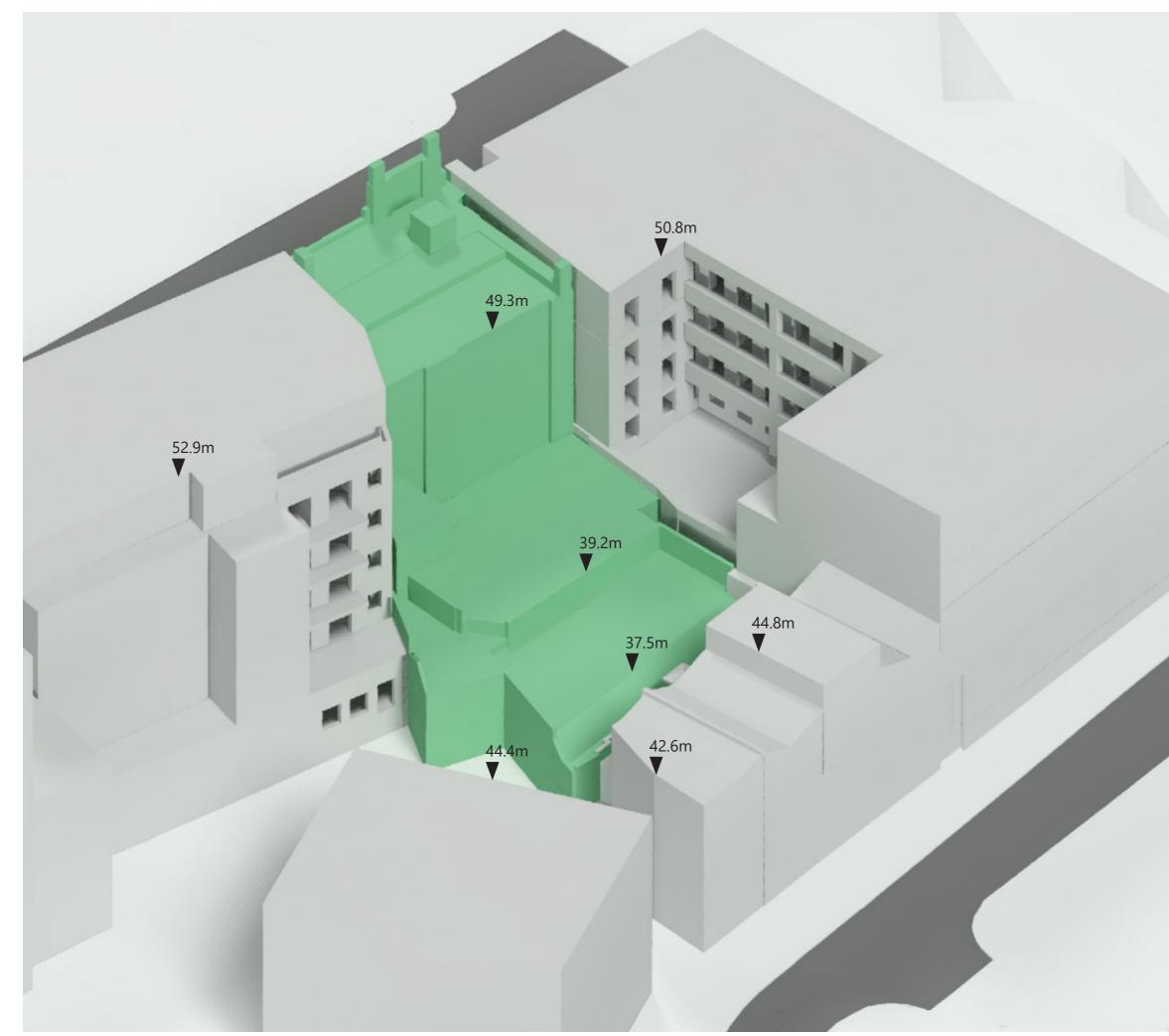
Sources of information

Midland Survey Ltd 40071-R1.dwg Received 06/07/2022

LBF Architects B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION. dwg Received 14/09/2022



Кеу	Existing B	Building	
	Surround	ing Contex	t
	Proposed	l Developm	ient
Project	34 Kilburn Hig London NW6 5UA	h Road	
Title	Existing Condi Plan View	tion	
Drawn	AP	Checked	
Date	15/09/2022	Project	5446
Rel no. 01	Prefix DS01	Page no.	01

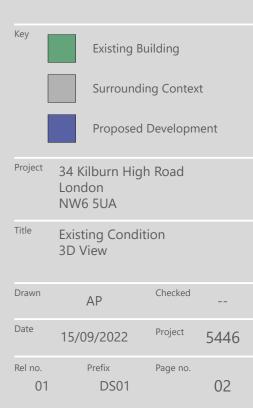


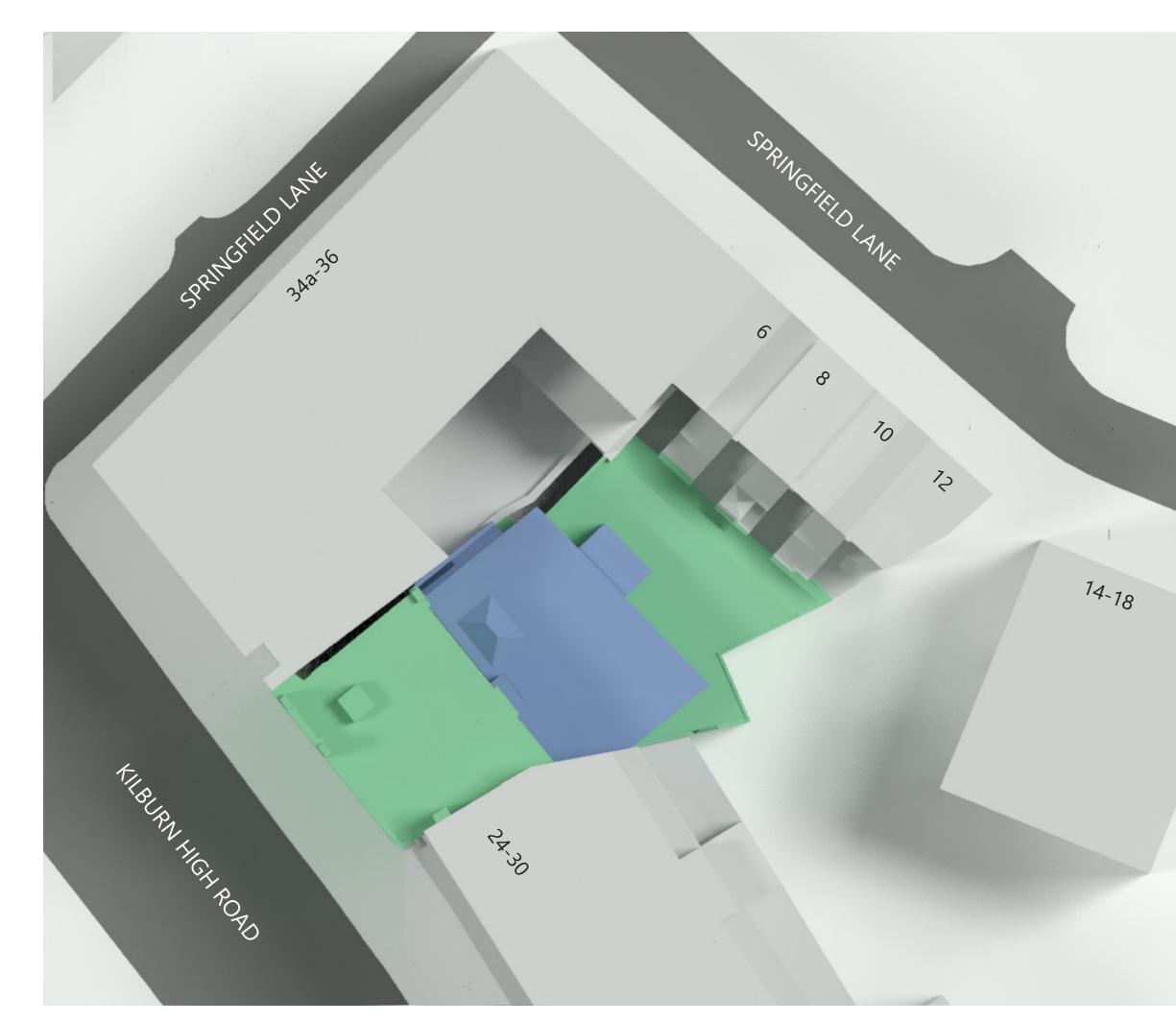


Sources of information

Midland Survey Ltd 40071-R1.dwg Received 06/07/2022

LBF Architects B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION. dwg Received 14/09/2022







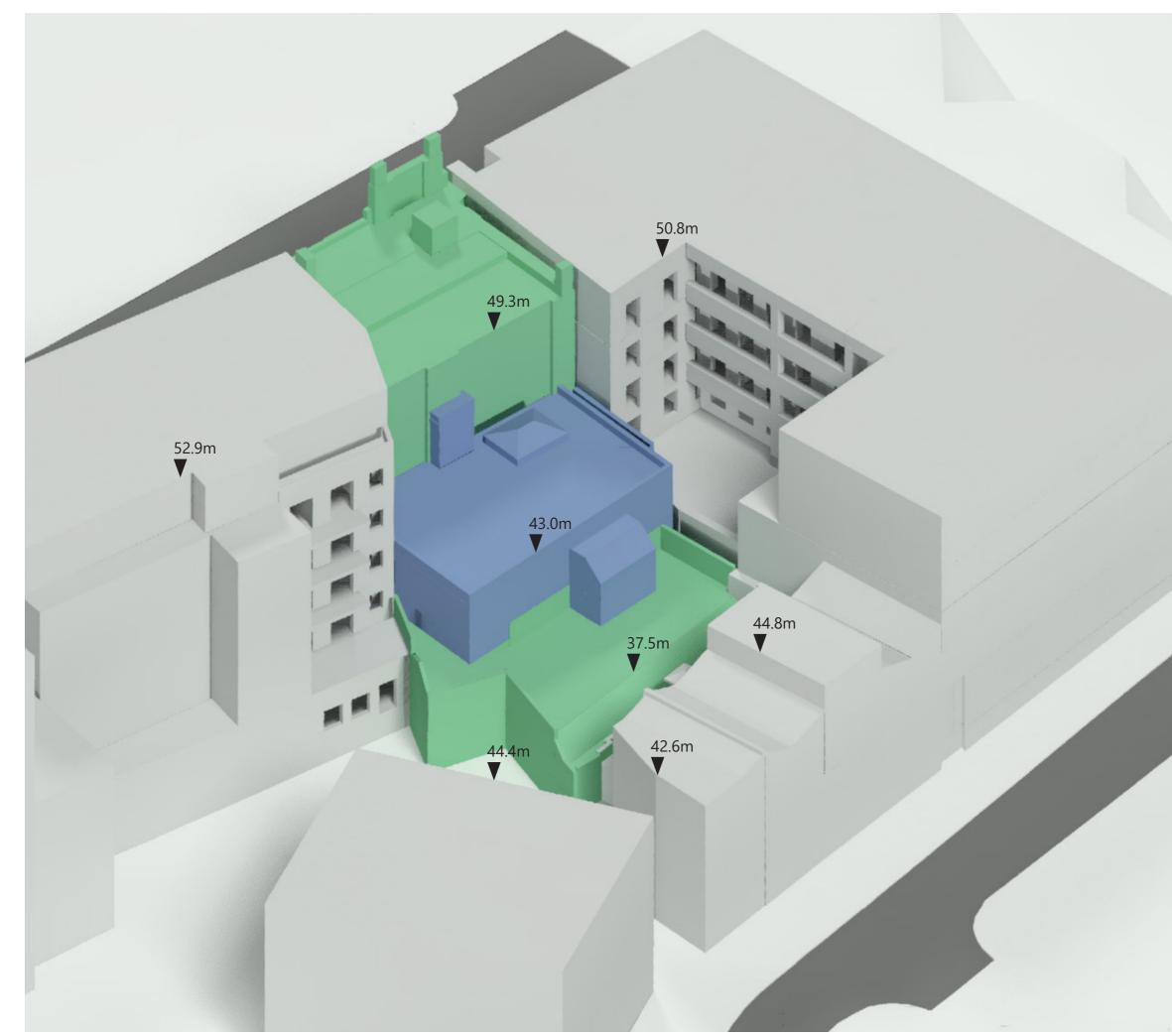
Sources of information

Midland Survey Ltd 40071-R1.dwg Received 06/07/2022

LBF Architects B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION. dwg Received 14/09/2022



Кеу	Existing	Existing Building								
	Surround	Surrounding Context								
	Propose	d Developm	nent							
Project	34 Kilburn Hig London NW6 5UA	gh Road								
Title	Proposed Dev Plan View	velopment								
Drawn	AP	Checked								
Date	15/09/2022	Project	5446							
Rel no. 01	Prefix DS01	Page no.	03							

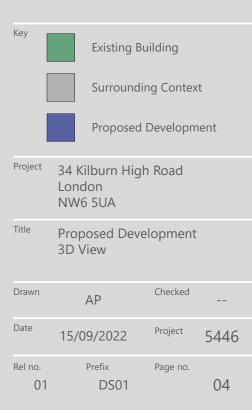




Sources of information

Midland Survey Ltd 40071-R1.dwg Received 06/07/2022

LBF Architects B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION. dwg Received 14/09/2022





Appendix 2

Results of the daylight and sunlight assessments within neighbouring properties

				Vertical	Sky Compone	ent (VSC)			No-Sky Line (N	5L)			Annual Proba	ble Sunlight	Hours (APSH	I) by Room	
Address	Room	Windov	v Room use	Existing	Proposed	Proportion	Existi	ng NSL		ed NSL	Proportion	Existin	ig APSH		ed APSH	Reta	ined
34a-36 Ki	ilburn Hig	h Road		VSC	VSC	Retained	m²	%	m²	%	Retained	Total	Winter	Total	Winter	Total	Winter
First	R1	W1	LKD	19.0	13.5	0.71	7.2	50%	7.2	50%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
First	R2	W2	Bedroom	14.7	13.2	0.89	6.4	63%	6.4	63%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
First	R3	W3	Bedroom	4.6	3.8	0.83	5.9	40%	5.8	39%	0.99	N/F	N/F	N/F	N/F	N/F	N/F
First	R4	W4	LKD	8.9	6.5	0.73	12.5	80%	11.1	71%	0.88	19	5	15	2	0.79	0.40
First	R5	W5 W6	LKD	9.6 9.2	7.7 8.0	0.81 0.88	17.9	96%	17.7	96%	0.99	22	8	20	6	0.91	0.75
First	R6	W7	Bedroom	8.7	8.2	0.95	7.0	71%	7.0	71%	1.00	15	7	14	6	0.93	0.86
First	R7	W8	Bedroom	6.5	6.5	1.00	5.5	63%	5.5	63%	1.00	11	7	11	7	1.00	1.00
First	R8	W9	LKD	10.6	10.6	1.00	8.7	36%	8.7	36%	1.00	33	9	33	9	1.00	1.00
First	R9	W10 W11	Bedroom	13.3 13.3	13.3 13.3	1.00 1.00	0.0	0%	0.0	0%	0.00	36	10	36	10	1.00	1.00
First	R10	W12	LKD	15.5	15.5	1.00	5.4	29%	5.4	29%	1.00	37	9	37	9	1.00	1.00
Second	R1	W1-L W1-U	LKD	22.4	21.3	0.95	8.3	57%	8.3	57%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Second	R2	W2-L W2-U	Bedroom	17.1	16.8	0.98	7.1	70%	7.1	70%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Second	R3	W3-L W3-U	Bedroom	7.2	7.1	0.98	6.3	43%	6.3	43%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Second	R4	W4-L W4-U	LKD	13.4	13.0	0.97	14.1	86%	14.1	86%	1.00	27	5	27	5	1.00	1.00
Second	R5	W5-L W5-U	LKD	15.2	14.8	0.98											
		W6-L W6-U		14.4	14.2	0.99	19.2	98%	19.2	98%	1.00	34	10	34	10	1.00	1.00
Second	R6	W7-L W7-U	Bedroom	14.6	14.6	1.00	9.0	84%	9.0	84%	1.00	29	9	29	9	1.00	1.00
Second	R7	W8-L W8-U	Bedroom	13.3	13.3	1.00	7.8	82%	7.8	82%	1.00	26	11	26	11	1.00	1.00
Second	R8	W9-L W9-U	LKD	12.9	12.9	1.00	10.5	44%	10.5	44%	1.00	37	11	37	11	1.00	1.00
Second	R9	W10-L W10-U	Bedroom	16.5	16.5	1.00	8.8	68%	8.8	68%	1.00	43	13	43	13	1.00	1.00
Second	R10	W11-L W11-U	LKD	19.3	19.3	1.00	6.6	35%	6.6	35%	1.00	46	13	46	13	1.00	1.00
Third	R1	W1-L W1-U	LKD	27.1	27.1	1.00	10.3	71%	10.3	71%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Third	R2	W2-L W2-U	Bedroom	20.3	20.3	1.00	7.4	73%	7.4	73%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Third	R3	W3-L W3-U	Bedroom	8.7	8.7	1.00	7.6	51%	7.6	51%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Third	R4	W4-L W4-U	LKD	15.3	15.3	1.00	13.7	88%	13.7	88%	1.00	29	5	29	5	1.00	1.00
Third	R5	W5-L W5-U	LKD	17.9	17.9	1.00											
		W6-L W6-U		16.6	16.6	1.00	18.2	98%	18.2	98%	1.00	34	10	34	10	1.00	1.00
Third	R6	W7-L W7-U	Bedroom	17.5	17.5	1.00	8.1	82%	8.1	82%	1.00	33	10	33	10	1.00	1.00
Third	R7	W8-L W8-U	LKD	17.6	17.6	1.00											
		W9-L W9-U		11.6	11.6	1.00	23.2	89%	23.2	89%	1.00	34	17	34	17	1.00	1.00
Third	R8	W10-L W10-U	Bedroom	17.7	17.7	1.00	9.1	95%	9.1	95%	1.00	48	19	48	19	1.00	1.00
Third	R9	W11-L W11-U	Bedroom	23.0	23.0	1.00	9.3	98%	9.3	98%	1.00	52	18	52	18	1.00	1.00
Fourth	R1	W1-L W1-U	LKD	33.1	33.1	1.00	14.3	98%	14.3	98%	1.00	N/F	N/F	N/F	N/F	N/F	N/F

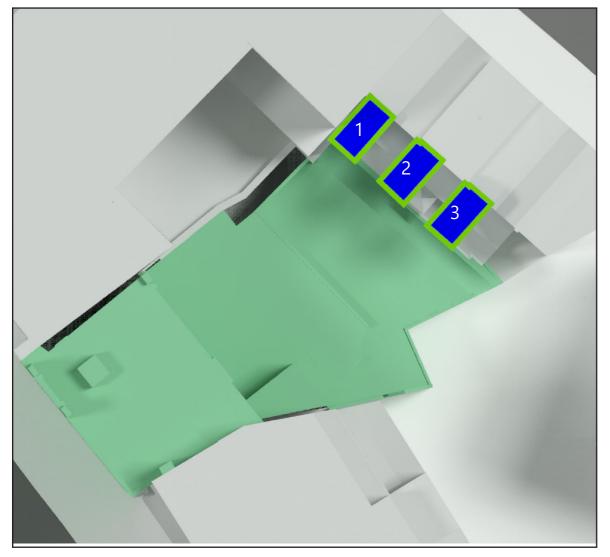
				Vertical	l Sky Compone	nt (VSC)			No-Sky Line (NSL)			Annual Proba	ble Sunlight	ht Hours (APSH) by Room			
Address	Room	n Windov	v Room use	Existing VSC	Proposed VSC	Proportion Retained	Existi m ²	ng NSL %	Propos m ²	ed NSL %	Proportion Retained	Existir Total	ng APSH Winter	Propose Total	ed APSH Winter	Retai Total	ined Winter
Fourth	R2	W2-L	Bedroom	25.2	25.2	1.00	m	78	m	76	Retailled	Total	winter	Total	winter	TOTAL	white
Tourai	112	W2-U	bearbonn	23.2	23.2	1.00	9.2	91%	9.2	91%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Fourth	R3	W3-L W3-U	Bedroom	10.6	10.6	1.00	10.5	71%	10.5	71%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Fourth	R4	W4-L W4-U	LKD	18.7	18.7	1.00	14.7	95%	14.7	95%	1.00	36	6	36	6	1.00	1.00
Fourth	R5	W5-L	LKD	22.8	22.8	1.00											
		W5-U W6-L W6-U		20.7	20.7	1.00	18.4	99%	18.4	99%	1.00	51	18	51	18	1.00	1.00
Fourth	R6	W7-L W7-U	Bedroom	21.4	21.4	1.00	9.1	93%	9.1	93%	1.00	39	11	39	11	1.00	1.00
Fourth	R7	W8-L	LKD	22.6	22.6	1.00											
		W8-U W9-L W9-U		15.0	15.0	1.00	24.1	93%	24.1	93%	1.00	48	21	48	21	1.00	1.00
Fourth	R8	W10-L W10-U	Bedroom	22.7	22.7	1.00	9.1	95%	9.1	95%	1.00	54	22	54	22	1.00	1.00
Fourth	R9	W11-L W11-U	Bedroom	30.3	30.3	1.00	9.3	98%	9.3	98%	1.00	61	22	61	22	1.00	1.00
6 Springfie	ld Lane																
Basement	R1	W1	Bedroom	2.9	2.9	1.00	3.4	29%	3.1	26%	0.91	4	0	4	0	1.00	0.00
Basement	R3	W3 W4	Kitchen	0.5 0.4	0.5 0.4	1.00 1.00	0.0	0%	0.0	0%	0.00	N/F	N/F	N/F	N/F	N/F	N/F
Ground	R1	W1	Living Room	5.9	5.8	0.98	5.4	43%	5.4	43%	1.00	10	0	10	0	1.00	0.00
Ground	R3	W3	Kitchen	1.6	1.6	1.00	0.1	1%	0.1	1%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
First	R1	W1-L W1-U	Residential	13.3	13.3	1.00	7.2	66%	7.2	66%	1.00	31	2	31	2	1.00	1.00
First	R2	W2 W3	Residential	17.2 17.9	17.2 17.9	1.00 1.00	4.0	85%	4.0	85%	1.00	43	9	43	9	1.00	1.00
Second	R1	W1-L W1-U	Residential	19.2	19.2	1.00	8.3	77%	8.3	77%	1.00	47	13	47	13	1.00	1.00
8 Springfie	ld Lane																
First	R1	W1	Residential	18.3	18.3	1.00	9.1	83%	9.1	83%	1.00	36	2	36	2	1.00	1.00
First	R2	W2 W3	Residential	0.1 14.0	0.1 14.0	1.00 1.00	3.1	65%	3.1	65%	1.00	39	8	39	8	1.00	1.00
Second	R1	W1-L W1-U	Bedroom	24.6	24.6	1.00	7.6	97%	7.6	97%	1.00	56	14	56	14	1.00	1.00
Third	R1	W1-L W1-U	Bedroom	27.9	27.9	1.00	6.0	72%	6.0	72%	1.00	60	17	60	17	1.00	1.00
10 Springfi	eld Lane	•															
Basement	R1	W1	Bedroom	5.2	5.2	1.00	1.3	23%	1.2	20%	0.90	6	0	6	0	1.00	0.00
Basement	R2	W2 W3-L W3-U	Bedroom	2.8 2.0	2.8 2.0	1.00 1.00	1.9	18%	1.9	18%	1.00	N/F	N/F	N/F	N/F	N/F	N/F
Ground	R1	W3-0 W1-L W1-U	Bedroom	8.4	8.4	0.99		45%	3.6	45%		12	0	12		1.00	0.00
Ground	R2	W1-0	Kitchen	6.6	6.6	0.99	3.6 1.3	45%	3.6 1.3	45%	1.00	N/F	N/F	N/F	0 N/F	1.00 N/F	0.00 N/F
First	R1	W1	Residential	19.8	19.8	1.00	7.7	77%	7.7	77%	1.00	38	2	38	2	1.00	1.00
First	R2	W2	Residential	20.8	20.8	1.00	2.8	61%	2.8	61%	1.00	45	6	45	6	1.00	1.00
Second	R1	W1-L	Residential	25.4	25.4	1.00											
12 Springfi	eld Lane	W1-U					8.2	83%	8.2	83%	1.00	57	14	57	14	1.00	1.00
Ground	R1	W1	Test	32.4	32.4	1.00	5.2	75%	5.2	75%	1.00	53	11	53	11	1.00	1.00
First	R1	W1-L W1-U	Residential	14.9	14.8	1.00	4.5	33%	4.5	33%	1.00	34	3	34	3	1.00	1.00

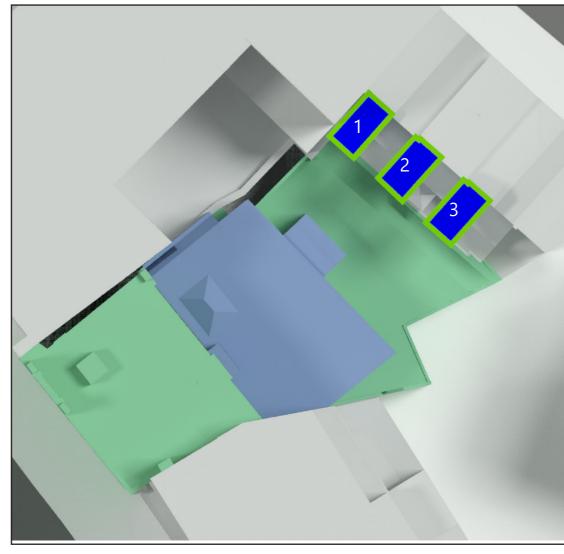
				Vertical	Vertical Sky Component (VSC) No-Sky Line (NSL)							Annual Probable Sunlight Hours (APSH) by Room							
Address	Room	Window	v Room use	Existing	Proposed	Proportion		ng NSL	Propos		Proportion	Existing		Propose		Reta			
Second	R1	W1	Kitchen	22.0	VSC 22.0	Retained 1.00	m ² 10.5	% 86%	m ² 10.5	% 86%	Retained 1.00	Total 47	Winter 6	Total 47	Winter 6	Total 1.00	Winter 1.00		
Third	R1	W1-L W1-U	Residential	25.5	25.5	1.00	8.6	94%	8.6	94%	1.00	57	13	57	13	1.00	1.00		
14-18 Spri	ngfield Li	ane																	
Ground	R2	W2	Bedroom	17.7	17.7	1.00	7.9	59%	7.9	59%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
First	R1	W1	Living Room	23.0	23.0	1.00	17.5	86%	17.5	86%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
First	R2	W2	Bedroom	23.8	23.8	1.00	11.7	88%	11.7	88%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
First	R4	W4	Bedroom	22.2	22.2	1.00	9.7	73%	9.7	73%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R1	W1	Living Room	26.5	26.5	1.00	20.3	100%	20.3	100%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R2	W2	Bedroom	27.6	27.6	1.00	12.7	95%	12.7	95%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R4	W4	Bedroom	28.5	28.5	1.00	12.5	94%	12.5	94%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R1	W1	Living Room	29.9	29.9	1.00	20.3	100%	20.3	100%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R2	W2	Bedroom	31.1	31.1	1.00	12.9	97%	12.9	97%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R4	W4	Bedroom	32.7	32.7	1.00	12.8	96%	12.8	96%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
24-30 Kilb	urn High	Road																	
First	R1	W1-L W1-U	Bedroom	21.3	18.6	0.87	15.0	98%	14.6	95%	0.97	N/F	N/F	N/F	N/F	N/F	N/F		
First	R2	W2	Bedroom	30.0	22.4	0.75	13.7	95%	13.7	95%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
First	R3	W3-L W3-U	Bedroom	15.4	15.1	0.98	16.1	99%	16.1	99%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R1	W1-L W1-U	Bedroom	24.6	24.4	0.99	15.1	98%	15.1	98%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R2	W2	Bedroom	33.6	32.2	0.96	13.8	95%	13.8	95%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Second	R3	W3-L W3-U	Bedroom	18.1	18.1	1.00	16.2	99%	16.2	99%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R1	W1-L W1-U	Bedroom	26.9	26.9	1.00	15.1	98%	15.1	98%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R2	W2	Bedroom	36.1	36.1	1.00	13.8	95%	13.8	95%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Third	R3	W3-L W3-U	Bedroom	20.0	20.0	1.00	16.2	99%	16.2	99%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Fourth	R1	W1-L W1-U	Bedroom	37.9	37.9	1.00	15.2	99%	15.2	99%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Fourth	R2	W2	Bedroom	38.8	38.8	1.00	13.8	96%	13.8	96%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		
Fourth	R3	W3-L W3-U	Bedroom	31.7	31.7	1.00	16.2	99%	16.2	99%	1.00	N/F	N/F	N/F	N/F	N/F	N/F		



Appendix 3

Results of the daylight and sunlight assessments within the proposed dwellings





Existing Scenario - March 21st

Proposed Scenario - March 21st

Area	Total Area (sq.m)	Area recie	Scenario ving more ours of sun	Area recie	Scenario eving more ours of sun	Proportion Retained
		(m²)	%	(m²)	%	
1 - 6 Springfield Lane	9.09	0.00	0	0.00	0	1.0
2 - 8 Springfield Lane	8.62	0.00	0	0.00	0	1.0
3 - 10 Springfield Lane	9.01	0.00	0	0.00	0	1.0

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Sources of information

Midland Survey Ltd 40071-R1.dwg Received 06/07/2022

LBF Architects B007-PROPOSED PLANS.dwg B008-PROPOSED PLANS.dwg B009-PROPOSED PLANS.dwg B010-PROPOSED ELEVATIONS & SECTION. dwg Received 14/09/2022

EB7 Ltd Ordnance Survey



Key:



Existing building



Proposed development

Area of assessment



Area receiving more than two hours of sun on March 21st

Area receiving less than two hours of sun on March 21st

Project 34 Kilburn High Road London NW6 5UA

Title Sunlight Amenity Study Existing vs Proposed 21st March

Drawn Checked AP Date Project 15/09/2022 5446 Rel no. Page no. Prefix 01 SA01 01

eb7 Ltd 4th Floor Holborn Towe 137-144 High Holborn London WC1V 601