

**Right of Light Consulting**

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London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

29 November 2022

Dear Sirs,

**Application Reference No. 2021/2954/P**

**Proposed Development at Selkirk House, 166 High Holborn and 1 Museum Street, 10-12 Museum Street, 35-41 New Oxford Street and 16A-18 West Central Street, London WC1A 1JR**

**Impact on Flat 1, 3 and 5 at The Old Fire Station, 14 West Central Street, London WC1A 1JH**

We are appointed on behalf of a number of local residents, following concerns that the proposed redevelopment of Selkirk House, 166 High Holborn and 1 Museum Street following the substantial demolition of the existing NCP car park and former Travelodge Hotel with the revisions of a reduction in height of proposed tower by two storeys, widening of the floor plates of the proposed tower, changes to elevations and entrances, change of Vine Lane block from co-working to residential, increase in affordable housing to 51% of residential uplift will impact upon the daylight and sunlight receivable by their properties.

Below is an image showing the windows affected at our clients' properties. The window circled in red are the only living room/kitchen windows in these properties, and the windows circled in blue are the only windows serving bedrooms.



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The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight 2022, 3<sup>rd</sup> Edition 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 and 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 understand that the applicant has instructed GIA Surveyors to undertake a daylight and sunlight study. The results of which indicate a reduction of light to a number of windows and rooms which amount to non compliance with the BRE guidelines.

In relation to Flat 5 on the third floor, we note that GIA have stated they have given no weight to the impact to these windows, given the property offers short term lets. However, we consider this approach to be incorrect. The flat is still residential in use and could at any point in the future be returned to a permanent place of residence. Additionally, the variable length of short term lets means that occupants could be in situ for weeks or even months at a time. The property should therefore still be offered protection for the daylight and sunlight it receives.

In terms of the impact to our client's property, the results show that the living room/kitchen window at Flat 1 would suffer a VSC ratio reduction of 40.4%, retaining a value of 7.5%. The bedroom window at Flat 1 would lose 58% of its existing VSC, retaining a value of 6.6%. We consider this to be a significant loss of daylight to these windows. The no skyline results show that both the living room/kitchen and bedroom would fall short of the BRE daylight distribution recommendations, retaining skyline visibility values of 37.2% and 58.4% respectively. The overall loss of daylight visibility in these rooms would be noticeable to the occupants and therefore, the use and enjoyment of these rooms is likely to be affected. The living room window at Flat 1 would also lose nearly half of its existing annual sunlight and would lose all of its winter sunlight.

At Flat 3, the living room/kitchen window would suffer a VSC ratio loss of 29.6% and the bedroom window would lose 46.3% of its existing VSC. These windows retain values of 10% and 9% respectively. As with the impact to Flat 1, we consider this to be a significant loss of daylight to these windows. The no skyline results demonstrate that both rooms would also fall short of the daylight distribution test, resulting in a noticeable reduction in daylight to the occupants. The windows would also suffer a significant reduction in the annual and winter sunlight hours.

With regards to Flat 5, the living room/kitchen window would pass the BRE VSC recommendations by only a small margin. The bedroom window however would lose 21.4% of its existing VSC, retaining a value of 15.8%. The bedroom at Flat 5 would breach the daylight distribution test and the living room/kitchen window would breach the test for sunlight. Whilst the impact is less significant compared with Flats 1 and 3, we consider the impact to this property to be a material planning consideration for the reasons outlined above.

From a review of the applicant's daylight and sunlight report, we note that position of the side elevation windows close to the common boundary has been used as a mitigating factor in the significant loss of light. The BRE Guide does make allowances setting alternative targets

where a window is close to the common boundary to consider whether it is the proximity of the window that causes an issue, or if it the unreasonable scale of the development.

The methodology for setting new targets is set out in Appendix F of the guide. The alternative Vertical Sky Component targets are derived by calculating the level of light that the window would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary. We note that GIA have not presented the mirror image targets to demonstrate that the windows location close to the common boundary is the issue. F6 states however that the 'mirror-image' approach needs to be applied sensibly and flexibly. Given the proximity of the windows to the boundary, it does appear that this is the sensible approach as the alternative targets would be unreasonably low. F6 also states that that where there is a long established dwelling with windows close to a common boundary, it would be inappropriate to block them up and remove all or nearly all their light. Given the historic use of our clients property as a fire station, we consider that it would be inappropriate to block the light to the windows as currently proposed, and the level of loss is unjustifiable on the basis of the location of the windows in relation to the common boundary.

The projecting wing of the neighbouring property at 7 Grape Street has also been used to justify the significant loss of light to the windows at our clients' properties. However, it has not been demonstrated that the VSC in respect of these windows would pass, or even improve, with the wing removed. We therefore request that VSC test be reapplied to the windows at our clients' properties with the impact of the projecting wing removed to determine whether the presence of the wing is the issue, or whether it is the unreasonable scale of the proposed development.

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 clients are disappointed that they have been obliged to respond negatively to the application but feel compelled to oppose a development which they consider will have such an oppressive and overbearing impact on the way they enjoy their property.

If our clients are 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

Alice Cook BA (Hons)  
Right of Light Surveyor



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