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HAVANT BOROUGH COUNCIL
11 JAN 2010
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Michael Peagram FRICS

Lighting issues 52 Havant Road, Emsworth

Sunlight, Daylight and Shadow issues

Report Dated
23/23/2009

RICS

B.Sc. (Hons) Est. Man., F.R.I.C.S.

Proposed Studio and Garage at 52 Havant Road, Emsworth

1. Instructions

1.1. You have asked me to assess whether the construction of a two storey garage and studio on a site at 52 Havant Road, Emsworth PO10 7JG would be likely to cause an unacceptable impact on neighbouring properties by reason of an unacceptable loss of sunlight or daylight or cause excessive over-shadowing.

2. Professional Qualifications

2.1. I am a Fellow of the Royal Institution of Chartered Surveyors and Honours Graduate in Estate Management. I have thirty five years professional experience. I am recognised by the RICS as providing expert advice on Right to Light issues.

3. The Proposed Development

3.1. This report was based on a series of plans prepared by John Groom Chartered Architect drawing numbers 08/217/1 – 5 dated 1st December 2009 together with a tree survey prepared by Mr Kim Gifford dated 16th November 2009. I visited the site on 25th February 2009 and on 28th April 2009.

3.2. It was noted that the property likely to be most significantly affected by the proposed development was 7 Kingsey Avenue, Emsworth.

3.3. It was noted that the location of the south-eastern corner of the proposed building was at

Latitude	50.8473N
Longitude	00.9467W
North angle	358.4N

4. The Investigation

4.1. I was asked to investigate whether the proposed development might be expected to give rise to any legal or planning issues when judged against known current guidance.

4.2. Legal issues arise where certain windows of long-standing have acquired a right to light sometimes called "Ancient Lights".

4.3. Planning issues relate to daylight, sunlight and over-shadowing.

5. Legal Issues - Prescription Act 1832 – Easement of Right to Light

5.1. It was observed that there were no windows in the western elevation of that property and therefore no question of the acquisition of an easement of Right to Light which might be

affected by the proposed development.



5.2. I find that there is no issue relating to any possible interference with an acquired easement of right to light.

6. Planning Issues - Daylight

6.1. Despite the fact that there is no infringement of a right to light, there is a recognition that good planning endeavours to protect the amenity of parties affected by development. In "Site layout planning for daylight and sunlight: a guide to good practice" by P. J. Littlefair (hereafter called "Littlefair") published by the Building Research Establishment in 1991 it states that:

"the main aim is to help to ensure good conditions in the local environment, considered broadly, with enough sunlight and daylight on or between buildings for good interior and exterior conditions"

6.2. The guiding standards are set down in BS 8206-2:2008 which came into effect on 30th September 2008. It deals extensively with internal and external lighting as well as sunlight and daylighting to exterior areas but draws heavily on the guidance in Littlefair.

6.3. In particular para 8.2.3 states:

> **8.2.3 Overshadowing of an open space by a proposed development**
>
> The overshadowing of an open space by a proposed development could seriously limit the usefulness of the space for external activities in fine weather, or lead to the persistence of frost and snow in winter and the creation of areas unsuited to the growth of plants. Examination of the duration and extent of site shadowing is therefore recommended at the planning stage. Guidance on this issue is given in the BRE Report *Site layout planning for daylight and sunlight: a guide to good practice* [4].

6.4. Littlefair states in para 2.3 that "from a daylighting standpoint it is possible to reduce the quality of adjoining land by building too close to the boundary."

6.5. As a first check he advocates the measurement of the angle at a point 2m above the boundary to the highest point of the proposed building. He states that if that if this angle is less than 43 degrees then there will normally still be potential for good daylighting on the adjoining development site.

6.6. My calculations show that the proposed new garage and studio creates an angle below 28 degrees and is, therefore, judged to be likely to allow adequate daylighting.

7. Planning Issues - Sunlight and over-shadowing

7.1. Littlefair suggests in Section 3.3 that it is a good test for the acceptability or otherwise of a new adjoining development on sunlight in these terms:

"for it to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21st March"

7.2. The shadow projection predicted for 21st March at 17.04pm for the proposed building demonstrates that only the most minor shadow is projected into the garden of 7 Kingsey Avenue occurs at that time after which the altitude of the sun falls below 10 degrees, the point at which Littlefair advocates that it does not count.

8. Additional Controls or Guidance - Local Planning Guidance

8.1. Many local authorities rely on Littlefair and BS 8206:2-2008 although some produce their own guidance about acceptable adjoining development and the impact on neighbouring property.

8.2. Havant Borough Council's emerging Core Strategy DM35 would appear to be relevant:

DM35 Residential Amenity

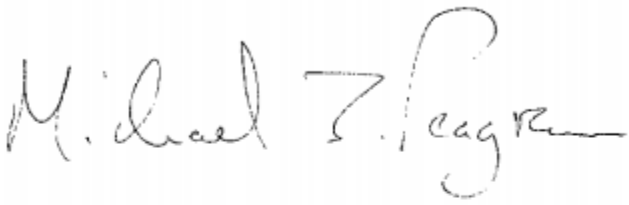
Development will only be permitted if it can be demonstrated that:

1. It provides for the protection of the privacy and amenity of existing neighbouring occupiers and the occupants of the proposed development.
2. All residents have the use of private amenity space appropriate to the type of dwelling and its location.
10.117 Residential amenity is of significant importance and the design, scale and layout of new developments should ensure that the amenity and privacy of existing residents is protected by minimising overshadowing and overlooking. Occupiers of new developments can also expect a degree of privacy and amenity appropriate to the type and location of the development.
10.118 New residential development will be expected to incorporate private amenity space appropriate to the scale and location of the development. For most forms of residential development, sufficient space for sitting out and the drying of clothes should be incorporated.

8.3. I can find no aspect in terms of sunlight, daylight or over-shadowing in which this proposed development would appear to contravene any established method of measurement.

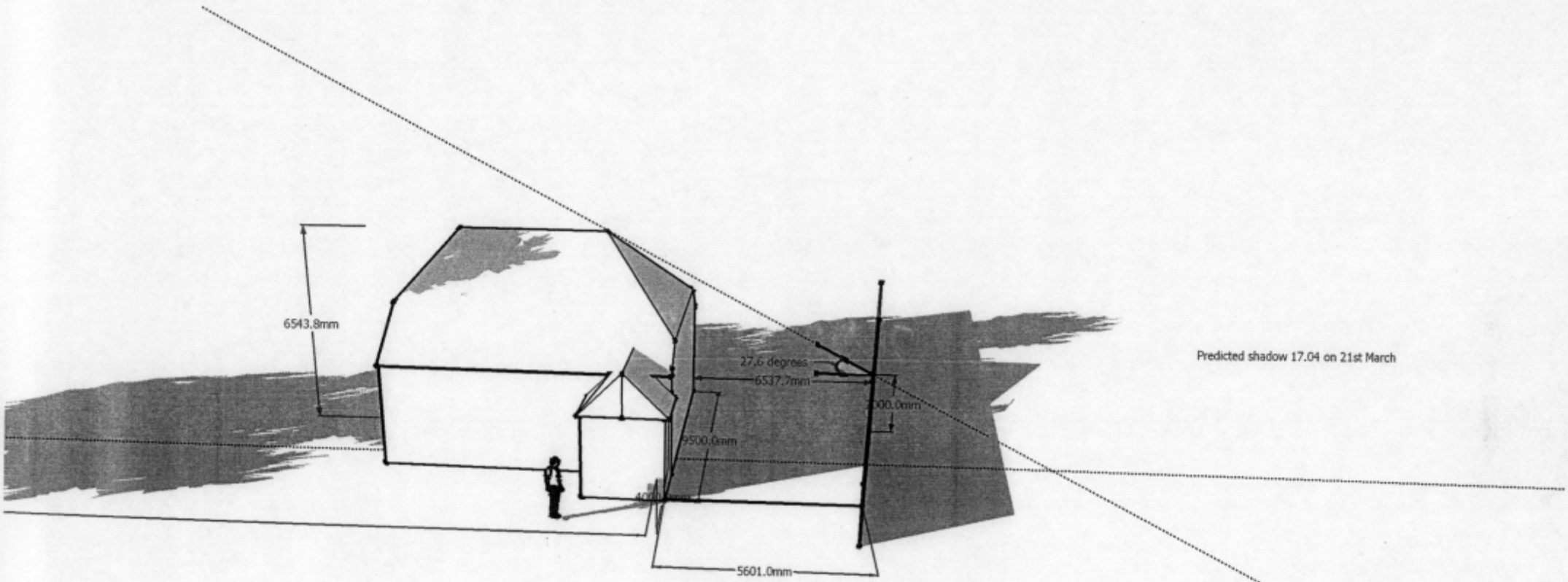
Use of this Report

This report is prepared for the benefit of Mr Jonathan Thomson and his architect, Mr John Groom in connection with the proposed development. It should not be used, please, in any other context without the express authority of Michael Peagram FRICS.



Michael J. Peagram FRICS BSc(Hons)Est.Man

Report Dated: 23rd December 2009


6543.8mm
27.6 degrees
6537.7mm
9500.0mm
5601.0mm
Predicted shadow 17.04 on 21st March

