

Right of Light Consulting

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Havant Borough Council
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PO9 2AX

05 September 2022

Dear Joseph Toole,

**Planning Application No. APP/22/00540
Proposed Extension at 62 Ferndale**

We have reviewed the numerical data listed in the revised Daylight & Sunlight Study undertaken by Herrington Consulting Ltd dated August 2022.

The results show that the proposed development fails to meet the guidance set out in the BRE daylight distribution test. The assessment methodology and results are expanded upon below.

Daylight to Windows

Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky. This is diffuse daylight.

Diffuse daylight calculations should be undertaken to all rooms within domestic properties, where daylight is required, including living rooms, kitchens and bedrooms. The BRE guide states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. These room types are non-habitable and do not have a requirement for daylight. The BRE guide states that both the total amount of skylight (Vertical Sky Component) and its distribution within the building (Daylight Distribution) are important.

Vertical Sky Component

The Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if, after a development, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

The BRE guide states that the total amount of skylight can be calculated by finding the Vertical Sky Component at the centre of each main window. The BRE guide does not define the term 'main window'. However, in our opinion, where a room has multiple windows, the largest window is usually taken as the main window and the smaller window(s) as secondary.

The Herrington's results show that the VSC level to the main window serving the utility room (W1, door) meets the BRE requirements, with the secondary window failing to meet the test. When considering the BRE weighting for the overall VSC level of the two apertures, the results indicate the test narrowly satisfies the Guidelines. The proposed VSC will be 0.8 times the former value.

Daylight Distribution

The distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas within a room that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the room which can receive direct skylight is reduced to less than 0.8 times its former value.

The Herrington's results show that the daylight distribution to the utility room fails to meet the BRE requirements. The existing daylight distribution enjoyed within the room is 67.18%, which will be reduced down to 35.15%. This equates to a loss of 0.53 times the former value.

Conclusion

The Herrington Consulting study shows that the proposed development fails to meet the BRE guidelines for daylight distribution in respect of daylight distribution to the utility room. Not only will there be a need for artificial lighting within the utility room during the daytime, increasing energy consumption, but also an increase in the amount of carbon emission expelled. As a result, this creates an environmental issue. Considering the low level of daylight distribution proposed to the utility room, we are of the opinion that the proposed development will cause a harmful impact to the property.

We are unable to confirm to our client that the VSC results are indeed an accurate interpretation of the issue, without first reviewing the 3D computer modelling to understand the measurements used to produce the results. Even a small discrepancy in the size of glazing considered can lead to inaccurate results.

[REDACTED] we request that no decision is made in favour of the application until:

1. The applicant instructs Herrington Consulting to engage with us so we can review the 3D modelling to confirm the measurements considered to test the daylight and sunlight tests, and;
2. The design has been amended to preserve the loss of daylight to 64 Ferndale.

Rights of Light

In addition to planning considerations, the BRE guide suggests it is useful to assess the risk of any potential civil action. Reviewing the Herrington's daylight distribution results, there is likely to be an injury to the utility room, which requires consideration. Doing so from the outset can mitigate any future costs which could be incurred defending a claim.

Our client is disappointed that he has been obliged to respond negatively to the application but feels compelled to oppose an extension which is considered will have such an oppressive and overbearing impact [REDACTED]. If our client is 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.

Please do not hesitate to contact me should you have any queries, or would like to discuss the above concerns.

Yours sincerely

[REDACTED]

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