

To: Mr M Storr
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By email only: mstorr@chancerygate.com

Our ref: 113975- 100/ IM/ ADJ
Date: 25 January 2022

Dear Matthew

Solent Road, Havant PO9 1JH
Proposed Development - Rights of Light

I refer to your recent instructions for the provision of preliminary Rights of Light advice in relation to your proposed development at Solent Road, Havant PO9 1JH and, specifically, the impact of the development on, 1-6 Manor Court, 11 Brockhampton Road, Havant PO9 1PH.

In producing our preliminary advice, we have considered the following information:

- Site Plan as Proposed dims to Manor Court in PDF and DWG.
- Site Sections in PDF and DWG.

I understand that the adjoining owner/ occupier of 1-6 Manor Court has expressed concern regarding the effect of the proposed development on light reaching the rear rooms of 1-6 Manor Court.

The Proposed Scheme

The design information provided to us depicts the construction of a 2 storey commercial office block to the north of the site backing Brockhampton Springs and an industrial warehouse block comprising of four units (A1, A2, A3 and A4) to the west of the site backing 1-6 Manor Court as shown in the site plan and section below.

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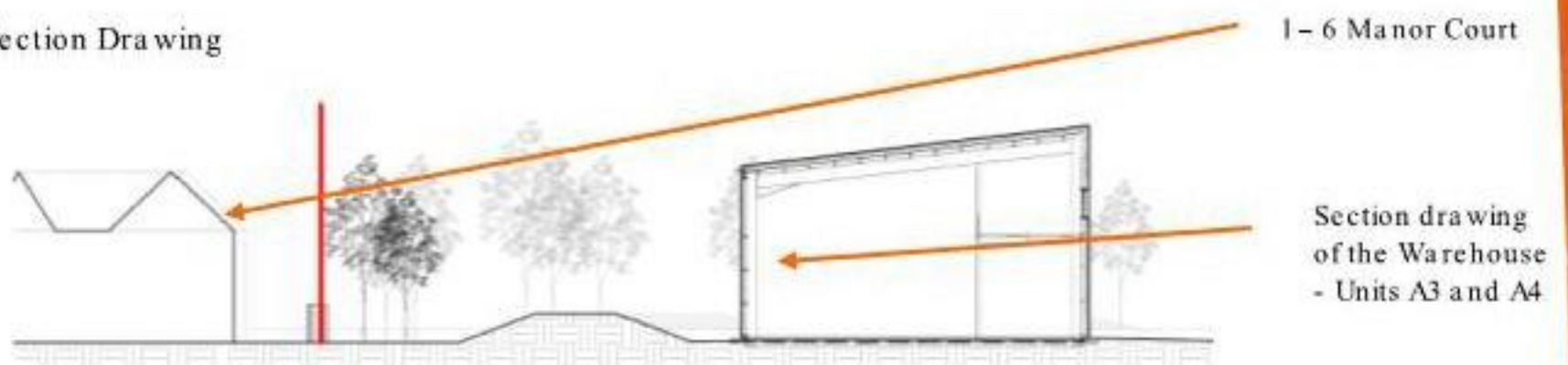
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Regulated by RICS

Site Plan



Section Drawing



3 Site Section 02 - through Manor Court, unit A4 & the residences on Brockhampton Lane
1:200

Assessment

Using the site plan and sections provided to us we have considered the potential impact of the proposed development upon 1-6 Manor Court in terms of daylight amenity (a planning consideration) and Right of Light (a common law easement).

Daylight

We have reviewed daylight amenity using the 25-degree check, this approach is in accordance with the methods and procedures recommended in BRE guide entitled "Site Layout Planning for Daylight and Sunlight – a guide to good practice 2011, 2nd Edition" ("the BRE guide").

This check is based on the angle of obstruction from the centre point of the window(s) in question to the top of the proposed structure. The check is satisfied if the angle of obstruction lies below 25 degrees from the horizontal. The below extract from the BRE guide illustrates the application of this method.

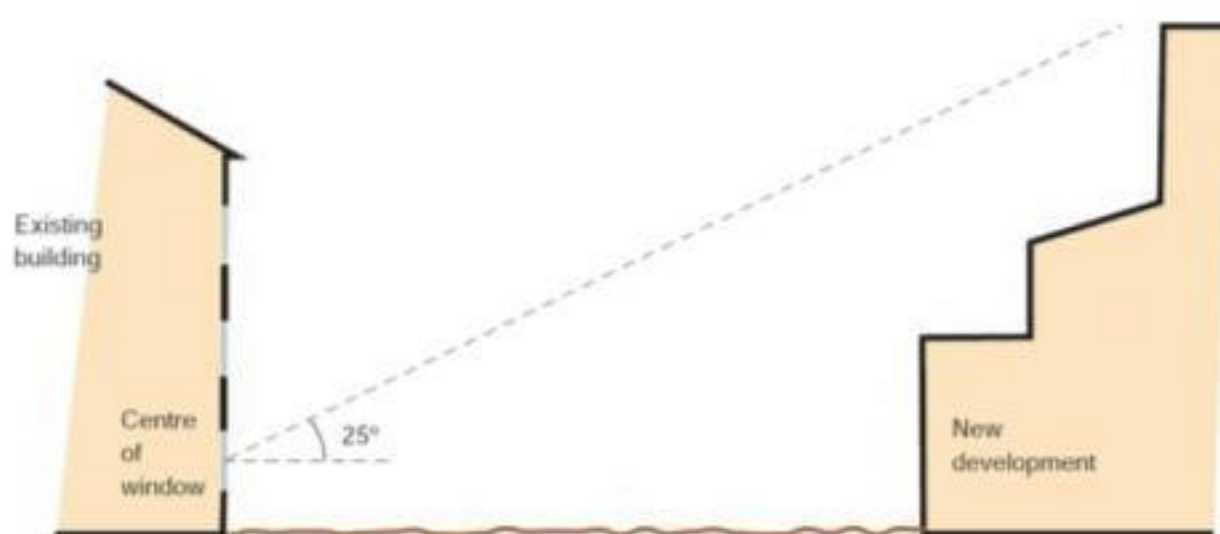
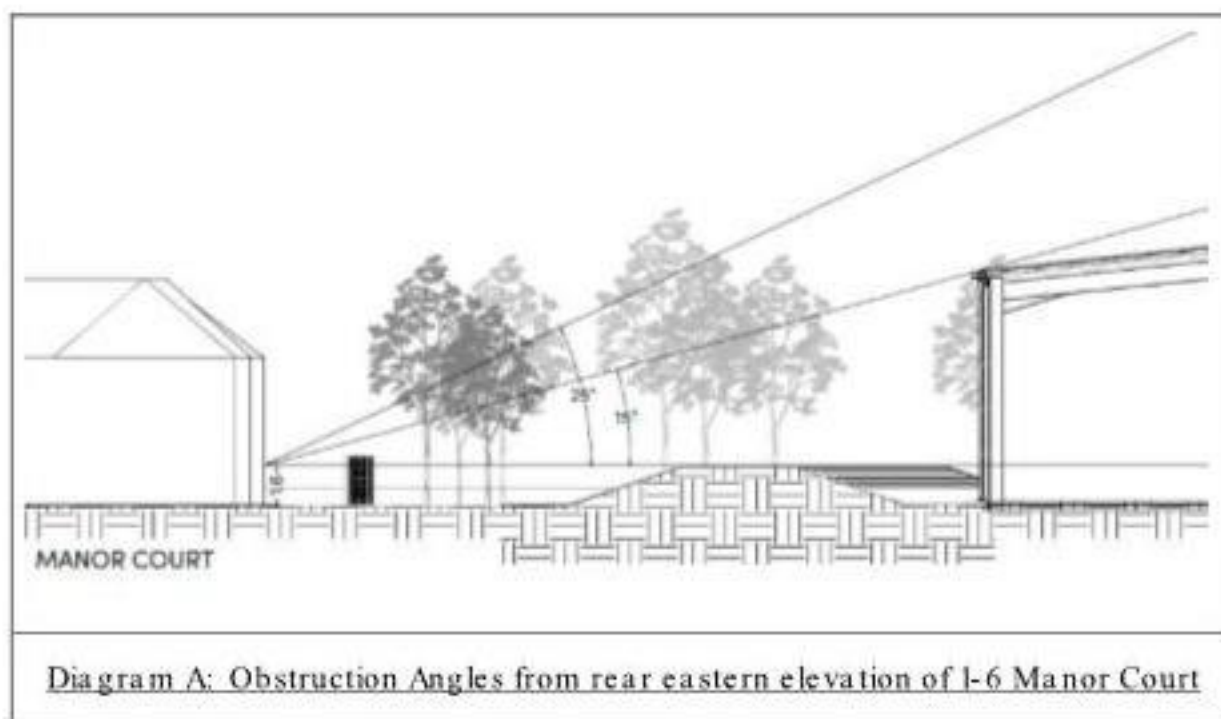


Figure 14: Section in plane perpendicular to the affected window wall

In this instance and as depicted in Diagram A below the angle of obstruction from the centre point of the ground floor windows is some 15-degrees, well below the 25-degree line permitted by the test.

The subject property will therefore continue to enjoy excellent access to natural daylight in full accordance with the BRE guidance and no further analysis is recommended.

Diagram A:



Right of Light

We have also considered the proposals in the context of Right of Light law.

An actionable Right of Light interference occurs where a proposed development reduces the adequately lit area within a neighbouring room by a noticeable amount and the adequately lit area falls to below 55% at the working plane height (850mm above finished floor level).

In order to determine how far daylight is likely to penetrate into the neighbouring rooms we have undertaken an obstruction angle analysis from window head height (deemed to be 2.1m from finished floor height) and calculated the depth at which the line of obstruction intersects with the working plane.

Diagram B:

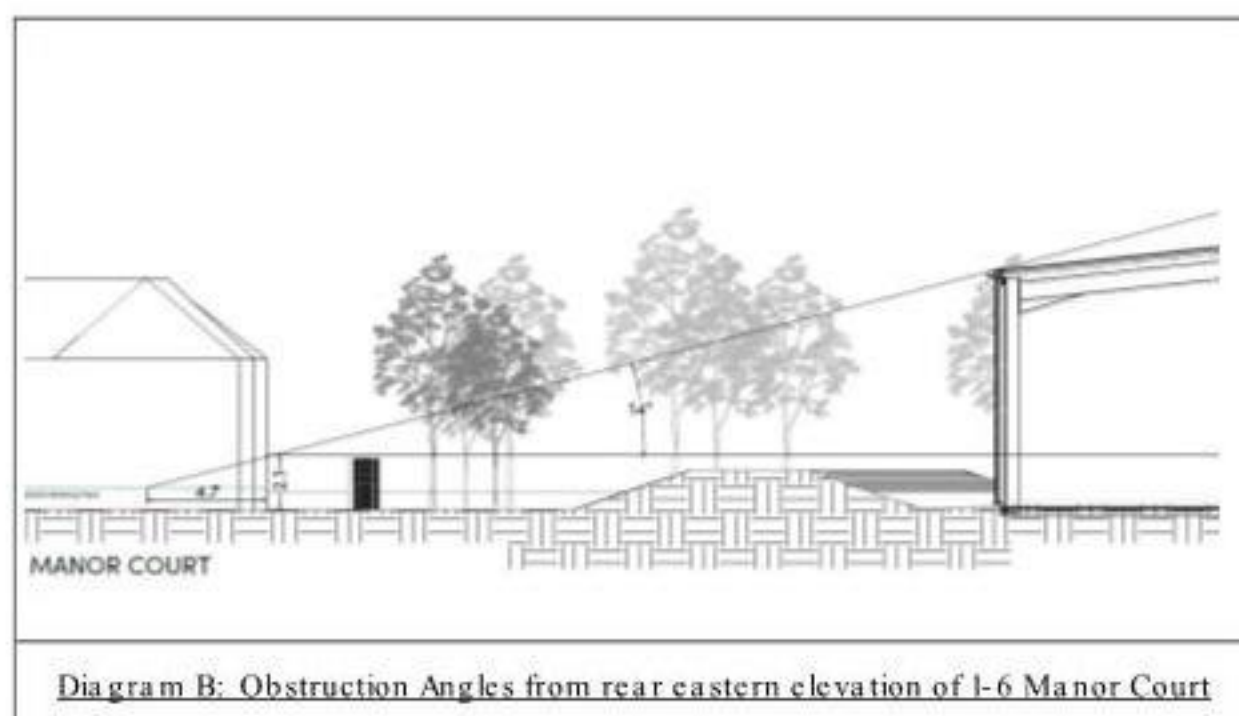


Diagram B indicates that direct sky visibility will be available within the ground floor rooms to the neighbouring property at a depth of up to 4.7m at working plane height.

This in turn indicates that a single aspect room within the neighbouring property with a plan depth of some 9m would not be affected to an actionable level by the proposed development.

Given the residential nature of the neighbouring property it is anticipated that it is likely to have a room depth of circa 4m, considerably less than the safe depth of 9m determined above.

The proposed development is therefore not considered to pose a risk of leading to an actionable Right of Light infringement at this property.

Conclusion

We have reviewed the likely impact of the proposed development upon the neighbouring property, 1-6 Manor Court in relation to Daylight and Rights of Light.

Our preliminary analysis clearly demonstrates that no daylight or Right of Light concerns arise at the subject property as a result of the proposed development.

Considering the clear safety margin demonstrated no further detailed technical analysis is required.

We trust that the above is clear and addresses the raised concerns. Please do let me know if we can be of any further assistance or if you would like to discuss any of the content above.

Yours sincerely



Anthony Jarvis
Senior Surveyor