

**RICHARD W STAIG**  
CHARTERED BUILDING SURVEYOR

**Mrs. F. Jones**

Cameron Jones Planning Limited  
3 Elizabeth Gardens  
Ascot  
SL5 9BJ

*Date:* Wednesday, March 13, 2024

*Our ref:* rs/ROL.220226/2

Dear Mrs. Jones

**HUNTERS LODGE FRAIRS LANE  
DAYLIGHT/SUNLIGHT/OVERSHADOWING  
ADEQUATE DAYLIGHT**

Our mutual client has commissioned this report to support their Planning Permission Application to demonstrate that the revised proposals addresses the Reasons for Refusal detailed, insofar as they related to daylight/sunlight matters, on the Decision Notice dated November 16, 2023 of the Planning Permission referenced 23/1319/FUL; this Report considers the proposals prepared by 50° North Architects herewith attached.

The Reasons for Refusal, in respect of daylight/sunlight, are as follows:

U0169368 Reason for refusal - amenity

The proposed development, by reason of its combined height, width and siting would result in an overbearing and visually intrusive form of development to the detriment of the residential amenity of nearby occupants, in particular, the occupants at 1 Hunters Court. The proposal is therefore contrary to, in particular, Policy LP 8 of the Local Plan (2018) and policy 46 of the Publication Local Plan.

U0169369 Reason for refusal - resi standards

By reason of the failure to meet residential space standards, provide sufficient cycle parking and waste storage, layout, and outlook to habitable rooms, the scheme represents over-intensification and over-development of the site that would result in sub-standard living conditions and environment, to the detriment of the amenities of future occupiers. The development is thereby contrary to the aims and objectives of the NPPF, London Plan Policy D6 and T5, and the Local Plan (2018), in particular, policy LP35, LP24 and LP44, Publication Local Plan policy 7, 13 and 48, Supplementary Planning Document 'Residential Development Standards', 'Design Quality' and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

Based on our analysis, it demonstrates that the proposed building will not have a negative impact on the amount of daylight/sunlight that reaches the surrounding properties. We have followed the guidelines outlined in BR209 2022 and have determined that any potential reduction in light will not be noticeable to the human eye. This means that the residential amenity of nearby occupants, including those at 1 Hunters Court where additional detailed analysis was undertaken, will not be affected.



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Prior to providing my detailed advice, I would confirm that for the sake of the record I am a Chartered Building Surveyor working predominately in the field of rights of light including daylight and sunlight assessments. I have an extensive and highly specialised knowledge, in these areas having worked in the past for both Anstey Horne & Co. for five years and Schatunowski Brooks (formerly known as Michael Brooks Associates as it was when I joined, then known as GVA Schatunowski Brooks and now part of Avison Young) for three years, as well as Delva Patman Associates - now known as Delva Patman Redler LLP - for four years prior to joining in Partnership Dixon Payne in 2001. All are acknowledged Experts in these fields; I now act under my own banner.

I regularly provide Expert Witness advice in respect of Planning Applications in respect of daylight and sunlight at Planning Inquiries acting for both Appellants and Planning Authorities. I was consulted by the *Building Research Establishment* prior to the revision of their guidelines in 2011 and was part of the further consultation about further revisions currently being considered following the publication of *BS EN 17037:2018*. Those discussions have resulted in the recently published *BR209 2022*.

Since the Building Research Establishment released its information paper titled "Site Layout planning for daylight and sunlight: A guide to good practice" in 1991, the assessment of daylight and sunlight has been conducted according to the standards outlined in this publication. This standard is widely recognized as the accepted basis for such assessment and is adopted by most Planning Authorities. The Second Edition of this publication was issued in October 2011, and it has been superseded by BR209 (2022).

Paragraph 2.2.23 provides the summary of BR209 (2022) with regard to whether there is a significant effect upon an adjoining property's daylight/sunlight: If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- the VSC measured at the centre of an existing main window is less than 27%, and less than 0.80 times its former value
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.80 times its former value.

Preceding Paragraph 2.2.10 also advises: Where room layouts are known (for example if they are available on the local authority's planning portal), the impact on the daylighting distribution in the existing building should be found by plotting the no sky line in each of the main rooms. For houses this would include living rooms, dining rooms, and kitchens; bedrooms should also be analysed although they are less important. In non-domestic buildings each main room where daylight is expected should be investigated. The no sky line divides points on the working plane which can and cannot see the sky. (Figure 15). (In houses the working plane is assumed to be horizontal and 0.85 m high; in offices 0.7 m high; in special interiors like hospital wards and infant school classrooms a different height may be appropriate.) Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside. Supplementary electric lighting will be needed if a significant part of the working plane (20% of the room or more) lies beyond the no sky line. Appendix D gives advice on how to plot the no sky line.

In respect of sunlight, the *BR209 (2022)* details the assessment of this by way of calculating the number of probable sunlight hours. Probable sunlight hours takes into account the total number of hours a year that the sun is expected to shine having regard to the average levels of cloud cover for the geographical location. Only windows which face within 90° of south meet the criteria for assessment.

The orientation of a window is important when considering sunlight. A south facing window, generally, will receive the most sunlight whilst east and west facing windows will only receive sunlight at certain times of the day with a maximum of 50% of annual probable hours available even in an unobscured aspect. A north facing window will only receive sunlight on a very few occasions during early morning and late evening in summer.

Sunlight is considered important for living rooms, but less so for bedrooms and kitchens. If the assessment is appropriate, the guide states that a window should receive at least 25% of annual probable sunlight hours (*APSH*) with at least 5% of winter probable sunlight hours (*WPSH*), but no less than 0.8 times the former if the sunlight is originally below.

For the detailed technical analysis of the general effect upon daylight/sunlight of the adjoining properties as well as the detailed analysis of the effect upon 1 Hunters Court, which is detailed with *Appendix A & D* of the *BR209 2022*, I have constructed a 3D model of the existing/proposed with the massing of surrounding contextual buildings being derived from a 3D survey model procured from Messrs. ZMapping.

Utilising specialist computer programmes, the quantum of daylight/sunlight received in the existing and proposed conditions to the affected fenestration of the adjoining properties has been calculated by way of Waldram analysis – *Appendix B* of the *BR209 2022*; by way of explanation, Percy J. Waldram invented the Waldram diagram as a method of showing on a 2d image the curved and three-dimensional view of the sky from a fixed point. The area of a Waldram diagram drawn to scale is 396cm<sup>2</sup> which represents the total amount of unobscured sky that can be seen from a vertical plane. The vertical edges of any obstructions are plotted as vertical lines on the diagrams by reference to their angle from the reference point. The head of any obstruction is plotted along the droop line corresponding to their altitudes above the horizontal measured in the section perpendicular to the reference point – the Waldram analysis are attached.

The attached results show that all assessed window do not have any material effect upon either daylight or sunlight (where analysis is appropriate). The further detailed daylight distribution analysis of the ground floor of 1 Hunters Court should indiscernible reduction in distribution.

The proposals have therefore addressed Reason for Refusal U0169368 – amenity.

In respect of adequate daylight of the proposals, to address U0169369 Reason for refusal - resi standards, this has been considered using the illuminance method of analysis – *SDA* – as detailed in *Appendix C* of *BR209 (2022)*. This method involves using climatic data for the location of the site (via the use of an appropriate, typical or average year, weather file within the software) to calculate the illuminance from daylight at each point on an assessment grid on the reference plane at an at least hourly interval for a typical year. This provides a better overview of the internal illuminance of a room because it considers differing weather/cloud cover throughout the year. The UK National Annex gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens. These are the median illuminances, to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.

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The results, as attached demonstrate that adequate daylight will be provided to all four units and the proposals therefore address U0169369 Reason for refusal - resi standards.

To conclude, in my Expert opinion, as the technical analysis undertaken in accordance with *BR209 (2022)* demonstrates that there is no substantive effect upon either daylight or sunlight to any adjoining property and, with regard to adequate daylight, that the proposals do accord Reasons for Refusal U0169368 & U0169369 have been addressed and therefore the granting of Planning Permission should not be hindered by daylight/sunlight matters.

I hope that the foregoing clarifies matters, but if you have any queries, please do not hesitate to contact me.

Yours sincerely,

**R W STAIG**

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*Encs*