

**LOCAL PLANNING AUTHORITY REF: 19/02696/FUL
PLANNING INSPECTORATE REF: APP/N5660/W/20/3248960**

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**ANTHOLOGY KENNINGTON STAGE AGAINST THE NON-DETERMINATION OF
PLANNING PERMISSION BY THE LONDON BOROUGH OF LAMBETH**

SITE OF WOODLANDS NURSING HOME, 1 DUGARD WAY, LONDON SE11 4TH

**DAYLIGHT, SUNLIGHT AND OVERSHADOWING STATEMENT OF COMMON
GROUND**

OF

NICK LANE for the Appellant

IAN DIAS for the Council

Meeting between Mr Nick Lane and Mr Ian Dias – 24 September 2020

Mr Lane and Mr Dias, as Expert Witnesses on behalf of the Appellant and the Council respectively, met on 24 September 2020 in respect of Refusal Reason No 6 and No 7 relating to daylight and sunlight. This statement confirms the material points that we agree and disagree on.

Areas of Agreement

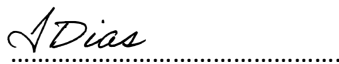
1. Mr Lane and Mr Dias agree that the BRE Guidelines are not fixed standards and flexibility should be applied as appropriate, in reference to the contents of the BRE Guide, taking account of site conditions and the effect of other planning policies etc. We agree that mayoral and national policy advocates this approach and that such application of the BRE Guidelines is appropriate for sites in inner London.
2. It is agreed that it is appropriate to consider both the VSC and No Sky Line (daylight distribution) forms of daylight assessment for neighbouring daylight review.
3. We agree that the existing VSC values enjoyed by neighbouring buildings are generally high for an inner London location.
4. We agree that retained VSC's below the BRE target of 27% to windows at the lower levels of buildings is common in inner London.
5. The BRE Guidelines and mayoral policy comment upon the use of alternative target values. An alternative target criteria was not agreed with the Council, but it is agreed that consideration of this will assist in reviewing the effect to neighbouring buildings. There is some disagreement about what alternative target value could be appropriate for this development context and this is discussed further below.
6. It is agreed that one means of assessing the extent of any daylight/sunlight effect is by reference to the relative percentage alteration, comparing the 'existing' and 'proposed' conditions. This approach follows the BRE Guidelines and is a useful starting point as it indicates the degree of change and potential harm. However, we also agree that some flexibility should be applied as highlighted previously and that levels of retained daylight provides assistance towards the overall professional judgement (along with other aspects for consideration) to be formed on whether there is harm that could be considered unacceptable harm or whether satisfactory living conditions are maintained.
7. We agree that the impact to neighbouring daylight not meeting BRE Guidelines in terms of the Appeal proposal is more related to reductions in daylight VSC than daylight distribution.
8. It is agreed that the BRE 2 hour sun on ground criteria to 13 No. neighbouring gardens is not adhered to with main focus relating to 11 No garden areas (the Point 2 planning report originally related to 12 No gardens but now agreed an extra garden should be applicable as not meeting BRE criteria).
9. With regards to daylight within the scheme, it is agreed that Block A has 34 No habitable rooms not achieving the minimum average daylight factor (ADF) for the applicable room use.

10. Areas of Disagreement

11. Mr Lane considers the development context as being inner urban or 'central' by reference to the descriptions outlined in Policy 3.4 (Optimising housing potential) of The London Plan.
12. Mr Dias contends the site and applicable surrounding context to be low-rise and whilst Inner London, considers the area to demonstrate some 'suburban characteristics' and not 'central'.
13. Mr Lane considers a retained VSC target value of 'mid to upper teens' to be reasonable for this development context. Mr Dias considers a higher threshold of 20%.
14. Mr Lane is in disagreement with Reasons for Refusal No 6 & 7 relating to daylight and sunlight.



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Nick Lane
For the Appellant



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Ian Dias
For the Council