

Alfie Williams,
Principal Planning Officer,
Lewisham Council,
Laurence House,
1 Catford Road,
London,
SE6 4RU

DC25/53
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BLACKHEATH STATION CAR PARK DC/25/139604 INDEPENDENT DAYLIGHT & SUNLIGHT AMENITY STUDY

In our objection letter of 16 June 2025 we highlighted that the applicants Daylight and Sunlight study accepts that, due to the impact of their proposal, neighbouring windows would no longer achieve the expected numerical values, as set out in the BRE guidelines, that constitute an acceptable impact.

This has naturally concerned residents on Collins Street who do not want to have a development imposed upon them that would lead to a quantifiably unacceptable impact upon their amenity. Therefore, to support the Council in taking an informed assessment of the application, residents have come together to instruct an independent review and this is accordingly attached for your attention.

Independent Daylight & Sunlight Amenity Study

The report has been prepared by Natasha Bray LLB (Hons), a Partner at Rapleys who specialises in Daylight and Sunlight and Legal Rights of Light. Natasha has appeared as an Expert Witness on a number of occasions with Planning Inspectors placing significant weight upon her evidence.

The Rapleys report assesses the proposal against BRE Report 209, *Site Layout Planning for Daylight and Sunlight, A guide to good practice, Third Edition (2022)*, which the applicants accept is widely used in the construction industry and forms an appropriate framework for assessment. The report assesses the impacts using four recognised methods: Vertical Sky Component (VSC), Daylight Distribution (DD), Annual Probable Sunlight Hours (APSH) and 2hr Sunlight Amenity (overshadowing to gardens and open spaces).

Vertical Sky Component

The VSC test is a measure of the amount of light falling on a window and confirms that shortfalls, against the acceptable standard, would occur at the following:

- John Ball Primary School – 9 windows fail;
- John Ball Primary School (Main Building) – 20 windows fail;
- 29 Southvale Road – 1 window fails; and
- 5, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28 Collins Street – total of 20 windows fail across these properties.

Whilst the severity of the failures vary across these properties five windows fall into the moderate loss category and 10 in the substantial loss category.

Daylight Distribution

The DD test takes the VSC analysis a step further considering where in a room daylight is received i.e. is it at desk or kitchen worktop height. Shortfalls against the acceptable standard would occur at the following:

- John Ball Primary School; and
- 7 & 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 Collins Street.

Two rooms fall into the moderate impact category and 11 in the substantial loss category, with impacts noticeable within the affected rooms.

Annual Probable Sunlight Hours

The results of the APSH test show that the living room at 7 Collins Street would fall short of the acceptable standard and this would be noticeable to the occupant.

2hr Sunlight Amenity (overshadowing to gardens and open spaces)

The amenity space at 7 Collins Street would have its access to sunlight decimated as a result of the proposed development, falling from 73% > 7%. This is a substantial difference in access to sunlight within the space and will be noticeable to the occupant. To contextualise the severity of this impact, the affected amenity space would not achieve the recommended levels of sunlight until mid-April.

Inadequacies identified with the applicant's daylight & sunlight study

The Rapleys report identifies that the applicant's report does not include any of the underlying technical data from which they have drawn their conclusions. Without this it is not possible to verify the applicant's conclusions and, accordingly, this significantly tempers the weight that should be afforded to the applicant's report.

Furthermore, the applicants report is not comprehensive as it does not assess the impacts upon No.1 and No.2 Collins Street nor No.29 Southvale, considering them out of the reports scope. Conversely, the Rapleys report does undertake this assessment concluding that there is an unacceptable impact upon all three properties. Again, this significantly tempers the weight that should be afforded to the applicant's report.

Within this context it appears implausible that the applicant's report could reach its conclusion that "the proposed scheme would not affect the level of daylight and sunlight to the neighbouring properties". Rapleys report responds directly that "this is simply not true, impact will occur to the neighbouring properties" ... "in some cases the differences in light levels are notable".

What weight should the harm identified be afforded in the planning balance

Policy QD8 of the Council's Local Plan requires that development proposals "must ensure adequate provision of natural light with reference to the latest Building Research Establishment (BRE) good practice guidance, currently BR209: Site layout planning for daylight and sunlight". Policy D6 of the London Plan requires that "the design of development should provide sufficient daylight and sunlight to new and surrounding housing".

Both the applicants report and the Rapleys report demonstrate, beyond any doubt, that the requisite BRE standards are not met in direct conflict with the policy the Council has recently determined it appropriate to adopt. It is therefore considered that the impact upon the amenity of the occupiers of the adjoining properties should be afforded substantial negative weight in the planning balance.

Is the harm identified outweighed by the proposals contribution towards meeting the Council's housing need

Whilst the applicants seek to excuse the impacts identified by referencing planning appeals that considered the harm was outweighed by other benefits, those appeals are

not comparable with the proposal and predate the Councils adopted Local Plan, which includes a prescriptive policy on the matter. Regardless, in any event, this application must be assessed on its own merits.

Within that context there is, simply put, no benefit in providing housing through new development if it compromises the standard of living of the existing housing stock to an unacceptable degree, as is the case here.

As a case in point one of the most significant impacts arising from the proposal in this regard is that from Block A, a block that is primarily commercial space with only four apartments. Whether new competing commercial space is a 'benefit', given the post-pandemic need to focus on the recovery of existing retail spaces, is debateable but clearly block A would result in a net negative impact upon the housing stock of the Borough given its impact upon properties on Collins Street.

Furthermore, the applicants offer to residents of obscure glazed and non-opening windows on Block A, to mitigate the impacts, is not only an acknowledgement of the unacceptable impacts but also a design failure given that the mitigation hierarchy – avoid, mitigate, compensate – could be achieved here with an alternative design. Mitigation should never be the answer when the question shouldn't need to be asked in the first place.

As set out above the harm identified is afforded substantial negative weight and this outweighs any contribution the proposal would make towards meeting local housing need.

What we are requesting

On the basis of the above we continue to request that the application is refused at your earliest convenience to end the uncertainty that the residents of Collins Street have been subjected to.

Yours sincerely,



DAVID CRANMER BSc (Hons) MSc MRTPI
Director