



LONDON BOROUGH OF LAMBETH

Planning, Transport and Development

Sustainable Growth and Opportunity

Civic Centre, Planning, Transport and Development, 3rd Floor, 6 Brixton Hill, London, SW2 1EG

PROOF OF EVIDENCE

of Mr Ian Dias BSc (Hons) MRICS

in respect of Daylight & Sunlight matters

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Appeal by: Anthology Kennington Stage

Appeal site: Woodlands Nursing Home, 1 Dugard Way, LONDON SE11 4TH

Planning Inspectorate reference: APP/N5660/W/20/3248960

LB Lambeth Reference: 19/02696/FUL

DATE 19th October 2020

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1.0 INTRODUCTION

- 1.1 I am Ian Dias BSc (Hons), MRICS. I am a Partner at Schroeders Begg (UK) LLP, Chartered Surveyors.
- 1.2 I have been a Partner (or Director when formerly a Limited company) at Schroeders Begg for over 10 years. Schroeders Begg (UK) LLP specialise in providing professional services relating to 'neighbourly matters' namely; daylight and sunlight, rights of light, party wall legislation, access licences and other aspects relating to neighbouring input and review. Prior to Schroeders Begg, I was a Partner at Bollingbrook Chartered Surveyors (now part of Colliers plc) and previously an Associate Director at McBains (formerly McBains Cooper) a multi-disciplinary practice including Chartered Building Surveying.
- 1.3 I became an Associate (now Member) of the Royal Institution of Chartered Surveyors (RICS) in 1999 and have a BSc (Hons) in a surveying RICS accredited degree.
- 1.4 During my career as a Chartered Building Surveyor, I have undertaken a wide range of commercial building surveying activities before specialising in daylight and sunlight review and rights of light and party wall legislation.
- 1.5 I have provided daylight and sunlight services on numerous wide-ranging schemes over the years for private and public sector clients alike, including major high-rise proposals and master planning and including providing strategic high-level advice to Crossrail on a number of Over-Site Developments (OSDs) in terms of daylight and sunlight. I have provided expert reports for various appeals and inquiries. I have provided independent daylight and sunlight advice to the London Borough of Lambeth planning officers and committees for 6 years. I have assisted in provision of review and comments within Schroeders Begg's role on the sub-panel for both daylight and sunlight (and rights of light) culminating in the publication 'Daylighting and Sunlighting – RICS professional guidance', UK. I provide seminars and training on daylight & sunlight.
- 1.6 I am a RICS Assessment of Professional Competence (APC) Assessor for the final examine interview process for becoming a chartered building surveyor and support the development of the next generation.

2.0 INSTRUCTIONS

2.1 I have been instructed by the London Borough of Lambeth to provide evidence in the appeal against the non-determination of planning consent under planning reference 19/02696/FUL. Had the Council still been able to determine the application it would have refused the application for 13 reasons. These are set out in the Council's Statement of Case. There are two reasons for refusal relating to daylight and sunlight and we present these as;

2.2 Refusal reason No.6 : Adverse Impact on Existing Residential Amenities (Daylight Effects to Habitable Rooms and Sunlight Amenity Effects to Gardens)

The proposed development, by reason of its scale and massing and proximity to neighbouring residential properties would have a detrimental impact on the residential amenity of the occupiers in terms of loss of sunlight amenity to gardens especially at Castlebrook Close, Brooks Drive and George Mathers Road and loss of daylight amenity to habitable rooms especially at (Wilmot House) & (Bolton House) George Mathers Road, Castlebrook Close, Brooks Drive and Dante Road. As such, the proposal would be contrary to and Policy 7.7(D) of the London Plan (2016), D9 (3) (a) of the Intended to Publish London Plan (December 2019); Policies Q2 (iv) and Q26 (vi) of the Lambeth Local Plan (2015) and Policies Q2 (iv) and Q26 (vi) of the Draft Revised Lambeth Local Plan (Submission Version January 2020).

2.3 Refusal reason No.7 : Inadequate Residential Amenity for Future Occupiers of Development

The proposed development, by reason of its density, scale , massing and resulting proximity would result in inadequate levels of residential amenity for future occupiers of Blocks A and B with specific regard to increased overlooking and loss of privacy including poor levels of daylight within habitable rooms of Block A. As such, the proposal would be contrary to Policy Q2 of the Lambeth Local Plan (2015) and Policy Q2 of the Draft Revised Lambeth Local Plan (Submission Version January 2020).

2.4 Thus in summary, in terms of daylight and sunlight, the aforementioned reasons for refusal relate to the adverse impact of the proposed massing upon daylight to neighbouring habitable rooms and sunlight loss / increased shadowing to neighbouring rear garden amenities. In terms of the proposal, it is considered that there will be inadequate provision of daylight to a significant number of habitable rooms within Block A to the detriment of future occupiers.

3.0 DOCUMENTS INSPECTED AND LIMITATIONS

3.1 The documents that I have inspected relating to this report are summarised below;

- Point 2 Daylight and Sunlight Report Dated July 2019, Version V1 (and referenced on the planning portal as ‘updated’).
- Point 2 Daylight and Sunlight Report Dated July 2019, Version V1 (and referenced on the planning portal as ‘original').
Please note – we assumed the ‘updated’ report is the current and utilised as consideration in producing this report.
- Schroeders Begg Independent Review of Daylight, Sunlight & Overshadowing Report – Status Draft – November 2019 ref 2089/V rev 02
- London Borough of Lambeth Statement of Case dated 24th June 2020
- Appellant’s Statement of Case (when procedurally available)

3.2 In terms of limitations, we have not inspected internally neighbouring properties but have considered the researched information from Point 2 on anticipated floor plan arrangements for properties that they have been able to obtain such details within the public realm.

3.3 I have been reliant on the technical analysis within Point 2 report and have not undertaken any technical analysis to verify these technical analysis results.

4.0 PLANNING POLICY

- 4.1 The Council's Planning Witness (Jeffrey Holt) is dealing with the application of policies but for ease of reference within this section, I highlight those of main reference in terms of daylight and sunlight.
- 4.2 The London Borough of Lambeth has references on daylight and sunlight within the Lambeth Local Plan – Adopted September 2015 provides policy on 'Amenity' (Q2) and 'Tall and large buildings' (Q26) which we have extracted aspects as follows;

Policy Q2 Amenity:-

Development will be supported if:

- (iv) it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property;*

10.2 Sustainable development should protect the amenity of existing/future occupants, neighbours and the visual amenity of the community as a whole. Most new development in Lambeth results in an intensification of uses. It is therefore essential that amenity considerations are at the fore when designing at higher residential densities for a growing population.

10.5 The Council will use established industry standards when assessing schemes, including 'Site Layout Planning for Daylight and Sunlight' (BRE Trust, 2011) and any other relevant documents.

Policy Q26 Tall and large buildings:-

- (a) Proposals for tall buildings will be supported where:*

(vi) it does not have an unacceptably harmful impact on its surroundings including microclimate, wind turbulence, noise, reflected glare, aviation, navigation and telecommunication or broadcast interference

- 4.3 In respect of the Mayor of London's policies, these incorporate various references to seeking to mitigate harm to the amenity of neighbouring properties as well as seeking reasonable provision of daylight and sunlight within a residential proposal. We provide extracts on the following;

The London Plan – March 2016

Chapter 7 – London's Living Spaces and Places - Policy 7.6 Architecture

Planning decisions

B Buildings and structures should:

d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings

Chapter 7 – London's Living Spaces and Places - Policy 7.7 Location and Design of Tall and Large Buildings

Planning decisions

D Tall buildings:

a should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference

Mayor of London – Housing Supplementary Planning Guidance – March 2016 (updated 2017)

Part 1: Supply

Standards for privacy, daylight and sunlight

1.3.45 *Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

1.3.46 *The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still satisfactory levels of residential amenity and avoid unacceptable harm.*

- 4.4 The National Planning Policy Framework (NPPF) – Department of Housing, Communities and Local Government (February 2019). Para. 123 of the NPPF provides that *"[w]here there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: [...] c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards (emphases added).*
- 4.5 The Council's planning witness addresses the question whether there is an existing or anticipated shortage of land for meeting identified housing needs here.

- 4.6 In reference to the various policies highlighted, it is apparent that an assessment on the degree of harm to daylight and / or sunlight is required in order to assist towards a judgement as to whether such harm could be considered unacceptable for a given scheme within a given context.
- 4.7 To assist that judgement, a two-stage review is considered¹, in that reductions to neighbouring amenity are first reviewed to consider the extent of impact beyond that of BRE Guide default target values. The second stage of review then considers the extent of such departure from the BRE Guide default target values in reference to the particular circumstances of the application scheme, including consideration to such factors as; designation by the local authority / potential of future change in the area, extent of change / reduction from existing levels of amenity for the given typologies in the area, room uses affected, etc and many other aspects, in order to reach a judgement on the harm. (The BRE Guide methodology not only identifies harm but can also assists on the judgement consideration of such harm in reference to the BRE Guide Appendix I – Environmental Impact Assessment).

¹ *Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657 (Admin)* (28 March 2018)

- 4.8 In terms of adequacy of daylight provision within the proposal, the BRE Guide states under paragraph 2.1.8 that *Daylight provision in new rooms may be checked using the average daylight factor (ADF)*. This is referenced further within Section 7.0 of this Proof of Evidence.

5.0 DAYLIGHT & SUNLIGHT GUIDELINES

Introduction

- 5.1 In accordance with Lambeth's Local Plan 2015 Policy Q2 (Amenity) the application is accompanied by a Daylight and Sunlight prepared by the applicant's consultant. This provides an assessment of the potential impact of the development on daylight, sunlight and overshadowing to neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. Equally, the provision of daylight and sunlight to the new dwellings within the proposal is also reviewed in reference to the same BRE Guide which cross-references other supporting document / standards on daylight and sunlight.
- 5.2 The BRE guidelines are not mandatory (BRE Guide para 1.6); they do however act as a guide to help understand the impact of a development upon neighbouring properties, while acknowledging that in some circumstances, such as that of an urban environment or where the existing site is only previously partially developed, some impact may be unavoidable.
- 5.3 In accordance with the BRE Guide, as background, alternative target values can be set to those presented within the main body of the BRE Guide; such alternative target values may be more appropriate for a particular site context / a more appropriate bench line applicable than the default target criteria referenced within the main body of the BRE Guide. Such alternative target approaches are referenced within Appendix F of the BRE Guide and often sought for agreement with the local authority prior to submission if being utilised.
- 5.4 More commonly, the standard BRE Guide target criteria is utilised but with appropriate judgement made in respect of departures to that target criteria; the BRE Guide supports a suitable and flexible approach being made for applicable site development and context.

Background to Analysis

- 5.5 The impact of the proposal upon loss of daylight to neighbouring properties is primarily considered in reference to vertical sky component (VSC) and daylight distribution; the latter usually abbreviated to NSL / no sky line as this represents the point / the contour within the room which divides the room area into able and not able to receive direct skylight at the working plane, where room layouts are known, as per the BRE Guide (working plane is ordinarily assumed to be horizontal and 85cm above the floor level in residential). Given that there is limited existing massing on site, whilst reductions in daylight require due consideration, given that some of the surrounding neighbouring properties will have benefitted from higher levels of daylight than perhaps initially anticipated for an urban location, we consider it is appropriate that some consideration is also given to retained values of daylight in the proposed scenario i.e. retained values with the proposed development insitu.

- 5.6 For background on daylight and sunlight analysis review, we provide the following definitions;

Daylight VSC : The Guide considers that in terms of vertical sky component (VSC), as a target value, if the VSC with the new development in place is both, less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The maximum value obtainable at a flat window in a vertical wall is effectively 40%.

VSC represents a ratio of the part of illuminance at a point on a given vertical plane (usually the centre point of window on the window wall face), that would be received directly from an overcast sky (CIE standard overcast sky) to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. The VSC does not include reflected light, either from the ground or from other buildings.

Daylight Distribution : Often abbreviated to NSL / no sky line as this represents the point / the contour within the room which divides the room area into able (daylight distribution often expressed as a percentage of room area) and not able to receive direct skylight at the working plane, where room layouts are known, as per the BRE Guide (working plane is ordinarily assumed to be horizontal and 85cm above the floor level in residential). The Guide considers that in terms of daylight distribution, as a target value, if the daylight distribution with the new development in place is less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of daylight distribution within the room.

- 5.7 The review has focused upon the conventional BRE Guide analysis of VSC and daylight distribution review. However, given that there are some properties with analysis results not meeting BRE Guide target criteria (especially, given limited existing massing on site), the extent of any ‘adverse impact’ has been categorised, as common for the measurement data to be interpreted within the industry, on an initial qualitative basis of ‘minor’, ‘moderate’ and ‘major’ in reference to the extent of each respective reduction that exceeds 20% / not meeting BRE Guide target criteria (i.e. adverse / noticeable effect);

Minor Adverse: Reductions in VSC or NSL of >20% to 29.9%;

Moderate Adverse: Reductions in VSC or NSL of 30% to 39.9%; and

Major Adverse: Reductions in VSC or NSL of 40% or greater.

- 5.8 However, applicable subsequent interpretation on such initial numeric categorisation is then usually needed for appropriate judgement based upon EIA review of the greater definition within Appendix I of the BRE Guide and other associated considerations.

- 5.9 In terms of sunlight, losses are reviewed in respect of neighbouring habitable rooms with main emphasis upon living rooms (and conservatories if applicable). The BRE recommendation is that

windows facing within 90° of South should have 25% of annual probable sunlight hours with 5% in the winter months (from the autumn equinox to the spring equinox). Where reductions below the recommended levels are contemplated, the windows will be adversely affected if the proposed value is less than 0.8 times former value (unless a reduction of sunlight received over the whole year is not greater than 4% of annual probable sunlight hours).

- 5.10 In addition, losses in sunlight to amenity areas are also considered. The BRE Guide states that as regards the garden (amenity space) of an existing property, it is recommended that for it to appear adequately sunlit throughout the year;

at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March.

If as a result of a new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21st March.

- 5.11 There are many other considerations and analysis reviews in reference to the BRE Guide and with due consideration to other industry relevant guidelines, standards etc which we will refer to if particularly applicable to do so.

6.0 REASON FOR REFUSAL No No.6 : Adverse Impact on Existing Residential Amenities (Daylight Effects to Habitable Rooms and Sunlight Amenity Effects to Gardens)

- 6.1 For ease of presentation, this Reason for Refusal is correspondingly considered in two parts, namely Part 1 : adverse impact to the daylight to habitable rooms to neighbouring residential properties and then Part 2 : adverse impact to sunlight amenity to rear gardens of neighbouring residential properties.
- 6.2 However, common to both considerations is the context of this site. We highlight, in particular the following:
- a) The existing massing on site is low-rise / two storey.
 - b) The surrounding properties to this site are also low-rise and in particular, the neighbouring properties considered within Point 2's analysis are also typically low-rise, predominantly 2-3 storeys with the exception to the south / south-east relating to Osbourne Water Tower House, Willmot House (5 storey), Limelight House (4 storey) and Goddard House (5 storey).
 - c) The surrounding properties also have in terms of densities and typology, some degree of 'sub-urban' arrangement. There are numerous rear gardens in close proximity of the site, including to those properties adjacent to the site on Renfrew Road, Castlebrook Close, Brook Drive and Dante Road. There are a number of trees to these gardens, site and wider communal areas.
 - d) The site area is not within an opportunity area and is distinct from the Elephant and Castle regeneration / opportunity area.

Part 1 : adverse impact to the daylight to habitable rooms to neighbouring residential properties

- 6.3 Given the aspects highlighted within item 6.2, whilst the site and immediate surrounding properties are overall within an urban locality, the typology is clearly low-rise and as such, properties typically enjoy good levels of daylight and sunlight, including sunlight to rear garden / amenity areas. Whilst it is accepted that the development may not meet the default BRE Guide target criteria in terms of reductions to daylight, in terms of broader considerations of retained values of daylight VSC, by way of background, an alternative benchmark of retained daylight being related to a VSC of 'mid-teens' (which is sometimes referenced or considered as an applicable gauge for some inner London / opportunity areas), is not considered, in my opinion, an appropriate alternative benchmark for this site.

- 6.4 Given the typology of this area, it is evident that daylight VSCs can be considered good for the immediate context of typical dwellings within roads surrounding the site. We have considered this from review of existing VSC levels submitted within the Point 2 application daylight and sunlight report for mainly established surrounding residential properties and seeking to select on the basis of already facing massing obstruction / inherent with the typical grain and density of the area. The results of this review are presented within Appendix A – Table 1 (Daylight VSC levels based on sample typology within the surrounding area – extracted from Point 2 analysis) from which we conclude that VSCs, are typically just below a VSC of circa 30 for ground floor windows and above this value for 1st floor windows for the aforementioned typology.
- 6.5 These typical VSC values are relevant in reference to the Major of London Housing SPG (March 2016), para 1.3.46 which states '*the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm*'.
- 6.6 Seeking a consideration towards a possible 'alternative benchmark' / consideration of retained VSCs, it is difficult to arrive at a definitive VSC value for such a particular locality but a retained VSC of circa 20 would not be unreasonable and would represent a balance between (i) the fact that clearly, in most instances to neighbouring properties, reductions from high VSCs to a VSC of circa 20 would be noticeable and (ii) not leaving the VSC at such a level where 'minimal' (mid-teens) provision is retained ('minimal' mid-teens may, in some instances, be appropriate for an inner London / opportunity area but is not considered appropriate for this site).
- 6.7 Accordingly, I summarise from the Point 2 analysis, those neighbouring windows which would have a proposed retained VSC value of below 20 and have experienced a 'major adverse' reduction (reductions of 40% or greater) or a 'moderate adverse' reduction (reductions of 30% to 39.9%) thus such reductions being typically noticeable to the occupant (please see Table 2 within Appendix B). I have not considered 'minor adverse' reductions (>20% to 29.9%) as I recognise some reduction and some extent of departure to the default BRE Guide target criteria for some properties (in terms of 'minor adverse' reductions) could still be reasonable for such a site although some harm will still be applicable within 'minor adverse' reductions.
- 6.8 Within Appendix B, I present Table 2 – VSC analysis summary of major or moderate adverse reductions and for which proposed retained VSC value is less than 20 (extracted from Point 2 analysis). There are 71 No neighbouring windows that are presented within Table 2 / falling into this category, which in many instances could be considered as having a good VSC value originally / as existing and due to the proposal would then result in a VSC below 20 following either a major or moderate noticeable reduction. Whilst it is appreciated that circa one-third of

these windows relate to bedrooms (where daylight can be considered less important), the remaining circa two-thirds relate to other habitable rooms, including living and living/kitchen/dining rooms (LKDS).

- 6.9 In addition there is some adverse impacts to daylight distribution, especially to some habitable rooms within the Brooks Drive properties (primarily Nos 134A, 136, 136A & 138) (see Appendix 2 of the Point 2 Daylight & Sunlight report – there is adversity to 11 No rooms in reference to these properties) but in consideration of all daylight distribution analysis submitted by Point 2, reductions to most properties can be considered as meeting / close to BRE Guide default target criteria for daylight distribution.
- 6.10 However, the key aspect is that VSC and daylight distribution review are separate respective tests and an adverse impact to daylight is anticipated when either test has a reduction beyond BRE Guide default criteria.
- 6.11 For this scheme proposal, Point 2's analysis results present daylight VSC as 242 No neighbouring windows with reductions exceeding BRE Guide target criteria, representing 29% of all neighbouring windows reviewed (total neighbouring windows analysed is 827). This represents a degree of harm to neighbouring properties but of particular concern are the 71 No neighbouring windows (9%) which incur 'moderate' or 'major adverse' reductions and results in a retained VSC level below 20. On this basis, I conclude that there is an adverse effect from the proposal upon neighbouring daylight and a degree of harm is evident, especially beyond that gauged reasonable given the surrounding low-rise context / some elements of 'sub-urban' density grain and hence as per the reason for refusal, is detrimental to neighbouring daylight amenity (unacceptable harm given the reason for refusal).

Part 2 : adverse impact to sunlight amenity to rear gardens of neighbouring residential properties.

- 6.12 As introduction, given the aspects highlighted within item 6.2, whilst the site and immediate surrounding properties are within an urban locality, the typology is clearly low-rise and as previously highlighted, incorporating some 'sub-urban characteristics', with numerous rear gardens in close proximity of the site, including to those properties adjacent to the site on Renfrew Road, Castlebrook Close, Brook Drive and Dante Road.
- 6.13 These neighbouring properties typically enjoy good levels of sunlight provision to rear garden / amenity areas. Paragraph 3.3.17 of the BRE Guide states;

It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours on of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable....

- 6.14 Point 2 have assessed 69 No amenity areas (almost all rear gardens) surrounding the site which again demonstrates some 'suburban characteristics' of the typology within the area.
- 6.15 There are a number of neighbouring gardens that due to the impact of the proposal, would no longer appear adequately sunlit throughout the year and as such, reductions would also be ordinarily noticeable. I present within Table 2 – 2 hour amenity test not meeting BRE Guide target criteria (extracted from Point 2 analysis).

Table 3 - 2 hour amenity test not meeting BRE Guide target criteria (extracted from Point 2 analysis).

Amenity / rear garden ref.	Property	2 hour ability to receive sunlight at 21 March equinox (BRE Guide)		
		Existing area with 2 hour ability	Proposed area with 2 hour ability	Reduction
1A	1 Castlebrook Close - Front garden	76.1%	63.1%	17%
1B	1 Castelbrook Close - Rear garden	1.7%	0%	100%
2	2 Castlebrook Close	52.8%	27.0%	49%
3	3 Castlebrook Close	39.9%	19.3%	52%
4	4 Castlebrook Close	69.1%	11.5%	83%
5	130A Brook Drive	67.8%	41.6%	39%
6	136A Brook Drive	74.5%	33.0%	56%
7	138 Brook Drive	70.1%	28.3%	60%
8	144 Brook Drive	54.6%	34.5%	37%
9	144 Brook Drive	48.6%	33.4%	31%
10	7 George Mathers Road	19.0%	1.8%	90%
11	8 George Mathers Road	19.6%	0.0%	100%
12	132 Brook Drive	60.6%	38.5%	37%
13	7 Dante Road (front / side)	71.9%	45.1%	37%

- 6.16 From Table 3, there are significant percentage reductions to 13 No property amenity areas albeit I would consider that 1 Castlebrook Close could be omitted from this analysis given the front garden appears enclosed / could be considered as an alternative ‘rear garden’ (reasonable sunlight received to this area) and in terms of 7 Dante Road, the area relates to a front/side garden area (the main amenity area considered the rear garden which, for this given analysis test, the proposal would have limited affect upon). The locality of the neighbouring amenity reviewed by Point 2 is presented within Appendix C – those with adversity outlined in red.
- 6.17 Thus if 1 Castlebrook Close and 7 Dante Road are omitted, this results in adversity / harm consideration to 11 No property / amenity areas with reductions to 7 No rear gardens being ‘major adverse’ (although accepted that 7 and 8 George Matters Road have lower sunlight provision as existing). In addition, there are 4 No further rear gardens with ‘moderate adverse’ reductions.
- 6.18 These 11 No rear garden amenity areas will have noticeable reductions and given that all reductions will result in significantly less than half the garden areas with the ability to receive 2 hours or more of sunlight at 21 March, will no longer appear adequately sunlit throughout the year (although accepted for 2 No garden areas already significantly under 50% as existing).
- 6.19 I consider the impact upon neighbouring amenity is adverse / harm is evident and hence as per the reason for refusal, the proposal is detrimental to sunlight to some neighbouring gardens (thus unacceptable harm given the reason for refusal).
- 6.20 In terms of detrimental impacts to both neighbouring daylight and sunlight to garden amenity, I present within Appendix E 3D perspective 3D massing views of the proposal with established low-rise context of the area surrounding the site (extracted from Point 2’s submission); visually, this provides some reference on the disparity of the bulk massing resulting in such harm in context with the surrounding, established low-rise context of the area surrounding the site.

7.0 REASON FOR REFUSAL No.7 : Inadequate Residential Amenity for Future Occupiers of Development

- 7.1 The reason for refusal is stated as;

The proposed development, by reason of its density, scale , massing and resulting proximity would result in inadequate levels of residential amenity for future occupiers of Blocks A and B with specific regard to increased overlooking and loss of privacy including poor levels of daylight within habitable rooms of Block A. As such, the proposal would be contrary to Policy Q2 of the Lambeth Local Plan (2015) and Policy Q2 of the Draft Revised Lambeth Local Plan (Submission Version January 2020).

- 7.2 Policy Q2 and Q26 (London Borough of Lambeth Local Plan) seek suitable levels of daylight within the proposed development; see also the London Plan, SPG.

- 7.3 In terms of assessment of internal daylight to the new habitable rooms, Point 2 have undertaken review in reference to the Average Daylight Factor (ADF). The methodology of the ADF has been presented by Point 2 in reference to BS 8206-2 Code of practice for daylighting and as referenced within the BRE Guide in clause 2.1.8. Whilst the BS 8206 has been superseded by the new BS EN 17037: 2018 – Daylight in buildings, the former BS 8206 is still referenced within the current BRE Guide edition (2011) albeit the BRE Guide is in the process of being revised with issue anticipated in 2021. The BRE have produced informal advice that internal daylight can be reviewed in reference to the current BRE Guide (which includes reference to the superseded BS 8206) or alternatively, in reference to the new BS EN 17037: 2018 with the provision that whichever method is utilised, the correct methodology of either is to be followed.

- 7.4 In terms of ADF, Clause 2.1.8 of the BRE Guide states;

Daylight provision in new rooms may be checked by using the average daylight factor (ADF). The ADF is a measure of the overall amount of daylight in a space (Figure 5). BS 8206-2 Code of practice for daylighting, recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on. In housing BS 8206-2 also gives minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.5 Whilst the criteria seeks these as minimum values in housing, it is fair to say, that many major schemes within an urban context often have a small proportion of rooms not meeting such minimum values. However, such schemes are often in a dense urban area where surrounding neighbouring massing / obstruction to the availability of daylight to the scheme represents a greater challenge. In the context of this application, the surrounding massing is typically low-rise, predominantly 2-3 storeys with the exception to the south / south-east; Osbourne Water Tower House, Willmot House (5 storey), Limelight House (4 storey) and Goddard House (5 storey).

- 7.6 In reference to Block A, of the 90 No habitable rooms reviewed (representing all habitable rooms within Block A) 34 No do not meet the minimum values of ADF. As a percentage, this represents just over a third (37.8%) of habitable rooms within Block A as not meeting the minimum value of ADF applicable for the given room use. I summarise the habitable rooms not meeting ADF criteria in reference to Block A within **Appendix D - Table 4 – Self-test review of new habitable rooms failing to meet the Average Daylight Factor (ADF) for the given room use within Block A (extracted from Point 2 analysis)**.
- 7.7 From Table 4, (Appendix D) Block A has rooms not meeting minimal ADF standards at ground, 1st, 2nd and 3rd floor. Whilst Block B does place some limitation to the provision of daylight within Block A (the provision of massing, nearer to proposed windows), the issue is considered more to be resulting from the presence of window positions placed within recessed balcony positions thus self-limiting daylight to such an extent that some rooms would experience poor levels of ADF / in effect, poor design for provision of daylight.
- 7.8 Within **Table 5 – Habitable rooms failing ADF within Block A by room use** below, I have also identified which rooms do not achieve the minimum ADF value by rooms use and whilst a number of these rooms are bedrooms where daylight is considered less important (albeit the standard lower minimum 1% ADF target for bedrooms when compared to living rooms at a higher target ADF of 1.5% can be considered in some respect to have already incorporated a lower expectation for daylight within a bedroom for the given minimum target), there are also other habitable rooms where daylight is more important. There are 10 No living/kitchen/dining rooms and 1 No living rooms with ADF below minimal ADF – these are important rooms for daylight.

Table 5 – Habitable rooms failing ADF within Block A by rooms use

Room Use	Total not meeting minimum ADF Value		Consideration to on extent of shortfall (based upon my professional opinion)		
	Quantity (No) of those failing on Block A	As percentage of those failing in Block A	Need to improve	Should improve ideally	Close to minimum ADF / improvement less essential
Bedroom	21	61.8%	13	2	6
Living Room	1	2.9%	-	-	1
LKD	10	29.4%	2	8	-
Kitchen	2	5.9%	-	-	2
Total	34	100%	15	10	9

- 7.9 In summary, it is considered that the provision of daylight within these given proposed new habitable rooms is poor, based upon the ADF analysis results presented, especially, given that there is limited obstruction from surrounding properties / opportunity for good daylighting levels. Given this low-rise context / minimal obstruction to daylight provision to the site, the expectation of habitable rooms to achieve at least the minimum ADF value for the given room use is high and not representative of a dense urban proposal within a dense urban context. However, despite the minimal surrounding obstruction to site, in respect of Block A, it is evident that there is a high degree of habitable rooms not meeting minimum ADF levels for the given room use (over one-third) and especially given the actual ADF levels submitted which in some instances the proposed habitable rooms achieve an ADF of zero. This situation is both unnecessary and would be detrimental to future occupiers within the development (inadequate levels of residential amenity including poor levels of daylight within habitable rooms of Block A).
- 7.10 In summary, despite the low-rise surrounding neighbouring properties, circa one-third of all habitable rooms within Block A of the proposed scheme will not achieve the minimum Average Daylight Factor for the given room use, resulting in poor daylight provision, with some rooms failing by a significant margin and indeed some rooms, achieving an ADF value of zero. This is not an appropriate outcome for such a site (poor levels of daylight within habitable rooms of Block A).

8.0 CONCLUSION

- 8.1 It is my opinion that whilst the site is clearly in an urban location, both the site and immediate surrounding neighbouring properties, demonstrates some ‘sub-urban characteristics’, in terms of density grain with low-rise typologies that typically have good existing levels of daylight and sunlight. The properties surrounding the site typically have rear gardens, which assists to further demonstrate this ‘sub-urban’ point. The site is not within an Opportunity Area.
- 8.2 The scheme demonstrates harm in respect of both the impact of the scheme upon daylight to neighbouring habitable rooms and also sunlight to neighbouring amenity areas. This forms the basis for Reason for refusal No 6 (thus unacceptable harm given the reason for refusal).
- 8.3 Whilst I appreciate that a proposed scheme in an urban location may not meet the BRE Guide default target criteria, I do not consider that it is appropriate for this site to be compared to an Opportunity Area / inner London site where daylight reductions may leave the retained VSC values at or close to ‘mid-teens’. Equally, I do not consider that it is an appropriate site to simply have the availability of sunlight to a number of gardens significantly reduced and to no longer be adequately sunlit for the year, given the low-rise, reasonably spaced context of the area.
- 8.4 In terms of both detrimental impacts to both neighbouring daylight and sunlight to garden amenity, I present within Appendix E 3D perspective massing views of the proposal within established low-rise context of the area surrounding site (extracted from Point 2’s submission); visually, this provides some reference on the disparity of the bulk massing resulting in such harm in context with the surrounding, established low-rise context of the area surrounding site.
- 8.5 Furthermore, despite the low-rise surrounding neighbouring properties, over one-third of all habitable rooms within Block A of the proposed scheme will not achieve the minimum Average Daylight Factor for the given room use, resulting in poor daylight provision, with some rooms failing by a significant margin and indeed some rooms, achieving an ADF value of zero. It would appear, density, massing arrangement and proposed floor plan arrangements have resulted in this poor provision of ADF within Block A which I do not consider as acceptable living standards within a modern, significant, development proposal within such a surrounding context. In my opinion, there should not be a valid reason to justify such failings in ADFs (especially, given the availability of direct daylight to the site / low-rise surrounding context) and this forms the basis of Reason for refusal No 7. In my opinion, many developments in much more demanding surroundings, of neighbouring massing / volume context have worked through scheme design to proportionally arrive at a higher performing scheme / not presenting such shortfalls in terms of daylight amenity provision within the scheme. The focus must be for quality homes for future generations and not provision of homes with natural daylight deficiencies.

9.0 STATEMENT OF TRUTH

- 9.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Ian Dias
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Ian Dias BSc (Hons) MRICS
19th October 2020

APPENDICES

- APPENDIX A** **Table 1 – Daylight VSC levels based on sample typology within the surrounding area (extracted from Point 2's analysis)**
- APPENDIX B** **Table 2 – VSC analysis summary of major or moderate adverse reductions and for which proposed retained VSC value is less than 20 (extracted from Point 2's analysis)**
- APPENDIX C** **Neighbouring Amenity (extracted from Point 2 analysis) – gardens with adverse impact outlined in red**
- APPENDIX D** **Table 4 – Self-test review of new habitable rooms failing to meet the Average Daylight Factor (ADF) for the given room use within Block A (extracted from Point 2's analysis)**
- APPENDIX E** **3D perspective massing views of proposal with established low-rise context of the area surrounding site (extracted from Point 2's submission)**

Appendix A

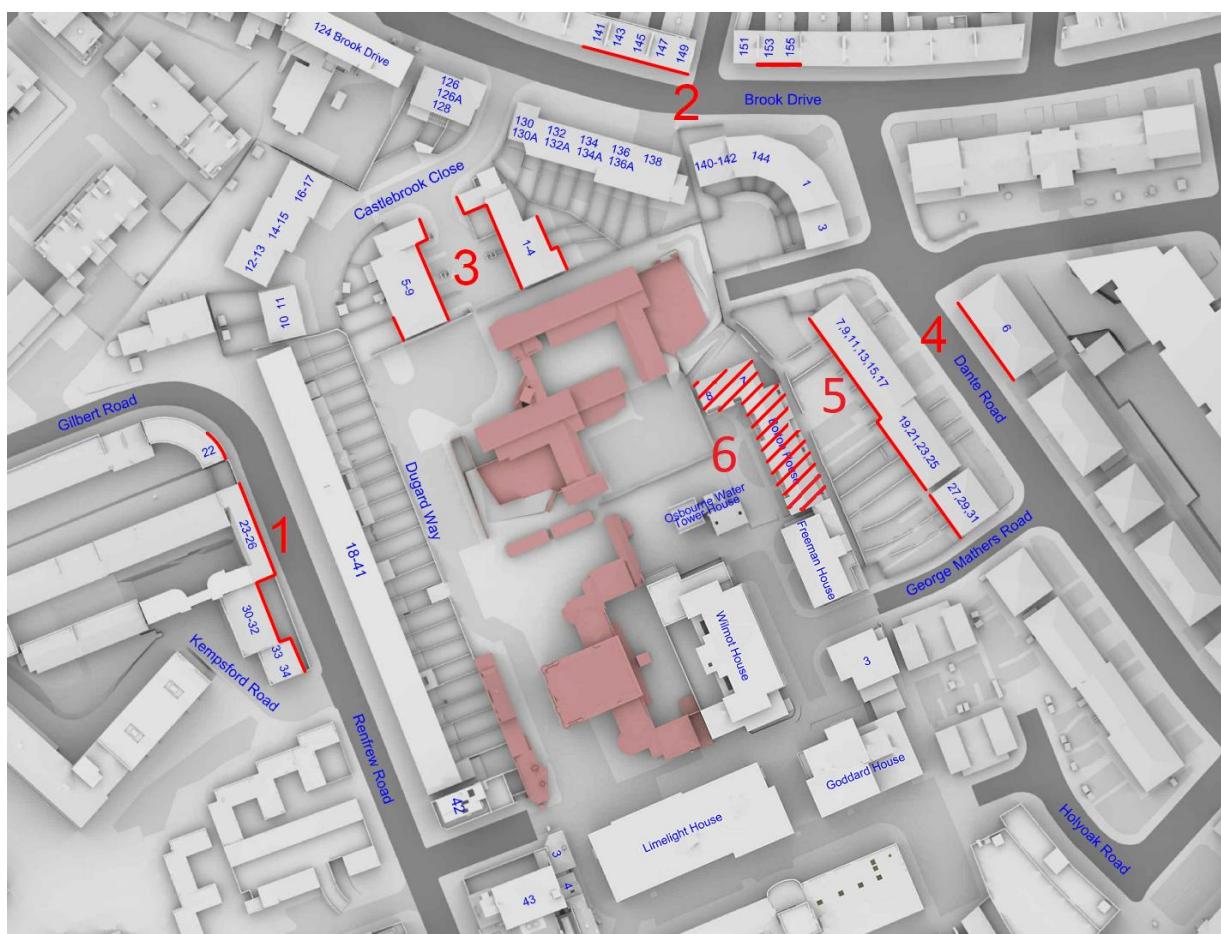
**Table 1 - Daylight VSC levels based on sample typology within the surrounding area
(extracted from Point 2 analysis)**

Area Sample Ref No (see mark-up plan)	Property ref	Daylight VSC value (average)	
		Ground Floor	1st Floor
1	22 Gilbert Road	23.2	33.1
	23-26 Herald Place	27.5	31.9
	30-32 Herald Place	24.5	29.7
	33 Herald Place	27.8	31.8
	34 Herald Place	26.0	32.0
	Average (based on 19 No windows)	26.2	31.4
2	Brook Drive		
	No 141	28.5	No data
	No 143	28.4	
	No 145	28.4	
	No 147	28.4	
	No 149	29.0	
	No 153	26.0	
	No 155	27.5	
	Average (based on 21 No windows)	28.0	
3	Castlebrook Close		
	1	25.3	28.5
	2	31.4	27.8
	3	29.7	26.7
	4	31.4	26.9
	5	32.0	27.3
	6	31.1	26.4
	7	30.6	26.4
	8	28.7	24.3
	9	26.1	25.5
	Average (based on 22 No windows GF & 27 No windows 1st)	29.21	26.9
4	6 Dante Road		
	Average (based on 8 No windows GF & 8 No windows 1st)	31.4	36.3
5	Nos 7-31 (odds) Dante Road – rear elevation		
	Average (based on 26 No windows GF & 23 No windows 1st)	30.0	30.7

Area Sample Ref No (see mark-up plan)	Property ref	Daylight VSC value (average)	
		Ground Floor	1 st Floor
6	George Mathers Road*		
	7	24.3	25.3
	8	30.3	31.0
	9 (Bolton House)	22.3	24.7

*modern apartment block development incorporating balcony/soffit overhangs to some windows but also noted that windows are typically larger in such instances assuming to compensate for the lower VSC level.

Location of VSC typology review within Table 1 (highlighted in red)



Appendix B

Table 2 – VSC analysis summary of major or moderate adverse reductions and for which proposed retained VSC value is less than 20 (extracted from Point 2's analysis)

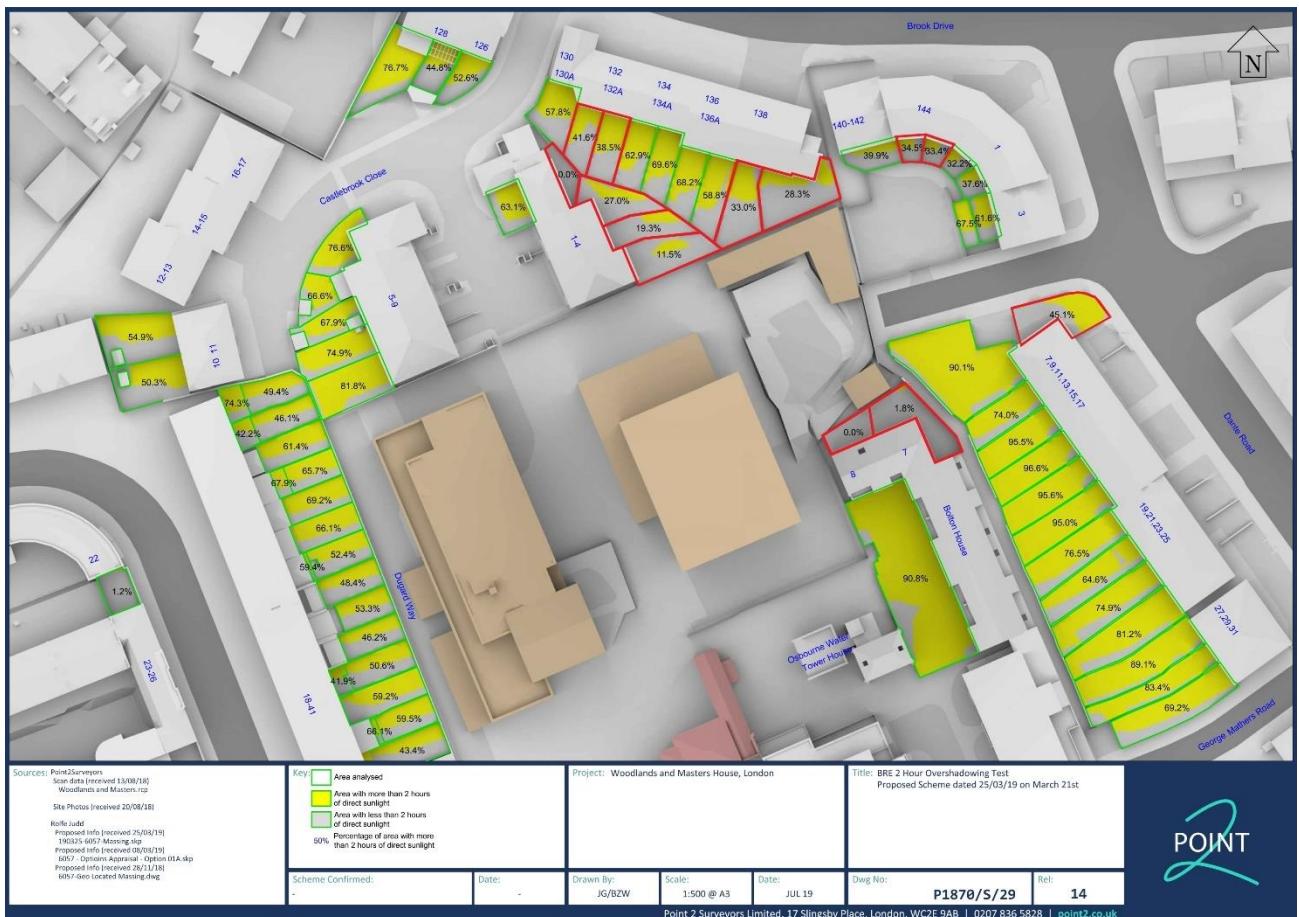
Room	Room Use	Window	Existing VSC	Proposed VSC	Reduction %
144 Brook Drive					
R40/20	Living room	W6/20*	27.3	18.3	32.9%
R3/22	Kitchen	W3/22	20.8	13.6	34.9%
R4/22	Living room	W4/22	22.4	14.7	34.2%
1 Dante Road					
R1/30	Living room	W1/30*	27.7	18.7	32.4%
R1/32	Living room	W1/32	22.5	14.0	37.8%
R2/32	Kitchen	W2/32	21.2	13.3	37.2%
R3/32	Kitchen	W3/32	21.0	13.9	33.8%
R4/32	Living room	W4/32	22.9	15.2	33.7%
3 Dante Road					
R1/41	Kitchen	W1/41	20.5	13.9	32.1%
R2/41	Living room	W2/41	21.6	14.1	34.9%
Bolton House, 9 George Mathers Road					
R2/200	Bedroom	W2/200	25.1	15.6	38.0%
R4/200	Bedroom	W4/200	26.6	15.6	41.3%
R5/200	LKD	W5/200*	25.5	14.7	42.3%
R6/200	LKD	W6/200*	23.5	13.6	42.0%
R7/200	Bedroom	W7/200	21.1	12.4	41.5%
R9/200	Bedroom	W9/200	18.7	11.4	39.2%
R10/200	LKD	W10/200*	18.4	12.3	33.1%
R2/201	Bedroom	W2/201	28.5	17.1	40.1%
R3/201	Bedroom	W3/201	29.0	17.1	41.1%
R4/201	Bedroom	W4/201	27.4	16.1	41.3%
R5/201	Bedroom	W5/201	25.2	15.0	40.7%
R6/201	Bedroom	W6/201	22.8	13.8	39.7%
R7/201	Bedroom	W7/201	20.8	13.2	36.4%
R8/201	Bedroom	W8/201	20.8	14.5	30.3%
R1/202	Not stated	W1/202*	29.8	16.4	45.0%
		W3/202*	28.2	16.5	41.7%
R2/202	Not stated	W4/202*	28.5	16.0	44.0%
		W5/202*	20.7	11.1	46.3%
		W6/202*	27.7	16.1	42.1%
R3/202	Not stated	W7/202*	24.8	14.8	40.1%
		W9/202*	21.1	14.7	30.6%
R4/202	Not stated	W10/202*	21.0	13.2	37.1%
		W11/202*	19.6	10.3	47.6%
Freeman House, 10 George Mathers Road					
R1/210	LKD	W1/210*	14.6	7.7	47.2%
R1/211	LKD	W3/211*	18.3	11.4	37.4%
Wilmot House, 5 George Mathers Road					
R1/260	LKD	W1/260	19.5	7.8	60.0%
R3/260	Bedroom	W3/260	23.8	12.6	47.2%
R1/261	Bedroom	W19/261	27.0	15.1	43.8%
R2/261	LKD	W20/261	29.4	17.3	41.0%
R7/261	Bedroom	W21/261	21.5	12.1	43.9%
R8/261	Bedroom	W22/261	23.0	14.9	35.2%
Continued..					

Room	Room Use	Window	Existing VSC	Proposed VSC	Reduction %
R9/261	LKD	W23/261*	20.0	13.4	32.8%
R7/262	Bedroom	W18/262	26.1	14.6	44.3%
R8/262	Bedroom	W19/262	28.4	17.2	39.3%
R9/262	LKD	W20/262*	25.1	15.3	39.0%
R7/263	Bedroom	W21/263	29.8	18.0	39.7%
R8/263	Bedroom	W22/263	31.2	19.5	37.5%
R9/263	LKD	W23/263*	27.4	16.6	39.4%
R5/264	LKD	W10/264*	22.0	13.7	37.9%
29 Renfrew Road					
R1/470	Assumed KD	W3/470*	28.5	17.4	38.8%
28 Renfrew Road					
R1/480	Assumed KD	W1/480*	25.1	16.4	34.9%
27 Renfrew Road					
R1/490	Conservatory	W1/490*	33.7	19.7	41.7%
26 Renfrew Road					
R1/500	Assumed KD	W1/500	33.4	19.0	43.1%
25 Renfrew Road					
R1/510	LKD	W1/510	33.4	18.9	43.4%
134 Brook Drive					
R1/840	Assumed Living room	W1/840	27.6	17.8	35.6%
R1/841	Assumed bedroom	W1/841*	25.8	15.1	41.5%
134A Brook Drive					
R1/831	Bedroom	W1/831	29.4	17.2	41.7%
R2/831	Bedroom	W2/831	29.5	17.6	40.5%
136 Brook Drive					
R1/820	Assumed LKD	W1/820	31.3	19.4	38.1%
R1/821	Assumed bedroom	W1/821	29.7	17.0	42.7%
R2/821	Assumed bedroom	W2/821	29.5	16.9	42.6%
136A Brook Drive					
R1/810	Assumed LKD	W1/810	31.2	18.6	40.6%
R1/811	Assumed bedroom	W1/811	29.4	16.2	44.9%
R2/811	Assumed bedroom	W2/811	29.7	16.7	43.7%
138 Brook Drive					
R1/800	Assumed	W2/800*	30.6	15.6	49.0%
R2/800	LD	W3/800	31.5	17.5	44.6%
R1/801	Bedroom	W2/801	29.6	16.0	45.8%
R2/801	Bedroom	W3/801	29.5	16.3	45.0%
R3/801	Assumed	W1/801	27.7	14.3	48.2%
1Castlebrook Close					
R4/1110	Assumed	W5/1110	22.0	13.8	37.2%
R5/1110	Assumed	W4/1110	19.6	12.0	38.9%

*Denotes room served by more than one window

Appendix C

Neighbouring Amenity (extracted from Point 2 analysis) – gardens with adverse impact outlined in red



Appendix D

Table 4 – Self-test review of new habitable rooms failing to meet the Average Daylight Factor (ADF) for the given room use within Block A (extracted from Point 2's analysis)

Floor	Room Ref	Room Use	Minimum Value for Room Use	Point 2 calculated ADF value for Room	Achieved Percentage of Minimum Value
Ground	R18/1550	Bedroom	1%	0.8%	80%
	R19/1550	Bedroom	1%	0.4%	40%
	R20/1550	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R21/1550	LKD	1.5% (BRE 2.0%)	1.2%	80% (BRE 60%)
	R22/1550	Bedroom	1%	0.1%	10%
	R23/1550	Bedroom	1%	0.0%	0%
1 st floor	R1/1551	Living Room	1.5%	1.4%	93%
	R4/1551	LKD	1.5% (BRE 2.0%)	1.0%	67% (BRE 50%)
	R9/1551	LKD	1.5% (BRE 2.0%)	1.0%	67% (BRE 50%)
	R15/1551	Bedroom	1%	0.9%	90%
	R18/1551	Bedroom	1%	0.2%	20%
	R19/1551	Bedroom	1%	0.5%	50%
	R20/1551	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R21/1551	LKD	1.5% (BRE 2.0%)	1.2%	80% (BRE 60%)
	R22/1551	Bedroom	1%	0.2%	20%
	R23/1551	Bedroom	1%	0.0%	0%
	R26/1551	Bedroom	1%	0.7%	70%
	R28/1551	Kitchen	2%	1.8%	90%
2 nd floor	R4/1552	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R9/1552	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R15/1552	Bedroom	1%	0.9%	90%
	R18/1552	Bedroom	1%	0.2%	20%
	R19/1552	Bedroom	1%	0.5%	50%
	R20/1552	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R21/1552	LKD	1.5% (BRE 2.0%)	1.3%	87% (BRE 65%)
	R22/1552	Bedroom	1%	0.2%	20%
	R23/1552	Bedroom	1%	0.0%	0%
	R26/1552	Bedroom	1%	0.7%	70%
	R28/1552	Kitchen	2%	1.9%	95%
3 rd floor	R18/1553	Bedroom	1%	0.4%	40%
	R19/1553	Bedroom	1%	0.8%	80%
	R22/1553	Bedroom	1%	0.8%	80%
	R23/1553	Bedroom	1%	0.3%	30%
	R26/1553	Bedroom	1%	0.8%	80%

APPENDIX E

3D perspective massing views of proposal with established low-rise context of the area surrounding site (extracted from Point 2's submission)

