



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

SUMMARY OF 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

SUMMARY OF PROOF OF EVIDENCE

1.1 The Proof of Evidence was prepared by Ian Dias BSc (Hons), MRICS. I am a Partner at Schroeders Begg (UK) LLP, Chartered Surveyors who specialise in daylight & sunlight. I have provided daylight and sunlight services on numerous wide-ranging schemes for private and public sector clients alike, including major high-rise proposals and master planning. I have provided independent daylight and sunlight advice to London Borough of Lambeth for 6 years.

1.2 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;

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

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

1.3 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.

1.4 For ease of presentation, Reason for Refusal No 6 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.

1.5 However, common to both considerations is the context of this site which displays some 'sub-urban characteristics'. We highlight, in particular that both the existing massing on site and surrounding properties is low-rise, there are numerous gardens surrounding site, good levels of daylight and sunlight are currently enjoyed. The site area is not within an opportunity area and is distinct from the Elephant and Castle regeneration / opportunity area.

1.6 **Part 1 : adverse impact to the daylight to habitable rooms to neighbouring residential properties.** 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).

- 1.7 Accordingly, I have considered 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.
- 1.8 There are 71 No neighbouring windows that fall 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).
- 1.9 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.
- 1.10 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).
- 1.11 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).
- 1.12 **Part 2 : adverse impact to sunlight amenity to rear gardens of neighbouring residential properties.** 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. 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. Adversity / harm consideration to 11 No property / amenity areas with reductions to 7 No rear gardens being 'major adverse' and 4 No with 'moderate adverse' reductions. 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 below 50% as existing).

1.13 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).

1.14 In reference to the separate **Refusal Reason No 7 : Inadequate Residential Amenity for Future Occupiers of Development**, 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. 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.

1.15 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).

- 1.16 The proof demonstrates that despite some reasonable consideration towards alternative target criteria, the scheme proposal significantly impacts neighbouring daylight to habitable rooms and sunlight to neighbouring amenity areas; harm is evident with the proposal detrimental to neighbouring daylight and sunlight amenities. The proposal also confirms that in terms of self-testing of Block A, poor levels of daylight to a number of rooms will result and therefore, detrimental to future occupiers.