

Statement of Case

Appendix 21

Daylight/Sunlight Statement of Case –
prepared by John Barnes of eb7



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DAYLIGHT & SUNLIGHT Statement of Case

55 Vastern Road,
Reading

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1. Introduction

- 1.1 My name is John Douglas Barnes and I am a Director/Owner at eb7 Ltd of Holborn Tower, 137-144 High Holborn, London, WC1V 6PL where I have worked for 11 years. I hold a B.Sc in Environmental Science from The University of Nottingham and a PGDip in Building Surveying from London South Bank University.
- 1.2 I have worked as a daylight and sunlight consultant for 16 years and have been involved with a variety of major schemes during that time. Recent examples of my work include Bow Common Gasworks (for St William), Royal Wharf (for Ballymore), Conington Road (for Meyer Homes), Newfoundland (for Canary Wharf Group) and Chrisp Street Market Regeneration (for Telford Homes and Poplar Harca).
- 1.3 I have been acting on behalf of the Appellants, Berkeley Homes (Oxford and Chiltern) on the former SSE Site, Vastern Road, Reading since September 2019, providing the initial daylight and sunlight report for the planning application and all subsequent responses to the Local Planning Authority on this matter.
- 1.4 In addition to providing the relevant reports and letters, I was involved during the design stage of the project, providing a significant level of iterative design advice to maximise light levels to neighbours, leading to the evolution of the scheme that was submitted.
- 1.5 In this proof of evidence, I deal with daylight and sunlight to neighbouring residential properties only in response to the objections outlined in the committee report.
- 1.6 Daylight and sunlight to neighbouring properties has not been listed as a reason for refusal by the Local Planning Authority.
- 1.7 I confirm that the opinions expressed in my Statement of Case are my true and professional opinion and that the evidence in the statement which I have prepared and provided for this appeal is true.

2. Description of the Site and Surrounds

- 2.1 The site currently largely consists of an open car park with some low rise buildings and structures as shown in Image 1 below. In terms of surrounding context, there are residential dwellings relevant for assessment directly to the west/north west of the site consisting of 51 Vastern Road, 2-28 (evens) Lynmouth Road, 5 and 6 Lynmouth Court and 7-12 Lynmouth Court. In addition, there is a residential building to the east of the site, Thames Court, sitting circa. 40m from the nearest proposed structure. This neighbour does not have any windows on its site facing façade. At this distance, without any primary windows solely receiving light from across the site, this building is not deemed relevant for daylight and sunlight assessment. Other buildings surrounding the site are of commercial use and as such not relevant for daylight and sunlight assessment.



Image 1: Existing site and surrounds

- 2.2 With the site currently having only a small number of low rise structures and largely consisting of an open carpark, the obstruction in light caused to residential neighbours is minimal. As such, with neighbouring dwellings receiving unusually good levels of daylight and sunlight in the existing scenario, any development in line with the site allocation coming forward on the site is likely to cause noticeable effects.

3. History of the Planning Application

- 3.1 On the 4th of February 2020, a planning application was submitted under Local Planning Authority reference no. 200188 for the:

“Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road”

- 3.2 To support this application a daylight and sunlight report (5.7.1 and 5.7.2) was presented by eb7, setting out daylight and sunlight effects on neighbouring properties.
- 3.3 I then received an independent review of the daylight and sunlight report from the BRE (British Research Establishment) dated 7th April 2020 that had been instructed by Reading Borough Council. I responded to this review in a letter dated 20th of May 2020 (Reference 6.7).
- 3.4 On the 20th of May 2020, eb7 also provided an addendum letter (reference 6.8) considering the cumulative effect of a neighbouring application presented by Aviva (Planning Reference 200328).
- 3.5 Again, I received an independent review of this letter from the BRE on the 16th of June which I responded to in a letter on the 10th of July (Reference 6.64).
- 3.6 It was noted that in paragraph 4.24.14 of the Committee Report, there were some objections raised relating to daylight and sunlight to neighbouring properties. I will respond to these objections in this statement of case.
- 3.7 In the committee report the planning officer set out the following final conclusions in paragraph 4.14.3:

“Subsequent to this the applicant submitted a further letter, providing additional clarity in terms of: loss of light to 7-12 Lynmouth Court (moderate adverse effect, but should be considered within the context of unusually high existing daylight levels); a number of steps were incorporated to seek to mitigate the impact on the garden at 2 Lynmouth Road; comment on room BC09 in the proposed scheme. BRE provided a succinct follow up response, summarised as largely agreeing Eb7’s comments.”

- 3.8 Considering the above, the Local Planning Authority did not include daylight and sunlight to neighbouring dwellings as a reason for refusal.

4. Planning Policy

National Policy

National Planning Policy Framework, 2019

- 4.1 In regard to daylight and sunlight, paragraph 123(c) the National Planning Policy Framework (NPPF) states:

“Where 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).”

Local Policy

Reading Borough Local Plan, 2019

- 4.2 Policy CC8 – Safeguarding Amenity states:

“Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:

- *Access to sunlight and daylight;...”*

5. Assessment

Technical analysis

- 5.1 The technical analysis was undertaken through the creation of a digital three dimensional model of the application site and surroundings, based on measured survey data for the majority of the neighbouring properties.
- 5.2 In preparation for the appeal, a full quality assurance check has been undertaken on the 3D computer model of the proposed development and consideration has been given to minor changes that have been applied to the development throughout the application process. These include but are not limited to the inclusion of the energy centre on the roof of block D and amendments to balconies within the scheme.
- 5.3 Following this review and reassessment it is clear these changes have had negligible effect on the daylight and sunlight results that were originally submitted. The majority of windows see no change in levels of Vertical Sky Component (VSC) or alterations of less than 0.2% in VSC which would not be considered material. There are a total of 6 windows serving 4 rooms in 2 Lynmouth Road, 26 Lynmouth Road and 28 Lynmouth that see alterations of between 0.3% and 0.5%. Looking at the rooms affected, this does not affect the significance of effect with reductions to primary windows in these rooms remaining less than 30% from existing levels and as such being considered minor.
- 5.4 When considering sunlight, again there are small alterations, both positive and negative as a result of the minor changes to the scheme. The alteration in sunlight are generally between 0-2% and no more than 3%. Where there are 3% alterations, the retained Annual Probably Sunlight Hours to the rooms affected remain well in excess of 25% and as such are in line with the suggested BRE targets.
- 5.5 For this reason, I consider the alterations in light to be non-material and do not affect the outcomes of the daylight and sunlight report or correspondence on the matter.

Objections from Neighbours

- 5.6 As set out in the introduction, daylight and sunlight was not a reason for refusal from the Local Planning Authority. However, for completeness, this Statement of Case responds to the objections set out in paragraph 4.24.14 of the committee report.

Lynmouth Road objections:

- *The houses in Lynmouth Road are only two storey and will be overlooked and their light will be severely restricted by the height of the intended construction.*
- *Of the 31 Lynmouth Road houses rooms, the vast majority (20, or 65%) will suffer a 20% or greater drop in sunlight (as measured by VSC or NSC). Assume this is largely because of the height of "The Goods Office" building - 4-storeys - and believe this aspect of the development would be far more palatable if it were 2- or 3-storeys.*
- *Changes which reduce the light entering or views from the windows of Lynmouth Road houses means there should not be a wall or fence constructed along the Western (W-NW) boundary that is any taller or more obstructive than the existing wooden fences.*

Eb7 Response to Lynmouth Road objections

- 5.7 The daylight and sunlight to the Lynmouth Road Houses has been assessed and reported on within the submitted daylight and sunlight report (Reference X). Due to these properties currently primarily facing a flat car park existing levels of daylight are generally very high meaning high proportional reductions in daylight are expected in line with the site's allocation within the local plan. Having said this, the scheme has been designed sensitively with these properties in mind, stepping away from the boundary and maintaining low buildings through the centre of the site, maximizing light to these properties. As such the retained light levels to these properties with the proposal in place would be considered good for this context.
- 5.8 This daylight and sunlight report has been peer reviewed by the Building Research Establishment, the authors of the guidance on which the assessment has been based, at the instruction of the Local Planning Authority. The findings of the peer review agree that there will largely be minor losses in daylight to these houses as a result of the proposed development. Where this is not the case the effects are driven by features which are considered self-limiting with regard to light, such as overhanging elements. As such, whilst I acknowledge that there will be noticeable reductions in light to these properties, this is not unexpected given the current daylight levels. The reductions are considered minor and the retained daylight levels are in keeping with the context.
- 5.9 With regard to the boundary wall, the proposal would be for a 1.8m boundary wall, a typical height for this context.

7-12 Lynmouth Court objections:

- *The reduction to light within Lynmouth Court flats is significantly greater than the guidelines, where the daylight will be notably affected. The comment by the applicant that the new levels are still 'considered reasonable in an urban context' is an insult when compared against the splendid light and views to be enjoyed by apartments in this proposed development. The developers should redesign their skyscrapers to conform with the guidelines and cause less impact on neighbours.*
- *Lynmouth Court will be completely overshadowed*

Eb7 Response to 7-12 Lynmouth Court objections:

- 5.10 The assessments submitted set out that based solely on the reduction of light to the ground and first floors of 7-12 Lynmouth Court the effect on daylight is considered moderate adverse. It must be considered however that existing daylight levels to these windows are unusually high with little obstruction from the buildings and structures on the site. These higher than normal existing levels mean that it is possible for there to be larger reductions in light, whilst retained levels remain acceptable.
- 5.11 All rooms on the ground and first floors (bar one that is limited by a neighbouring flank wall) have at least one window that retains a Vertical Sky Component (VSC) in excess of 22.1%, a level that I feel is entirely reasonable given the flexibility suggested on the BRE guidance for this emerging urban context. It is generally considered that the 27% VSC target set out in the BRE guidance is more appropriate for a suburban context than a site such as this, with a highly sustainable urban site. The design response to this property is visible in that buildings F and G

of the proposal which sit directly in front of 7-12 Lynmouth Court have been limited to 2 to 3 storeys in height to allow light to reach this neighbour.

- 5.12 Whilst there are technical moderate effects based on the reduction of light only, given the unusually high existing daylight levels, reasonable retained VSC levels with the proposal in place and considered design response, I feel the effect on this property is acceptable.
- 5.13 The independent review by the BRE dated the 16th of June 2020 agrees that the proportional reduction is considered to be moderate adverse and accepts that in the existing condition that the windows are “unusually lightly obstructed” (5th paragraph page 2).

Thames Court objections

- *Thames Court will be deprived of afternoon and evening sunlight and lounges placed in shadow*
- *Evening sunlight in a Thames Court lounge and across the river, with its positive impact on my well-being, will be permanently lost.*
- *The height of the development will overshadow Thames Court*
- *Thames Court’s gardens will be placed in permanent shadow.*

Eb7 Response Thames Court objections

- 5.14 The site facing façade of Thames Court does not have any windows and as such is not relevant for assessment. The windows believed to serve the lounges of Thames Court are north facing bay windows with a view over the river. With none of these windows facing within 90° of due south, these are not relevant for sunlight assessment by reference to the BRE Guidelines. The daylight levels to these rooms will be very high with an open aspect across the river to the north.
- 5.15 It is not true to say that the gardens would be in permanent shadow. The Thames Court gardens sit to the north/north west of Thames Court with the largest area of these gardens being completely open to the south. The most proximate block of the proposal, Block D, sits to the west of this space and would therefore only have the potential to cause additional shadow to this space in the late afternoon and evening. I consider that this area would comply with the Sun on Ground assessment for overshadowing set out in the BRE guidelines and receive at least 2 hours of direct sunlight across 50% of its area with the proposal in place. This sunlight to this space has not been highlighted as an issue in the independent peer reviews provided by the BRE.

6. Conclusion

- 6.1 In advance of preparing this statement of case, a review of the technical analysis was undertaken and consideration given to the minor alterations to the scheme since the original submission. I have concluded in this review that the effect of the changes are not material and do not affect the outcomes of the reports.
- 6.2 The daylight and sunlight to neighbouring properties has been assessed following the methods set out in the BRE guidelines. The BRE were instructed by the Local Planning Authority to review the reports and subsequent assessments submitted. The committee report sets out the findings of the BREs reviews on daylight and sunlight, as well as eb7s responses and confirms that the BRE largely agree with eb7's comments. As a result, daylight and sunlight to neighbouring properties was not cited as a reason for refusal by the Local Planning Authority.
- 6.3 There is some objection raised on the grounds of daylight and sunlight to neighbouring properties that were outlined within the committee report and these have been responded to in this Statement of Case. The outcomes are summarised below.
- 6.4 The daylight effects to the rooms within the Lynmouth Road properties are considered minor as a result of the considered design of the scheme. The only exceptions are rooms served by windows that are self-limited by overhangs.
- 6.5 The Lynmouth Court properties see a greater proportional effect on their daylight as a result of the Proposed Development, however being almost completely unobstructed currently, this is to be expected. I consider the retained light levels to be completely appropriate for the emerging context.
- 6.6 The Thames Court properties were not assessed within the daylight and sunlight reporting as the site facing façade of these properties does not include any windows. There are primary windows with a view perpendicular to the proposal but it is not considered that these would be significantly affected. The independent review by the BRE does not raise issue with the scope of the assessment.
- 6.7 With regard to overshadowing to the Thames Court gardens, the largest area of this space is unobstructed to the south and as such is likely to comply with the BRE tests.
- 6.8 Overall, the scheme has been designed sensitively considering its neighbours amenity with the buildings lowering in height in proximity to the closest residential properties. Whilst there are noticeable impacts as a result of the proposal, these are magnified by the lack of development currently on the site and I consider the retained levels reasonable for this context. The proposal is therefore considered to be in line with the policy set out in paragraph 123 (c) of the NPPF and also Policy CC8 of the Reading Local Borough Plan.