

# Vastern Court, Reading, RG1 8AL

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78  
APPEAL BY AVIVA LIFE & PENSIONS UK Ltd AGAINST THE FAILURE OF READING  
BOROUGH COUNCIL TO DETERMINE WITHIN THE PRESCRIBED PERIOD A PLANNING  
APPLICATION

## Note on submissions by the Appellant on daylight and sunlight issues

By Dr Paul Littlefair, BRE, on behalf of Reading Borough Council

**INSPECTORATE REFERENCE: APP/E0345/W/21/3289748**  
**READING BOROUGH COUNCIL REFERENCE: 200328**

3 October 2022

Dr Paul Littlefair, BRE, Garston, Watford WD25 9XX

## 1. Scope

- 1.1 This note deals with recent submissions by the Appellant on daylight and sunlight matters. It addresses the data referred to in the Design Code (CD1.47) and reviews material in the Appellant's submission on daylight and sunlight on 16<sup>th</sup> September 2022 (ID70).

## 2. Data on daylight referred to in the Design Code

- 2.1 The Appellant's revised Design Code (CD1.47) contains (in sections 3.3, 4.1, 4.2, 4.3, 4.4 and 5.62) statements of the form *'Development of plots adjacent to Vastern Road shall not, in isolation or in combination with other plots, result in materially worse daylight/ sunlight impacts on existing properties and those permitted under planning permission 200188/FUL on the northern side of Vastern Road than those shown in the Daylight/Sunlight Assessment prepared by CHP Surveyors Ltd (dated 10th June 2022).'*
- 2.2 In his supplementary statement on Design and Townscape (ID71) Mr Doyle stated at paragraph 2.9.4 *'It is important to note the 10 June analysis of loss of light to surrounding properties by CHP was carried out against the maximum parameter scheme. The statement in the Design Code ... is at best meaningless (because development would have to exceed the maximum parameters to have a worse daylight/sunlight impact) and at worse suggesting that a bigger scheme than the maximum parameters is an option to be considered.'*
- 2.3 This statement was rebutted by the Appellant in their document of 28<sup>th</sup> September 2022 entitled 'Response to Supplementary Statement on Design and Townscape By Mr Doyle, dated September 2022'. Their paragraph 3.4 states *'Mr Doyle is wrong in his assertion that the Daylight/Sunlight Assessment prepared by CHP Surveyors Ltd (dated 10th June 2022) was modelled against the parameter maxima and not the Illustrative Scheme; in fact the opposite is true, which enables the Applicant to use the assessment as a further control on future reserved matters applications by limiting the effects*

*of any application to no more than those that would be brought forward by the Illustrative Scheme.'*

- 2.4 However, it is the Appellant's statement that is incorrect. The 10<sup>th</sup> June 2022 assessment is that contained in the daylight statement of common ground (CD12.6) agreed by CHP and BRE and dated 10<sup>th</sup> June. There is no other analysis by CHP which is dated 10<sup>th</sup> June.
- 2.5 The assessment of daylight impact on existing properties is detailed in Appendix A of the SoCG. This is based on the maximum parameters. The data are the same as those in the Environmental Statement which was stated to be based on the maximum parameters.
- 2.6 CHP did calculate loss of light to 17-51 Vastern Road due to the Illustrative Scheme (or a variant of it; no massing diagrams were provided so it is not possible to verify exactly which scheme was analysed). But this was in a letter (ID56) dated 30 May 2022 and the data tables were dated 27<sup>th</sup> May.
- 2.7 The results showed that even the Illustrative Scheme analysed would have a substantial impact on properties in Vastern Road. 64 out of 66 windows analysed in 17-51 Vastern Road would have losses of vertical sky component outside the BRE guidelines, with relative losses between 29-42% (apart from one secondary window with a higher relative loss). In 55 Vastern Road 11 out of 12 living rooms analysed would have average daylight factors below the recommended 1.5% minimum, the same number as with a maximum parameter scheme. Also, there is no guarantee that the appellant would build the Illustrative scheme and not revert to something closer to the maximum parameters. For example, to improve internal daylight one way would be to increase massing on the lightly obstructed Vastern Road elevations.
- 2.8 What may have confused the appellant's team is that Appendix F of the SoCG, which gives average daylight factors inside the proposed development, is based on the Illustrative Scheme. However this does not concern the effects of the scheme on neighbouring properties which is what the Design Code statements address.

- 2.9 It can be concluded that Mr Doyle's statement in his paragraph 2.9.4 that *'It is important to note the 10 June analysis of loss of light to surrounding properties by CHP was carried out against the maximum parameter scheme. The statement in the Design Code ... is at best meaningless (because development would have to exceed the maximum parameters to have a worse daylight/sunlight impact) and at worse suggesting that a bigger scheme than the maximum parameters is an option to be considered'* is correct.
- 2.10 In addition, the argument in paragraph 4.4 of the Appellant's statement 'Response to Supplementary Statement on Design and Townscape By Mr Doyle, dated September 2022' carries no weight. They state that *'Mr Doyle suggests that the floor to ceiling heights in the buildings could be higher and that would allow the building heights to increase without necessarily impacting upon the buildings' compliance with the floorspace caps. However, that suggestion entirely ignores that to do so would result in taller buildings which would then have a materially greater impact in sunlight/daylight terms on the buildings along Vastern Road, which would not be acceptable at reserved matters stage in accordance with the controls in the Design Code. The position is the same when considering Mr Doyle's suggestion that the lobbies could triple in height without impacting the floorspace caps: the only impact that would have on the development is reduce the developable amount of floors within the parameter maxima since to materially increase the overall height would result in unacceptable impacts in sunlight/daylight terms.'* The second and third statements are incorrect because the Design Code does not provide an effective control; so long as the final development remained within the maximum parameters it would meet the Design Code recommendation reproduced in paragraph 2.1 above.

### 3. Review of material submitted by Appellant on 16<sup>th</sup> September

- 3.1 This concerns document ID70 'Joint Response by CHP and BRE on Daylight and Sunlight 16-9-22'. The council's and appellant's experts agreed the text on the first two pages, and the statement of common ground on pages 10-12, and the council has no issue with the data on pages 3-7. However on pages 8-9 the appellants have inserted a letter to the council's expert, dated 19th July 2022, which the council does not agree with. It includes two paragraphs about 55

Vastern Road which are incorrect, because the results are based on an analysis without balconies which the council's expert has consistently argued is wrong (see the bottom of page 1 of the 16th September document, ID70). CHP's data on page 7 of that document does include the effect of the balconies and should be used instead of the erroneous statistics on pages 8 and 9.