

6 AMENITY TO NEIGHBOURING PROPERTIES

6.4 NANKEVILLE COURT - EXISTING FLATS

- 6.4.1 Nankeville Court is located to the south of the Site.
- 6.4.2 Floor plans have been obtained for this property which have formed the basis of our technical assessments and can be found in Appendix 09.
- 6.4.3 As with Olympian Heights, the floor plans did not include flat numbers therefore I have used alternative number references in order to aid the discussion on individual units. These alternative numbers may not reflect the true flat number assigned to individual addresses.
- 6.4.4 I have identified 76 flats as including windows that face the Site. All 76 flats have been technically assessed to understand the daylight and sunlight impacts.
- 6.4.5 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 04 and 05.
- 6.4.6 None of the flats will meet the recommendations of the BRE Guidelines in respect of daylight.
- 6.4.7 I have identified Flat 78 located on the tenth floor to be the least affected flat and Flat 2 located on the ground floor to be the most affected flat.
- 6.4.8 I have considered the impact on these two flats against the Stage 1 and Stage 2 considerations.

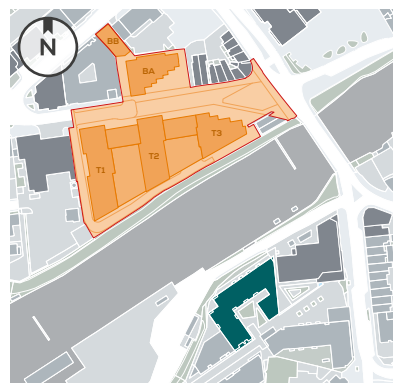


Fig. 57: Property location key plan (green)



Fig. 55: Aerial image of Nankeville Court

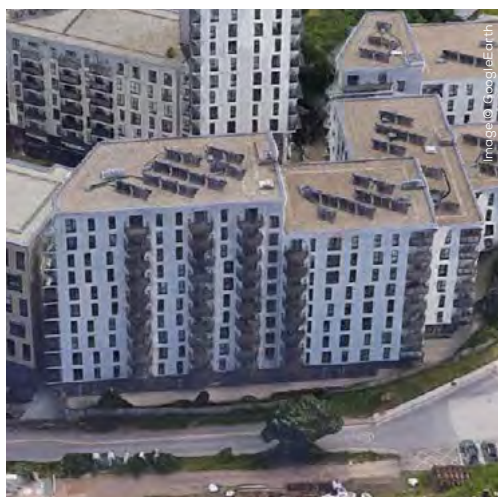


Fig. 56: Aerial image of Nankeville Court

WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Studio Apartment

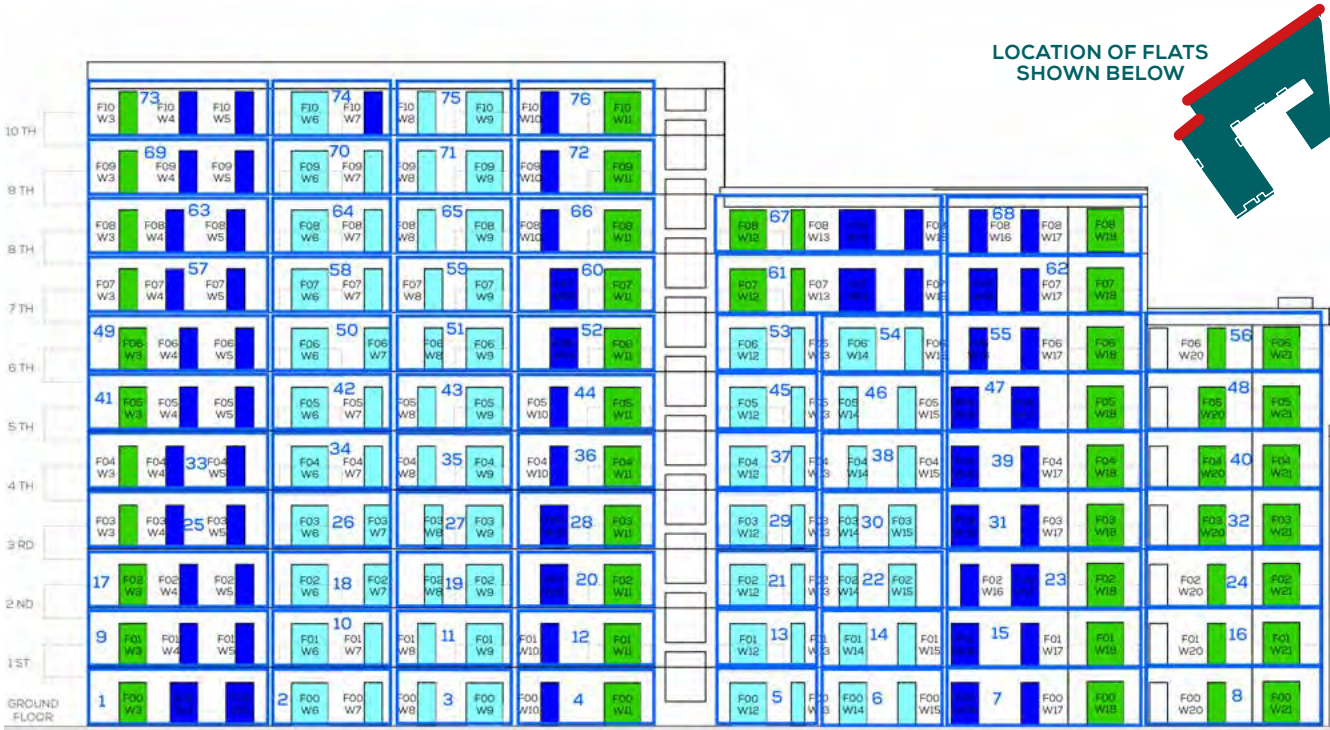
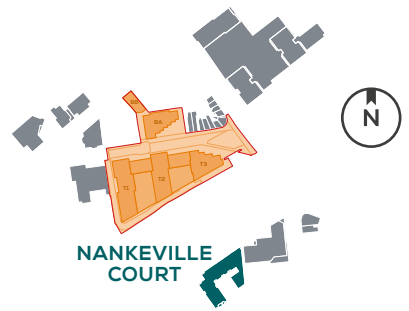


Fig. 58: Flat reference window map

LOCATION OF FLATS SHOWN BELOW

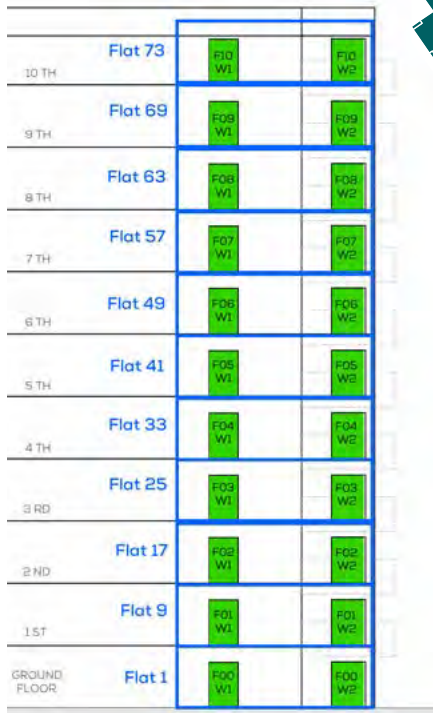


Fig. 59: Flat reference window map

LOCATION OF FLATS SHOWN BELOW

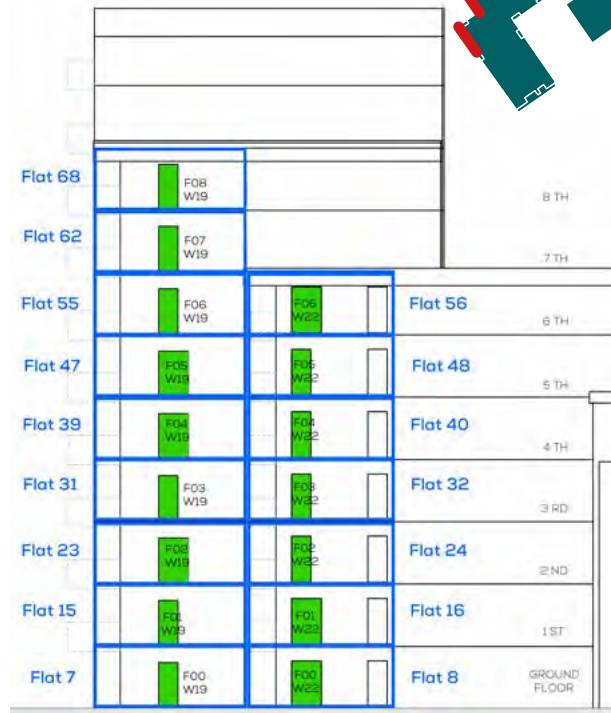


Fig. 60: Flat reference window map

FLAT 75 (LEAST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.4.9 This tenth floor flat is a studio apartment served by two windows. Of the two windows serving the studio, one will meet the recommendations of the BRE Guidelines (W9/F10) while the other window (W8/F10) will see a minor reduction in VSC of 27.3%.
- 6.4.10 The room will see a 30.7% reduction in NSL.

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight to the property?

- 6.4.11 The window experiencing the reduction will retain a VSC value of 26.9% which is only just below the target value of 27%.
- 6.4.12 When considering the supplementary VSC to the room assessment provided within the BRE Guidelines and summarised at paragraph 4.81, the room is compliant.
- 6.4.13 The studio will see a 30.7% reduction in NSL, however, it will have sky visibility to over two thirds of the room with a retained NSL value of 69%.

Summary

- 6.4.14 One of two windows serving the studio will fall short of the recommendations of the BRE Guidelines; however, the retained VSC value of this window is 0.01% below the target value of 27%. When considering VSC to the room, it is compliant in the proposed scenario.
- 6.4.15 The studio will retain a view of the sky from over two thirds of the room area.
- 6.4.16 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.

FLAT 2 (MOST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.4.17 This first floor flat is a studio apartment served by two windows (W6/F00 and W7/F00). The windows will see percentage reductions in VSC of 51.1% and 39.4% respectively.
- 6.4.18 The room will experience a percentage reduction in NSL of 41.8%.

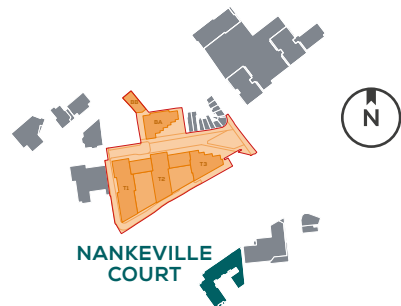


Fig. 61: Flat 78 (Least Affected) location



Fig. 62: Flat 78 (Least Affected) location key plan



Fig. 63: Flat 78 (Least Affected) NSL contour plot

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight to the property?

VSC

- 6.4.19 The windows will see percentage reductions in VSC of 51.1% and 39.4% respectively. The retained VSC values will be 11.5% and c.19% respectively.
- 6.4.20 As shown in Appendix 10, the retained VSC values are similar or higher to those that currently exist in the ground and first floor windows of the following neighbouring properties which are unaffected by the Proposed Development:
- Cardinal Place – Block A
 - Victoria House
 - 3-4 Guildford Road
 - 14 Chapel Street
 - 23-24 High Street
 - 26a High Street
- 6.4.21 I have also considered the effect of the Proposed Development against the RTG scheme. The Proposed Development results in a lower VSC value when compared with the RTG scheme (a loss of 3.6% VSC to the room in absolute terms).
- 6.4.22 One of the windows serving the studio is located beneath an overhanging balcony (W6/F00). Were the existing obstruction removed, it would result in a significantly higher existing value and by extension a lower relative percentage reduction (Figure 72). With the balcony removed, the proposed VSC value to the room is 21.7%, which is in line with the position accepted by the Inspector on the Hertford Gasworks Appeal (CD-15.1.1) that a 20% reduction on the BRE’s target 27% would not be noticeable and therefore a retained value of 21.6% should logically be an acceptable VSC benchmark.

NSL

- 6.4.23 When considering the NSL assessment there will be a c.42% change from the existing situation with a retained NSL to c.55% of the room area. The studio will retain a view of the sky from over half the room area.
- 6.4.24 The retained NSL value is similar or higher to those that currently exist in the ground and first floor rooms of the following neighbouring properties which are unaffected by the Proposed Development:
- Cardinal Place – Block A
 - 14 Chapel Street
 - 23-25 High Street
 - 26a High Street

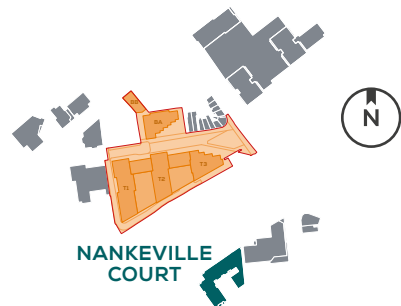


Fig. 64: Flat 2 (Most Affected) location

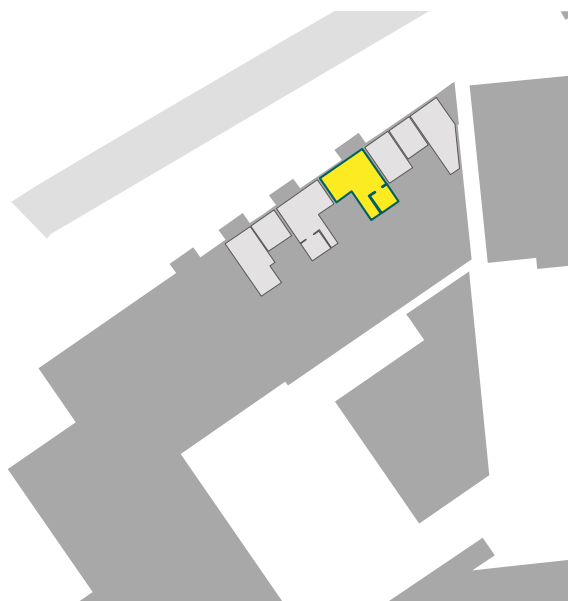


Fig. 65: Flat 2 (Most Affected) location key plan

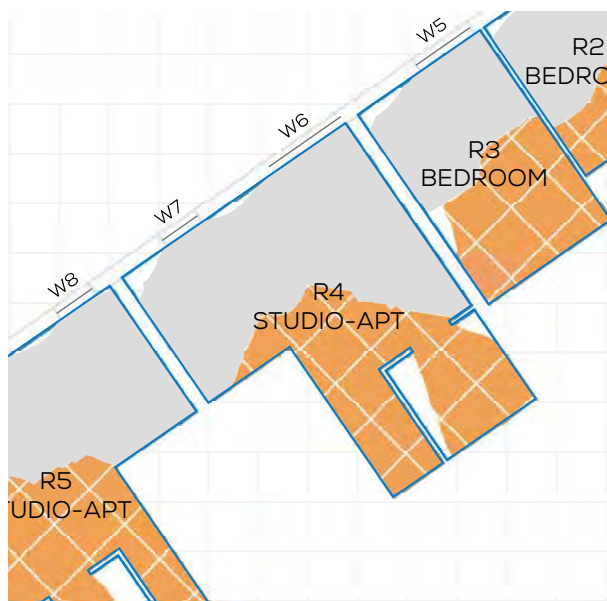


Fig. 66: Flat 2 (Most Affected) NSL contour plot

Summary

- 6.4.25 The retained VSC and NSL values to the impacted windows and rooms are similar to other properties within the Appeal Study Area.
- 6.4.26 The retained VSC value is within 3.6% of the RTG scheme.
- 6.4.27 The provision of balconies has restricted the receipt of daylight to the studio.
- 6.4.28 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.

72 NANKEVILLE COURT (GIA FLAT 1)

- 6.4.29 A third party representation has been made in relation to the loss of daylight and sunlight to 72 Nankeville Court. The objection relates to both daylight and sunlight impacts to the property and also loss of sunlight to the amenity space serving the flat.
- 6.4.30 The flat is located on the ground floor of Nankeville Court in the north east corner immediately adjacent to Olympian Heights. Given the difference in levels between the Site and Nankeville Court, the property is elevated. The flat has been referenced as Flat 1 in the technical results provided at Appendices 04 and 05 and at Figure 73. The rooms are referenced as R1/F00 (LKD), R2/F00 (Bedroom) and R3/F00 (Bedroom).
- 6.4.31 The windows and rooms within the property which face towards the Site are not within 90-degrees of due south and are therefore not relevant for the sunlight assessment.
- 6.4.32 In terms of daylight, there are three windows serving the LKD, two of which either face towards Olympian Heights or have an oblique view of the Proposed Development. The remaining window (W3/F00) will see a 36.8% reduction in VSC with a retained VSC of 21.1%, which is in line with the position accepted by the Inspector on the Hertford Gasworks Appeal (CD-15.1.1) that a 20% reduction on the BRE's target 27% would not be noticeable and therefore a retained value of 21.6% should logically be an acceptable VSC benchmark.
- 6.4.33 The bedrooms (W4/F00 and W5/F00) will see percentage reductions of c.37-38% with retained values of 20.9% and 19.6% VSC respectively.
- 6.4.34 As shown in Appendix 10, the retained VSC values are similar to those which currently exist in the ground and first floor windows in the following neighbouring properties in the Appeal Study Area which are unaffected by the Proposed Development:
- Cardinal Place - Block A
 - Victoria House
 - 3-6 Guildford Road
 - 11 Guildford Road
 - 14 Chapel Street
 - 21-26 High Street

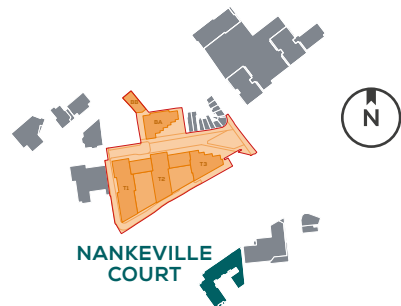


Fig. 67: Flat 72 (GIA Ref - Flat 1) location

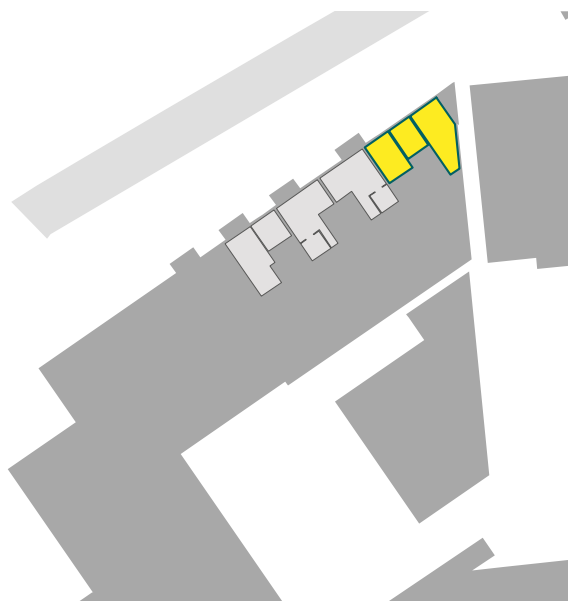


Fig. 68: Flat 72 (GIA Ref - Flat 1) location key plan



Fig. 69: Flat 72 (GIA Ref - Flat 1) NSL contour plot

6 AMENITY TO NEIGHBOURING PROPERTIES (Continued)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
NANKEVILLE COURT																	
75	F10	R6	Residential	Studio-Apt	W8/F10	37	26.9	10.1	27.3	36.3	26.9	9.4	25.9	99.5	69	8.1	30.7
					W9/F10	36	27	9	25								

Fig. 70: Existing v proposed results (Flat 75 - least affected)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
NANKEVILLE COURT																	
2	F00	R4	Residential	Studio-Apt	W6/F00	23.5	11.5	12	51.1	26	13.9	12.1	46.5	95.1	55.4	11.6	41.8
					W7/F00	31	18.8	12.2	39.4								

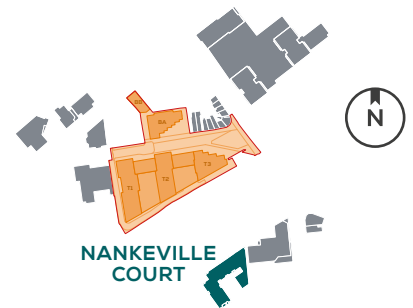
Fig. 71: Existing v proposed results (Flat 2 - most affected)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %
NANKEVILLE COURT													
2	F00	R4	Residential	Studio-Apt	W6/F00	33.9	21.7	12.2	36	33.9	21.7	12.2	36
					W7/F00	34	21.8	12.2	35.9				

Fig. 72: No balcony v proposed results (Flat 2 - most affected)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
NANKEVILLE COURT																	
Flat 72	F00	R1	Residential	LKD	W1/F00	0.4	0.4	0	0	12.7	8.7	4	31.5	99.1	54	9.5	45.4
(GIA Ref 1)					W2/F00	6.9	5.9	1	14.5								
					W3/F00	33.4	21.1	12.3	36.8								
		R2	Residential	Bedroom	W4/F00	33.1	20.9	12.2	36.9	33.1	20.9	12.2	36.9	98.5	60.1	3.6	39
		R3	Residential	Bedroom	W5/F00	31.8	19.6	12.2	38.4	31.8	19.6	12.2	38.4	96.4	46	7	52.3

Fig. 73: Existing v proposed results (72 Nankeville Court)



- 6.4.35 I have reviewed the Transient Overshadowing Assessment submitted with the ES Chapter (CD-4.1.7) to understand the impact of the Proposed Development on the outdoor amenity space serving this flat. On the Spring Equinox (21st March), there will be no additional overshadowing to the outdoor amenity space serving Flat 72. This is also the case on the Winter Equinox (21st December). Even on the Summer Solstice (21st June), the outdoor area sees very limited direct sunlight given it is almost entirely north facing and shadowing occurs due to Nankeville Court itself. Any sunlight that is received in this area from around 8pm onwards would be lost due to the Proposed Development; however, the area is entirely unchanged during the remainder of the day.
- 6.4.36 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight or overshadowing, I do not consider that the impacts to the amenity of this property would be significantly harmful.

6 AMENITY TO NEIGHBOURING PROPERTIES

NANKEVILLE COURT - CONSENTED EXTENSION

6.4.37 In November 2019, a planning application was refused for the erection of rooftop extensions and modifications to the internal layouts at seventh and tenth floors (WBC Ref: PLAN/2019/0753). However, matters relating to daylight and sunlight amenity were considered acceptable.

6.4.38 The scheme was subsequently allowed at appeal and Planning Permission granted in May 2021 (PINS Ref: APP/A3655/W/20/325346).

6.4.39 As the Planning Permission has not yet been implemented and there is no-one occupying the flats to experience a relative change, I have considered the ADF analysis for the relevant consented floors.

6.4.40 Of the 15 rooms relevant for assessment, 14 will adhere to the ADF criteria upon implementation of the Proposed Development. The results of the ADF assessment are enclosed at Appendix 06.

6.4.41 One LKD at the ninth floor will fall below the target ADF values provided within the BRE Guidelines. The proposed ADF value will be 1.4%, which is 0.2% lower than the existing ADF value of 1.6%. It is my view that the reduction in ADF is unlikely to be a perceptible change.

6.4.42 Furthermore, the proposed ADF value is only just below the 1.5% ADF target which is commonly applied in the industry for rooms which combine a living room, dining room and kitchen.

6.4.43 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight, I consider that future occupants would continue to receive "adequate" access to daylight⁵².

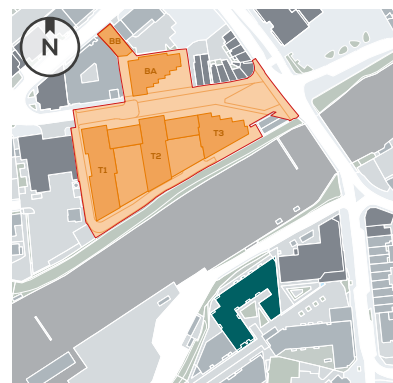


Fig. 74: Property location key plan (green)

52 WBC. (2019). Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) (2019), p 19, para 5.12



Fig. 75: Aerial image of Nankeville Court

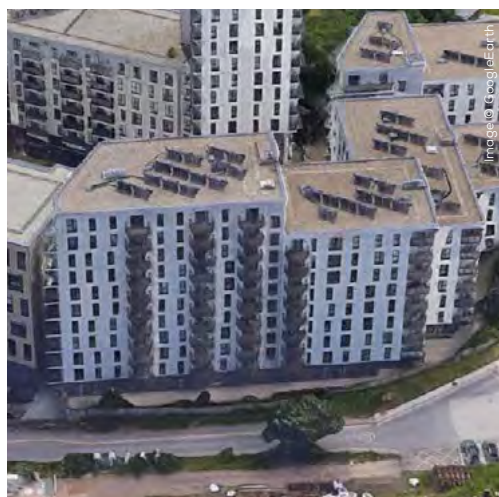


Fig. 76: Aerial image of Nankeville Court

WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Studio Apartment

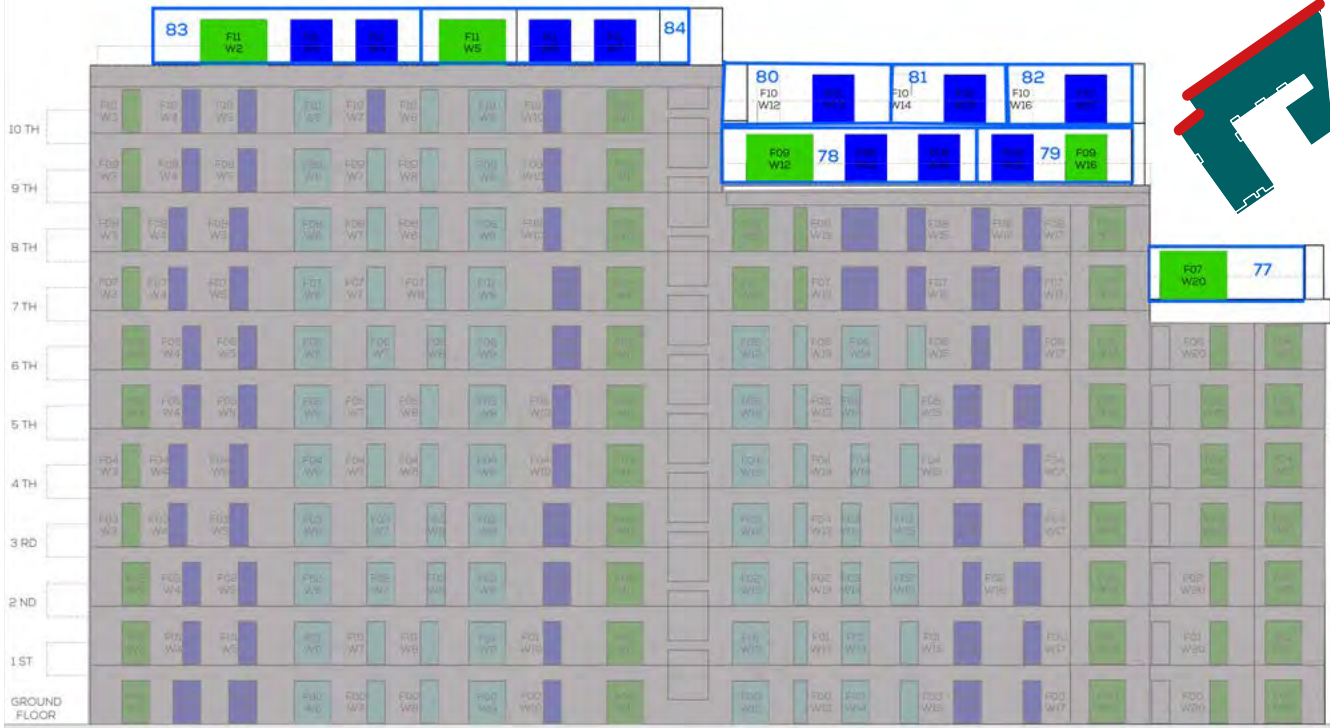
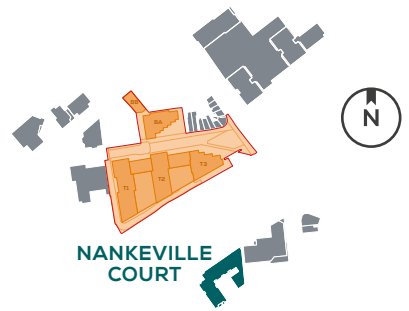


Fig. 77: Window map of consent

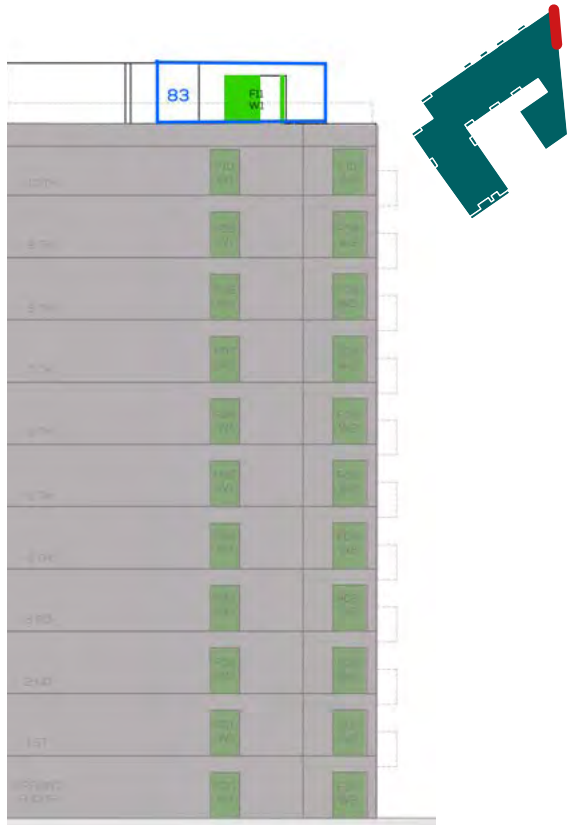


Fig. 78: Window map of consent

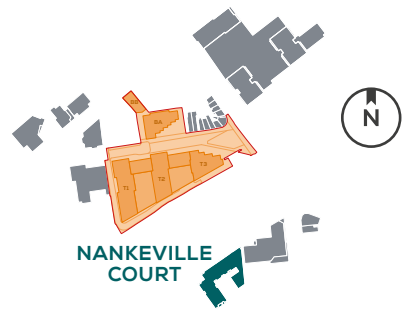


Fig. 79: Flat reference window map

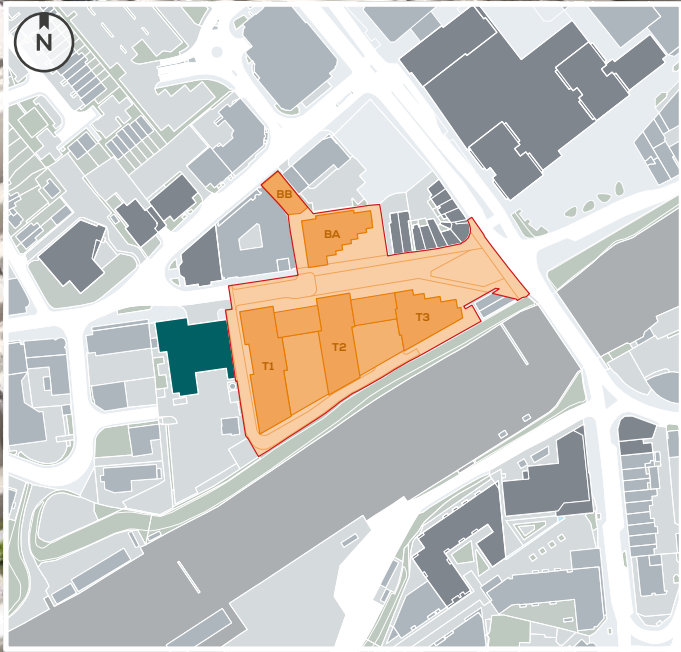
6 AMENITY TO NEIGHBOURING PROPERTIES (Continued)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	ROOM AREA (SQM)	TARGET	EXISTING	PROPOSED	LOSS
NANKEVILLE COURT - CONSENTED EXTENSION									
77	F07	R14	Residential	LD	21.5	1.5	2	1.7	0.3
78	F09	R9	Residential	LKD	26.8	2	1.8	1.4	0.4
		R10	Residential	Bedroom	9.7	1	2.4	1.8	0.6
		R11	Residential	Bedroom	11.8	1	2.1	1.6	0.5
79	F09	R12	Residential	Bedroom	8.5	1	2.7	2.1	0.6
		R13	Residential	LKD	28	2	2.4	2.2	0.2
81	F10	R10	Residential	Bedroom	12.6	1	2.5	2	0.5
82	F10	R12	Residential	Bedroom	12.2	1	2.6	2.1	0.5
83	F10	R14	Residential	Bedroom	12.2	1	2.6	2.1	0.5
	F11	R1	Residential	Living Room	31.9	1.5	3.4	3	0.4
		R2	Residential	Bedroom	12.1	1	2.1	1.7	0.4
		R3	Residential	Bedroom	13.1	1	2	1.6	0.4
84	F11	R4	Residential	Living Room	26.3	1.5	2	1.6	0.4
		R5	Residential	Bedroom	10.9	1	2.3	1.8	0.5
		R6	Residential	Bedroom	13.1	1	2	1.6	0.4

Fig. 80: Existing v proposed results (ADF)



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Location plan showing Greenwood House (green)



SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
GREENWOOD HOUSE (FIRE STATION)

5 GREENWOOD HOUSE

6 AMENITY TO NEIGHBOURING PROPERTIES

6.5 GREENWOOD HOUSE

6.5.1 Greenwood House is located to the west of the Site.

6.5.2 Floor plans have been obtained for this property which comprises residential accommodation from first to third floor in the form of studio flats with a shared kitchen/dining and laundry space on each floor level. These are enclosed at Appendix 09.

6.5.3 I have identified 19 residential units (as per the floor plans) which have windows facing the Site. There are no windows within the shared kitchen/dining spaces which face the Site. All units have been technically assessed.

6.5.4 All 19 flats meet the BRE's recommendations for daylight to the room (NSL)

6.5.5 The following 11 flats would meet the recommendations of the BRE Guidelines in relation to daylight to the window (VSC):

- Managers Accommodation;
- Unit 1.5;
- Unit 2.7;
- Unit 2.6;
- Unit 2.5;
- Unit 3.7;
- Unit 3.6;
- Unit 3.5;
- Unit 4.7;
- Unit 4.6; and
- Unit 4.5.

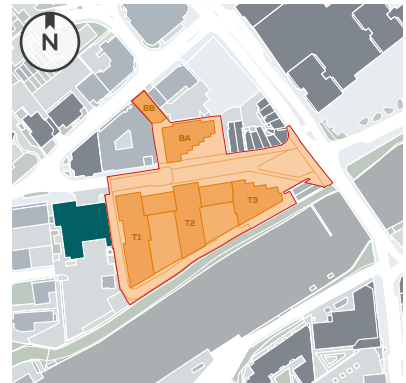


Fig. 81: Property location key plan (green)



Fig. 82: Street View image of Greenwood House



Fig. 83: Aerial image of Greenwood House

WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Studio Apartment



LOCATION OF FLATS SHOWN BELOW

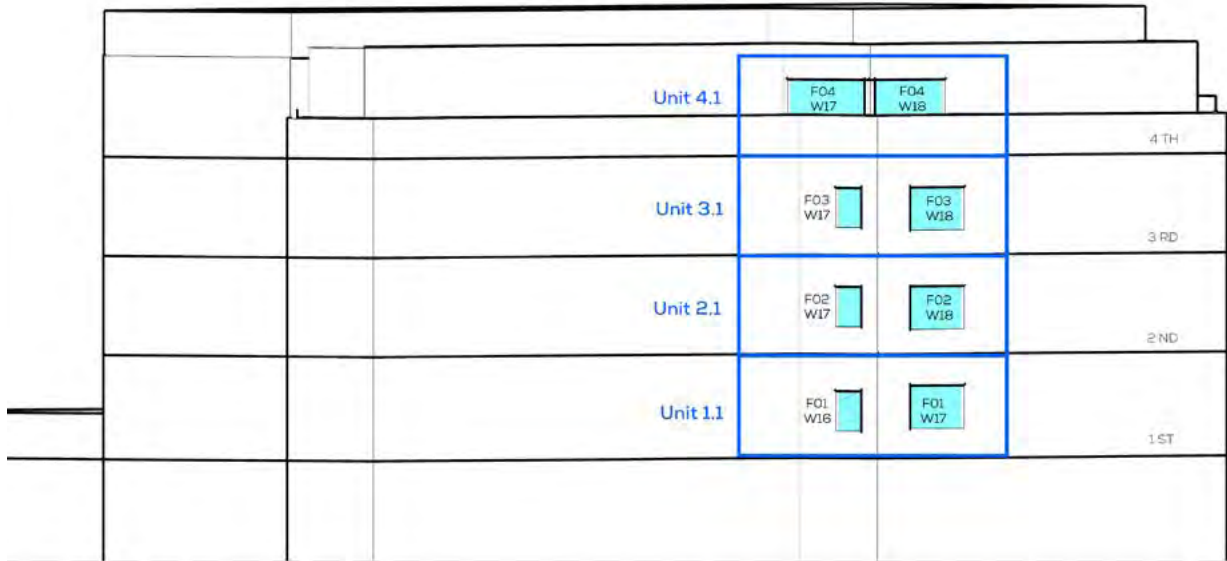


Fig. 84: Flat reference window map

LOCATION OF FLATS SHOWN BELOW

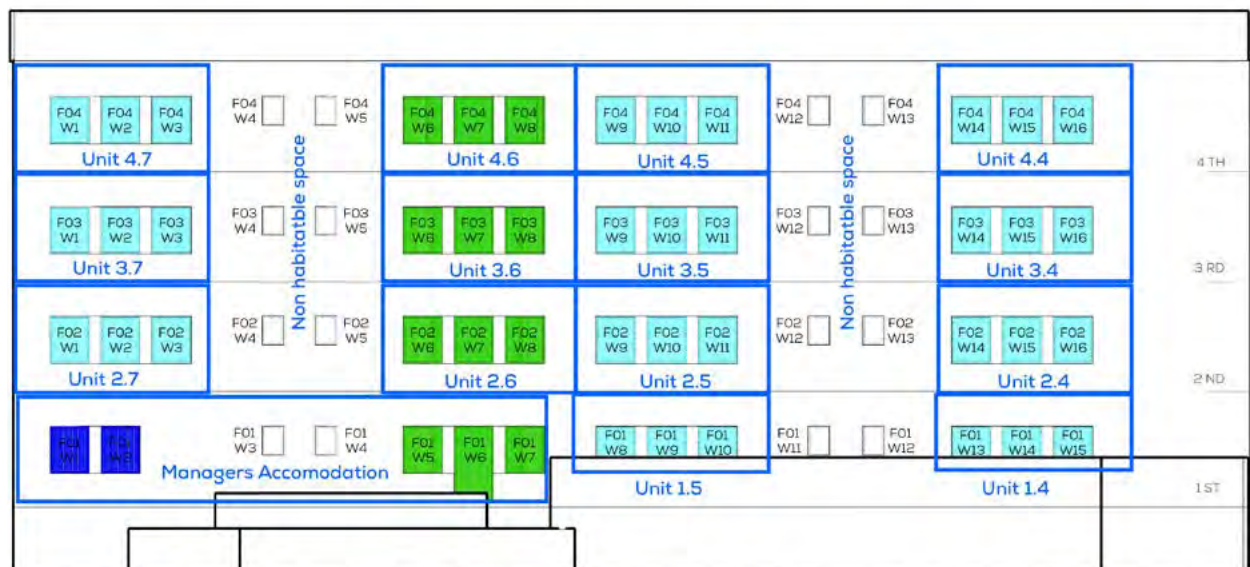


Fig. 85: Flat reference window map

- 6.5.6 The following eight flats do not meet the recommendations of the BRE Guidelines in respect of VSC (Stage 1) and have therefore been assessed against the Stage 2 considerations:
- Unit 1.4;
 - Unit 1.1;
 - Unit 2.4;
 - Unit 2.1;
 - Unit 3.4;
 - Unit 3.1;
 - Unit 4.4; and
 - Unit 4.1.
- 6.5.7 As the impacts to the above flats comprise of isolated VSC impacts, I have considered the impacts to these windows together.
- 6.5.8 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 04 and 05.

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.5.9 Of the 55 windows serving the property, 42 will meet the recommendations of the BRE Guidelines for VSC.
- 6.5.10 The remaining 13 windows fall outside of the BRE recommendations and experience percentage reductions of between 28.1% and 37.7% and have therefore been examined against the Stage 2 considerations.
- 6.5.11 As noted above, all 19 flats meet the BRE's recommendations for daylight to the room (NSL).

Stage 2 – Is there a "significant harmful impact" in terms of loss of daylight to the property?

- 6.5.12 The 13 windows serve eight separate rooms, all of which are dual-aspect.
- 6.5.13 When considering the supplementary assessment within the BRE Guidelines for VSC to a room, four of the rooms will meet the recommendations (R8/F01, R9/F02, R9/F03 and R8/F04).
- 6.5.14 The remaining nine windows will experience percentage reductions of between 28.1% and 31.8%. However, the retained VSC values to these windows are excellent, ranging from 25% to just marginally below the target VSC value of 27% recommended in the BRE Guidelines.

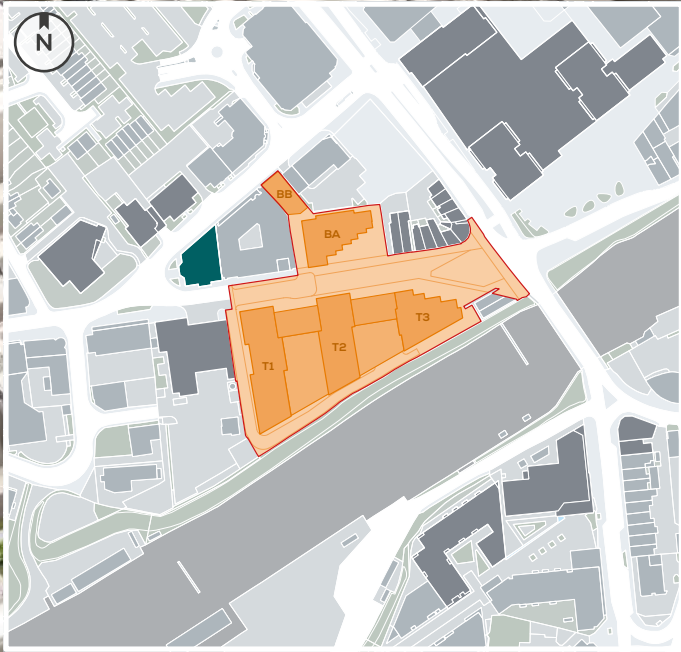


FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL		
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM
GREENWOOD HOUSE																
1.4	F01	R7	Residential	Studio-Apt	W13/F01	36.7	26.4	10.3	28.1	36.6	25.8	10.8	29.5	96.9	90.8	2
					W14/F01	36.6	25.8	10.8	29.5							
					W15/F01	36.4	25.1	11.3	31							
1.1	F01	R8	Residential	Studio-Apt	W16/F01	17.5	11.6	5.9	33.7	26.4	23.9	2.5	9.5	96.5	93.3	1.3
					W17/F01	30.2	29.1	1.1	3.6							
2.4	F02	R7	Residential	Studio-Apt	W14/F02	37.6	27	10.6	28.2	37.6	26.3	11.3	30.1	97.2	89.8	2.5
					W15/F02	37.6	26.3	11.3	30.1							
					W16/F02	37.5	25.7	11.8	31.5							
2.1	F02	R9	Residential	Studio-Apt	W17/F02	20.2	13.6	6.6	32.7	28.8	26	2.8	9.7	98.3	97.3	0.4
					W18/F02	32.4	31.2	1.2	3.7							
3.4	F03	R7	Residential	Studio-Apt	W14/F03	38.2	27.3	10.9	28.5	38.1	26.7	11.4	29.9	97.8	89.8	2.6
					W15/F03	38.1	26.7	11.4	29.9							
					W16/F03	38.1	26	12.1	31.8							
3.1	F03	R9	Residential	Studio-Apt	W17/F03	24.7	16.1	8.6	34.8	31.5	28.1	3.4	10.8	99.4	98.5	0.4
					W18/F03	34.4	33.2	1.2	3.5							
4.4	F04	R7	Residential	Studio-Apt	W14/F04	38.5	27.5	11	28.6	38.4	26.9	11.5	29.9	97.8	90	2.6
					W15/F04	38.4	26.9	11.5	29.9							
					W16/F04	38.4	26.2	12.2	31.8							
4.1	F04	R8	Residential	Studio-Apt	W17/F04	27.6	17.2	10.4	37.7	31.8	25.9	5.9	18.6	94.9	94.2	0.2
					W18/F04	36.3	35	1.3	3.6							

Fig. 86: Results for eight flats examined under Stage 2 considerations

Summary

- 6.5.15 There are VSC impacts to 13 windows facing the Site which serve eight dual-aspect rooms. When considering the VSC to the room assessment, four of the rooms will meet the recommendation of the BRE Guidelines.
- 6.5.16 When considering the remaining nine windows, the retained values are between 25% and just below 27% which are close to the target VSC level recommended within the BRE Guidelines.
- 6.5.17 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.



Location plan showing Birchwood Court (green)



SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
BIRCHWOOD COURT

BIRCHWOOD COURT 6

6 AMENITY TO NEIGHBOURING PROPERTIES

6.6 BIRCHWOOD COURT

6.6.1 Birchwood Court is located to the north west of the Site.

6.6.2 In December 2006, planning permission was granted for the site clearance and erection of a purpose built apartment block containing 23 residential units (WBC Ref: PLAN/2006/0979).

6.6.3 Floor plans have been obtained for this property which have formed the basis of our technical assessments (Appendix 09).

6.6.4 As with earlier properties, the floor plans did not include flat numbers therefore I have used alternative number references to aid the discussion on individual units. These alternative numbers may not reflect the true flat number assigned to individual addresses.

6.6.5 In March 2015, planning permission was granted for the conversion of part of the ground floor from commercial use to four residential apartments (WBC Ref: PLAN/2014/0340).

6.6.6 Condition 1 of the Planning Permission states:

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

6.6.7 On my site visit in October 2021, the permission had not been implemented and as such it is considered to have expired and the ground floor units remain in commercial use.

6.6.8 I have identified 13 flats which have windows facing towards the Site. All 13 flats have been technically assessed to understand the daylight and sunlight impacts.

6.6.9 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) raises the issue of impact to both daylight and sunlight amenity within this property. For this reason, I assess the impacts to both daylight and sunlight below.

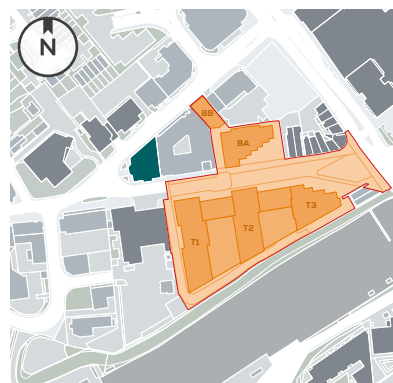


Fig. 89: Property location key plan (green)

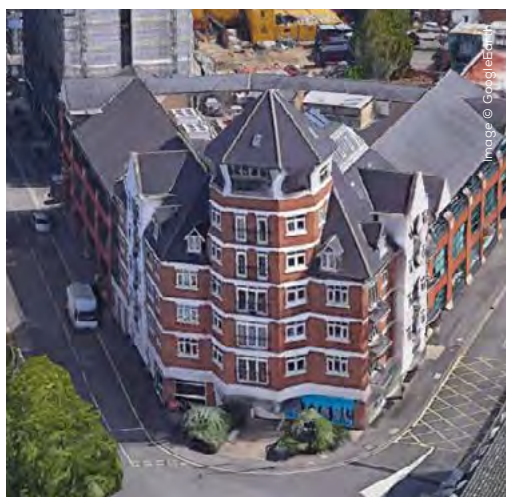


Fig. 87: Aerial image of Birchwood Court



Fig. 88: Street View image of Birchwood Court

WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Study



Fig. 90: Window Map

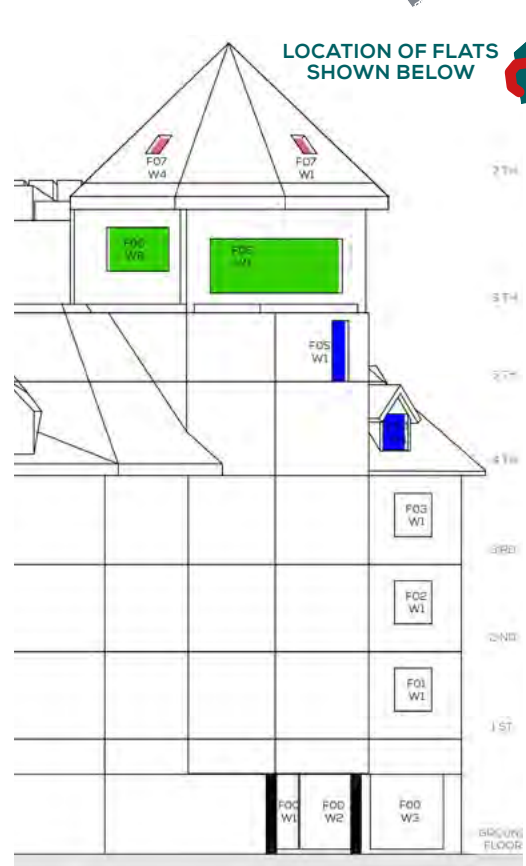


Fig. 91: Window Map

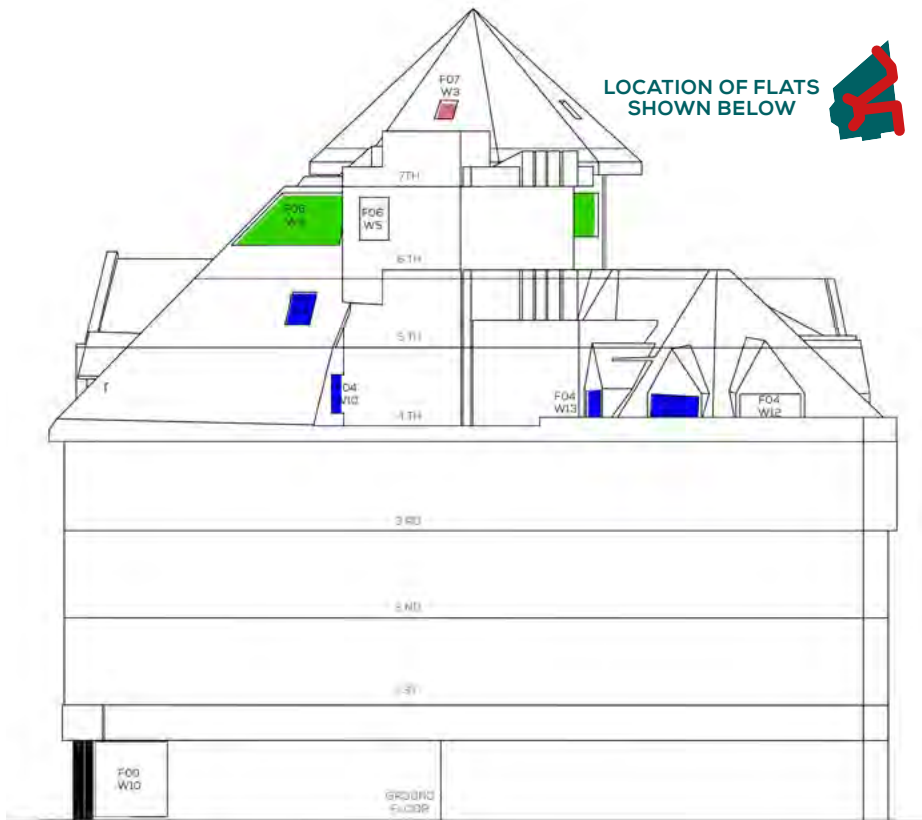


Fig. 92: Window Map

- 6.6.10 Only one of the 13 flats (Flat 23) would meet the requirements of the BRE Guidelines for daylight and sunlight (Stage 1). The remaining rooms will not comply with the daylight and sunlight requirements of Stage 1 and I therefore examine the Stage 2 considerations.
- 6.6.11 I have identified Flat 20 located on the fourth floor to be the least affected flat and Flat 1 on the first floor to be the most affected flat.
- 6.6.12 I have examined these flats against the wider material considerations under Stage 2.
- 6.6.13 The results for all other flats in Birchwood Court can be found in Appendices 04 and 05.

FLAT 20 (LEAST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight and sunlight?

- 6.6.14 This fourth floor flat contains two habitable rooms, one of which is a bedroom which faces the Site (R1/F04). The other is an LKD which does not face towards the Site.
- 6.6.15 The bedroom is served by two windows, one of which will comply with the BRE's recommendations for VSC (W1/F04) and one which experiences a percentage reduction of 22.8% (W2/F04).
- 6.6.16 The bedroom will meet the recommendations in the BRE Guidelines for daylight distribution (NSL) and sunlight (APSH).

Stage 2 – Is there a "significant harmful impact" in terms of loss of daylight and sunlight to the property?

- 6.6.17 While one of the two windows serving the bedroom experiences a minor impact in VSC beyond the recommendations of the BRE Guidelines, when calculating the VSC to the room, the room will see less than a 20% change in the VSC value and therefore comply with the BRE Guidelines.

Summary

- 6.6.18 The main living space within this flat is unaffected by the Proposed Development.
- 6.6.19 The bedroom will not see a noticeable change in daylight.
- 6.6.20 The room will meet the recommendations for sunlight.
- 6.6.21 In consideration of the above, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.

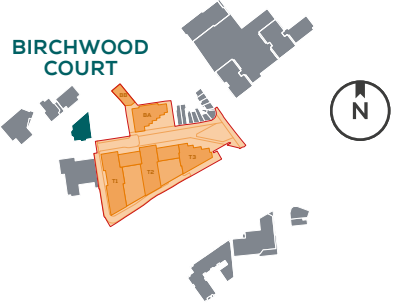


Fig. 93: Flat 20 (Least Affected) location

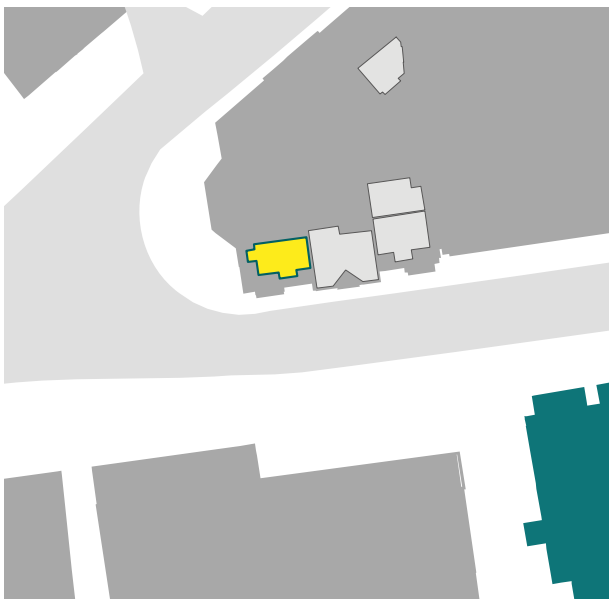


Fig. 94: Flat 20 (Least Affected) location key plan



Fig. 95: Flat 20 (Least Affected) NSL contour plot

FLAT 1 (MOST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight and sunlight?

- 6.6.22 This first floor flat contains three habitable rooms, two of which include windows which face the Site. These rooms have been identified as an LKD (R5/F01) and a bedroom (R6/F01).
- 6.6.23 Neither of the rooms will meet the recommendations in the BRE Guidelines for daylight to the window (VSC) and sunlight (APSH).
- 6.6.24 The LKD will meet the recommendations for daylight to the room (NSL); however, the bedroom will fall short of the recommendations for NSL.

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight and sunlight to the property?

VSC

- 6.6.25 The window serving the LKD (W10/F01) will see a percentage reduction in VSC of 62% with a retained VSC value of 5.4%.
- 6.6.26 I have also considered the effect of the Proposed Development against the RTG scheme. The Proposed Development results in marginally higher VSC value to the LKD window when compared with the RTG scheme (an improvement of up to 0.4% VSC in absolute terms).
- 6.6.27 The living room window will have retained VSC values similar to that which currently exist in first floor windows serving LKDs in Cardinal Place – Block A (Appendix 10).
- 6.6.28 The window serving the bedrooms (F01/R6) will see a percentage reduction in VSC of 47.5% with a retained VSC value of 9.6%.
- 6.6.29 When compared with the RTG, the Proposed Development results in a marginally lower VSC value when compared with the RTG scheme (an absolute loss 1.1% VSC). It is my view that this is not a perceptible change from the RTG scheme.
- 6.6.30 The bedroom window will have retained VSC values similar to that which currently exist in first floor windows serving bedrooms in Cardinal Place – Block A (Appendix 10).

NSL

- 6.6.31 The LKD will meet the recommendations for daylight to the room (NSL). The bedroom will see a percentage reduction in NSL of 45% with a retained value of c.43% NSL.
- 6.6.32 The BRE Guidelines (CD-0.1.4) outline at paragraph 2.2.8 that when considering daylight distribution “bedrooms should be analysed although they are less important”. Given the primary use of these room is for sleeping, they will have a lesser requirement for natural light.
- 6.6.33 The bedroom window will have retained NSL values similar to that which currently exist in first floor bedrooms in the Cardinal Place – Block A which is unaffected by the proposed development (Appendix 10).

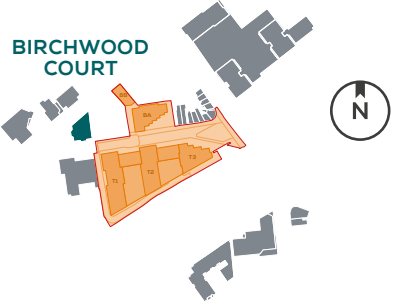


Fig. 96: Flat 1 (most affected) location



Fig. 97: Flat 1 (most affected) location key plan

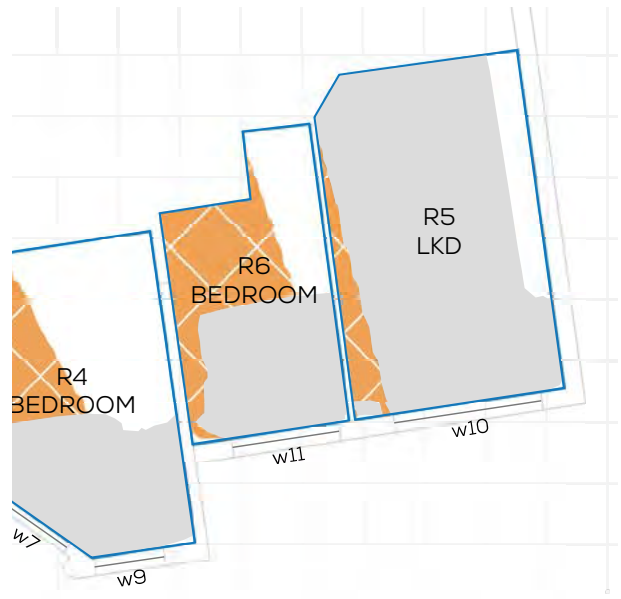


Fig. 98: Flat 1 (most affected) NSL contour plot

APSH

- 6.6.34 Neither the LKD nor the bedroom will meet the recommendations in the BRE Guidelines for APSH. The windows serving these rooms will see reductions in annual sunlight (APSH) of 50-72.4% and reductions in winter sunlight (WPSH) of 71.4-75%. The LKD will have retained values of 8% APSH and 2% WPSH. For the bedroom window, retained values of 18% APSH and 2% WPSH will be achieved.
- 6.6.35 The BRE Guidelines outline at paragraph 3.1.2 that when considering sunlight “it is viewed as less important in bedrooms and in kitchens”.
- 6.6.36 The retained sunlight values to the LKD window is similar to that which currently exists in first floor windows serving main habitable rooms such as living rooms, LKDs and studio flats in the following neighbouring properties which are unaffected by the Proposed Development:
 - Cardinal Place - Block A
 - 4b-e Chapel Street
 - 19-26 High street

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
BIRCHWOOD COURT																	
1	F01	R5**	Residential	LKD	w10/F01	14.2	5.4	8.8	62	14.2	5.4	8.8	62	90.3	83.5	1.3	7.5
		R6	Residential	Bedroom	w11/F01	18.3	9.6	8.7	47.5	18.3	9.6	8.7	47.5	77.9	42.9	3.9	45

Fig. 99: Existing v proposed results (Flat 1 - most affected)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
BIRCHWOOD COURT																	
20	F04	R1	Residential	Bedroom	w1/F04*	33.7	33.7	0	0	31.7	27.5	4.2	13.2	93.5	92.8	0.1	0.7
					w2/F04	30.3	23.4	6.9	22.8								

Fig. 100: Existing v proposed results (Flat 20 - least affected)

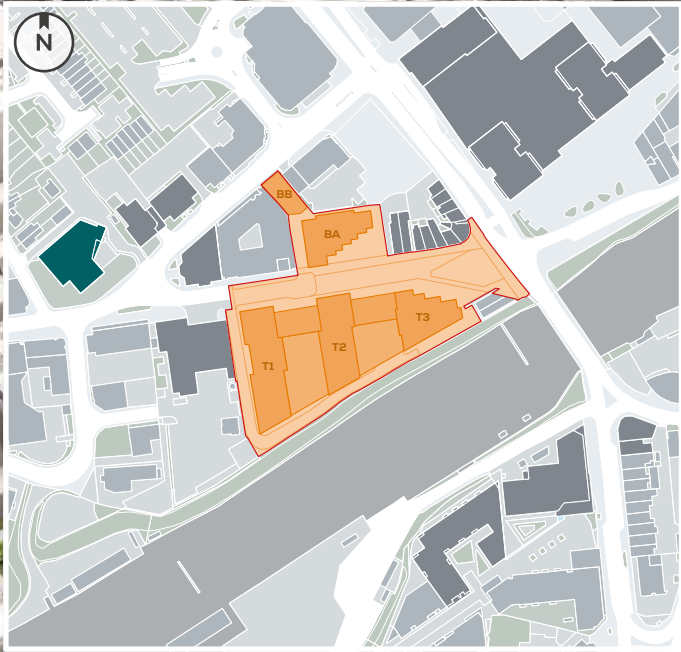


Summary

- 6.6.37 The retained daylight and sunlight values are similar to those that are currently experienced by properties in the Appeal Study Area which are unaffected by the Proposed Development.
- 6.6.38 In terms of NSL, an impact occurs to a bedroom window in Flat 1 however reductions in NSL to bedrooms are considered to be less important by reference to paragraph 2.2.8 of the BRE Guidelines.
- 6.6.39 In consideration of the above, although the nationally applicable BRE Guidelines are not met in relation to daylight and sunlight, I do not consider that the impacts to the daylight and sunlight amenity of this property would be significantly harmful.

APSH (WINDOW)					
EX.		PR.		LOSS %	
ANNUAL	WINTER	ANNUAL	WINTER	ANNUAL	WINTER
29	7	8	2	72.4	71.4
36	8	18	2	50	75

APSH (WINDOW)					
EX.		PR.		LOSS %	
ANNUAL	WINTER	ANNUAL	WINTER	ANNUAL	WINTER
30	7	30	7	0	0
61	21	43	14	29.5	33.3



Location plan showing 1-5 Church Street West (Welcome Church) (green)





SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
1-5 CHURCH STREET WEST (WELCOME CHURCH)

7

1-5 CHURCH STREET WEST (WELCOME CHURCH)

6 AMENITY TO NEIGHBOURING PROPERTIES

6.7 1-5 CHURCH STREET WEST (WELCOME CHURCH)

- 6.7.1 The Welcome Church is located to the north west of the Site.
- 6.7.2 Floor plans have been obtained for this property which have formed the basis of our technical assessments and can be found in Appendix 09.
- 6.7.3 The floor plans did not include room references. Rooms which are not referenced as bathrooms or circulation space have been assumed to be sensitive to light changes.
- 6.7.4 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 04-05.

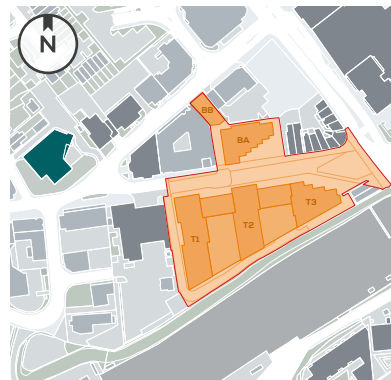


Fig. 102: Property location key plan (green)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.7.5 Of the five rooms assessed, three (R3/F00, R4/F00 and R6/F00) will adhere to the BRE Guidelines in relation to daylight and are not discussed further.
- 6.7.6 Two windows serving two rooms (R1/F00 and R2/F00) will fall short of the recommendations for VSC. Both rooms will meet the recommendations in the BRE Guidelines in terms of NSL.



Fig. 101: Street View image of Welcome Church

ROOM USES KEY:

- Religious
- Unknown Residential

1-5 CHURCH STREET WEST
(WELCOME CHURCH)



LOCATION OF FLATS SHOWN BELOW

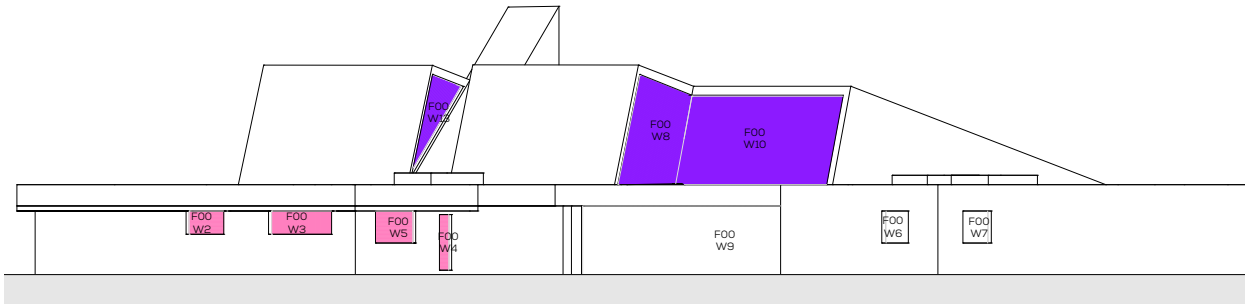


Fig. 103: Window Map

LOCATION OF FLATS SHOWN BELOW

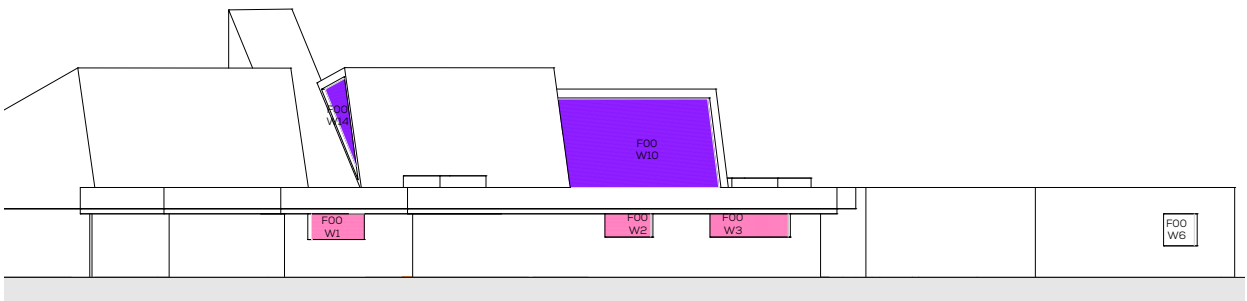


Fig. 104: Window Map

LOCATION OF FLATS SHOWN BELOW

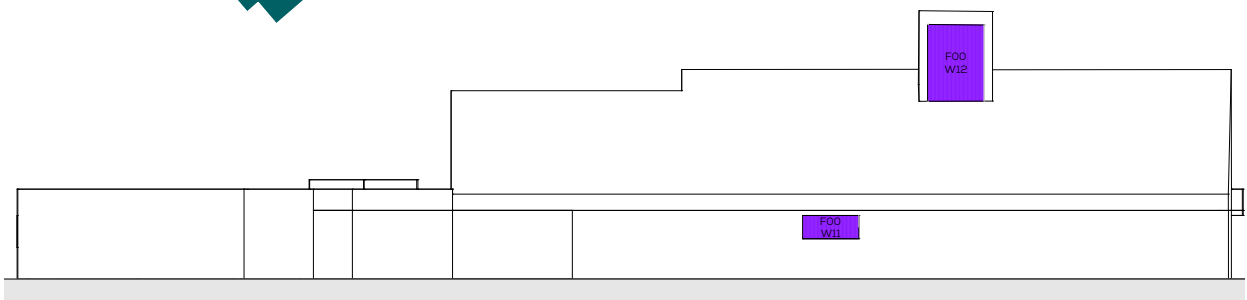


Fig. 105: Window Map

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight to the property?

- 6.7.7 One room (R1/F00) (room use unknown) is served by two windows, one of which will meet the recommendations for VSC (W1/F00) while the other window (W2/F00) will see a percentage reduction in VSC of 31.2%.
- 6.7.8 When considering the supplementary guidance for VSC to a room provided within the BRE Guidelines, the room is compliant with the BRE Guidelines.
- 6.7.9 The remaining room (R2/F00) (room use unknown) is served by three windows, two of which will meet the BRE’s recommendations for VSC. When considering the supplementary guidance for VSC to a room, the room will see a percentage reduction of 20.5% which is unlikely to be noticeable within the room.

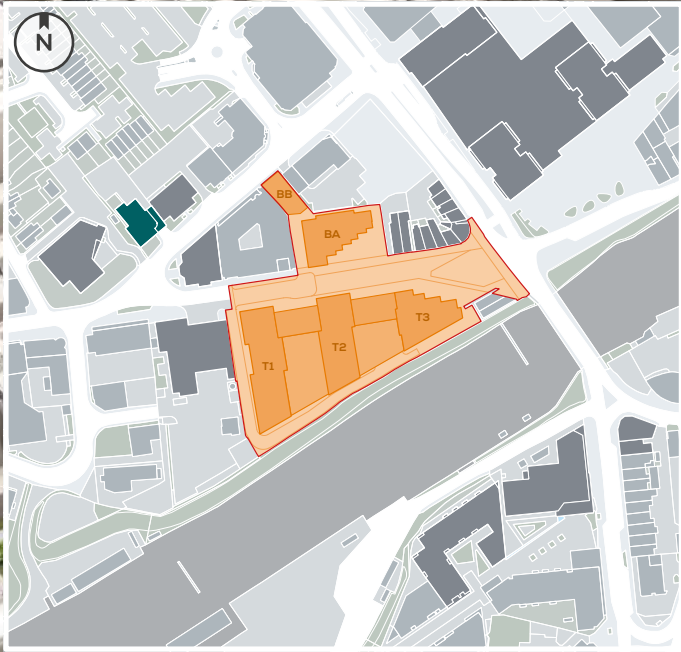
Summary

- 6.7.10 Only two windows will fail to comply with the recommendations for VSC. When considering the VSC to the two impacted rooms in line with the supplementary guidance in the BRE Guidelines, one room will comply with the BRE Guidelines, while the impact to the other is unlikely to be noticeable.
- 6.7.11 In consideration of the above factors, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.



FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL				
					EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %	
1-5 CHURCH STREET WEST (WELCOME CHURCH)																	
F00	R1	Religious	Unknown	W1/F00	14.7	14.7	0	0	13.5	12.5	1	7.4	59.1	59.1	0	0.1	
				W2/F00	10.9	7.5	3.4	31.2									
	R2	Religious	Unknown	W3/F00	11.3	7.7	3.6	31.9	15	12	3	20	82.3	77.7	0.9	5.6	
				W4/F00	22.2	19.5	2.7	12.2									
				W5/F00	15.9	13.3	2.6	16.4									
	R3	Religious	Office	W6/F00	21.7	19.4	2.3	10.6	12.7	11.4	1.3	10.2	87.4	74.1	1.4	15.2	
				W7/F00	3.6	3.5	0.1	2.8									
	R4	Religious	Religious	W8/F00	25.8	22.9	2.9	11.2	27.9	26.3	1.6	5.7	97.7	94.3	6.5	3.5	
				W11/F00	19.4	19.4	0	0									
				W12/F00	39.1	39.1	0	0									
				W13/F00	22.9	19.9	3	13.1									
				W14/F00	24.4	24.4	0	0									
	R6	Religious	Religious	W10/F00*	42.6	37.7	4.9	11.5	42.6	37.7	4.9	11.5	100	100	0	0	

Fig. 106: Existing v proposed results



Location plan showing Church Gate, 9-11 Church Street West (green)



SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
9-11 CHURCH STREET WEST (CHURCH GATE)



8

9-11 CHURCH STREET WEST

6 AMENITY TO NEIGHBOURING PROPERTIES

6.8 9-11 CHURCH STREET WEST (CHURCH GATE)

6.8.1 Church Gate is located to the north west of the Site.

6.8.2 Prior Notification to convert Church Gate to 31 apartments was approved on 20th December 2019 (WBC Ref: PLAN/2019/1090) following the expiration of an earlier Prior Notification approved in June 2016. Separately, Planning Permission was granted in August 2019 for a two storey extension (WBC Ref: PLAN/2018/0741). Neither of the approved schemes have been implemented but as they remain extant, they have been considered.

6.8.3 Floor plans have been obtained for this property. These have formed the basis of our technical assessments and can be found in Appendix 09.

6.8.4 This property will include 17 flats and 23 rooms that include windows that face the site.

6.8.5 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 06-07.

6.8.6 As this property is not yet occupied, I have considered the ADF assessment to establish whether the daylight values will be in line with the BRE Guidelines and BS recommendations.



Fig. 107: Property location key plan (green)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

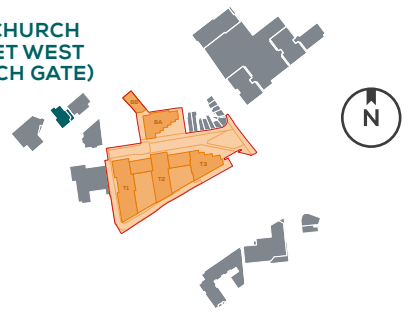
6.8.7 Of the 23 rooms tested, five rooms will either experience no change to its ADF value in the proposed scenario or will continue to have an ADF value which meets or exceeds the minimum ADF values recommended at paragraph 2.1.8 of the BRE Guidelines. The remaining 18 rooms will be examined against wider material considerations (Stage 2).



Fig. 108: Aerial image of Church Gate, 9-11 Church Street West



Fig. 109: Street View image of Church Gate, 9-11 Church Street West



WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Studio Apartment

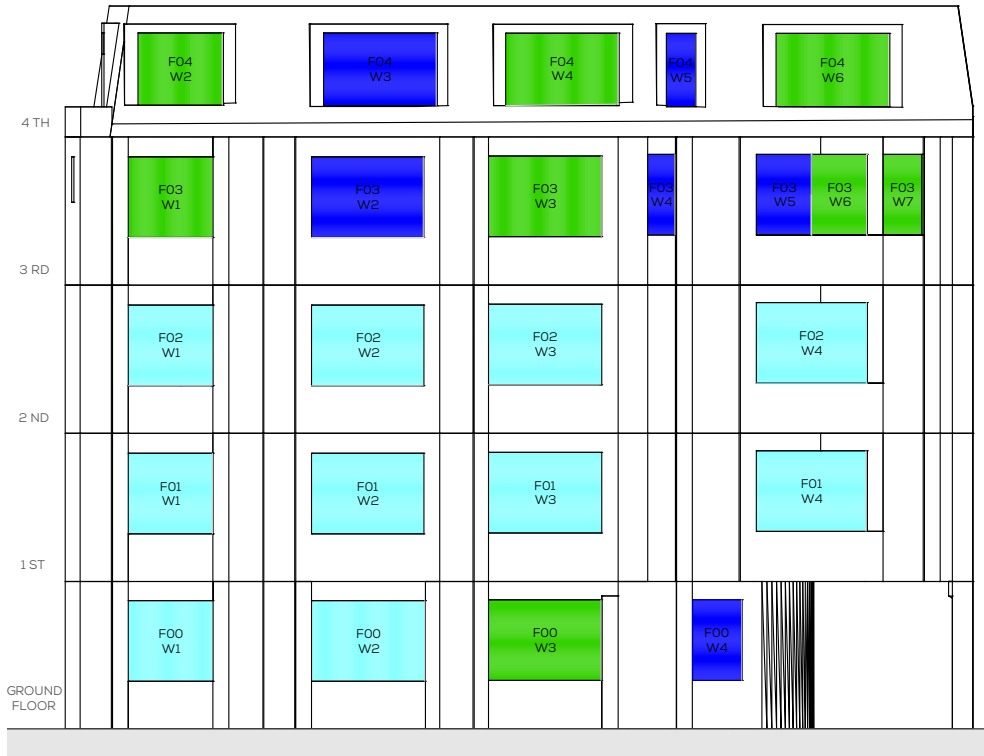


Fig. 110: Window map

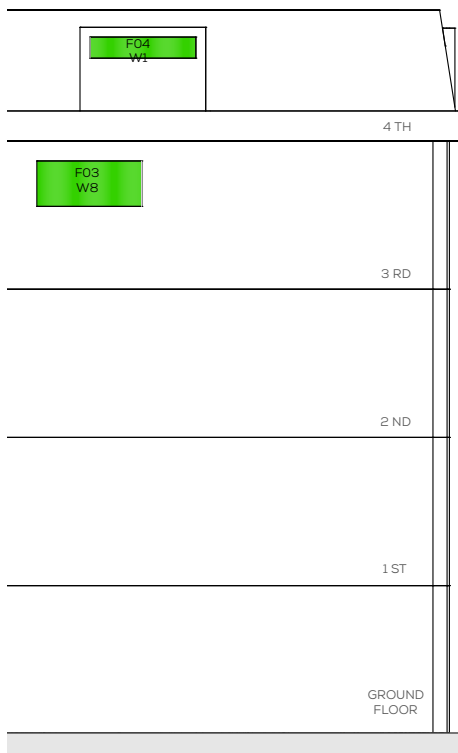


Fig. 111: Window map

Stage 2 – is there a “significant harmful impact” in terms of loss of daylight to the property?

- 6.8.8 None of the 23 rooms tested will meet the minimum ADF values in the existing scenario, with a substantial proportion achieving less than half the minimum values for that specific room use resulting in poorly lit spaces. It is clear that the expectation for daylight within these apartments is not high in the existing scenario.
- 6.8.9 Under the General Permitted Development Regulations against which the Permitted Development scheme was assessed in 2019, the proposal to convert the existing office building to residential accommodation gave no consideration to the provision of natural light for future occupants.
- 6.8.10 The low level of existing daylight demonstrates that the approved units have not been designed with good daylighting in mind for two reasons. Firstly, until 1st August 2020 there had been no legislative requirement to consider adequate levels of daylight and sunlight as part of an application for Prior Notification and secondly, the existing commercial building does not allow daylight amenity to be optimised for residential accommodation as it was expected to rely upon artificial light.
- 6.8.11 When considering the rooms permitted via the latter approval for roof extensions (WBC Ref: PLAN/2018/0741), a technical assessment of daylight amenity within the proposed units was not provided. The new rooms were not assessed against the recommendations of the BRE Guidelines and the Council were satisfied with a qualitative assessment on daylight matters.
- 6.8.12 Paragraph 63 of the Planning Committee Report for the approved extension scheme (WBC Ref: PLAN/2018/0741) noted that:
- Good levels of outlook and daylight are considered to be provided to all proposed apartments.*
- 6.8.13 This conclusion was accepted by the Council without the benefit of any technical assessment of daylight amenity within the new rooms.
- 6.8.14 The approved internal layouts therefore trigger a low expectation for natural light within the units, irrespective of whether the Proposed Development comes forward. In terms of the extension scheme, the Council also placed a low expectation on the provision of natural light within the proposed units as the applicant was not asked to provide a technical daylight assessment of the proposed units.
- 6.8.15 Against this backdrop, the absolute reduction in ADF in the proposed scenario is 0.1-0.2%. Artificial light is already likely to be in use in the existing scenario by reference to paragraph 2.1.8 of the BRE Guidelines and this will not change in the proposed scenario.
- 6.8.16 There is unlikely to be an experiential change in how these rooms will be used given the small reductions in absolute ADF values.



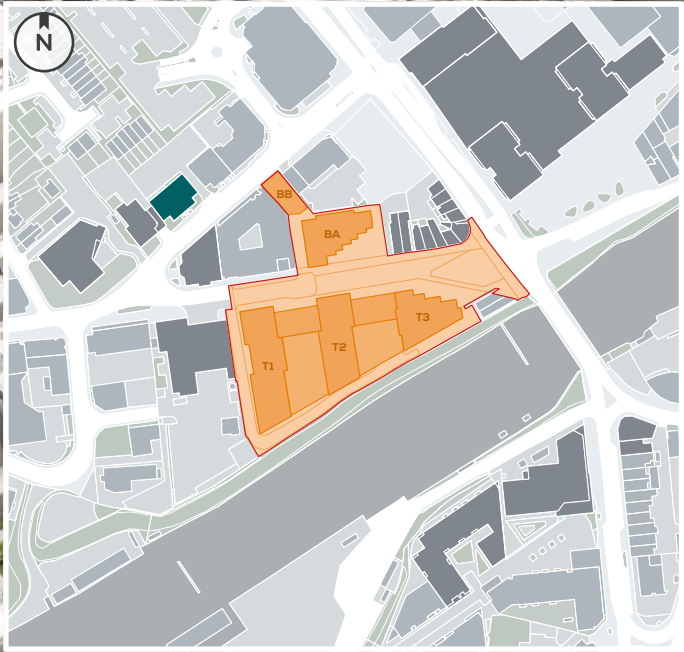
FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	ROOM AREA (SQM)	TARGET	EXISTING	PROPOSED	LOSS
9-11 CHURCH STREET WEST (CHURCH GATE)									
1	F00	R1	Residential	Studio-Apt	30.2	2	0.6	0.6	0
2	F00	R2	Residential	Studio-Apt	22.8	2	1.1	1	0.1
3	F00	R3	Residential	LKD	24.3	2	1	0.9	0.1
		R4	Residential	Bedroom	11.9	1	0.2	0.2	0
4	F01	R1	Residential	Studio-Apt	31.5	2	0.7	0.6	0.1
5	F01	R2	Residential	Studio-Apt	23.7	2	1.1	1	0.1
6	F01	R3	Residential	Studio-Apt	24.5	2	1	0.9	0.1
7	F01	R4	Residential	Studio-Apt	24.7	2	0.9	0.8	0.1
8	F02	R1	Residential	Studio-Apt	31.3	2	0.7	0.6	0.1
9	F02	R2	Residential	Studio-Apt	23.2	2	1.2	1.1	0.1
10	F02	R3	Residential	Studio-Apt	24.8	2	1.1	0.9	0.2
11	F02	R4	Residential	Studio-Apt	24.7	2	1.1	0.9	0.2
12	F03	R1	Residential	LKD	37.7	2	1.1	1	0.1
		R2	Residential	Bedroom	11.8	1	2.3	2	0.3
13	F03	R3	Residential	LKD	25.9	2	1.2	1.1	0.1
		R4	Residential	Bedroom	9.8	1	0.4	0.3	0.1
14	F03	R5	Residential	Bedroom	7.8	1	1.3	1.1	0.2
		R6	Residential	LKD	27.7	2	0.7	0.6	0.1
15	F04	R1	Residential	LKD	36.3	2	0.7	0.6	0.1
		R2	Residential	Bedroom	12.5	1	1.7	1.4	0.3
16	F04	R3	Residential	LKD	25.4	2	0.9	0.7	0.2
		R4	Residential	Bedroom	10.2	1	0.4	0.3	0.1
17	F04	R5	Residential	LKD	22.1	2	1.1	0.9	0.2

Fig. 112: Existing v proposed results (ADF)

Summary

- 6.8.17 The marginal absolute reductions in ADF of 0.1-0.2% are unlikely to result in an experiential change in how these rooms will be used.
- 6.8.18 The Council concluded that the consented scheme would offer future occupants “adequate” access to daylight⁵³. I do not consider that this will change on implementation of the Proposed Development.

⁵³ WBC. (2019). Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) (2019), p 19, para 5.12



Location plan showing 15-19 Church Street (green)



SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
15-19 CHURCH STREET (PREMIER HOUSE)

9 15-19 CHURCH STREET

6 AMENITY TO NEIGHBOURING PROPERTIES

6.9 15-19 CHURCH STREET WEST (PREMIER HOUSE)

6.9.1 Premier House is located to the north west of the Site.

6.9.2 Prior Notification to convert Premier House to 29 apartments was approved on 20th March 2020 (WBC Ref: PLAN/2020/0020). This follows an earlier (now expired) Prior Approval. Separately, Planning Permission was granted in August 2019 for a two storey extension to provide nine flats (WBC Ref: PLAN/2018/0918). As with Church Gate, neither of the approved schemes have been implemented but as they remain extant, they have been considered.

6.9.3 Floor plans have been obtained for this property. These have formed the basis of our technical assessments and can be found in Appendix 09.

6.9.4 This property comprises 18 flats with a total of 32 rooms which have windows facing towards the Site.

6.9.5 Paragraph 6.5 of the Council's Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 06-07.

6.9.6 As this property is not yet occupied, I have considered the ADF assessment to establish whether the retained daylight values will be in line with the BRE Guidelines and BS recommendations.



Fig. 113: Property location key plan (green)

Stage 1- Is there a strict compliance with the BRE Guidelines in respect of daylight?

6.9.7 Of the 32 rooms facing the Site, 17 will either experience no change to its ADF value in the proposed scenario or will continue to have an ADF value which meets or exceeds the minimum ADF values recommended at paragraph 2.1.8 of the BRE Guidelines and also the 1.5% ADF applied as an industry practice to LKDs. The remaining 15 rooms will be examined against wider material considerations (Stage 2).



Fig. 114: Aerial image of Premier House, 15-19 Church Street West



Fig. 115: Street View image of Premier House, 15-19 Church Street West



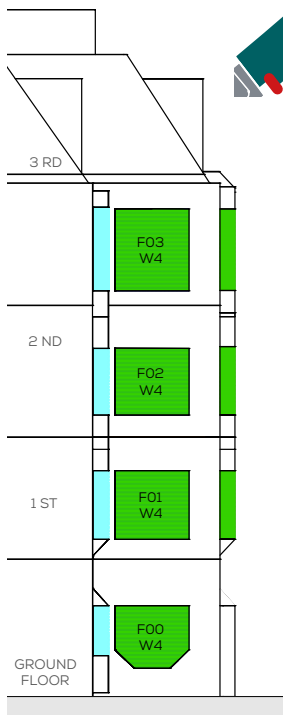
WINDOW MAP KEY:

- Living Room / LKD / LD / Conservatory
- Bedroom
- Studio Apartment



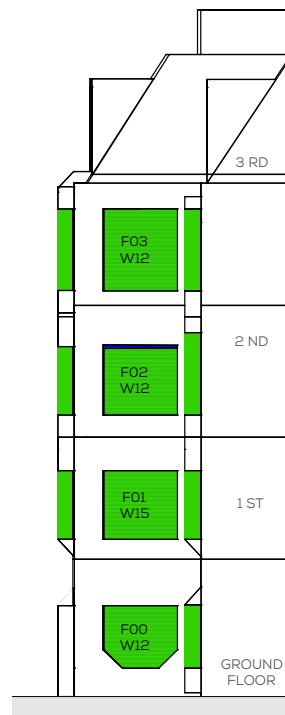
LOCATION OF FLATS
SHOWN BELOW

Fig. 116: Window map



LOCATION OF FLATS
SHOWN BELOW

Fig. 117: Window map



LOCATION OF FLATS
SHOWN BELOW

Fig. 118: Window map

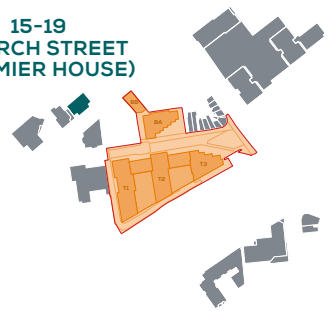
Stage 2 – is there a “significant harmful impact” in terms of loss of daylight to the property?

- 6.9.8 When considering the 15 rooms which see a reduction as a result of the Proposed Development and which do not meet the minimum ADF values in the existing scenario, a substantial proportion achieve less than half the minimum value for that specific room use resulting in poorly lit spaces. As with Church Gate, it is clear that the expectation for daylight within these apartments is not high in the existing scenario.
- 6.9.9 The requirements of the General Permitted Development Regulations in 2019 when the Prior Approval Scheme was being considered did not include the provision of natural light. The implications of this is outlined above at paragraphs 6.8.9 and 6.8.10 in relation to Church Gate and not repeated herein.
- 6.9.10 When considering the rooms permitted via the latter approval for roof extensions (WBC Ref: PLAN/2018/0918) for nine flats, a technical assessment of daylight amenity within the proposed units was not provided. As with Church Gate, the new rooms were not assessed against the recommendations of the BRE Guidelines and the Council were again satisfied with a qualitative assessment on daylight matters.
- 6.9.11 Paragraph 84 of the Planning Committee Report for the approved extension scheme (WBC Ref: PLAN/2018/0918) noted that:
- Good levels of outlook and daylight are considered to be provided to all proposed apartments.*
- 6.9.12 As with Church Gate, this conclusion was accepted by the Council without the benefit of any technical assessment of daylight amenity within the new rooms.
- 6.9.13 The approved internal layouts therefore trigger a low expectation for natural light within the units, irrespective of whether the Proposed Development comes forward. In terms of the extension scheme, the Council also placed a low expectation on the provision of natural light within the proposed units as the applicant was not asked to provide a technical daylight assessment of the proposed units.
- 6.9.14 Two of the affected rooms are within 0.1-0.2% of the minimum ADF value for that specific room use in the proposed scenario. For the remaining 11 rooms, the proposed ADF values will be within 0.1-0.3% of their former value and in my opinion, unlikely to result in a noticeable change in daylight amenity within the room.

Summary

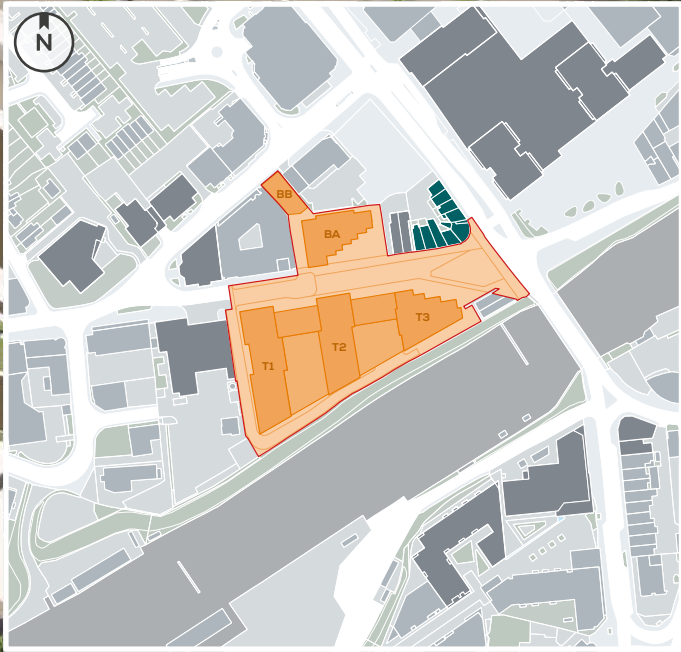
- 6.9.15 The small absolute reductions in ADF of 0.1-0.3% to 11 rooms is unlikely to result in an experiential change in how these rooms will be used.
- 6.9.16 For the remaining two rooms, the proposed ADF value will be within 0.1-0.2% of the minimum ADF value for that room use provided by the BRE Guidelines and applied as industry practice.
- 6.9.17 The Council concluded that the consented scheme would offer future occupants “adequate” access to daylight⁵⁴. I do not consider that this will change on implementation of the Proposed Development.

⁵⁴ WBC. (2019). Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (SPD) (2019), p 19, para 5.12



FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	ROOM AREA (SQM)	TARGET	EXISTING	PROPOSED	LOSS
15-19 CHURCH STREET WEST (PREMIER HOUSE)									
2	F00	R1	Residential	LKD	30.6	2	0.9	0.9	0
3	F00	R3	Residential	Bedroom	12.5	1	1.1	0.9	0.2
		R4	Residential	LKD	33.5	2	0.6	0.4	0.2
1	F00	R7	Residential	Studio-Apt	24.4	2	0.5	0.5	0
2	F00	R8	Residential	Bedroom	9.6	1	1.3	1.1	0.2
3	F00	R9	Residential	Bedroom	9.8	1	2.5	2	0.5
5	F01	R1	Residential	LKD	30.6	2	1	0.9	0.1
6	F01	R2	Residential	LKD	14.6	2	2	1.6	0.4
7	F01	R3	Residential	Bedroom	9.7	1	2.8	2.3	0.5
		R4	Residential	LKD	33.5	2	0.6	0.5	0.1
4	F01	R12	Residential	Studio-Apt	24.4	2	0.6	0.6	0
5	F01	R13	Residential	Bedroom	9.5	1	1.5	1.2	0.3
6	F01	R14	Residential	Bedroom	12.5	1	1.2	1	0.2
9	F02	R1	Residential	LKD	30.6	2	1.2	1.1	0.1
11	F02	R3	Residential	Bedroom	9.7	1	3.3	2.6	0.7
		R4	Residential	LKD	33.5	2	0.9	0.6	0.3
8	F02	R6	Residential	Studio-Apt	24.4	2	0.7	0.6	0.1
9	F02	R7	Residential	Bedroom	9.5	1	1.7	1.4	0.3
10	F02	R8	Residential	Bedroom	12.5	1	1.4	1.1	0.3
		R9	Residential	LKD	14.5	2	2.2	1.8	0.4
	F03	R1	Residential	LKD	30.6	2	1.6	1.4	0.2
		R2	Residential	LKD	14.5	2	2.8	2.3	0.5
		R3	Residential	Bedroom	9.7	1	4.2	3.3	0.9
		R4	Residential	LKD	33.5	2	1	0.7	0.3
		R13	Residential	Studio-Apt	24.4	2	1	0.9	0.1
		R14	Residential	Bedroom	9.5	1	2.2	1.7	0.5
		R15	Residential	Bedroom	12.5	1	1.8	1.3	0.5
16	F04	R1	Residential	LKD	33	2	0.7	0.5	0.2
17	F04	R2	Residential	LKD	30.3	2	0.7	0.5	0.2
		R3	Residential	Bedroom	7.6	1	2	1.4	0.6
18	F04	R4	Residential	Bedroom	11.8	1	1.4	1	0.4
		R5	Residential	LKD	36.6	2	0.6	0.4	0.2

Fig. 119: Existing v proposed results (ADF)



Location plan showing Victoria House (green)



SECTION 6: AMENITY TO NEIGHBOURING PROPERTIES
VICTORIA HOUSE



10 VICTORIA HOUSE

6 AMENITY TO NEIGHBOURING PROPERTIES

6.10 VICTORIA HOUSE

- 6.10.1 Victoria House is located to the north and east of the Site.
- 6.10.2 Floor plans have been obtained for this property which have formed the basis of our technical assessments and can be found in Appendix 09.
- 6.10.3 As with earlier properties, the floor plans did not include flat numbers therefore I have used alternative number references to aid the discussion on individual units. These alternative numbers may not reflect the true flat number assigned to individual addresses.
- 6.10.4 I have identified eight flats which have windows facing towards the Site. All flats have been technically assessed to understand the daylight and sunlight impacts.
- 6.10.5 Paragraph 6.5 of the Council’s Statement of Case (CD-10.1.2) states that the issue in relation to this property is the impact to daylight amenity. The focus of my assessment will therefore be on daylight albeit both the daylight and sunlight results of the property are enclosed at Appendices 04-05.
- 6.10.6 None of the flats will meet the recommendations of the BRE Guidelines in respect of daylight (Stage 1).
- 6.10.7 I have identified Flat 4 to be the least affected and Flat 8 as the most affected. I have considered the impact on these two flats by reference to the Stage 2 considerations.

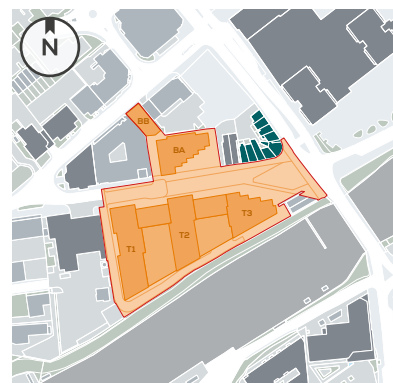


Fig. 122: Property location key plan (green)

Compulsory Purchase Order

- 6.10.8 In February 2021, the Council refused planning permission was refused for the conversion of Victoria House to provide one-bed apartments (WBC Ref: PLAN/2020/0790). Among the concerns raised by officers was that the site fell within the potential Compulsory Purchase Order (CPO) area related to the Housing Infrastructure Fund (HIF) scheme. The Delegated Report for the planning application states:



Fig. 120: Aerial image of Victoria House



Fig. 121: Street View image of Victoria House

WINDOW MAP KEY:

- Kitchen Residential
- Living Room / LKD / LD / Conservatory
- Bedroom



LOCATION OF FLATS SHOWN BELOW

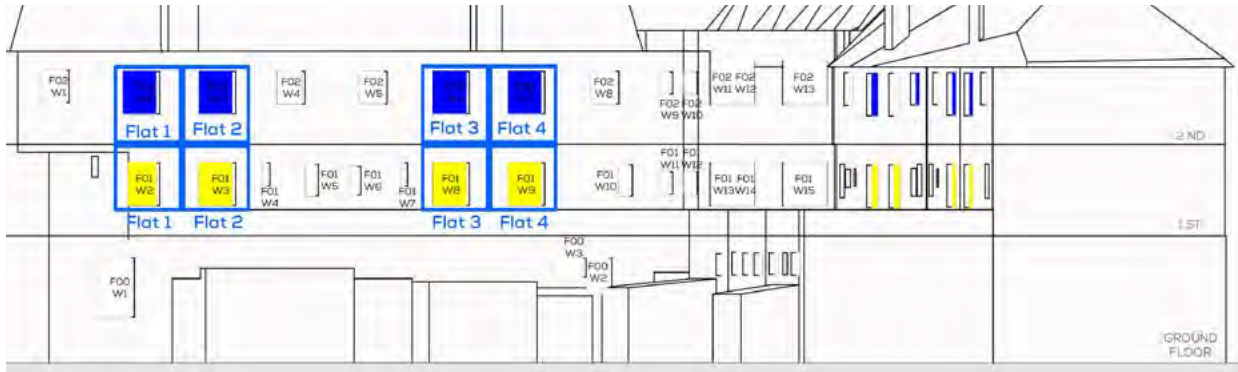


Fig. 123: Flat reference window map

LOCATION OF FLATS SHOWN BELOW

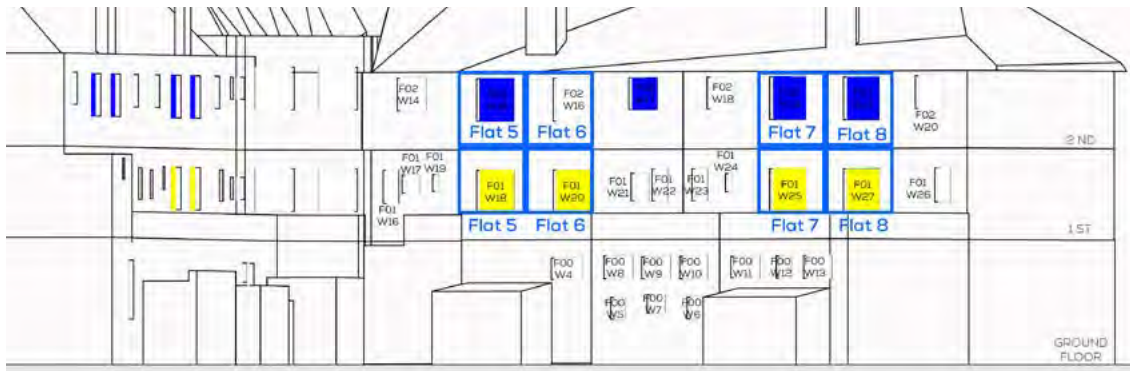


Fig. 124: Flat reference window map

LOCATION OF FLATS SHOWN BELOW

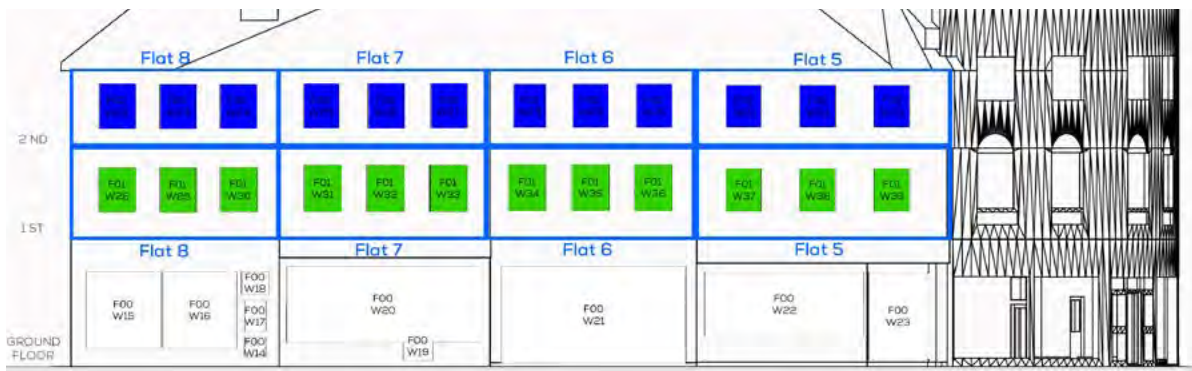


Fig. 125: Flat reference window map

The plan of the potential CPO area (in the public domain) appears to indicate that the subject building would need to be demolished/altered to accommodate a widened Victoria Way as part of the HIF scheme. Therefore the application may also provide prejudicial to the HIF scheme however it is not considered that any potential interaction with the HIF scheme is capable of forming a potentially defensible, and sustainable, ground for refusal at the present time.

- 6.10.9 It is clear that the Council are intent on either demolishing or altering the property to accommodate road widening on Victoria Way. As such, it is reasonable to assume that the property is unlikely to be occupied as permanent residential accommodation and any impact arising from the Proposed Development is temporary.
- 6.10.10 As outlined in Section 6.1, the Site also forms part of one of the sites which have been identified in the Section 16 Notice, issued by Ardent Management Limited (on behalf of the Council) in September 2021 (Appendix 12), in relation to the proposed highway enhancement scheme. This is recent evidence of the Council's clear intention to demolish or alter the buildings in the future.
- 6.10.11 While the impact to the CPO area did not form a reason for refusal, the Council did however consider that the application would prejudice the delivery of Policy UA11 of the Site Allocations DPD. At the time of determination, the DPD had not been adopted but was at an advanced stage of preparation thus attracting substantive weight. The site forms part of the wider UA11 allocation which encompasses part of the Proposed Development and neighbouring properties. The Delegated Report states:
- The proposal would prejudice the delivery of emerging Policy UA11 of the Site Allocations Document as a whole, and may leave the remainder of the wider site allocation identified under that policy unable to yield the policy expectation and to make the most efficient use of previously developed and sustainably located urban land.*
- 6.10.12 The Council's aspiration for the Victoria House site via the site allocation is that it will make an efficient use of land delivering on the policy expectations. Again, it is clear that the Council do not anticipate that Victoria House will remain in situ as it is earmarked for redevelopment in the Site Allocations DPD and in their determination of planning applications for the site. The weight to be given to the daylight impact on this property should be considered in this context.
- 6.10.13 I have also had regard to the introduction of a new greened and pedestrianised landscape to Goldsworth Road which forms part of the Proposed Development. The property will benefit from this element of the proposal directly as it will form part of its frontage thus providing an immediate connection to biophilia via the attractive, landscaped amenity spaces proposed. This should be considered in the balance of the retained level of amenity offered by the Proposed Development,
- 6.10.14 Against this backdrop, the property has been assessed against both the Stage 1 and Stage 2 considerations.

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FLAT 4 (LEAST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.10.15 This flat contains three habitable rooms, a bedroom, kitchen and living room. The living room does not face the Site, is unaffected by the Proposed Development and not discussed further.
- 6.10.16 Neither the kitchen (R8/F01) or bedroom (R7/F02) will comply with recommendations of the BRE Guidelines (CD-0.1.4) for daylight amenity (Stage 1). The kitchen will experience a percentage reduction in VSC of 57.5%, while the bedroom will a 59.7% reduction in VSC.
- 6.10.17 Both rooms will meet the requirements of the BRE Guidelines for NSL.

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight to the property?

- 6.10.18 The kitchen window will see a percentage reduction in VSC of 57.5% with a retained VSC value of 12.5%. As shown in Appendix 10, the retained VSC value in the kitchen is similar to that which currently exists in first floor windows serving main habitable rooms such as living rooms, LKDs and studio flats in the following neighbouring properties which are unaffected by the Proposed Development:
- Cardinal Place – Block A
 - Victoria House
 - 3-4 Guildford Road
 - 23-24 High Street
 - 26a High Street
- 6.10.19 The bedroom window will see a percentage reduction in VSC of c.60% with a retained VSC value of c.13%. The retained VSC value in the bedroom is similar to those that are currently exist in first floor bedroom windows in the following neighbouring properties which are unaffected by the Proposed Development:
- Cardinal Place – Block A
 - 14 Chapel Street
 - 23-24 High Street
- 6.10.20 When compared with the RTG, the Proposed Development results in lower VSC values (of up to 8.9% absolute loss) when compared with the RTG scheme given that the RTG did not include development to the north of Goldsworth Road. The northern element of the Proposed Development is resulting in a greater impact to the west facing windows in Victoria House.
- 6.10.21 When considered in the round however, some of the southern facing flats which face towards the Proposed Development located to the south of Goldsworth Road, these will see a significant betterment than when compared with the RTG scheme, in some cases a betterment in excess of 10% absolute VSC.



Fig. 126: Flat 4 (Least Affected) location

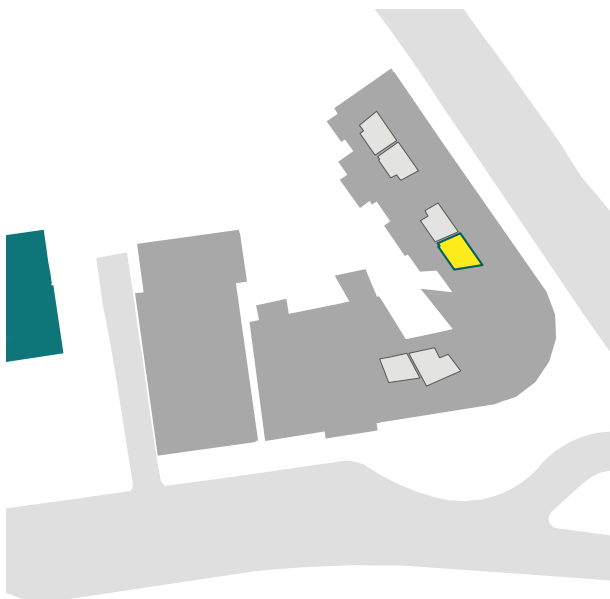


Fig. 127: Flat 4 (Least Affected) location key plan



Fig. 128: Flat 4 (Least Affected) NSL contour plot

Summary

- 6.10.22 Victoria House falls within the CPO area related to the HIF scheme. Given that the building is earmarked for demolition or alteration, it is clear that the Council do not anticipate that Victoria House will remain in situ. The weight to be given to the daylight impact on this property should be considered in this context.
- 6.10.23 The flat and other west facing flats will see a reduction in VSC when compared to the RTG scheme; however, some of the south facing flats will see a significant betterment.
- 6.10.24 Notwithstanding the above, the retained VSC values are similar to those that are currently experienced by properties in the Appeal Study Area which are unaffected by the Proposed Development.
- 6.10.25 In consideration of the above, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.

FLAT 8 (MOST AFFECTED)

Stage 1 – Is there a strict compliance with the BRE Guidelines in respect of daylight?

- 6.10.26 This flat contains five habitable rooms that face the Site. The kitchen (R20/F01) and a secondary bedroom (R19/F02) meet the requirements of the BRE Guidelines in respect of daylight (Stage 1) and are not discussed further.
- 6.10.27 The rooms impacted by the Proposed Development have been identified as the living room (R21/F01), master bedroom (R21/F02) and another secondary bedroom (R20/F02) which will be discussed in more detail by examining the Stage 2 considerations.
- 6.10.28 The windows serving the three rooms will experience a percentage reductions in VSC of between 63.7% and 70.5%. In terms of NSL, the rooms will experience percentage reductions of between 27.9% and 71.7%.

Stage 2 – Is there a “significant harmful impact” in terms of loss of daylight to the property?

VSC

- 6.10.29 The windows serving the living room (F01/R21) will see percentage reductions in VSC of 63.7% and 66.6% with retained VSC values between 9.7% and 10.5%.
- 6.10.30 The living room windows will have retained VSC values similar to that which currently exist in first floor windows serving main habitable rooms such as living rooms and LKDs in Cardinal Place - Block A and the elevation of Victoria House which is unaffected by the proposed development and which were considered acceptable by the Council in its determination of the Victoria Square development (Appendix 10).
- 6.10.31 The windows serving the bedrooms (F02/R20 and F02/R21) will see percentage reductions in VSC of 66.8% and 70.5% with retained VSC values between 9% and 10.2%.



Fig. 129: Flat 8 (Most Affected) location

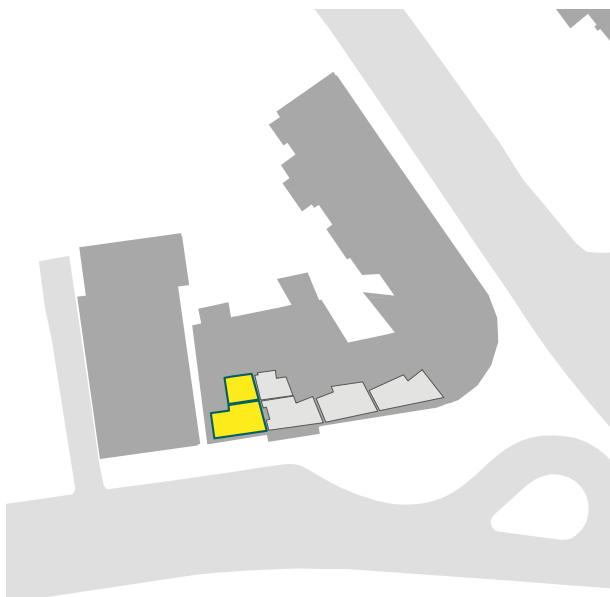


Fig. 130: Flat 8 (Most Affected) location key plan



Fig. 131: Flat 8 (Most Affected) NSL contour plot

- 6.10.32 When compared with the RTG, the Proposed Development results in marginally lower VSC values (of up to 3% absolute loss) which I do not consider to be perceptible.
- 6.10.33 The bedroom windows will have retained VSC values similar to that which currently exist in second floor bedroom windows in the following neighbouring properties which are unaffected by the proposed development (Appendix 10):
- Cardinal Place - Blocks E, F, K
 - Cardinal Place - Block A
 - Victoria House (elevation fronting Victoria Square)

NSL

- 6.10.34 The living room (F01/R21) will experience a minor reduction in NSL of 27.9% however, it will have sky visibility to over 70% of the room in the proposed scenario.
- 6.10.35 The bedrooms (F02/R20 and F02/R21) will see percentage reductions in NSL of 71.7% and 50.3% with retained NSL values between 27.9% and 47.2% respectively.
- 6.10.36 The BRE Guidelines (CD-0.1.4) outline at paragraph 2.2.8 that when considering daylight distribution *"bedrooms should be analysed although they are less important"*. Given the primary use of these room is for sleeping, they will have a lesser requirement for natural light.
- 6.10.37 The bedroom windows will have retained NSL values similar to that which currently exist in second floor bedrooms in the Cardinal Place blocks which are unaffected by the proposed development (Appendix 10).

Summary

- 6.10.38 The weight to be given to the daylight impact on this property must be read in the context of the Council's aspiration to demolish or alter the property to facilitate the HIF scheme which is being progressed via a CPO.
- 6.10.39 The retained VSC values are within 3% of the RTG scheme which in my view is imperceptible.
- 6.10.40 The retained VSC values are similar to those that are currently experienced by properties in the Appeal Study Area which are unaffected by the Proposed Development.
- 6.10.41 In terms of NSL, a minor impact occurs to the primary habitable space (the living room). Reductions in NSL to the bedrooms is considered to be less important by reference to paragraph 2.2.8 of the BRE Guidelines.
- 6.10.42 The property will benefit directly from the new greened and pedestrianised landscape on Goldsworth Road providing an immediate connection to the attractive, landscaped amenity spaces proposed.
- 6.10.43 In consideration of the above, although the nationally applicable BRE Guidelines are not met in relation to daylight, I do not consider that the impacts to the daylight amenity of this property would be significantly harmful.



FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
VICTORIA HOUSE																	
4	F01	R8	Residential	Kitchen***	W9/F01	29.4	12.5	16.9	57.5	29.4	12.5	16.9	57.5	93	86.6	0.6	6.9
4	F02	R7	Residential	Bedroom	W7/F02	33	13.3	19.7	59.7	33	13.3	19.7	59.7	97.1	90.2	0.5	7.1

Fig. 132: Existing v proposed results (Flat 4 - least affected)

FLAT REF.	FLOOR	ROOM	PROPERTY TYPE	ROOM USE	WINDOW	VSC (WINDOW)				VSC (ROOM)				NSL			
						EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS	LOSS %	EX. %	PR. %	LOSS SQM	LOSS %
VICTORIA HOUSE																	
8	F01	R20	Residential	Kitchen***	W27/F01	17.4	16.3	11	6.3	17.4	16.3	11	6.3	83.2	82.3	0.1	11
		R21	Residential	Living Room	W28/F01	29	9.7	19.3	66.6	28.9	10.1	18.8	65.1	99.5	71.7	4.6	27.9
						W29/F01	28.9	10.1	18.8	65.1							
						W30/F01	28.9	10.5	18.4	63.7							
8	F02	R19	Residential	Bedroom	W21/F02	22.3	19.3	3	13.5	22.3	19.3	3	13.5	99.3	98.2	0.1	11
		R20	Residential	Bedroom	W22/F02	30.5	9	21.5	70.5	30.5	9	21.5	70.5	98.6	27.9	4	71.7
		R21	Residential	Bedroom	W23/F02	30.6	9.6	21	68.6	30.6	9.9	20.7	67.6	94.9	47.2	5.3	50.3
						W24/F02	30.7	10.2	20.5	66.8							

Fig. 133: Existing v proposed results (Flat 8 - most affected)