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Proof of Evidence of Paul Hearmon

On behalf of Woking Borough Council

**Daylight, Sunlight and Overshadowing (Effect on Neighbouring
Properties)**

Land to the North and South of Goldsworth Road, Woking, Surrey, GU21 6JT

Pins Reference: APP/A3655/W/21/3276474

LPA Reference: PLAN/2020/0568

2nd November 2021

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1 INTRODUCTION

1.1 Qualifications and Experience of the Expert

- 1.1.1 My name is Paul Hearmon, and I have an LLB (Hons) degree from the University of East Anglia.
- 1.1.2 I am a Senior Right of Light Surveyor at Right of Light Consulting. Right of Light Consulting is regulated by the Royal Institution of Chartered Surveyors (RICS).
- 1.1.3 Having joined Right of Light Consulting in 2009, I have over 12 years' experience dealing with matters relating to rights of light, daylight, sunlight and overshadowing.
- 1.1.4 I have acted as an expert witness in connection with both civil litigation and public inquiries. I have acted for developers, local authorities and property owners affected by development. I undertake expert witness work in accordance with the guidance contained within the Royal Institution of Chartered Surveyors' (RICS) publication: *Surveyors acting as expert witnesses, 4th edition, amended August 2020*.
- 1.1.5 I regularly present Continuous Professional Development (CPD) seminars to firms of architects and have delivered over 200 such seminars since 2015.

1.2 Background

- 1.2.1 Woking Borough Council refused planning permission (LPA Reference: PLAN/2020/0568) for the redevelopment of the land to the north and south of Goldsworth Road, Woking, Surrey, GU21 6JT.
- 1.2.2 The description of development, as included on the decision notice, was as follows: 'Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 929 residential units (Class C3), communal residential and operational spaces, commercial uses (Classes A1/A2/A3/A4/B1/D1/D2) at ground floor and homeless shelter (sui generis) within 5 blocks of varying heights of between 9 and 37 storeys (including rooftop amenity) to the north and south sides of the site together with soft and

hard landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant.'

1.2.3 The decision notice refers to four reasons for refusal. The reason for refusal that is relevant to my opinion was set out in the decision notice as follows:

1.2.4 'The proposed development would result in significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).'

1.2.5 The application proposal that was refused planning permission is now subject to an appeal (Pins Reference: APP/A3655/W/21/3276474).

1.3 Summary of Instructions

1.3.1 I have been instructed by Woking Borough Council to:

- 1) Review Chapter 6 of the Environmental Statement (Core Document 4.1.7), which deals with daylight, sunlight and overshadowing, and give my opinion on its validity.
- 2) Give my opinion on the classification of the scale of effects, both in terms of the effect on neighbouring properties individually and the effect of the scheme as a whole.
- 3) Give my opinion on whether the proposal would cause significant harm to the daylight, sunlight and overshadowing amenity of its neighbouring properties.
- 4) Give my opinion on whether the proposal would leave the neighbouring properties with acceptable living standards.

1.3.2 I have not been instructed to review the internal daylight and sunlight assessment that deals with the levels of daylight and sunlight within the proposed development itself. I have not been asked to consider privacy issues or solar glare.

1.3.3 I have not been instructed to check the accuracy of the numerical daylight and sunlight data in the Environmental Statement. My proof of evidence focuses on the interpretation of the data included in the Environmental Statement.

2 DISCUSSION AND OPINION ON THE MAIN ISSUES

2.1 Review of Chapter 6 of the Environmental Statement

- 2.1.1 The daylight, sunlight and overshadowing section of the Environmental Statement is based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' (2011) (Core Document 0.1.4). The BRE guide is based on British Standard BS8206-2:2008, which was superseded by BS EN17037:2018. The BRE guide will eventually be updated to account for the new British Standard. However, at the present time, the 2011 BRE guide remains, in my opinion, an appropriate standard to use.
- 2.1.2 The Environmental Statement includes all the numerical tests that I would expect it to include, namely:
- Vertical Sky Component (VSC)
 - Daylight Distribution (DD)
 - Annual Probable Sunlight Hours (APSH)
 - Average Daylight Factor (ADF)
 - Transient Overshadowing
- 2.1.3 I have not been instructed to produce an independent set of daylight, sunlight and overshadowing data. However, the data in the Environmental Statement appears to be logical, save for some exceptions noted in the following sections of my evidence.
- 2.1.4 Appendix I of the BRE guide (Core Document 0.1.4) gives guidance on how to apply its guidelines for the purpose of an environmental impact assessment. Paragraph I4 explains that the assessment of impact will depend on a combination of factors, and there is no simple rule of thumb that can be applied. Appendix I goes on to give detailed guidance on how to categorise impacts as negligible, minor, moderate or major with reference to a range of factors, as follows:

16 Where the loss of skylight or sunlight does not meet the guidelines in this book, the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:

- only a small number of windows or limited area of open space are affected
- the loss of light is only marginally outside the guidelines
- an affected room has other sources of skylight or sunlight

- the affected building or open space only has a low level requirement for skylight or sunlight
- there are particular reasons why an alternative, less stringent, guideline should be applied (see Appendix F).

17 Factors tending towards a major adverse impact include:

- a large number of windows or large area of open space are affected
- the loss of light is substantially outside the guidelines
- all the windows in a particular property are affected
- the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight, eg a living room in a dwelling or a children’s playground.

2.1.5 The Environmental Statement uses the following bands to categorise the scale of the proposal’s effects:

Daylight and Sunlight Criteria	Scale of Effect
0-19.9% alteration	Negligible
20% to 29.9% alteration	Minor
30% to 39.9% alteration	Moderate
>40% alteration	Major

- 2.1.6 Paragraph 6.7.2 of the Environmental Statement is somewhat misleading as it doesn't make clear that the above bands are not contained within the BRE guide itself. I acknowledge that it is helpful to categorise the losses into bands, and that there is an increasing trend for daylight and sunlight consultants to use the same bands as those used in the Environmental Statement. However, I am of the view that it is important for the reader to be aware that the bands are to some extent arbitrary, and not directly based on BRE guidance.
- 2.1.7 Care must be exercised when relying on the bands. For example, a loss of 29.9% falls into the 'Minor' band. However, a loss of this magnitude equates to a loss which is around 50% greater than the BRE's 20% criteria. In my opinion, in many instances, a loss of this magnitude would amount to more than a minor impact. In any event, I would deem a loss of 30% or more to be substantially outside of the BRE guideline.
- 2.1.8 Furthermore, it is important to appreciate that the 'Major' effect band of >40% does not distinguish between a loss of, say, 40% and a loss of, say, 60%. The numerical data in the technical appendices of the Environmental Statement (Core Document 4.1.7) shows a high number of windows/rooms which would experience relatively extreme light losses—in some cases as high as 100% loss. These losses are not easily discernible from the Environmental Statement's use of the banding system or from the Statement's narrative sections.

2.2 Effect of the Proposal on Daylight

- 2.2.1 The data provided within the Environmental Statement show that the following 11 properties do not satisfy the recommendations in the BRE guide:

1 Guildford Road
2 Guildford Road
Olympian Heights
Nankeville Court
Greenwood House
1-5 Church Street West
Birchwood Court
Victoria House
21-25 Church Street
11-13 Goldsworth Road

Victoria Square Development

2.2.2 The actual number of properties that do not satisfy the recommendations is, in fact, much higher than 11, as many of the properties comprise multiple units.

2.2.3 The effects on each neighbouring property are discussed below:

1 Guildford Road

2.2.4 Out of the 16 windows tested, 9 windows fail to meet the BRE criteria. The loss of light to 6 of the windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 38.9% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 8.7%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 28.4%. In my opinion, whilst this is outside of the BRE criteria, it is not substantially so. However, I would note that the Daylight Distribution testing has been undertaken based on assumed room layouts which may not be accurate.

2.2.5 The Environmental Statement identifies some mitigating factors. For example, it refers to rooms served by multiple windows. However, it should be borne in mind that paragraph 6.98 of the Environmental Statement explains that 1 Guildford Road was assessed based on assumed room layouts. Any inaccuracy in the assumptions may therefore affect the validity of this mitigating factor.

2.2.6 Paragraph 6.126 of the Environmental Statement refers to architectural features at the neighbouring property itself that obstruct daylight. Appendix F of the BRE guide (Core Document 0.1.4) sets out a procedure for establishing whether the proposed development, or neighbouring property obstruction is the main factor in relative light loss. The procedure involves undertaking additional hypothetical calculations excluding the impact of the neighbouring property obstructions. This procedure does not appear to have been followed in this case and therefore it is difficult to gauge the extent to which the neighbouring property obstructions are causing the impact at 1 Guildford Road.

- 2.2.7 Paragraph 6.125 states that the percentage change would be disproportionate to what would be perceptible by the occupant. I am not clear what is meant by this. However, given the significant losses identified in the numerical data, I am of the opinion that the impact would be very easily perceptible to anyone living at the property.
- 2.2.8 Based on the criteria outlined in Appendix I of the BRE guide and given the uncertainty and limited information about the suggested mitigating factors, the overall daylight effect on 1 Guildford Road should, in my opinion, be classified as **Moderate Negative** and not Minor Negative as stated in the Environmental Statement.

2 Guildford Road

- 2.2.9 Out of the 7 windows tested, 4 windows fail to meet the BRE criteria. The loss of light to 1 of the windows is substantially outside the BRE guidelines, with a loss of 32.3%. The lowest retained VSC score will be 6.5%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 32.4% (substantially in excess of the BRE 20% criterion).
- 2.2.10 The Environmental Statement identifies some mitigating factors. For example, architectural features at the neighbouring property itself that obstruct daylight. However, as with 1 Guildford Road, no additional testing excluding the effect of the neighbouring property obstructions has been presented.
- 2.2.11 The Environmental Statement states that the affected windows are to bedrooms. Whilst bedrooms are generally considered to be less important than living rooms, they are not unimportant. The BRE guide gives numerical daylight targets which apply to all habitable rooms including bedrooms. Nevertheless, in my opinion, daylight in bedrooms is generally considered to be less important than in living rooms and therefore the use of the rooms is a relevant factor.
- 2.2.12 In my opinion, on the basis that the affected rooms are bedrooms, the overall daylight effect on 2 Guildford Road should be classified as **Minor Negative**, as stated in the Environmental Statement.

Olympian Heights

- 2.2.13 Out of the 136 windows tested, 87 windows fail to meet the BRE criteria. The loss of light to 10 of the windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 43% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 5.5%, which is substantially below the BRE 27% criterion. The Daylight Distribution results for all rooms meet the BRE criteria. However, I would note that the Daylight Distribution data in the Technical Appendices of the Environmental Statement (Core Document 4.1.18) do not tally with the totals provided in Table 6.6 of the Environmental Statement (Core Document 4.1.7). I am, therefore, unsure whether the Daylight Distribution results provided are correct.
- 2.2.14 The Environmental Statement refers architectural features at the neighbouring property itself that obstruct daylight. However, no additional testing excluding the effect of the neighbouring property obstructions has been presented.
- 2.2.15 The Environmental Statement refers to 23 affected windows to bedrooms which it notes are less sensitive to daylight alteration. Whilst bedrooms are generally considered to be less important than living rooms, they are not unimportant. The BRE guide gives numerical daylight targets which apply to all habitable rooms including bedrooms.
- 2.2.16 The Environmental Statement refers to 26 windows serving 13 living-room-kitchen-diners which do not satisfy the BRE criteria. The Environmental Statement opines that the windows would remain well lit overall as the retained VSC would be between 15% to 26.6%. In my opinion, since a retained VSC of 15% is only slightly more than half of the BRE's 27% criterion, a retained level of 15% should not be described as well day lit overall.
- 2.2.17 In my opinion, taking into account all relevant factors including the number of affected rooms, both the reduction of daylight and the retained daylight, the overall daylight effect on Olympian Heights should be classified as **Moderate Negative** and not Minor Negative as stated in the Environmental Statement.

Nankeville Court

- 2.2.18 Out of the 214 windows tested, 166 windows fail to meet the BRE criteria. The loss of light to 136 of the windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 51.3% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score of an impacted window will be 5.9%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 65.7% (substantially in excess of the BRE 20% criterion).
- 2.2.19 The Environmental Statement identifies some mitigating factors such as the use of the rooms as bedrooms and architectural features at the neighbouring property itself that obstruct daylight. The Environmental Statement also highlights that some of the affected rooms are dual aspect and that not all of the windows in those rooms are affected. However, it is important to note that all above mentioned factors do not apply to all rooms/windows which fail to meet the BRE criteria.
- 2.2.20 Notwithstanding the above, in my opinion, the overall daylight effect on Nankeville Court should be classified as **Moderate Negative**, as stated in the Environmental Statement.

Greenwood House

- 2.2.21 Out of the 47 windows tested, 10 windows fail to meet the BRE criteria. The loss of light to 7 of the windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 31.8% (substantially in excess of the BRE 20% criterion). However, the lowest retained VSC score of an impacted window will be 25.1%, which is only marginally below the BRE 27% criterion. The Daylight Distribution results for all rooms meet the BRE criteria. I would note that the Daylight Distribution data in the Technical Appendices of the Environmental Statement (Core Document 4.1.18) do not tally with the totals provided in Table 6.6 of the Environmental Statement (Core Document 4.1.7). I am, therefore, unsure whether the Daylight Distribution results provided are correct.

2.2.22 The Environmental Statement identifies some mitigating factors such the relatively high retained VSC scores (25% and above). However, the mitigating factors do not negate the fact that the windows fail to meet the BRE criteria.

2.2.23 In my opinion, the overall daylight effect on Greenwood House should be classified as **Minor Negative** and not Negligible as stated in the Environmental Statement.

1-5 Church Street West

2.2.24 This property is absent from the detailed discussion within the Environmental Statement. Possibly the author did not consider the building to have an expectation for daylight by virtue of it being a non-residential building. However, Figure 6.3 of the Environmental Statement does describe the building as a 'Sensitive religious building'. In the absence more information about the uses of the affected rooms, I am of the opinion that it is reasonable to assume that the building does have a reasonable expectation for daylight; although not direct sunlight. Out of the 6 windows tested, 3 windows fail to meet the BRE criteria. The loss of light to all 3 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 46.7% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 5.7%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 41.5%, which again is substantially outside the BRE 20% criterion. However, I note that the Daylight Distribution test has been undertaken based on assumed room layouts which may not be accurate.

2.2.25 In my opinion, taking into account both the scale of the losses and the few affected windows/rooms, the overall daylight effect on 1-5 Church Street West should be classified as **Moderate Negative**.

Birchwood Court

2.2.26 Out of the 21 windows tested, 10 windows fail to meet the BRE criteria. The loss of light to 7 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of

up to 100% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 0%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 57.6%, which again is substantially outside the BRE 20% criterion.

- 2.2.27 The Environmental Statement identifies some mitigating factors including the architectural features at the neighbouring property itself that obstruct daylight and some of the affected windows serve bedrooms. However, no additional testing excluding the effect of the neighbouring property obstructions has been presented and not all affected living rooms are affected by architectural features.
- 2.2.28 In my opinion, given the losses are substantially outside of the BRE criteria and in some cases the retained levels of daylight are very low, the overall daylight effect on Birchwood Court should be classified as **Major Negative** and not Moderate Negative as stated in the Environmental Statement.

Victoria House

- 2.2.29 Out of the 69 windows tested, 50 windows fail to meet the BRE criteria, and the loss of light to all 50 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 67.2% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 8.9%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 75.6%, which again is substantially outside the BRE 20% criterion. However, I note that the Daylight Distribution test has been undertaken based on assumed room layouts which may not be accurate.
- 2.2.30 The Environmental Statement states that “the room uses in this building are not known; however, it can be assumed that a number of the affected rooms to the rear of the building would be secondary rooms”. The term “secondary rooms” is not defined in the BRE guide or the Environmental Statement. Nevertheless, in my opinion the property is likely to have bedrooms and/or kitchens with windows in the rear elevations, which do have a requirement for daylight.

- 2.2.31 The east facing front elevation of Victoria House has already been affected by the recent Victoria Square Development. Some of the units in Victoria House are therefore likely to rely on the daylight from its rear elevation which would be affected by the proposed Goldsworth Road Development.
- 2.2.32 The south facing front elevation of Victoria House will also be significantly affected by the proposed development. This elevation is likely to contain windows which serve living rooms.
- 2.2.33 In my opinion, the overall daylight effect on Victoria House should be classified as **Major Negative** and not Moderate Negative as stated in the Environmental Statement.

21-25 Church Street West

- 2.2.34 I note that this property has not been included in Table 6.6 of the Environmental Statement but was included within the main body of the Environmental Statement. Out of the 42 windows tested, 32 windows fail to meet the BRE criteria, and the loss of light to 24 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 43.6% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 3.8%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 48.9%, which again is substantially outside the BRE 20% criterion.
- 2.2.35 The Environmental Statement identifies some mitigating factors including the architectural features at the neighbouring property itself that obstruct daylight and some of the affected windows serve bedrooms. However, no additional testing excluding the effect of the neighbouring property obstructions has been presented.
- 2.2.36 In my opinion, given the losses are substantially outside of the BRE criteria and cannot be fully justified by the corresponding mitigating factors, the overall daylight effect on 21-25 Church Street West should be classified as **Moderate Negative** as stated in the Environmental Statement.

2.2.37 11-13 Goldsworth Road

2.2.38 Out of the 20 windows tested, 14 windows fail to meet the BRE criteria, and the loss of light to all 14 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 73.9% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score will be 6.8%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 55.1%, which again is substantially outside the BRE 20% criterion. However, I note that the Daylight Distribution testing has been undertaken based on assumed room layouts which may not be accurate.

2.2.39 The Environmental Statement states that “the room uses in this building are not known; however, it can be assumed that a number of the affected rooms to the rear of the building would be secondary rooms”. The term “secondary rooms” is not defined in the BRE guide or the Environmental Statement. Nevertheless, in my opinion the property is likely to have habitable room windows in its rear elevation. In any event, it is the windows in the side (west facing) elevation and front (south facing) elevation which will be substantially affected by the proposed development. The Environmental Statement acknowledges the “Major Negative” effect but attributes this the rooms currently overlooking the “low-level massing in the site”. Whilst the current massing is indeed built to a lower level than the current proposal, this does not in my opinion negate the significant impact the proposed development would have.

2.2.40 Given that the majority of the windows at 11-13 Goldsworth Road would be affected by the development and substantially so, in my opinion, the overall daylight effect on 11-13 Goldsworth Road should be classified as **Major Negative** and not Moderate Negative as stated in the Environmental Statement.

2.2.41 Victoria Square Development

2.2.42 As this is a new development, the Environmental Statement presents both the ADF and VSC/NSL results. However, only the ADF results have been

discussed in detail within the Statement. With regards to the VSC results, out of the 237 windows tested, 148 windows fail to meet the BRE criteria, and the loss of light to 116 of the windows is substantially outside the BRE guidelines, with losses in excess of 30%. Furthermore, the windows experience losses of up to 57.4% (substantially in excess of the BRE 20% criterion). The lowest retained VSC score of an impacted window will be 8.3%, which is substantially below the BRE 27% criterion. The Daylight Distribution results show losses of up to 24.7%, which is just short of the BRE 20% criterion.

- 2.2.43 With regards to the ADF testing, the BRE guide states that where supplementary electric lighting is provided, an ADF score of 2% should be achieved if a predominately daylit appearance is required. The BRE guide also gives minimum targets of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms—targets which should be attained even if a predominately daylit appearance is not achievable.
- 2.2.44 Out of the 177 rooms assessed, 65 rooms would fail to meet the ‘minimum’ ADF targets if the appeal proposal were to be built. A significant number of the rooms that fail to meet the minimum targets are living/kitchen/dining rooms where occupants will typically spend most of their time during the day.
- 2.2.45 The Environmental Statement indicates that a majority of these rooms fail to meet their ADF targets even before the impact of the proposed development is taken into account. In my opinion, this demonstrates that the light receivable by the Victoria Square Development is precious. A significant number of rooms experience reductions of greater than 30% to their ADF scores, and a number of rooms experience reductions greater than 40% as a result of the proposed development.
- 2.2.46 In my opinion, the overall daylight effect on Victoria Square Development should be classified as **Major Negative**. I note that the Environmental Statement does not give a scale of effect classification for Victoria Square Development.

2.3 Effect of the Proposal on Sunlight

2.3.1 The data provided within the Environmental Statement shows that the following four properties do not satisfy the recommendations in the BRE guide:

Birchwood Court
Victoria House
11-13 Goldsworth Road
Victoria Square Development

2.3.2 The effects on each of the above neighbouring properties are discussed below:

Birchwood Court

2.3.3 Out of the 25 rooms tested, 10 rooms fail to meet the BRE criteria (either APSH or WPSH, or both). The loss of sunlight to the 10 rooms is substantially outside the BRE guidelines, with losses in excess of 30%.

2.3.4 The Environmental Statement identifies some mitigating factors such as use of some of the rooms as bedrooms (the APSH/WPSH targets are intended to be applied to living rooms) and architectural features at the neighbouring property itself that obstruct sunlight. As with daylight, data excluding the effect of the neighbouring property obstructions has not been provided.

2.3.5 Notwithstanding the above, in my opinion taking into account that there are only a few living rooms which do not meet the BRE criteria, the overall sunlight effect on Birchwood Court should be classified as **Minor Negative**, as stated in the Environmental Statement.

Victoria House

2.3.6 Out of the 26 rooms tested, 18 rooms fail to meet the BRE criteria (either APSH or WPSH, or both). The loss of sunlight to all 18 of these rooms is substantially outside the BRE guidelines, with losses in excess of 30%.

2.3.7 The Environmental Statement identifies some mitigating factors such as architectural features at the neighbouring property itself that obstruct sunlight. As with daylight, data excluding the effect of the neighbouring property obstructions has not been provided.

2.3.8 In my opinion, the overall sunlight effect on Victoria House should be classified as **Moderate Negative**, as stated in the Environmental Statement.

11-13 Goldsworth Road

2.3.9 Out of the 8 rooms tested, 4 rooms fail to meet the BRE criteria (both APSH and WPSH). The loss of sunlight to all 4 of these windows is substantially outside the BRE guidelines, with losses in excess of 30%.

2.3.10 The Environmental Statement identifies some mitigating factors such as architectural features at the neighbouring property itself that obstruct sunlight. As with daylight, data excluding the effect of the neighbouring property obstructions has not been provided.

In my opinion, the overall sunlight effect on 11-13 Goldsworth House should be classified as **Moderate Negative**, as stated in the Environmental Statement.

Victoria Square Development

2.3.11 Out of the 177 rooms tested, 80 rooms fail to meet the BRE criteria (either APSH or WPSH, or both). The loss of sunlight annually to 68 of these rooms is substantially outside the BRE guidelines, with losses in excess of 30%.

2.3.12 The Environmental Statement identifies some mitigating factors such as use of the some of the rooms as bedrooms (the APSH/WPSH targets are intended to be applied to living rooms) and architectural features at the neighbouring property itself that obstruct sunlight. As with daylight, data excluding the effect of the neighbouring property obstructions has not been provided.

2.3.13 In my opinion, given that around 35 living rooms fail to meet the BRE criteria, the overall sunlight effect on the Victoria Square Development should be classified as **Moderate Negative** and not Minor Negative as stated in the Environmental Statement.

2.4 Overshadowing of Surrounding Amenity Areas

2.4.1 Having reviewed the full overshadowing assessment for the proposed development, including the transient shadow images, I am of the opinion that

the overshadowing effect on the amenity spaces at 5 to 29 (odds) Oak's Road, 17 to 29 & 30 to 36 Vale Farm Road and the Millennium Place playground is **Negligible** as stated in the Environmental Statement.

3 CONCLUSIONS

3.1 Validity of Chapter 6 of the Environmental Statement

- 3.1.1 In general, I agree with the methodology utilised in the Environmental Statement.
- 3.1.2 Whilst I have identified some computational errors in the summarising of the data, correction of the errors is unlikely to substantially alter my opinion on the overall effect of the scheme on the daylight and sunlight receivable by its neighbouring properties.
- 3.1.3 I am of the opinion that the Environmental Statement does to some extent downplay the scale of the effect the proposal would have. This is in part due to the banding system used to classify effects as Negligible, Minor, Moderate and Major, and in part due to the judgement exercised in interpreting the data and assigning a particular category of impact.

3.2 Scale of Effects on Neighbouring Properties

- 3.2.1 In my opinion, the effects of the appeal proposal can be summarised as follows:

Address	Impact Significance	
	Daylight	Sunlight
1 Guildford Road	Moderate	Negligible
2 Guildford Road	Minor	Negligible
Olympian Heights	Moderate	N/A
Nankeville Court	Moderate	N/A
Greenwood House	Minor	Negligible
1-5 Church Street West	Moderate	N/A
Birchwood Court	Major	Minor
Victoria House	Major	Moderate
21-25 Church Street	Moderate	Negligible
11-13 Goldsworth Road	Major	Moderate
Victoria Square Development	Major	Moderate

3.2.2 With reference to the following relevant factors listed in Appendix I of the BRE guide, namely:

- a) a large number of windows or large area of open space are affected;
- b) the loss of light is substantially outside of the BRE guidelines;
- c) all windows within an affected property are affected;
- d) the affected indoor or outdoor spaces have a particularly strong requirement for daylight or sunlight (e.g. a living room in a dwelling or a children's playground),

I am of the opinion that the overall effect of the appeal proposal can be characterised as having a **Major Negative** effect.

3.3 Degree of Harm and the Effect on Living Standards

3.3.1 Due to the high number of neighbouring properties that do not comply with the BRE recommendations, and due to the margin by which many of the neighbouring properties fall short of the recommendations, I am of the opinion that the appeal proposal would cause significant harm to the daylight and sunlight amenity of neighbouring properties.

3.3.2 I am mindful of the need for the BRE guidelines to be employed with flexibility in the context of wider planning policy and of the need to consider both the benefits and harms caused by any proposal. I am also mindful of paragraph 125a of the National Planning Policy Guidance (NPPF) 2021 (Core Document 0.1.1), which explains that local authorities should refuse planning applications that fail to make efficient use of land. The NPPF explains that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, as long as the resulting scheme would provide acceptable living standards.

3.3.3 Due to the many instances of very low retained levels of daylight and sunlight, I am of the opinion that the appeal proposal would leave neighbouring properties with an unacceptable living standard. In the case of the Victoria Square development, the retained ADF scores would be reduced to well below

the thresholds that the BRE guide considers to be the bare minimum, even where a predominately daylight appearance is not required. Whilst the ADF test is not applicable to existing neighbouring properties, the very low retained VSC scores that would be experienced by many of the existing properties would, in my opinion, amount to an unacceptable living standard.

4 ENDORSEMENT

The evidence which I have prepared and provide for this appeal reference APP/A3655/W/21/3276474 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of the Royal Institution of Chartered Surveyors (RICS), and I confirm that the opinions expressed are my true and professional ones.

Signed:

A handwritten signature in black ink that reads "P. M. Hearmon". The signature is written in a cursive style and is underlined with a long, sweeping horizontal line.

.....

Date

2nd November 2021

Mr Paul Hearmon LLB (Hons)