

## Appendix 4: Extract from January 2016 Planning Committee report evaluating the daylight/sunlight impacts

### **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

3.9

The development would comply with residential standards in terms of internal floor areas and all of the units would also meet the requirements in relation to amenity space, both the quantum and minimum dimensions. There would be very good levels of daylight and sunlight, some overshadowing of amenity space, and slightly windy conditions by the Tower A entrance, but the latter is not an issue of safety rather an issue of comfort. A children's play space would be located within the development. Overall the living conditions provided for future residents would be acceptable.

3.10

The site is in close proximity to residential accommodation, there would be significant impacts on neighbouring amenity, particularly in relation to lighting conditions for some occupiers of the buildings fronting onto North End. However, when weighed up against benefits delivered by the scheme and that the scheme is broadly in line with the adopted West Croydon Masterplan, the impact is not considered to warrant a refusal of permission. The amount of light provision that shines through some of the stained glass windows within the Church of St Michael and All Angels would be reduced, but a refusal on this ground would not be justified.

### **OBJECTIONS**

6.6

Loss of light and overlooking to residential accommodation.

### **IMPACTS ON ADJOINING OCCUPIERS**

7.58

Policies SP1.2, SP4.1 & SP4.2 of CLP1 set out the need for developments to respond to the local character and circumstances, which includes the need for ensuring there is no detrimental impact on neighbours. Croydon Plan 2006 (Saved Policies 2013) Policies UD2 and UD3, referring to the layout, siting and scale of new developments makes clear that developments should distinguish between public and private spaces and not have an impact on the future development of other land. Additionally, policy UD8 protects the amenity of adjoining residential properties from overlooking, overshadowing and loss of light and outlook.

Daylight and sunlight

7.69

The OAPF notes that "It is recognised that in heavily built up areas such as the Croydon Opportunity Area, new development will inevitably result in some level of overshadowing and overlooking of neighbouring properties and amenity spaces. It should be noted that the existing pattern of development in the central part of the

COA is not conducive to the application of normal planning guidelines for sunlight and daylight. As such, as part of new development proposals, there will need to be a flexible approach to the protection of natural light for existing properties.” Given the constraints of this site such an approach is required in this instance and outlined below.

#### 7.70

The impacts on the nearest residential properties to the site, which lie above the retail units fronting North End to the west of the site, within St. Michael’s Court to the east and within Delta Point to the north east have been assessed in accordance with the 2011 BRE Guidelines in the Environmental Statement.

#### 7.71

During demolition, construction and refurbishment the level of effect in relation to daylight, sunlight and overshadowing to surrounding properties would be temporary, so detailed analysis of the construction program has not been undertaken.

#### 7.72

For the completed and occupied development, in terms of daylight, there are a high number of application site facing windows that will not be adversely impacted. Of the total 938 windows assessed 850 (91 %) complied with BRE guidance. Of the 88 windows that were below the point at which a loss of light would be noticeable 49 (5 %) would suffer a minor reduction in daylight, 15 (1.6%) a moderate reduction and 25 (2.6%) a major reduction. Given the scale of development proposed a moderate or major loss of light to only 39 (4%) of neighbouring windows would be a low impact.

#### 7.73

The residential premises most impacted by the development are located on the upper floors of No.132-142 North End and St Michael’s Court which fronts onto Poplar Walk.

#### 7.74

The loss of daylight is identified as a minor adverse impact on 4 of 4 windows at No.151 North End. The north east facing windows in properties 132, 134, and 136 North End serve either a bedroom or kitchen to flats and suffer a major adverse impact. The principal rooms in these properties face away from the site and are not affected. The kitchens are relatively small and below the habitable room parameters. There are three windows serving kitchen/living rooms and a bedroom window facing the site at No.138-142 North End. The bedroom impact is minor, however, the kitchen/living rooms would suffer a major adverse impact.

#### 7.75

Given that the existing rear facing windows at No.132-134 North End would be adversely affected, then windows approved as part of permission 14/04540/P for extensions would also be negatively impacted. There would be seven rear facing windows across the two approved properties. These windows would serve a stairwell, kitchens at first floor and bedrooms at first and third floor.

#### 7.76

Within St. Michaels Court there are nine windows serving nine ground to 3rd floor rooms in the building that would suffer a major adverse impact. Eight of these windows are on the south west flank elevation and serve small kitchens that are below the habitable room standard and would therefore be afforded a limited degree of protection. There is a third floor bedroom window that would also be significantly impacted on the rear elevation facing north west. The reason that this window is affected to a greater extent than the other rooms in the rear elevation is that its sky visibility is restricted due a roof level overhang.

#### 7.77

Some rooms in Delta Point and St.Michael's Court receive sunlight as well as daylight. Accordingly a sunlight assessment has been undertaken. This has also included the impact on the Church of St Michael and All Angels. Within Delta Point 264(97%) of 270 rooms are fully compliant with BRE guidelines. The remaining windows would retain between 27%-43% Annual Probable Sunlight Hours (APSH) against a BRE minimum of 23%, given that these windows serve bedrooms, which have a lesser requirement for sunlight, the impact is acceptable. Within St.Michael's Court 5 of the 13 rooms with site facing windows are compliant with BRE guidelines. However, 8 windows would experience a major adverse impact but these serve small kitchens which are of a size below the habitable room requirement.

#### 7.78

Within the Church of St Michael and All Angels there are four main panels to a stained glass window feature, which would have an annual loss of sunlight ranging from 24.5-36.8%. This would have an impact on the experience of the window illumination, however, only one small room serving part of the chapel of St Michaels Church does not meet BRE guidance and therefore the overall quality of sunlight amenity on the church is acceptable. There would be additional overshadowing of the church surrounds for 1 hour each day, which is acceptable given the non-residential use.

#### 7.79

None of the impacts to non-residential adjacent premises are considered to be unacceptable. The significant loss of daylight that would result to the flats in North End and loss of sunlight to St Michaels Court is regrettable. But the overall impact on daylight and sunlight to neighbouring properties is small given the scale of development. Development that has been brought forward on the basis of an adopted Council Masterplan. The proposed development offers material benefits to Croydon by adding to the housing stock, improving the immediate townscape, providing new public realm and a pedestrian link to the future Westfield Shopping development. On balance this is considered to outweigh the impact on neighbouring properties. Notwithstanding this the owners of the impacted properties may still address the issue under private rights to light, but this is not a planning matter.

#### 7.80

The only cumulative development of relevance is the Westfield Shopping Centre, however, there would be no material difference in terms of effect on surrounding residential properties should this development be implemented given the orientation and separation of the Westfield site.

## **QUALITY OF LIVING ENVIRONMENT PROVIDED FOR FUTURE RESIDENTS**

### Density of Development

7.98

The sunlight, daylight and overshadowing assessment indicates that there would be very good levels of daylight and sunlight to the residential accommodation within the development and the degree of overshadowing experienced by the amenity space is considered acceptable.