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Ice Wharf Owners & Residents  
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Our Ref. P116971-1002

Dear Sirs/Mesdames

### **Review of daylight and sunlight aspects of committee report for Regents Wharf**

Thank you for your enquiry asking us to review the daylight and sunlight aspects of the London Borough of Islington's committee report concerning the planning application for Regents Wharf (reference P2019/3481/FUL). The report is long and detailed, and this review focuses solely on the daylight and sunlight aspects of it. These are addressed in a comprehensive way in the report. The report does acknowledge the harm caused to living conditions within surrounding properties, especially those in Ice Wharf South, and that this harm needs to be addressed as part of the planning balance in coming to a decision.

### **Review of appeal decision**

The committee report summarises in several places the Planning Inspector's statement explaining his rejection of the appeal (reference APP/V5570/W/18/3203871) for the previous scheme on this site. Paragraphs 4.3 and 7.6-7.11 summarise the Inspector's report on daylight issues. For the flat principally considered by the Inspector (one of a number of flats affected), flat 313 in Ice Wharf South, the summary in 4.3 and 7.10 mentions the effect on the bedrooms but not the living/kitchen/dining room, which is the worst affected room in this flat. This has the effect of downplaying the Inspector's assessment of the effect on this dwelling. However in 11.214 the committee report does reproduce the full text of the Inspector's report on this issue.

### **Review of BRE submissions**

Paragraphs 8.9 and 8.14 of the committee report summarise our letters to you dated 6 January and 17 February 2020, which reviewed GIA's original daylight and sunlight report for the developers and a supplementary letter by the planning consultants DP9. Paragraph 8.9 mentions our conclusions of a minor adverse impact on daylight to 3 All Saints Street, and minor/moderate to 1 All Saints Street, but does not mention our conclusion of a major adverse



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impact to five flats in Ice Wharf South. Thus this paragraph, read on its own, understates the strength of our conclusions about overall impact. However our statements about a major adverse impact are reproduced later on in the report as part of paragraph 8.14.

Paragraph 8.14 appears to contain an error when it states 'Officer comment: 37 windows do meet the VSC guidelines'. This ought to say '37 windows do not meet the BRE guidelines'.

### **Application of BRE guidance: daylight**

Paragraphs 11.168-11.185 of the committee report summarise the guidance in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. There is a fundamental error in paragraph 11.173 which states:

'Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).'*

Here 'either' and 'or' should be 'both' and 'and', so the paragraph should have read:

'Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that both:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); and The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).'*

Thus according to the guidelines, if one of the tests is not met, there is a significant impact on daylight in the room. So if the vertical sky component to a main window is less than 27% and less than 0.8 times the original value, then there is a significant loss of light even if the No Sky Line test is met. Similarly, if the area that can receive direct skylight is reduced to less than 0.8 times its former value, there is a significant impact on the daylight distribution even if the VSC test is met. This reading of the guidance has recently been upheld in a judicial review (*Rainbird v Tower Hamlets* [2018] EWHC 657 (Admin)).

This needs to be borne in mind when addressing some of the statements in the committee report concerning the detailed assessment of daylight within the affected flats. For example 11.210 states 'It is noted that the majority of these windows where there are VSC reductions beyond BRE guidelines would not see significant reductions to daylight distribution (NSL)' while 11.226 states 'It is also noted that in some units, where NSL transgression occurs (*sic*), VSC will remain at compliant levels.' There are similar statements in 11.203 and 11.206. In each case, although one of the guidelines is met, there is still a significant impact on daylight in the room.

### **Application of guidance: sunlight**

There is another misstatement of the BRE guidelines in paragraph 11.181 concerning loss of sunlight. This states:

'For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.'

Here 'and less than' should be 'or at least' so the paragraph should read:

'For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; or at least 0.8 of its former hours during either period.'

Here, both criteria have not to be met in order for there to be a significant loss of sunlight. The guidance is stated correctly in the following paragraph (11.182). In any case, loss of sunlight is a less important issue for this planning decision, since the existing windows closest to the proposed development face in a northerly direction.

### **Overall assessment of impact**

In the detailed assessment, the table in 11.222 refers to '92 Kerrick Street'. This appears to be a mistake.

In a number of places the committee report refers to other unaffected windows. For example 11.234 states that 'in many cases there would be windows and rooms which don't fail the BRE tests.' Appendix I of the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' does list 'all the windows in a particular property are affected' as one of the factors tending towards a major adverse impact. However it also lists 'the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight, eg a living room in a dwelling' as another factor tending towards a major adverse impact. For the worst affected flats in Ice Wharf South (313, 314, 323, 324, 333 and 334) the living room loses most light. For 313, 323 and 333 in particular, the only room meeting the guidelines is a small second bedroom tucked into a corner of the building which already receives hardly any daylight. The living room and first bedroom are the principal daylit rooms in each flat and they would lose significant amounts of light, amounting to a major adverse impact.

Yours sincerely



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