

Rebecca Payne

From: Simon Davis
Sent: 03 December 2019 13:21
To: Planning Scanning
Subject: FW: BR/233/19/PL - 77 Aldwick Road
Attachments: 77 Aldwick Road - Section Daylight VSC.jpg

Please upload this email and the attached jpg as Application Correspondence labelled as "Response to LPA Concerns over neighbouring windows"

From: James Hutchison [REDACTED]
Sent: 02 December 2019 17:32
To: Simon Davis [REDACTED]
Subject: RE: BR/233/19/PL - 77 Aldwick Road

Dear Simon,

Thank you for confirming the windows that you feel would be adversely affected by the proposed development.

Please could you now confirm which of the BRE tests (if any) you have used to ascertain that there would be such an impact?

My reason for asking this question is because on our own assessment (using the appropriate VSC test within the BRE guidance) the proposed scheme complies on all windows and by a substantial margin.

For the purposes of methodology, I trust that you are in agreement that the below quote (i.e. the VSC test) from the BRE guidance is applicable in this context:

"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25o to the horizontal, then the diffused daylighting of the existing building may be adversely affected.."

I have attached to this e-mail a quick overlay of the VSC test as applied to the western elevation (i.e. a vertical section showing the 'affected' window) of the proposed development. The VSC test has been carried out using the centre point of the lowest window as per the BRE guidance (and also using the 2m from FFL as is also commonly used). Both VSC lines comfortably sit well above the proposed extension meaning that the diffused daylight is, quite simply, not going to be adversely affected. On this basis, an assessment using universally applied BRE methodology supports our case that there would not be an adverse impact.

I have applied the VSC test to the nearest habitable room window (i.e. the first floor rear facing opening serving a living area of no.77) as this should show the worst-case scenario in terms of any potential loss of daylight or outlook. The kitchen of no.77 has no seating area or means to accommodate a seating area and is not a habitable room. However, evidently, even were you to apply the VSC to the kitchen window, with a higher centre point and by virtue of the fact that the extension is not perpendicular, the test would be easily passed. The further away the openings at nos. 75 and 79 means the less they are to be impacted.

Obviously these are our own calculations, and to come to the conclusion that the windows would be adversely affected as you have stated, I trust that you have carried out a test(s) that show a contrary result and conclusion to the one that I have shown attached/above. Please can you share your methodology and results?

Notwithstanding the above, I trust that we are in agreement that the Local Planning Authority does not currently have a five year housing land supply (please refer to our planning statement for the justification of this statement), and therefore paragraph 11(d)(ii) of the NPPF applies meaning that permission should only be refused if the adverse impacts of approval would significantly and demonstrably outweigh the benefits.

I trust that you will also be familiar with paragraph 123 (c) of the NPPF (again, please refer to our planning statement) whereby Local Planning Authorities are instructed to take a flexible approach to applying policies or guidance relating to daylight and sunlight in the cases where a Local Planning Authority is unable to demonstrate a sufficient and policy compliant housing land supply, and where applying those daylight and sunlight policies in full would otherwise inhibit making the most efficient use of a site.

My client has already given us the go ahead to appeal any decision to refuse permission on the basis of your points raised today. However, in view of the above, and in the absence of knowing to date the methodology you have applied in deciding that the adverse impacts are significant, we would politely request you to share this information and/or reconsider your opinion and recommendation.

I look forward to hearing from you shortly please.

Kind Regards,

James

James Hutchison MRTPI
Planning Director

[REDACTED]
Address: Suite 2, Littlehampton Business Centre, Gratwicke House, 10 East Street, Littlehampton, West Sussex, BN17 6AW
[REDACTED]

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From: Simon Davis [REDACTED]
Sent: 02 December 2019 16:16
To: James Hutchison [REDACTED]
Subject: RE: BR/233/19/PL - 77 Aldwick Road

Dear James,

The relevant windows would be (1) the existing first floor flat's living/dining room window and the terrace/balcony which it shares with its kitchen; (2) the rear/rear side windows and terrace/balcony of the first floor flat on 79 next door and (3) the rear windows of the first floor on 77 next door.

I will speak to another colleague to see whether he has the capacity to write this one up for me before Christmas. If so then I will confirm who is doing it and a rough timescale.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Please note that I typically work from home on Thursdays when I am unreachable on my work phone

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Save the environment - think before you print.

Second Floor

First Floor

FFL = 0m

2m

1.5m

25

25

Ground Floor

