

# **SUMMARY PROOF OF EVIDENCE**

**2-4 RINGERS ROAD AND 5 ETHELBERT ROAD, BROMLEY, BR1 1HT**

## **DAYLIGHT AND SUNLIGHT**

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# 1. INTRODUCTION

1.1.This Summary Proof of Evidence (“Summary Proof”) has been prepared on behalf of Ringers Road Properties Limited following the submission of an Appeal against the decision taken by the London Borough of Bromley (“the Council”) to refuse detailed planning permission at 2-4 Ringers Road and 5 Ethelbert Road (the “Appeal Site”).

1.2.This Summary Proof should be read alongside my main Proof of Evidence and Appendices.

1.3.The development proposed (“the appeal proposal”) comprises:

*“Demolition of existing buildings and construction of a mixed use development comprising residential units, ancillary residents’ facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (Revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).”*

1.4.My Summary Proof gives the main points of the appellant’s case in respect of Daylight and Sunlight matters, the fourth and fifth reasons for refusal.

## 2. CONTEXT

- 2.1. In order to evaluate what an appropriate level of daylight and sunlight for the purposes of amenity should be, both within proposed buildings as well as for neighbouring properties, it is vital that the context of the assessment is given due consideration.
- 2.2. The Housing SPG (CD8.6) emphasises the adoption of contextual analysis as a means to arriving at appropriate levels of amenity.
- 2.3. In order to put the daylight and sunlight results in context, levels of impact to and retained levels of light in Bromley and elsewhere in London or the country have been considered, with a focus on areas of similar density and metropolitan use.
- 2.4. In determining acceptability, it is important to consider not only the technical data set out within the BRE Guidelines (CD8.1) but also the demands of planning policy. With transformational regeneration comes density in areas which are highly accessible, this is clear from regional & local plans and guidance. It is therefore key to consider amenity in a holistic way against the backdrop of planning policy, the aspirations for the Site and the many benefits the Site will bring.

### 3. DAYLIGHT AND SUNLIGHT OF THE PROPOSED SCHEME

3.1.The fourth reason for refusal on the Council’s decision reads:

*“Whether the proposed development would provide appropriate living conditions for future occupiers, with particular reference to outlook, daylight, privacy, play space provision, and inclusive design; “*

3.2.Within any area suitable for urban regeneration the proposal must balance aspirations and feasibility; in order to illustrate a pathway between the characteristics of the existing context and the embodiment of the vision for the area the proposal seeks to address.

3.3.Further to this, to help determine an appropriate level of daylight and sunlight, the proposed scheme should be considered against the levels of performance in other similar schemes where full compliance with the guidelines was not achieved but deemed acceptable.

#### DAYLIGHT RESULTS IN THE APPEAL SCHEME

3.4.In order to present a most robust representation of the daylight and sunlight levels within the proposed scheme, the assessment has been expanded to include all units across the scheme, with the detailed results appended to this proof (Appendix A.15).

3.5.The results are summarised in Table 1 below.

Table 1: Summary of BRE results for all rooms within the appeal scheme

Room	Meets sDA > 50% target	40%≤ sDA <50%	30%≤ sDA <40%	Other (<30%)	Total
<b>Block A</b>					
KLD	38	3	1	3	45
Bedroom	34	2	6	11	53
Total	72	5	7	14	98
<b>Block B</b>					
KLD	39	1	1	8	49
Bedroom	77	3	1	1	82
Total	116	4	2	9	131
<b>Scheme Total</b>	<b>188</b>	<b>9</b>	<b>9</b>	<b>23</b>	<b>229</b>

3.6.Overall these results demonstrate that 188 of the 229 rooms (82%) would meet their relevant BRE targets for daylight.

3.7.Following the review of case studies presented above, it can be seen that there have been a wide range of schemes successfully appealed (within London and beyond) and also consented within Bromley and other Boroughs and beyond with similar site characteristics and constraints whereby a comparable level of compliance was deemed acceptable as shown in Figure 1.

3.8.Of the 41 rooms below the BRE target it is generally shown that this is only marginally however where this isn’t the case it can be justified due to the main window being served by an overhead balcony limiting the available daylight on the window pane but since the occupants as a result will have access to a private balcony – this is often accepted as a trade-off in dense urban environments

3.9.These rooms also include bedrooms, however a large proportion are within upper level units and belong to those with KLDs comfortably meeting the relevant BRE targets.

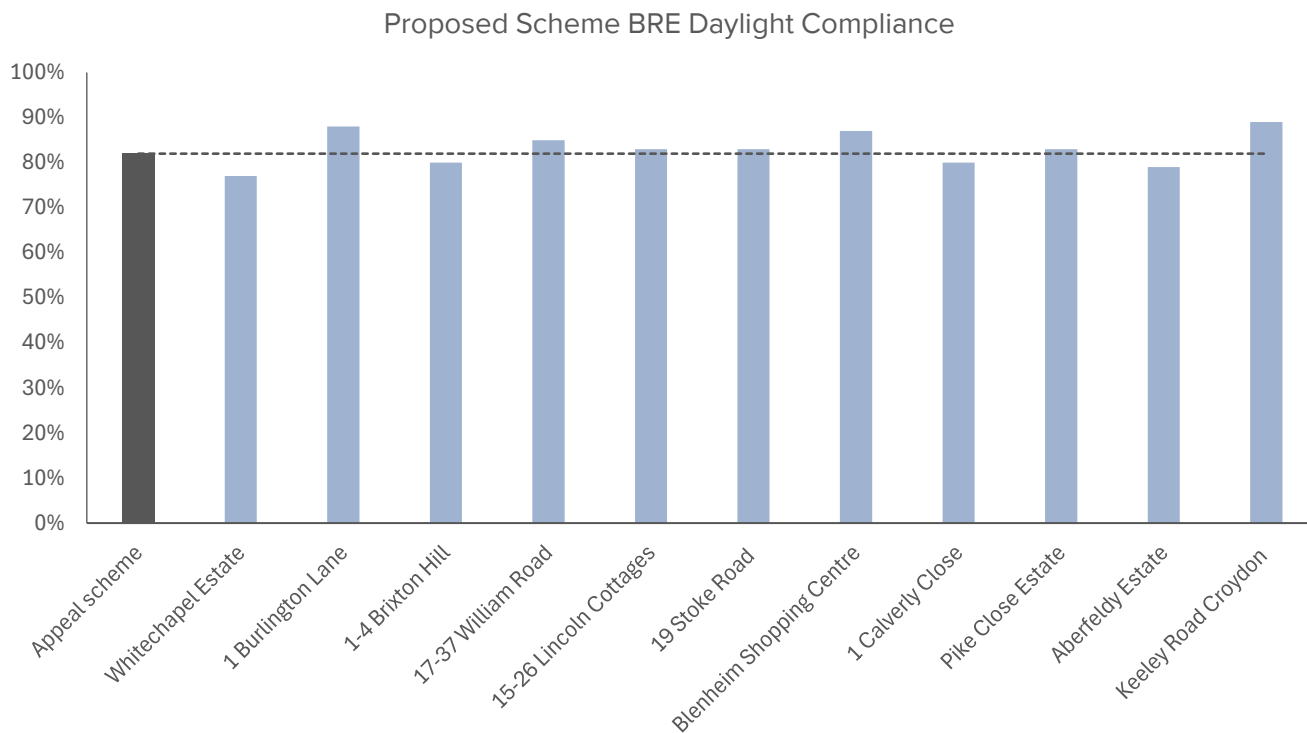


Figure 1: Comparison of the overall BRE daylight compliance rate between the Appeal Scheme and other comparable developments.

**SUNLIGHT RESULTS IN THE APPEAL SCHEME**

3.10. With regards to sunlight all units were assessed, and it was found that for the 94 units there would be 85 (90%) which meet at least the minimum targets for sunlight exposure. This alone can be considered good performance, particularly for a dense urban environment.

3.11. Following the review of case studies presented above, it can be seen that there have been a wide range of schemes allowed both in Bromley, London and beyond with similar site characteristics and constraints whereby a comparable level, and often worse level, of compliance was deemed acceptable as shown in Figure 2.

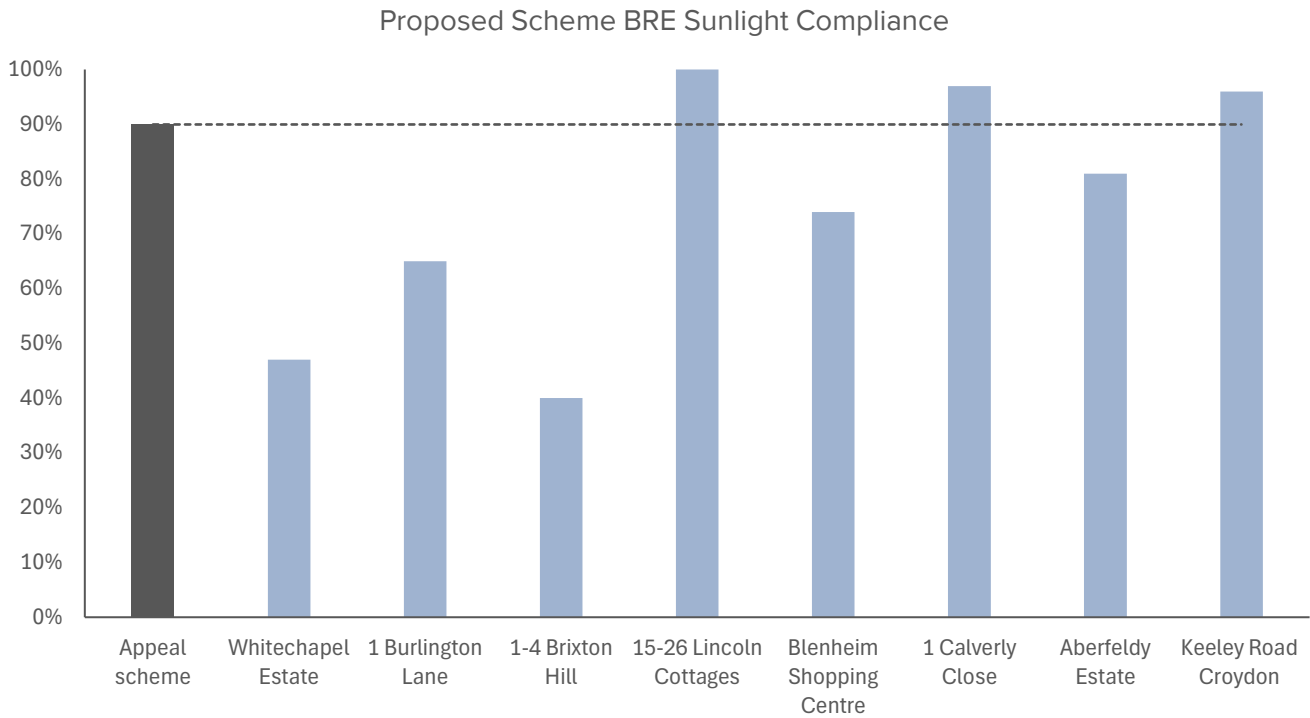


Figure 2: Comparison of the overall BRE daylight compliance rate between the Appeal Scheme and other comparable developments

## 4. DAYLIGHT AND SUNLIGHT IMPACT ON NEIGHBOURING PROPERTIES

4.1. The fifth reason for refusal on the Council's decision reads:

*"The effect of the proposed development on the living conditions of surrounding occupiers, with particular reference to outlook, daylight and sunlight, and privacy; "*

- 4.2. Given the disparity between the level of urban density in London and that of the majority of the country, it would not be unreasonable to view the regional and local policy of London and their approach to interpretation of the BRE guidelines as primary consideration for evaluating daylight or sunlight amenity and that the BRE guidelines themselves are secondary, given that they are devised to advise on sites across the country.
- 4.3. The Housing SPG would be at the core of this approach, which states a comparison between site typologies should be done and that a qualitative review of such sites with respect to a proposal should be encouraged as opposed to honing in on the numerical results of the detailed analysis.
- 4.4. At the heart of this approach it is acknowledged that very specific relationships between windows and obstructions exist in every scenario in therefore in order to adopt this framework for comparison, a broader level view should be taken. Should it be found that VSC values after development are broadly comparable with exiting VSC ranges in similar site typologies then this is a very strong indication that the levels of daylight to surrounding properties have not been diminished to levels local residents consider unacceptable.
- 4.5. In my proof I have drawn some comparisons between the appeal scheme and sites elsewhere in London to understand the levels of retained VSC deemed to be commensurate with the surroundings, including a study (within Appendix A.24) which identified VSCs between 5%-11% at ground floor and 13%-21% at first floor within Bromley enjoyed in residential areas unaffected by development. More generally it is demonstrated that a VSC of 15% can be considered adequate.
- 4.6. Such values are commensurate with retained VSCs found in surrounding properties of the appeal scheme where impacts are considered to be at their greatest.

### REVIEW OF SURROUNDING PROPERTIES

#### Henry House

4.7. There were 54 windows assessed for this property where 19 meet the BRE targets and 34 were found to retain a VSC of at least 15% in the proposed context. The remaining 5 windows were found to retain VSCs commensurate with residential buildings in Bromley town centre.

#### William House

4.8. There were 104 windows assessed for this property where 43 meet the BRE targets and 56 were found to retain a VSC of at least 15% in the proposed context.

4.9. This leaves 5 windows with retained VSCs slightly below 15%, however they still retained mid-teen VSCs whilst and it can be shown this result is largely due to the overhead balconies.

#### Simpsons Place

4.10. This property is located directly adjacent to the proposed scheme and of the 16 windows assessed, 8 would retain a VSC of at least 15% in the proposed scenario.

4.11. Further to this, I draw attention to the conclusions from the Inspectors report in the Whitechapel Estate appeal (Appendix A.1) where it was concluded that in an Opportunity Area there would likely be an expectation by residents that further development in the vicinity would be coming and they would generally be 'prepared for change'. This is very relevant to the appeal site particularly given the emerging proposals at 62 High Street and 66-70 High Street whereby large-scale development in this immediate context is being brought forward.



7 Ethelbert Court

4.12. This property had only 3 windows not maintaining a VSC of at least 15%, however not only were the retained values found to still be in the 'mid-teens', but the building is also in a state of disrepair and therefore is not considered to be currently occupied. Future development of this building also is likely.

35-36 Ethelbert Close and 1-2 Ethelbert Close,

4.13. For these properties where windows were found not to retain a VSC of least 15% it could be shown that they were secondary windows to bay windows not undergoing a material impact. They are also predominantly east and west facing properties therefore are heavily limited in their available sunlight.

Bromley Town Church

4.14. This property (2 Ethelbert Road) would retain a VSC of at least 15% in all but 2 of the assessed windows, which from external inspection could be determined to belong to dual aspect rooms where the other window is not materially affected by the proposal. It is also a non-residential building thus is considered to have a lower expectation for natural light and sunlight.

Bromley Temple

4.15. This building sees some substantial impacts to the windows facing the development, however from internal images of the building found via their website it can be seen that the bulk of these belong to a large dual aspect space with unaffected windows on the other side not undergoing impact. Also, as this is a non-residential property it is considered to have a lower expectation for natural light and sunlight.

62 High Street

4.16. The impacts of the appeal scheme against the consented scheme at 62 High Street (ref 21/04667/FULL1) were also assessed. With the VSC metric it was observed that of the 154 windows assessed, 12 would fall short of the BRE targets.

4.17. In terms of sunlight, 5 windows belonged to living spaces with a shortfall beyond the BRE targets. In all of these windows however it was found that the living spaces would have windows which meet the winter sunlight targets and would also have a room in the same unit meeting the BRE sunlight targets thus the unit as a whole can be deemed to be achieving sufficient sunlight in the proposed scenario

66-70 High Street

4.18. The impacts of the appeal scheme against the consented scheme at 66-70 High Street (19/04588/FULL1) were also assessed. With the VSC metric it was observed that of the 136 windows assessed, 41 would fall short of the BRE targets.

4.19. Of those 41, 22 would retain a VSC above 15% and another 13 belong to dual aspect KLD spaces with windows not facing directly onto the proposed scheme.

4.20. For sunlight, 98 windows were assessed and from these 72 would meet the BRE targets for sunlight and therefore are not considered to be materially impacted by the appeal scheme.

Remaining properties

4.21. The properties of Ringers Court, Harestone Court, 1 Ethelbert Court, 13 Ethelbert Road, 11 Ethelbert Road, 72-76 High Street were all found to have non-material impacts to their daylight and sunlight or would retain a VSC of at least 20%.

**AMENITY OVERSHADOWING**

4.22. It was observed in the impact assessment that all neighbouring amenity spaces would maintain at least 2 hours of sunlight on the 21<sup>st</sup> March over at least 50% of their area with the proposed development in place and therefore the appeal scheme is not expected to cause an unacceptable level of overshadowing impact.

## 5. CONCLUSIONS

- 5.1. The daylight and sunlight assessments have been carried out following the BRE guidelines in the BR 209 document as is appropriate for planning applications, however significant emphasis has been made in national, regional and local policy guidance with respect to the interpretation of the guide and how this should be done so flexibly.
- 5.2. It is explicitly referenced that different site typologies and local context plays a significant role in the interpretation of the recommendations within the guide and that given the proposed scheme is location within a metropolitan town centre, an Opportunity Area, an allocated site and an area at the start of a phase of regeneration there should be a large amount of this flexibility granted for this appeal.
- 5.3. The daylight assessment of the new units within the scheme demonstrated that 82% of the units would meet the relevant BRE targets, and 84% if reasonable alternative targets are employed. This result should be considered good for a dense urban context in a town centre and is comparable with other schemes in both the Borough and elsewhere in London.
- 5.4. The sunlight levels within the scheme were also found to be very strong, with 90% of units meeting at least the minimum BRE targets for sunlight which puts the scheme on similar levels, if not greater, than other comparable schemes in Bromley and elsewhere in London.
- 5.5. With regards to daylight and sunlight impacts on neighbouring properties, it is observed that the appeal scheme generally results in a high proportion of surrounding windows and rooms meeting the BRE targets.
- 5.6. There are a number of properties with transgressions beyond the BRE targets however comparisons have been drawn against schemes of similar scale and urban context which have been appealed successfully as well as have been granted permission outright in Bromley and other London Boroughs demonstrating an inconsistency with the approach taken for the current appeal scheme.
- 5.7. These shortfalls have been explained in detail within this proof where it was shown they can be placed in similar levels observed throughout London and beyond for which reason it would be unreasonable to consider them unacceptable with regards to this planning application and appeal.