KIRKLEES COUNCIL

BUILDING CONTROL DEPARTMENT (PLANNING)

PO BOX 1720

HUDDERSFIELD

HD1 9EL

27th February 2023

TO WHOM IT MAY CONCERN – BUILDING CONTROL

RE: APPLICATION 2023/90116 : (submitted 12 Jan 2023)

Rear of 135 Heckmondwike Road, Dewsbury Moor, WF13 3NT

I write to you in respect of the above referenced planning application and I am the legal proprietor of 29 Spen View, Dewsbury Moor, WF13 3PZ, which is at the rear of the proposed site for Application 2023/90116. Please note all references to 'neighbouring buildings' in this document, are in respect of 29 Spen View.

I request that you consider this document as a formal objection to Application 2023/90116.

This is based on the absence of required Daylight & Sunlight assessment undertaken in respect of this application, components of which should include Daylight to Neighbouring Buildings, Vertical Sky Component (VSC), No Sky Line (NSL).

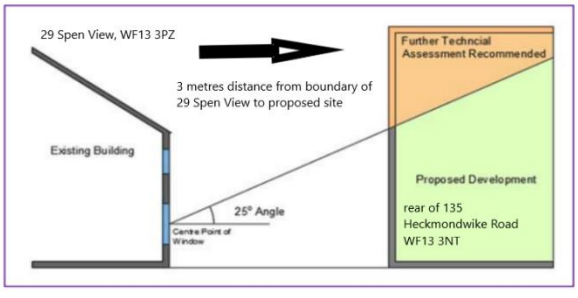
This requirement should be in accordance with the methodology outlined in The Building Research Establishment Report "Site Layout for Daylight and Sunlight 2011" (BRE 209). The BRE document is the principle guidance when considering daylight, sunlight and overshadowing and appropriate document to use when considering the daylight and sunlight implications of a proposed development.

It must also be noted, that the postcode area WF13 3NT, is not a dense urban location where daylight and sunlight are already compromised. The current enjoyment of daylight and sunlight has remained uninterrupted for over 20 years. This also gives rise to the possibility of neighbouring residents seeking an easement in accordance with Section 111 of the Prescription Act 1832, particularly as there is no express exclusion of the right to light in Land Registry Deeds.

It is on this basis we would invite Kirklees Council to instruct the applicant to undertake the following 5 step Daylight and Sunlight methodology – pursuant to BRE 'Site Layout for Daylight & Sunlight 2011' :

1. ***Daylight to Neighbouring Buildings:***

When considering the impact on neighbouring buildings, the BRE report recommends that if any new development exceeds an angle of more than 25 degrees from the centre point of the neighbouring window as shown in the diagram below, a more detailed check is needed to find the loss of skylight to existing neighbouring buildings.



Where a proposed development exceeds the 25degrees angle, the BRE proposes two main methods for calculating daylight levels to neighbouring residential properties. These are the Vertical Sky Component (VSC), the No Sky Line (NSL) and we request both methods are applied for the purposes of this application:

2. Vertical Sky Component (VSC)

The VSC quantifies the amount of skylight available at a reference point on the external face of the window (usually the centre point), it does not account for the size and shape of the room the window serves. The Standard CIE (Commission Internationale de L'Eclairage – International Commission on Illumination) overcast sky is used, and the ratio is expressed as a percentage. The maximum potential VSC for unobstructed sky view is marginally under 40%. The BRE suggests that if the VSC is less than 27%, and is less than 0.8 times its former value, then the neighbouring buildings will experience a noticeable reduction in the amount of skylight they receive. In respect of Application Number 2023/90116 we request that this assessment is independently undertaken.

3. No Sky Line (NSL)

The NSL calculates the daylight distribution within a room by plotting the NSL. The NSL divides points on working plane (0.85m above FFL) which can or cannot see visible sky. If following construction of new development, a room is likely to experience a noticeable reduction if a significant area of the room is beyond the NSL or is less than 0.8 times its former value. It should be noted that importantly, neighbouring single aspect rooms are not greater than 5m depth, which means that in accordance with the BRE guidance, such an infringement should be avoidable for Application Number 2023/90116

4. Sunlight

When considering the impact on the amount of sunlight to neighbouring buildings, the BRE report recommends that all main living rooms should be considered if they have a window facing within 900 of due south. Direct sunlight to kitchens and bedrooms are considered less important. To calculate this, the BRE has produced nationwide sunlight templates for establishing the Annual Probable Sunlight Hours (APSH) of unobstructed light. If following the construction of a new development, a living room window facing within 900 due south will experience a noticeable reduction in direct sunlight if:

- It receives less than 20% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March, and receives less than 0.8 times its former sunlight hours during either period,

- And has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

5. Overshadowing

The overshadowing assessment calculates the impact the proposed development will have on neighbouring private and public amenity spaces, such as gardens, parks and play areas. The BRE recommends that 50% of any qualifying amenity area should be able to receive at least 2 hours of direct sunlight on 21 March each calendar year.

Additionally, we request you to consider that the supporting documents provided by the Applicant – specifically, Group Plans and Elevation – do not provide any specific details of the height/elevation for the proposed site. We request that in addition to the requests for the Assessments in this document, this information is also provided.

In summary, we are hopeful that Kirklees Council will act quickly to this communication, and provide a helpful and relieving response to neighbouring residents.

In addition to my signature below, I am also including signatures attached from neighbouring residents who own buildings directly to the rear of the proposed site, and would also like to consider this document as formal objection to Application Number 2023/90116.

We would like to retain optimism that Kirklees Council will ethically consider the valid concerns raised in this document, and avoid any further escalation, or legal proceedings which may otherwise be considered.

Yours sincerely,

29 Spen View, Dewsbury Moor, WF13 3PZ