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13 July 2023

Dear Nicholas Hirst,

**Application Reference No. 2023/62/91491/W**  
**Proposed Development at Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU**  
**Impact on 29 Woodhead Road, Homefirth, HD9 2JU**

**Application Details** Erection of 61 age-restricted apartments with ancillary accommodation including separate residents lounge and manager facilities and associated external works, including the erection of access bridge and riverside walk featuring two pedestrian bridges (within a Conservation Area)

We are appointed by our client, Our client is concerned that the proposed development, including a six-storey building directly in front of habitable room windows, will impact upon the light receivable by her property. In particular, to the two ground floor windows which will serve living areas when the renovation of the property is completed.

The two living room windows currently enjoy unobstructed daylight and sunlight from a position over the existing land at Prickleden Mills, as indicated in the photographs below.





**As a matter of formality, please treat this letter as an objection on behalf of**

Having reviewed the planning submission, we note the absence of a daylight and sunlight assessment. Given the proposed development's extremely close proximity to the two habitable living room windows at \_\_\_\_\_, we are of the opinion that an assessment is needed to properly consider the impact on two separate material planning considerations - namely, daylight and sunlight.

We are of the opinion that it would be unreasonable to grant planning permission without an assessment being undertaken. We anticipate that an assessment may show that some adjustment to the design is needed in order to reasonably safeguard the amenity of \_\_\_\_\_. This is discussed further below, with reference to the objective tests used to assess natural lighting.

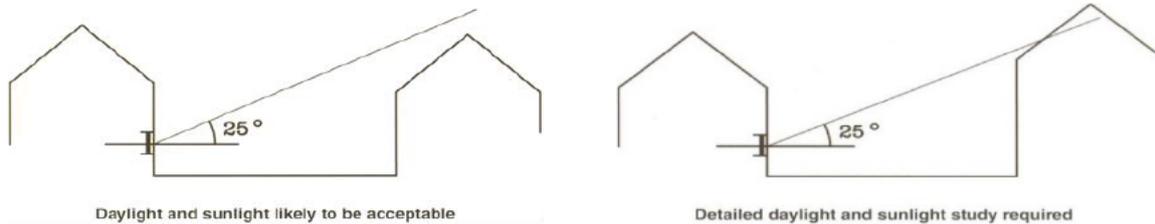
Application of BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice

The BRE guide contains preliminary 25° and 45° tests to ascertain whether a proposal is likely to cause an impact to a room within a neighbouring property. In this instance, the 25°

test is the appropriate test, since windows directly opposite the proposed development.

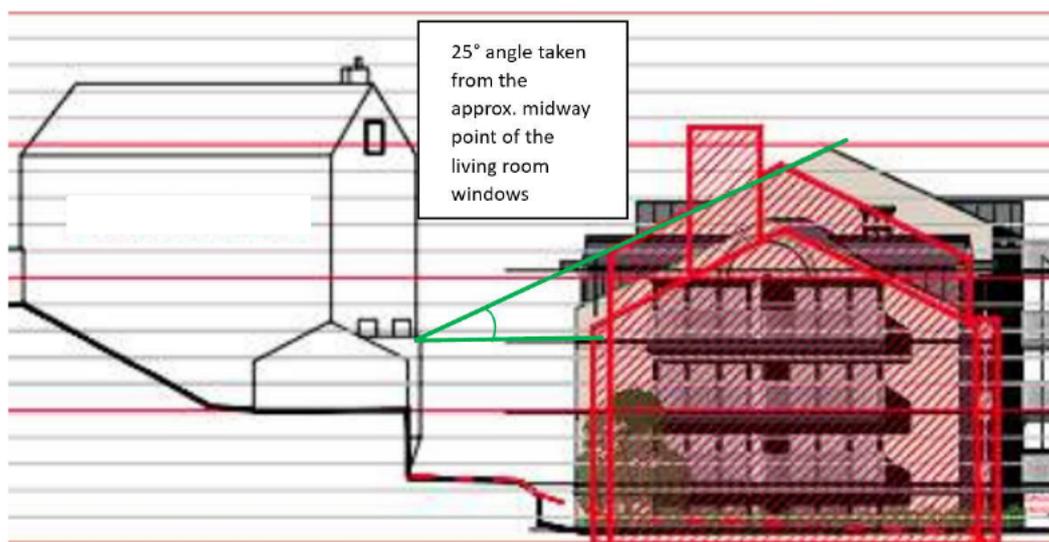
has two habitable living room

The diagrams below help to explain the application of the 25° test. The first step is to draw a section in a plane perpendicular to each affected main window of the existing building. If 'any part' of the new development crosses a line drawn at 25° from the horizontal, from the centre of the window, more detailed checks are needed. In order to pass the test, the whole development must be below the 25° line, not just the part of the development which is directly perpendicular to the centre of the window.



The application drawings for the proposed development at Prickleden Mills partially show the relationship to the living room windows at . We have plotted the approximate position of the centre of the living room windows on the proposed elevation drawing contained within the applicant's Design and Access Statement.

It is evident from the drawing below that the proposed development does not satisfy the 25° test. The 25° angle, drawn in green, extends through an area of the proposed development at Prickleden Mills.



Breaching the preliminary 25° test signifies that further detailed tests are needed. We would therefore expect the council to require the applicant to carry out an assessment in accordance with the BRE guide.

The assessment should include the following tests:

- Vertical Sky Component
- Daylight Distribution
- Sunlight
- Overshadowing

### Conclusion

On behalf of \_\_\_\_\_, we request that no decision is made in favour of the application until:

- 1) the applicant has submitted a complete and accurate daylight and sunlight assessment prepared in accordance with the BRE guide, and
- 2) the assessment shows that the proposed design; or amended design, complies with the BRE guide.

Please acknowledge receipt of this letter and confirm that no decision will be made until the above points are addressed.

In addition to planning, we understand that \_\_\_\_\_ benefits from a legal right of light. We invite the applicant to engage with us to resolve any potential right of light matters. This is to avoid a situation where planning permission is granted for a development that cannot be built due to legal right of light restrictions.

I look forward to hearing from you.

Yours sincerely