

Right of Light Consulting

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Rochford District Council
Planning Department
South Street
Rochford
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SS4 1BW

7th October 2019

Dear Ms Katie Fowler,

**Application Reference No. 19/00727/FUL
Proposed Development at 41 Victoria Road, Rayleigh SS6 8EG
Impact on 39 and 43 Victoria Road, Rayleigh**

We are appointed by Mr Emmanuel of 39 Victoria Road and Mr Brown of 43 Victoria Road, following concerns that the proposed two storey side and rear wrap around extension at 41 Victoria Road will impact upon the daylight and sunlight receivable by their respective properties.

The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight: a good practice guide" 2011 by PJ Littlefair provides guidance for the planning department to consider.

The introduction to the BRE guide at 1.1 suggests that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight or sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."

We note that the applicant, Mr Carmine Tulino, has not submitted a BRE daylight or sunlight study in support of the application or to establish the impact of the proposal upon our clients' properties. We would therefore request that no decision in favour of the application is made until the applicant undertakes a daylight and sunlight study. We would also request that a copy of the computer model and analysis be forwarded to us so that we can advise our clients accordingly on the accuracy of the results.

We will be happy to liaise with our clients to arrange access for the applicant's surveyor to visit so they can gather the necessary internal measurements for the assessment.

We also note that there are some inaccuracies on the submitted plans. The compass indicating North on the existing floor plan would appear to be positioned incorrectly and the single storey rear extension does not appear to be detailed on the proposed site plan. In order to ensure that the full extent of the proposal is adequately considered it is requested that these inaccuracies are corrected.

We understand that you have yet to visit our clients' properties to understand the internal layouts. We look forward to liaising with you for a convenient time you will be able to visit to evaluate the reduction of light from our clients' perspective.

In addition to planning considerations, it is useful to assess the risk of any potential civil action from the outset and mitigate any future costs which could be incurred defending a claim. Our clients are disappointed that they have been obliged to respond negatively to their neighbour's application but feel compelled to oppose an extension which they consider will have such an oppressive and overbearing impact on the way they enjoy their properties. If our clients are forced to seek an injunction from the court preventing the construction of the proposal any fees that are incurred will be sought for reimbursement from the applicant. We aim to avoid these further courses of action. Therefore, we strongly advocate that the issue is resolved during the planning stage - in particular, to avoid planning permission being granted for a development that may not be built due to legal rights of light restrictions.

In summary, we request that no decision is made in favour of the application until we are satisfied that any inaccuracies with the plans are amended and the proposal complies with both the BRE guidelines and the civil legal rights of light criteria.

Please acknowledge receipt of this letter and respond accordingly with your assurance. Should you wish to discuss any aspect please do not hesitate to contact me.

I look forward to hearing from you shortly.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Shirley Ellis', written in a cursive style.

Shirley Ellis LLB (Hons)
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