Daylight and Sunlight



What this guidance is for?

This guidance is to be used in the assessment of planning applications where a proposal may have an impact on the amount of sunlight received by principal neighbouring amenity spaces and the level of daylight received by neighbouring windows serving habitable rooms. Habitable rooms are those potentially used for prolonged periods including bedrooms, kitchens, conservatories, living and dining rooms. This is summarised in the box below along with the difference between the two forms of natural light.

This guidance considers two forms of natural light:

1. Sunlight - the rays of light directly from the sun from a southerly direction

2. Daylight - the diffuse light from the sky that can come from any direction

This guidance considers these two forms of natural light as follows:

- Sunlight received by residential properties' main amenity spaces

-Daylight received by neighbouring windows serving habitable rooms (such as bedrooms, kitchens, living rooms) This guidance utilises established and accepted methodologies to assess daylight and sunlight impact - in particular referring to the Building Research Establishment Report Site Layout for Daylight and Sunlight: A Guide to Good Practice by P J Littlefair (3rd Edition 2022). As an applicant or their agent, if either a 45 or 25 Degree Assessment, Vertical Skylight Component (VSC) assessment and/or 'sunlight-on-ground assessments' is required to support your proposal (based on the criteria set out in Sections 2 to 6 below) then you will need to procure this BRE guidance and the supporting materials to undertake these assessments and submit them in support of your application.

The structure of this guidance is as follows:

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1. When to consider daylight and sunlight?

Whenever there is potential for daylight or sunlight impact on neighbouring properties this should be assessed. Generally, the main reason there may not be a material impact on sunlight and/or daylight is if the development is sufficiently distant from neighbouring windows and amenity spaces. However, this has to be considered alongside other factors. The list below identifies some of the main issues to consider when determining if there may be an impact:

- Height of proposal.
- Distance to neighbouring properties. •
- Position and orientation of nearby windows. ٠
- The development's location in relation to the • path of the sun (see Section 6).
- ٠ Differences in ground levels; and
- Sensitivity of neighbouring property (e.g., is it ٠ residential in use?)

Once it has been established if there is a *potential* daylight or sunlight impact, the next stage is to do the appropriate assessments to assess this impact.

2. How to consider daylight and sunlight

It is the responsibility of the applicant or their agent to consider daylight and sunlight impacts and to address these issues in their application submission. As either an applicant or their agent you must provide complete and accurate information as well as undertake the relevant assessments as required to allow the Planning Authority to fully consider potential sunlight and/or daylight impact. This includes surveyed heights and positions of buildings, windows and ground levels. If this information is required and not provided, then applications will be refused due to a lack of information. Once this has been provided, this guidance sets out how to use this information to undertake the assessments of the potential impacts.

How impacts are assessed:

spaces

Amenity____ Sunlight-on-ground method see Section 6

Windows See Diagram 1 below.



3. The 45 Degree Assessment

The '45° Assessment' is used where a window would be next to a development but does not directly face it (see diagram 2)

Usually this relates to rear extension proposals although it can apply to other situations. It does not apply where the window faces the development (the 25-degree rule would apply in these cases – see Section 4 on page 4).

To do a '45° Assessment', both a floor plan and elevation drawing are needed showing the potentially affected window and the proposed development.

The elevation drawing must accurately show ground and floor levels for both the application site and neighbouring property – as well as the dimensions and position of the neighbouring window itself. The floor plan must also accurately show the positions of the window relative to the proposed development.



Doing the '45 Degree Assessment'

On the elevation drawing:

1. Find the point of the proposal's roof * closest to the neighbouring window; then

2. From this point, draw a line diagonally downwards at an angle of 45° toward the window until it passes the window

On the plan drawing:

1. Find the point where the side closest to the window projects furthest; then

2. From this point, draw a line diagonally back towards the window at an angle of 45° toward the window

A material daylight impact is likely if the window's point is within the 45° splays on both the plan and elevation drawings, be aware general considerations may apply however (see <u>Section 7, pg. 7</u>)

Centre point

Diagram 2 - 45° Assessment in both elevation and plan form. As the centre point would be within the 45° splay then the proposal would fail the test

*If the proposed development's roof is sloped, take a point mid-way along the slope to draw the 45° line.

4. The 25 Degree Assessment

A 25° assessment is used where neighbouring windows directly face a development.

This occurs where a development would lie directly in the path of a line drawn straight outwards from the neighbouring window (without veering left or right - irrespective of the position of the development relative to the window). Diagram 3 below provides an example of how this line is drawn.



Diagram 3 – drawing showing line taken straight outward from window for the 25° assessment

If a 25° assessment is required, then this can be done by following instructions in the box on the right (an example is shown in diagram 4 below) Doing the '25 Degree Assessment'

Go through the following steps:

1. Do a cross-section along a line straight outward from the centre point of the neighbouring window until it passes the development

2. On this section, draw a line outward from the window which rises at a 25° angle until it passes the development

If the 25° line passes *above* the development, then there is unlikely to be a substantial impact on daylight.

If the line passes *through* the development, then the proposal fails the 25° Assessment and will have at least a partial impact. Consequently, a Vertical Skylight Component (VSC) is required to see if this impact would be significant. <u>The VSC test is set out on the</u> <u>next page (Section 5, pg 5)</u>



5. The Vertical Sky Component (VSC) method

In most cases, the daylight impact of a proposal on a window shall be sufficiently clear using the 45° or 25° Assessments above, however in some cases a further assessment of daylight impact on windows is required using the VSC method.

A VSC assessment may be necessary:

- If a proposal fails a 25° Assessment: or
- In exceptional cases where neither the 25° or 45° Assessments are wholly suitable, and it is considered a window may suffer a material loss of daylight*

*This is for the Planning Authority to decide in each case.

The VSC assessment considers a windows' full arc of outlook in terms of the daylight it receives rather than just that coming from one side or directly in front.

Where a VSC is required, this shall be undertaken in accordance with the methodology set out in the BRE Report Site Layout for Daylight and Sunlight: A Guide to Good Practice (3rd Edition, 2022).

In particular assessments shall be undertaken in line with the methodology specified in Appendix A, specifically section A2 (pages 59-60) As with all assessments required by this guidance, it is essential that as either an applicant or their agent that you gather full and correct information detailing the footprints, positions and heights of existing *and* proposed development surrounding potentially affected windows (with information being provided relative to the exact height and position of the neighbouring window in question).

This information will be required, as well as the relevant BRE guidance and supporting materials, to allow a VSC assessment to be undertaken and submitted if required and requested by the Planning Authority. Given this is critical to allow the Planning Authority to consider your application for planning permission then- if this information is required and not provided - your application will be refused due to a lack of information. In addition, if this information is not complete or accurate then the application may also cause your application to be refused for lack of information.

If a proposal would cause a neighbouring window to fail to receive a material degree of daylight provision following a Vertical Sky Component (VSC) method assessment then this means the proposal would have an adverse impact on residential amenity – subject to accounting for the 'general considerations' detailed in <u>Section 7</u> <u>on page 7 below.</u>

6. Sunlight and amenity spaces

The level of direct sunlight received by an outdoor space is important to its enjoyment. This guidance provides a framework to assess the degree of sunlight loss for these spaces.

A proposal's impact on the sunlight received by an amenity space must be specifically assessed where *both* the following apply:

- The proposal adjoins the main useable amenity space serving a residential property; and
- Any part of the proposal lies south of the centre point of the amenity space (see Diagram 5 below)

In addition, there may be other exceptional circumstances which necessitate assessment* (e.g., where there may be a critical additional impact)

* This is for the Planning Authority to decide in each case.



Diagram 5: How to assess if a development is south of the centre point of a neighbouring amenity space (in this case the hatched orange area lies south of the centre point of a neighbouring garden) As an applicant or their agent, it is essential you gather full and correct information detailing the footprints, positions and heights of existing and proposed development surrounding the potentially affected garden (with heights given relative to the height of the centre point of the potentially affected garden). Details of the nature of the use of adjoining spaces shall be required to determine if a specific assessment is required and to allow this assessment to be done. For example, a smaller front garden of a neighbouring property will not require a full assessment if the house has a principal rear garden.

Once the information has been provided this shall allow the Planning Authority to determine whether a specific assessment of a development's impact on an amenity space is needed. This information shall also be needed to undertake the assessment itself.

An assessment of a proposal's impact on the sunlight received by a garden must establish if the centre point of the garden in question shall receive more than two hours of sunlight (as calculated on 21st March at an appropriate latitude between 55-57° North). If the amenity space fails to receive this level of sunlight as a result of the proposal *and* the duration of sunlight received would be less than 80% of its former value as a result of the proposal then the development would cause a material and significant loss of amenity of that space – although this is still subject to accounting for the 'general considerations' detailed in Section 7 on page 7 below.

A proposal's impact on the sunlight received by a garden should have regard to Section 3.3 (pages 26-29) & appendix G (pages 88-91) of BRE Guide to Good Practice (2022)

7. General considerations and concluding comments

The box below is a list of some general considerations which should be considered when assessing daylight and sunlight. It should be noted this guidance does not consider daylight provision to amenity spaces and sunlight loss to windows as critical amenities. This is primarily because daylight is a more uniformly important amenity to a window than sunlight. In terms of daylight received by gardens then it is very unlikely that development could individually or cumulatively be expansive and tall enough to enclose spaces to the extent that their daylight would be significantly affected. Notwithstanding the above, this guidance still ensures that a properties main windows and gardens receive a material degree of natural light.

This guidance focuses on the impact of proposals on existing properties and amenity spaces. This does not mean that amenity provision for new properties is not important however this is addressed in Fife Council's guidance on garden ground as well as Building Warrants for new residential development which require a minimum level of window area to the floor area to ensure adequate daylight is received.

In all planning applications, it is for the planning decision-maker to be satisfied that the proposal is, on balance, acceptable or not. In addition to considering daylight and/or sunlight, the decision maker will also account for other material considerations as part of making this decision.

General considerations

Below is a list of some of the considerations that should always be accounted for when assessing daylight or sunlight impact:

- Secondary windows: The impact of a proposal is not material where this relates to a window that is secondary to the main window in the same room.
- Habitable rooms: The impact on a window is only considered if the window serves a 'habitable room'. This includes bedrooms, kitchens, conservatories, living and dining rooms but not garages, bathrooms, utility rooms, or circulation spaces (hallways etc.).
- Additional impact: The critical matter is the extent of *additional* impact of a proposal compared to the existing circumstances. Where an assessment shows a proposal causing a window or amenity space to not receive a material level of natural light, the additional impact is generally material if results in this level being reduced to 80% of its existing level.
- Non-standard circumstances: In addition to when normally required, VSC or sunlight assessments may also be required in non-standard circumstances (e.g., due to the unorthodox nature of the proposal and/or site circumstances; or to account for a potentially critical additional impact)

The list above is not exhaustive and there may also be other matters to account for when assessing daylight or sunlight impact. In all cases, the weight given to any consideration is decided by the decision maker on a case-by-case basis.