

Aztech Architecture
Your Guide to
Overshadowing, Daylight & Sunlight

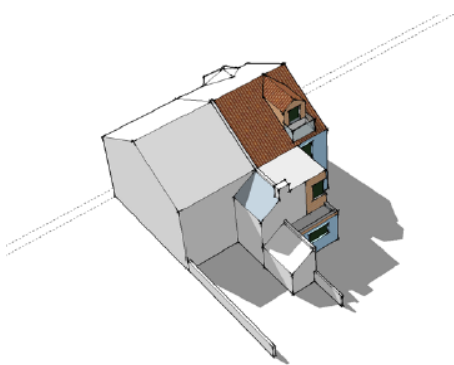
Welcome

Sometimes people fear they may suffer a **loss of daylight or sunlight** if their homes and gardens are overshadowed by new development.

In many planning cases we have been asked to provide **shadowfall analysis diagrams** for either the developer, the Local Planning Authority [LPA] or an objecting neighbour that clearly shows the shadow impact of an extension or new building on neighbours property or garden space. From a developers point of view if it can be shown that a new building or extension contributes to an insignificant amount of loss of daylight or overshadowing then the LPA will normally support an application.

Most LPAs will not now support an application for an inner city development without this analysis.

We hope the following general responses to common queries about overshadowing, daylight and sunlight will be helpful.



“My home will be deprived of light if a proposed development gets permission...”

Sunlight and daylight are valued elements in a good quality living environment. **Effective daylighting** can reduce the need for electric lighting, while sunlight can contribute towards meeting some of the heating requirements of our homes through passive solar heating. **When we are designing a new extension or alteration to a residential property care is always taken to safeguard access to sunlight and daylight currently enjoyed by adjoining residential properties.**

Where an extension is poorly sited or badly designed it can cast a shadow that may reduce a neighbour's daylight and adversely affect their amenity to an unacceptable level. It is important, therefore, that every effort, at the design stage, should be made to avoid or minimise the potential for overshadowing to a neighbour when drawing up plans for an extension.

Overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission.

In terms of daylighting, the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered.

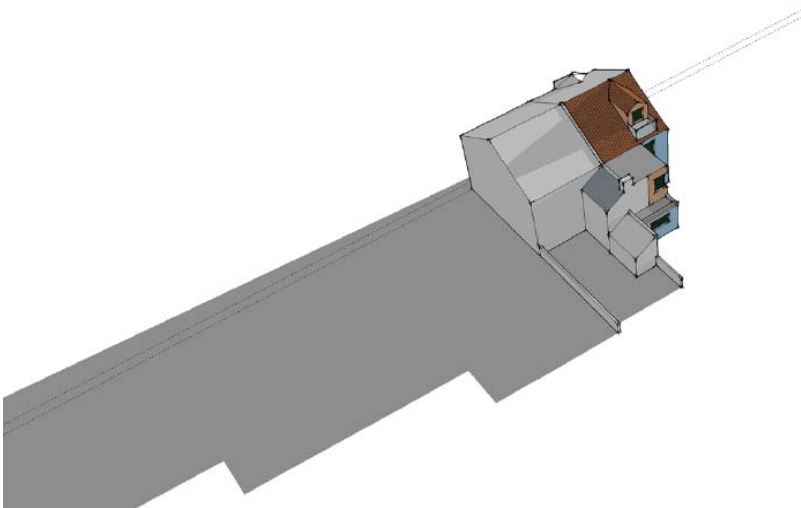
Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused. Most LPAS apply the 45 degree rule in these cases, particularly if neighbours object.

“But how do I get to know about my neighbours future plans...”

When a planning application is submitted, everyone is entitled to comment.

You can now view most planning applications online through your LPA website planning pages or ukplanning.com, some LPAs offer an email alert option so if an application is submitted in your neighbourhood you are automatically notified.

The council puts the application and the plans on its Planning Register and the LPA normally writes to any neighbours that may be affected by any proposed development. **We always advise our clients to discuss their plans with their neighbours.**



“ I would like to object to my neighbours plans as the extension will take away daylight from my property...”

Firstly it is always a good idea, for future relationships, before discussing or formally objecting to the LPA, to set out to your neighbour in writing how the extension will affect you, ie “ the extension will take daylight from my living room or bedroom and cast shadows over my garden.”

In certain cases where a neighbour has insisted we have had to provide shadowfall diagrams to the LPA to demonstrate the before and after shadowfall effects of an extension.

You have a right to inspect the Register at the planning department and, in some places, on the council's website.

If objecting, make sure your comments relate to planning matters. For example, would next door's extension be so large that other residents in the neighbourhood would find it obtrusive?

The role of the planning system is to protect amenity and the environment as seen from the point of view of the broader public interest.

One important source of guidance to planners is the council's development plan. Look at the Local Plan to see what it says

about overshadowing. You can ask to see plan policies at the planning department, or check out the council's website or our residential design guidelines. It is likely to be helpful in your situation, you could mention the plan policy - or any design guidelines linked to the plan - when commenting on a planning proposal that could take a significant amount of light away from your home. The council would have to give that policy all due weight when reaching its decision. Only where there are compelling reasons to do so would the council diverge from its own plan policies.

By contrast, the council will generally not be able to take account of objections which relate only to someone's private interests as a property owner. For example, there would be no point in complaining that the financial value of your home could go down if a particular proposal goes ahead.

The council knows that a decision not based on planning considerations could be open to appeal by a disappointed applicant, and ultimately could be challenged in the courts.

In some cases the owners of a property do not reside at the affected property, ie the house is tenanted or they live abroad, it is often then too late to object to the planners and in these cases if a development is approved and then built it is too late to object.

“ But doesn't the law lay down minimum distances between buildings, or acceptable angles of shadow ?

No. Houses, flats and gardens tend to be all shapes and sizes, at different distances from, and in a unique orientation to, any neighbouring buildings.

However there are guidelines that the LPA work to in relation to window separation distances and other rule of thumbs, ie the 45 degree rule.

Housing land is scarce and valuable. No practical, reasonable and enforceable design standards have been devised which would allow the full use of land while guaranteeing retention of all daylight for every householder.

Where there is a planning application to assess, securing a reasonable degree of daylight for everyone is a task for the expertise and judgement of each local planning authority.

“ What is the 45 degree rule ? “

This is a powerful rule for neighbours to use against a proposed extension. Most LPAs include general guidance on this rule and we have had to apply this rule in many cases.

On the other hand the LPA have approved our extensions built near a neighbouring boundary that would not comply with this rule.

To help assess the loss of light as a result of a proposed development to the front or rear of a residential property, the 60 degree and 45 degree lines, as shown in Figure 1 for single storey and two storey extensions respectively, will be employed.

.Figure 1: House Extensions - Single Storey

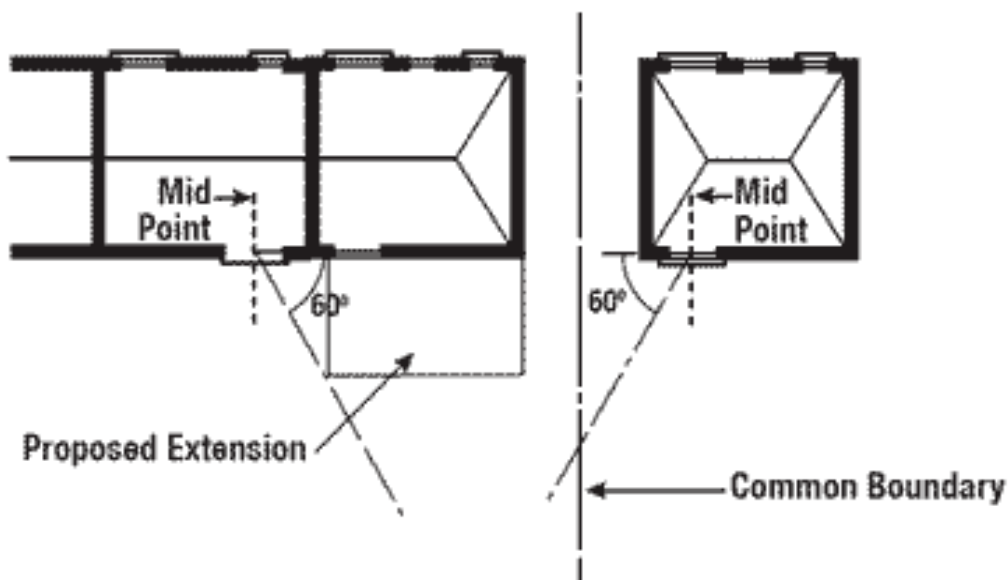
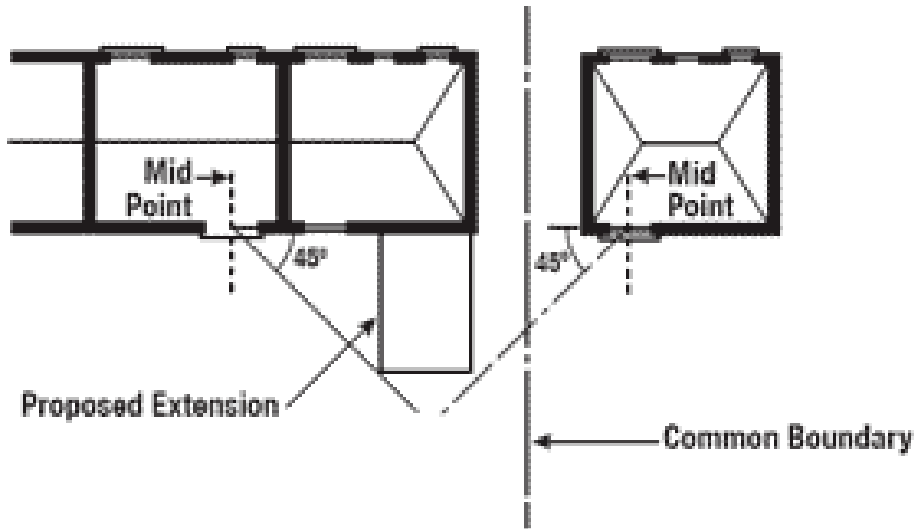


Figure 1: House Extensions - Two Storey



These lines will be taken from the centre of the closest neighbouring window. It should be noted that where the closest window is located at first floor level it may be more appropriate to consider this against the 60 degree line. The elevations and outline plans of adjoining properties should be shown on drawings, accurately scaled (in metric measurement) to allow proper consideration of this matter.

Some LPAS also apply these angle rules in both plan and elevation, please refer to our residential design guidelines for your LPA.

The guidance in Figure 1 is not however a rigid standard which must be met in every case. Rather it is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties.

“ What other factors are considered in whether planning permission is granted “

Significant problems of sunlight or daylight loss are **most likely to occur in terraced or semi-detached housing situations** and it is here that most care in the design needs to be taken.

An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

The existing form and type of extension prevalent in the area.

For example, where the majority of dwellings in a terrace have already been extended in a similar way to the application proposal this matter will be balanced against any adverse impact on neighbouring properties.

The proposed design of the extension or alteration.

For example, where a proposed extension incorporates significant glazing in the design, the impact on neighbouring properties **may be acceptable** in circumstances where alternatives might result in unacceptable overshadowing.

The particular characteristics of the site and its context.

For example, where daylighting to an adjacent dwelling is already impeded by an existing building or boundary wall and the proposal would not significantly exacerbate the existing situation.

The orientation and position of a neighbour's window in relation to the proposed extension, the room it serves and whether the window affected is the primary source of light for that room. For example, account will be taken as to whether a room affected by a proposed extension benefits from an alternative natural source of light.

The potential size and form of an extension allowable under permitted development.

For example, where a proposal would not have an impact significantly greater than that of an extension allowable under permitted development rights.

Provision of an extension or alterations to meet the particular needs of a person with a disability.

For example, a modest single storey extension required to meet the particular needs of the person in question will be a material consideration to be balanced against any adverse impacts on the neighbouring property. This may result in the criteria relating to daylighting and overshadowing being relaxed

“ Under 'permitted development' rules, my neighbours can build their extension and I have no chance to object ? “

Yes is the answer.

Where 'permitted development' may be carried out, the limits in force are intended to reduce the likelihood of overshadowing and overbearing effects of a new building.

In the Town and Country Planning [General Permitted Development] Order 2008, Parliament grants a general planning permission for various minor alterations to **houses [not flats]** and garden buildings, removing the need to apply to the council for planning permission. **We call these rights your PD rights.**

It allows people a reasonable degree of freedom to make the most of their properties, whilst relieving the council of the burden of a large number of unnecessary planning applications.

However, the rights to add extensions, convert your loft or put up garden buildings **are subject to various limits and conditions.**

We always apply for a Lawful Development Certificate to confirm your exemption from planning permission.

Bear in mind, building a 3 metre rear extension near a neighbouring boundary under these rights can have a huge impact on a neighbour.

For more details see Aztechs “ Your Guide to Permitted Development rights “ and Technical guidance information.

“ Surely I have a right to light ? “

For rights to be enforceable, they have to exist.

A right to light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. **Planning permission does not override a legal right to light.**

Where a right to light is claimed, this is a matter of property law, rather than planning law.

The LPA will have no role or interest in any private dispute arising. It would be for the owner or occupier affected to see if a legal remedy would be available. If an injunction can be obtained, it might be possible to prevent someone proceeding with works, even if the works had both planning permission and approval under the Building Regulations. Otherwise, courts may direct that compensation be paid.

If you feel your property has private rights which may be infringed, it is best to seek your own legal advice as soon as possible. Each case has different facts and different chances of success. You should also see a lawyer if you think your Human Rights have been breached.

By the way, it is the Department for Constitutional Affairs which has overall policy responsibility for the Rights of Light Act.