

Addendum to Statement of  
Common Ground between  
Kitewood Estates Limited and  
London Borough of Lewisham

21 – 57 Willow Way, London,  
SE26 4AR

Proposed Demolition and  
Redevelopment to provide  
Employment Floorspace and  
Residential Units

LPA Ref: DC/22/129789

PINS Ref:

APP/C5690/W/23/3321935

by CarneySweeney & London  
Borough of Lewisham

Date: 27th October 2023





Contents

1.0 Introduction ..... 2

2.0 Impact on William Wood Care Home..... 3

3.0 Omission of Dartmouth Road properties from the assessments ..... 7

4.0 Inter masterplan phase impacts ..... 9



## 1.0 Introduction

- 1.0.1 This Addendum to the 17<sup>th</sup> October 2023 Statement of Common Ground is between the appellant, Kitewood Estates Limited, and the local planning authority, the London Borough of Lewisham.
- 1.0.2 It has been prepared as part of the documentation in relation to the planning appeal by Kitewood Estates Limited against the decision of Lewisham Council to refuse an application for planning permission (ref: DC/22/129789: for Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii)) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21- 57 Willow Way, London, SE26). This site is also known as "*Plot A, Willow Way*".
- 1.0.3 This Addendum, which is on daylight and sunlight matters, has been produced in response to the Inspector's comments dated 24<sup>th</sup> October 2023
- 1.0.4 It sets out the areas of agreement and disagreement between the Appellant and the London Borough of Lewisham on this issue.



## 2.0 Impact on William Wood Care Home

### 2.1 Areas of Agreement

- 2.1.1 There is no specific reference to daylight or sunlight in the Council's reasons for refusal.
- 2.1.2 The daylight and sunlight assessment prepared by BLDA and submitted with the planning application (CD 1.15) showed that 26 of the 51 windows tested (c. 51%) fully comply with the window-based Vertical Sky Component (VSC) test, which is a simple test as it purely measures the level of obstruction to sky visibility on the outer face of neighbouring windows tested.
- 2.1.3 If, following the standard categorisation of light reductions for larger schemes requiring an EIA-type application (which this scheme is not), the light losses would be categorised as 'minor adverse' if they are between 20.1%-30% of the current light levels, as 'moderate adverse' if they are between 30.1%-40% of the current light levels and 'major adverse' if they are more than 40% of the current light levels.
- 2.1.4 The BRE guide considers light losses resulting from a development which are within 20% of current light levels as likely unnoticeable by neighbouring occupiers and, therefore, compliant with the BRE guidance.
- 2.1.5 Reviewing the VSC results in this context, the assessment shows that of the 25 windows tested which fall below the BRE criteria:
- 14 non-compliant windows are in the 'minor adverse' category;
  - 9 non-compliant windows are in the 'moderate adverse' category;
  - 2 non-compliant windows are in the 'major adverse' category.
- 2.1.6 Turning to the more comprehensive Daylight Distribution (DD) test, which is also referred to as No-sky Line (NSL), and which measures sky visibility with neighbouring rooms and takes into account size/shape of the rooms and size/positioning of the windows serving them.
- 2.1.7 The DD/NSL results from BLDA show that 29 of the 39 habitable rooms tested (c. 74%) fully comply with the BRE guidelines.
- 2.1.8 Looking at the remaining 10 rooms tested which fall below the criteria (c. 26%):
- 6 non-compliant rooms are in the 'minor adverse' category;



- 3 non-compliant rooms are in the 'moderate adverse' category;
  - 1 non-compliant room is in the 'major adverse' category.
- 2.1.9 The non-compliant rooms will still retain unobstructed sky visibility to at least 50% of their room areas..
- 2.1.10 Overall, the majority of both windows and rooms tested are in the 'minor adverse' category and, therefore, the impact, not to mention that the majority of both windows and rooms are fully compliant with the BRE guidance, is considered overall 'minor adverse'.
- 2.1.11 The large communal lounge for all the care home residents is fully compliant with the daylight criteria, and only reducing by 6% of the current daylight levels (and, hence, well within the 20% reduction as allowed by the BRE guidance)., and they will not experience adverse light reduction following the construction of the development.
- 2.1.12 With regards to the sunlight impact, all the 18 south-orientated windows (100%) fully comply with the BRE guidance for both summer and winter months. This is relevant as direct sunlight in the cold winter months is especially valued by care home residents, not to mention the effect reduced sunlight might have on heating/electricity cost. No impact will be caused by the proposed development in this regard.
- 2.1.13 The windows and rooms tested are not all the windows and rooms within the care home but only represent the site-facing western/south-western section of the building, and roughly half of the overall care home accommodation. Therefore, one should also look at the context of the site and the proximity of the south-western corner of the building to the site boundary, where a more flexible approach should normally be applied.
- 2.1.14 The Council consulted William Wood Care Home and no objection was submitted to the planning application.

## **2.2 Areas of Disagreement**

- 2.2.1 The Council consider the daylight impact on individual windows within the William Wood Care Home could be experienced as significant by their individual occupiers. Due to the sensitive use of the site, the Council considers that extra consideration should be given to the assessment of daylight impacts on each room, rather than impact being considered only in the round.
- 2.2.2 The Council considers that insufficient information, including no furnished plans or evidence of engagement with the management team at the Care Home, has been provided to make a



complete assessment of the impact on current and future William Wood Care Home residents.

- 2.2.3 The Appellant does not consider the daylight impact on William Wood Care Home to be “significant”. On the contrary, the Appellant considers the daylight impact of the proposed development on William Wood Care Home is considered acceptable in the context of the BRE guidance. The Appellant argues that only one habitable room would fall into the 'major adverse' category, which the Appellant considers to be acceptable for a brownfield site in an urban area. Also, that one room still retains 50% of its room with unobstructed view of sky with the development in place. The window-based VSC test is more crude than the room-based DD/NSL test and, therefore, more reliance should be placed on the latter as it considers distribution of light from the sky inside a room (not just obstruction angle on the window face).
- 2.2.4 Furthermore, the Appellant considers it relevant that the communal lounge, where residents will spend quality time will not experience adverse light reduction.
- 2.2.5 It is the Appellant's position that it is standard practice to consider an impact on a property as whole and expand on individual rooms/sections of the building where it is relevant for the assessment. This was the approach in the report submitted with the planning application.
- 2.2.6 In relation to retaining unobstructed sky visibility to at least 50% of their room areas, the Appellant asserts that this is commonly considered acceptable as a retained sky visibility threshold in not fully BRE-compliant rooms in London. The Council asserts that this is only commonly considered acceptable in higher density urban locations and especially regeneration areas of London.

## **2.3 Areas where the Council is unable to agree or disagree**

- 2.3.1 The above results are commensurate with other similar schemes in similar urban locations in London especially in urban regeneration areas.







### **3.0 Omission of Dartmouth Road properties from the assessments**

#### **3.1 Areas of Agreement**

- 3.1.1 This is a matter raised by third parties and not the Council.
- 3.1.2 It was not necessary to include the Dartmouth Road properties in the daylight and sunlight assessment in relation to the planning application for the Appeal Site (except for the residential accommodation at The Bricklayers Arms PH and at Nos. 179 and 185 Dartmouth Road) due to their sufficient distance away from the Site and the scale of the proposed development.
- 3.1.3 The properties fall outside the BRE 25° angle when measured in relation to the development. This means that the development overall subtends 25° angle to the horizontal at the level of the lowest habitable windows of the Dartmouth Road properties. As per the BRE guide, this means that the development is “unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building” (para 2.2.5 BRE Report “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice”, latest 3rd Edition, June 2022).
- 3.1.4 Turning to the wider masterplan for the area, including ‘Site B-C’ and ‘Site D’, the Dartmouth Road properties would need to be considered at the time of a planning application for the masterplan or/and planning applications for individual sites. The daylight and sunlight assessment would then include those properties to fully consider potential adverse impact on current surrounding amenity levels. Careful design of the future phases forming the masterplan would ensure that any adverse impact on neighbouring properties is minimised.

#### **3.2 Areas where the Council is unable to agree or disagree**

- 3.2.1 In the absence of a daylight and sunlight assessment that would analyse the impact of the development of the wider masterplan area on the properties of Dartmouth Road, officers are not able to complete an assessment.





## 4.0 Inter masterplan phase impacts

### 4.1 Areas of Agreement

- 4.1.1 There is no specific reference to daylight or sunlight in the Council's reasons for refusal.
- 4.1.2 In terms of the relationship between the phases themselves, delivery of the masterplan proposals is predicated on the widening of Willow Way to deliver public realm enhancements including street trees and other planting. The width of the widened road was established using the old BRE daylighting metric drawing a 45-degree angle from the cill of the lowest residential window to the sky. This rule of thumb is typically used to minimise daylight/sunlight impact and to determine appropriate maximum heights for adjacent development.
- 4.1.3. The widening of Willow Way to 20m was established at pre-application stage, where the Appellant proposed masterplan heights of maximum 6+1 storeys to Site A and maximum 8+1 storeys to Sites B&C. At these heights, the road width would need to be 20m to minimise the impact on the future light levels to development on Sites B-C and D.

### 4.2 Areas of Disagreement

- 4.2.1 The Council is concerned that areas identified as public realm in the emerging masterplan may be lost by a reduced road width coming forward on the basis of an argument that this would still comply with the BRE's 45 degree rule when used in combination with a reduced height on Parcel B and C. This has been evidenced by the new masterplan layout options provided by Mr Flanagan in his Proof of Evidence Appendix. Seven new options have been shown, all of which have reduced the road width and public realm to 18m or less along some or all of the length of Willow Way.
- 4.2.2 The Appellant's position is that the options presented in Mr Flanagan's Proof merely show other ways that the masterplan could be developed, and this allows for flexibility as the policy context evolves. The masterplan was developed by the Appellant, who controls the Appeal Site and Plot C, in conjunction with the Council as landowner of Plot B. It is not intended to reduce the width of the road or increase the height of Block B-C along the road. However, the Appellant's position does not prejudice the future pre-application discussions on B-C. The emerging outline masterplan has been considered in daylight and sunlight terms to ensure that the individual phases of the masterplan do not prejudice each other in terms of future light levels. Detailed technical studies will be carried out at the time of the planning application for Plot/s B-C and careful consideration will be given to unit layouts, room use designations, window sizes and balcony configurations.



4.2.3 The Appellant does not consider that the illustrative public realm areas are at risk of being lost.

