

6th March 2019

- 8 MAR 2019

Moray Council

Legal & Democratic Services

High Street

Elgin

For the attention of Lissa Rowan – Committee Services Officer

13 Bishops Court, Lossiemouth

Planning reference 18/01207/APP

Notice of Review

Further to our recent letter dated 21st February 2019, we hereby provide a further supporting statement in terms of the receipt of the additional assessment from Development Management.

We hope you find the above in order

Regards

Claire Millar

**LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT
OVERSHADOWING REVIEW NOTE**

**PLANNING APPLICATION TO ERECT EXTENSION AT
13 BISHOPS COURT, LOSSIEMOUTH**

APPELLANT MR A FIELD & MS C MILLAR

**COUNCIL 18/01207/APP
PLANNING
REF.**

DATE. 06 MARCH 2019

CONTENTS

1.0	INTRODUCTION	PAGE 3
2.0	ANALYSIS	PAGE 6
3.0	CONCLUSION	PAGE 12

- 1.1 This additional Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property and now forms part of the Local Review Body.
- 1.2 We believe the planning officer left the Council on the 8th November 2018, so we are slightly surprised that this assessment has been formulated, as when we requested a copy we were advised that "it's not something we record as such so I can't provide you with specifics"

From: Amanda Cruickshank <Amanda.Cruickshank@moray.gov.uk>
Sent: 02 November 2018 11:21
To: 'Claire Millar'
Subject: RE: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi Claire

Sorry - it's not something we record as such so I can't provide you with specifics.

Amanda

From: Claire Millar
Sent: 02 November 2018 11:11 AM
To: Amanda Cruickshank
Subject: Re: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi there Amanda,

Is it possible to get a copy of the Sun on Ground assessment please, to review with our architect?

Kind Regards

Claire Millar

1.3 We will prove without doubt that we have no material impact and compliant under the relevant policies that the adjacent neighbours garden receives the required hours of daylighting.

1.4 The enclosed note indicates that the relevant guidance is the BRE guide 'Site Layout Planning for Daylight and sunlight – A Guide to Good Practice'
The relevant policy notes:-

The availability of sunlight should be checked for all open spaces where it will be required. This would normally include: gardens (usually the main back garden of a house), parks and playing fields, children's playground....

The BRE Guide recommends that for a garden or amenity to appear adequately sunlight throughout the year, at least half of it should receive at least two hours of sunlight on 21 March (Spring Equinox). For this date the shadow range calculation is carried out at hourly intervals throughout the day from 7:00 a.m. to 5:00 p.m.

The methodology to assess the sunlight impact of the space is as follows:-

Test 1: % of area which receives sun: The path of the sun is tracked and it is compared with the presence of the abstractions within the analysed site. Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours of sunlight on 21 March.

Test 2: comparison method: this analysis tests if the amenity space receives at least 80% of sunlight of its former value. If this is the case the BRE guidance states that the loss of sunlight is negligible.

- 1.5 From the enclosure from the officer, there is insufficient evidence under what they have undertaken to the relevant guidance to assess this under this Good practice.
- No indication that if there is at least 50% of the amenity space receives 2 hours of sunlight
 - No reference if the amenity space receives at least 80% of sunlight of its former value.

- 1.6 **What is extremely important in their calculations which indicates after the proposed extension there is at least 2 hours of sunlight.**

Therefore shows compliance with the BRE guidance

- 2.1 To enable this to be quantified we have undertaken our own review of the daylight/sunlight assessment. As normally a desk top exercise is made of assumptions and process rather than what is actually on the ground and physical.



Diagram A

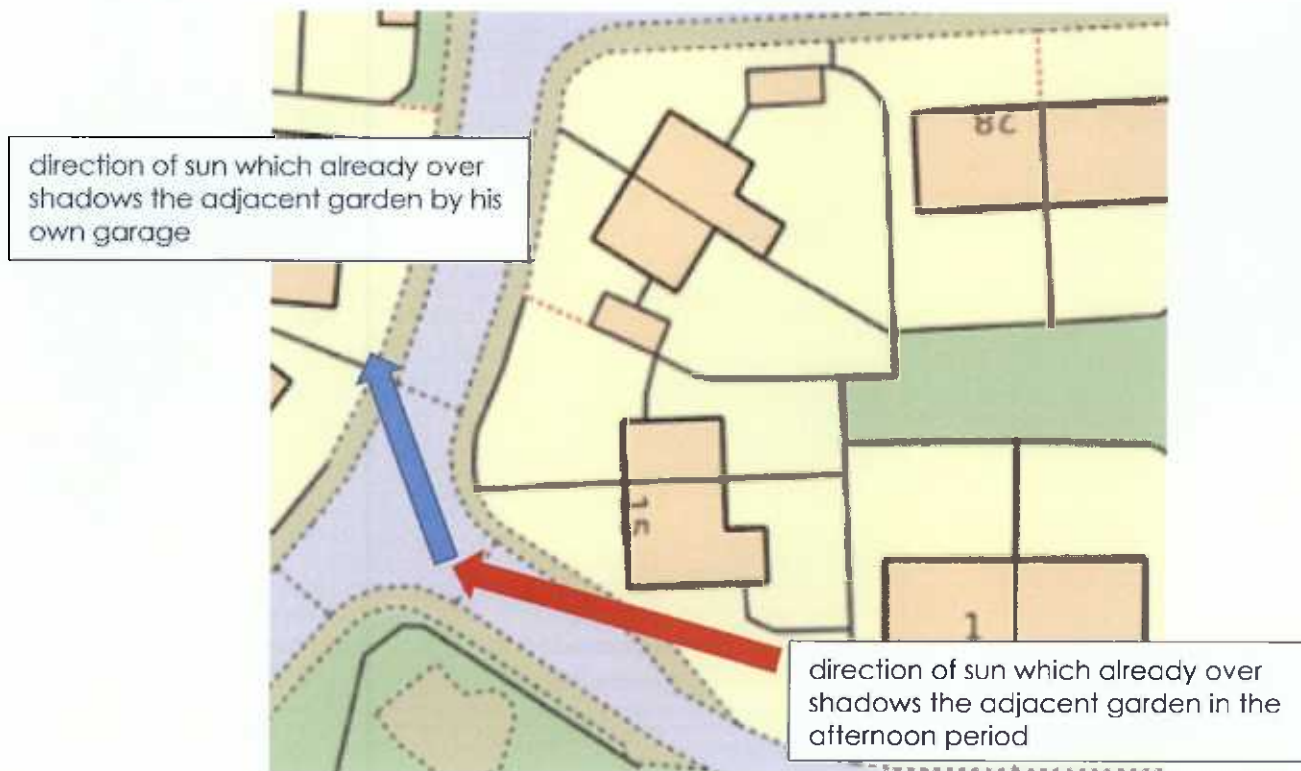


Diagram B

- 2.4 The sun commences from our rear garden side so there is no overshadowing in the morning.

Under the guidance the Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours

Therefore under the Council policy we are fully in compliance

- 2.5 To help the Local Review Body to ascertain what this looks in reality, we have undertaken some photos, to show this aspect.



This photo shows the overshadowing of our existing property into our neighbours property at 12 midday

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2



This photo shows the overshadowing of our existing property into our neighbours property at 1pm

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2.



This photo shows the overshadowing of our existing property into our neighbours property at 2pm

At least 50% of the amenity space receives two hours in compliance with guidance to the rear section of their garden



This photo shows the overshadowing of our existing property into our neighbours property at 5pm

The complete garden is covered, therefore extension will have no greater affect.

3.0 CONCLUSION

- 3.1 In terms of the Council review, this proves without any debate that our extension complies with the BRE guidance.
- 3.2 Analysis undertaken by ourselves, proves that we are fully compliant with the BRE guidance in that the garden still receives at least 2 hours of sunlight and that there is still *80% of sunlight of its former value*