

By Email To: development.control@wokingham.gov.uk

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26 May 2025

Dear Planning Officer,

Application Reference No. 251055

**Proposed Extension at 45 Kestrel Way, Woosehill, Wokingham RG41 3HA
Impact on 43 Kestrel Way, Woosehill**

Description: Householder application for the proposed erection of a single-storey front extension, alongside a first floor front and side extension, and a part single-storey rear extension; with the raising of the roof and insertion of a rear dormer and roof lights to facilitate a loft conversion, the conversion of the garage to habitable accommodation, changes to fenestration and removal of the porch canopy roof

We are appointed by Nigel Story, the owner of 43 Kestrel Way. Our client is concerned about the impact that the proposed extension to 45 Kestrel Way will have on the natural light receivable by his property. In particular, to the ground floor living room, first floor bedroom, the solar panels and to the patio and garden areas.

As a matter of formality, please treat this letter as an objection on behalf of Nigel Story. However, we are instructed that our client does not object in principle to the applicant's property being developed. This is providing any proposal is designed in accordance with the relevant standards relating to daylight, sunlight and overshadowing.

Having reviewed the planning submission, we note the absence of a daylight, sunlight and overshadowing assessment. Given the scale of the proposal and its proximity to main room windows and doors, the solar panels and the outdoor amenity areas of our client's property, we are of the opinion that an assessment is needed in order to properly consider the impact on three separate material planning considerations – namely, daylight, sunlight and overshadowing.

We are of the opinion that it would be unreasonable to grant planning permission without an assessment being undertaken. We anticipate that an assessment may show that some adjustment to the design is needed in order to reasonably safeguard the amenity of our client's property. This is discussed further below, with reference to the objective tests used to assess natural lighting.

Please find below aerial photograph of our client's property at 43 Kestrel Way, showing the impacted rear living room doors, side living room window, the roof solar panels, the patio and garden areas. The proposal will be directly adjacent to both the ground floor living room doors, the first floor bedroom window, the solar panels, the patio and garden areas. The proposal will also be positioned at an oblique angle in front of the two south-westerly facing side windows serving the living room.



Our client has also kindly forwarded photographs of his open plan living room. It can clearly be seen from these photographs that the side window specifically serves an area to the rear of the living room.



The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight 2022, 3rd Edition 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 and 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."*

The BRE guide is the standard ordinarily applied by most, if not all, local authorities in England and Wales. We would expect the applicant to submit a daylight and sunlight assessment prepared in accordance with the BRE guide.

Application of BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice

When considering daylight (light from the sky) it is necessary to establish the main window in a room. The main window is generally the largest aperture serving a room, which in this instance would be the living room doors and the first floor bedroom window. The guide also explains that, where there is a distance of 5m between a rear and side window aperture, the portion of light received by the side window should not be mitigated by the daylight received by the rear window. In this instance, the side window serves the rear of the living room window and is also required to be considered for the loss of daylight to the room.

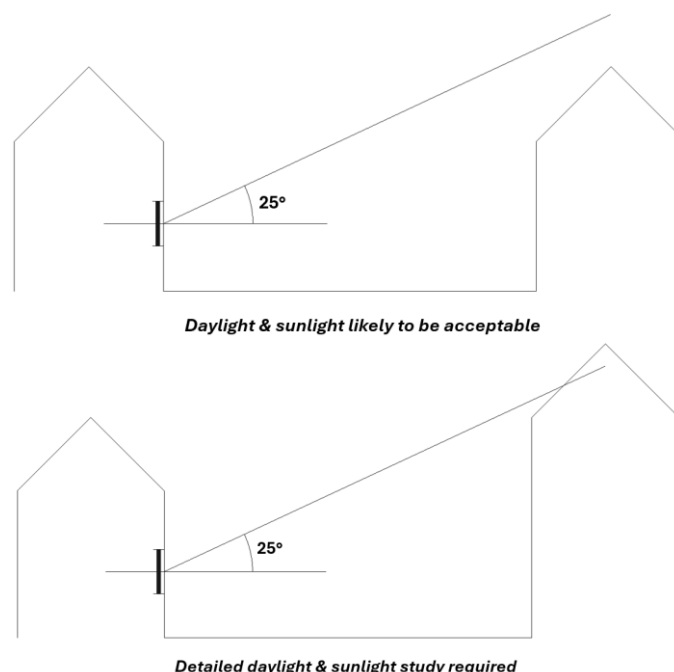
BRE Preliminary Tests

The BRE guide contains preliminary 25° and 45° tests. In this instance, both tests are appropriate, since 43 Kestrel Way has main room windows and doors both adjacent to and opposite the proposed extension.

25-Degree Rule

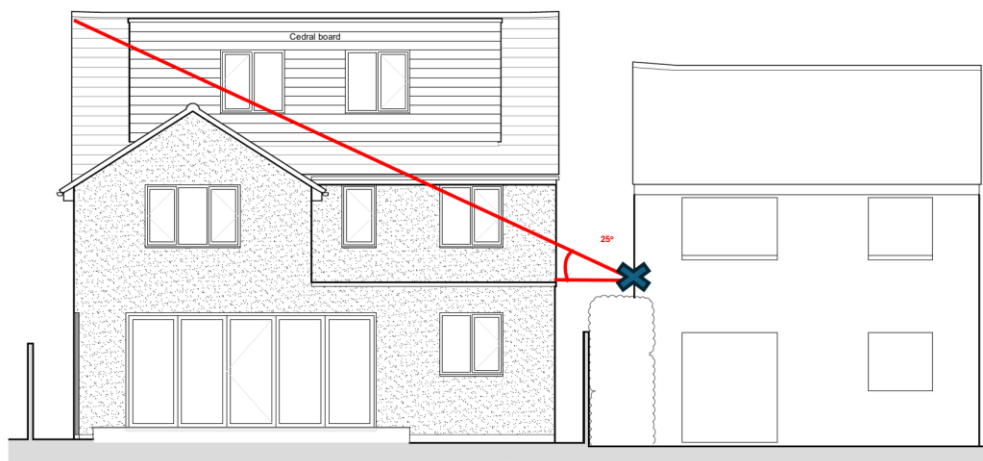
The diagrams below help to explain the application of the 25° test. The first step is to draw a section in a plane perpendicular to each affected main window of the existing building, or a secondary window for sunlight if the main window faces north and a secondary window faces within 90° due south. If 'any part' of the new extension crosses a line drawn at 25° from the horizontal, from the centre of the window, more detailed checks are needed.

In order to pass the test, the whole extension must be below the 25° line, not just the part of the extension which is directly perpendicular to the centre of the window.



Both the side and rear living room window and door apertures face within 90° of due south.

Please see the annotated drawing below which shows the approx. midway point of the living room side window indicated with a blue cross and the application of the 25° line in red. It is evident from the drawing below that the 25° test is not satisfied. The proposal extends beyond the 25° angle at first floor and roof level.

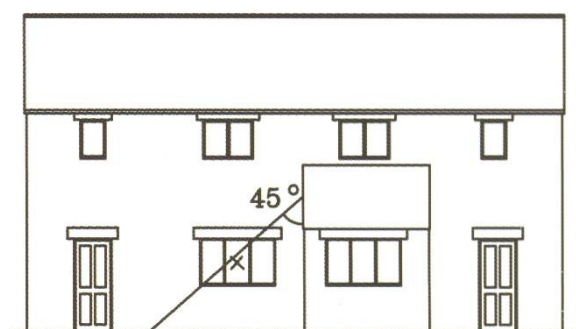
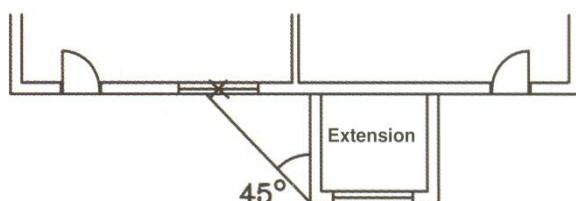


PROPOSED EAST ELEVATION

SCALE 1 : 100

45-Degree Rule

The diagrams below help to explain the application of the 45° test:



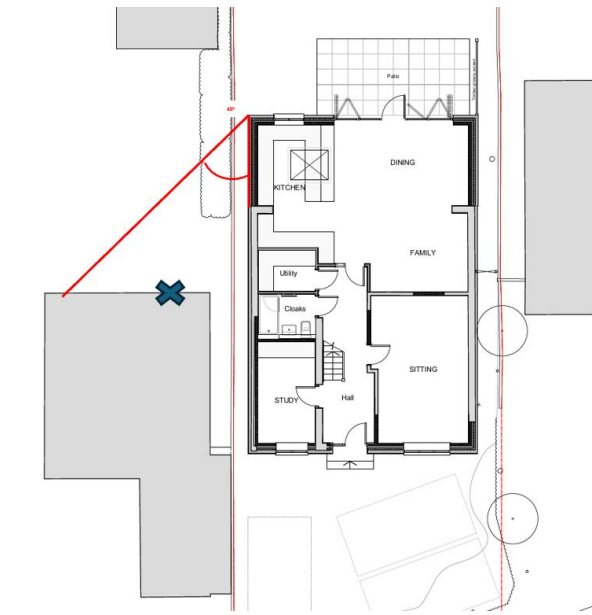
Detailed daylight and sunlight study required

If the centre of the neighbouring window lies on the extension side of both of the 45° lines (on plan and elevation), then the more detailed BRE tests are required.

Please see the annotated drawings below which show the ground floor living room doors. The first floor bedroom window follows the same line within the elevation.

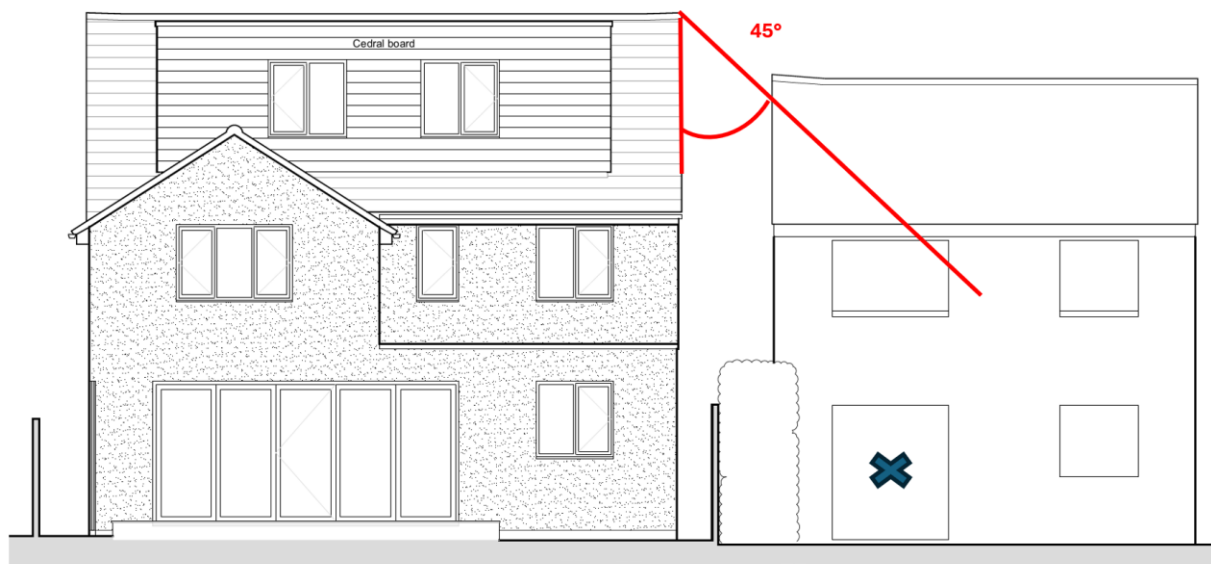
It is evident from the drawings that the proposed extension breaches the 45° test on plan in respect of the living room, and also the first floor bedroom.

45° Test on Plan:



It is also evident from the annotated drawing below that the 45° test on elevation is also breached in respect of the living room patio doors and first floor bedroom window.

45° Test on Elevation:



PROPOSED EAST ELEVATION

SCALE 1 : 100

Breaching the BRE Preliminary 25° and 45° tests confirms that further detailed tests are needed. We would therefore expect Wokingham Council to require the applicant to carry out an assessment in accordance with the BRE guide and in relation to all the main habitable room windows and external amenity areas to the rear and side of 43 Kestrel Way.

The assessment should include the following tests:

- Vertical Sky Component
- Daylight Distribution
- Annual Probable Sunlight Hours
- Overshadowing to Gardens and Open Spaces (In particular, the patio area adjacent to the proposal).

Solar Energy

Our client has heavily invested in solar energy and the panels enjoy a prominent south-easterly facing position on the rear roofline of 43 Kestrel Way. The existing clear unobstructed access to sunlight results in the energy consumption being lower than properties which do not enjoy this benefit.

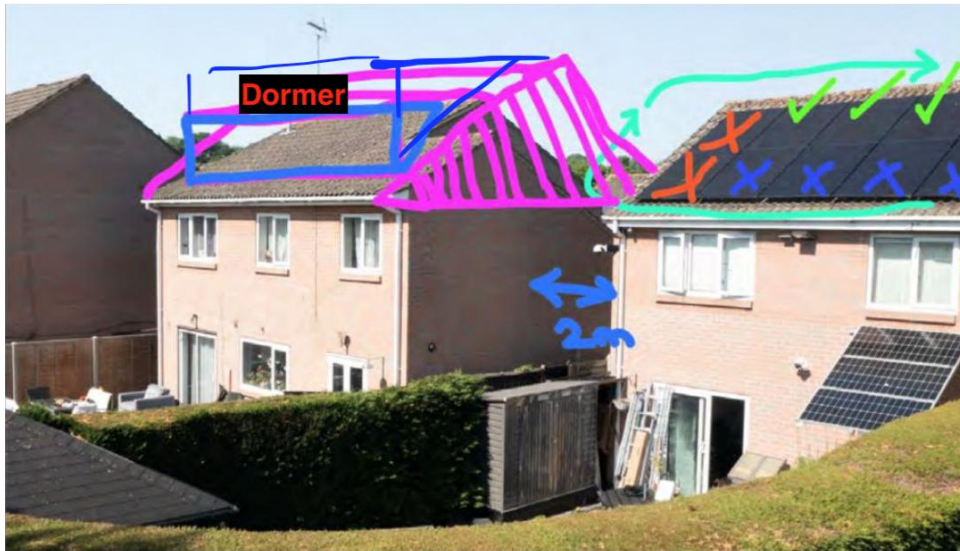
The BRE guide at paragraph 4.1.1 suggests that 'As well as bringing warmth and vitality to interior and exterior spaces, the sun is also a source of energy.' Furthermore, the BRE suggests that 'Overshadowing by other buildings can considerably lessen the effectiveness of a passive solar design. A solar collecting façade needs access to low-angle sun in winter when its contribution will be most valuable.

In the worst case, with large obstructions to the south, a glazed area may be in shadow all winter but receive large amounts of solar heat gain in summer when it is unwanted. A 'string' inverter can exacerbate the impact of minor overshadowing and that the performance can be limited to the lowest-performing module in that string.' The BRE provides an example to suggest that if one module in a string is reduced by 25% due to overshadowing, then the performance of each module in the string is also reduced by 25%.

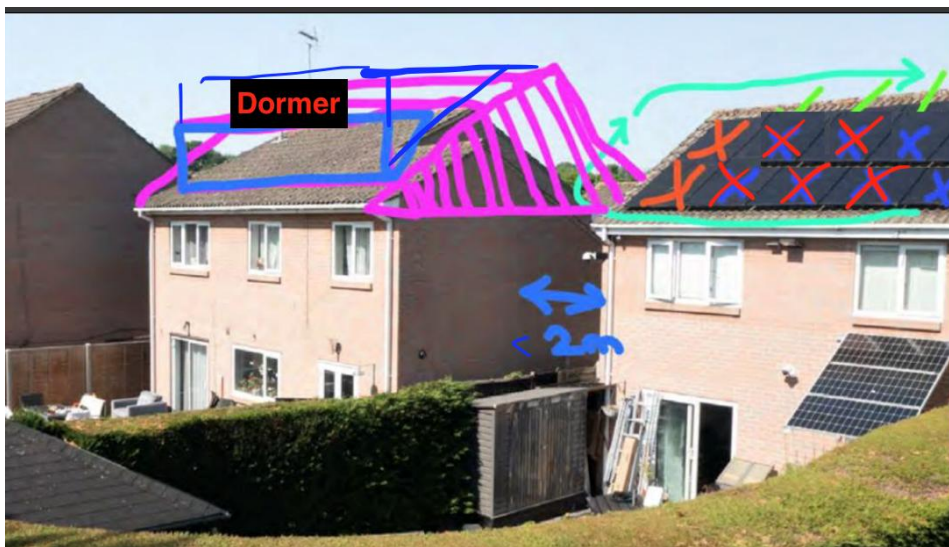
Careful design, in this instance of the neighbouring property at 45 Kestrel Way, is necessary to minimise overshadowing to the solar panels at 43 Kestrel Way. The BRE recommend an overshadowing assessment should be undertaken to identify the loss of solar gain as a result of the proposed extension at 45 Kestrel Way.

Our client has helpfully provided winter and summer examples below indicating the anticipated impact of the proposed extension at 45 Kestrel Way upon the specific solar panels at his property. From the example provided, it is clear that there is a quantity of impacted panels when compared to non-impacted panels during the summer months and all panels are overshadowed during the winter months.

Summer Months:



Winter Months:



Conclusion

On behalf of Nigel Story, we request that no decision is made in favour of the application until:

- 1) The applicant has submitted a complete and accurate daylight, sunlight and overshadowing assessment prepared in accordance with the BRE guide, and
- 2) The assessment shows that the proposed design; or amended design, complies with the BRE guide.

Should planning permission be granted without due consideration to the impact upon our client's property, our client will be at liberty to consider taking legal advice on bringing a civil

claim for a Judicial Review of the decision. This will ultimately have financial consequences for both Wokingham Council and the applicant.

Should you have any queries, or would like to discuss the above concerns, please do not hesitate to contact me.

In addition to planning, we understand that our client's window apertures have enjoyed uninterrupted light for more than 20 years and benefit from a legal right of light. We invite the applicant to engage with us to resolve all potential right of light matters. This is to avoid a situation where planning permission is granted for a development that cannot be built due to legal right of light restrictions.

Yours sincerely,



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