


## LONDON BOROUGH OF BARKING AND DAGENHAM

### RIGHTS OF LIGHT/DAYLIGHT AND SUNLIGHT PRELIMINARY DESK-TOP ENVELOPE ASSESSMENT

<b>Assessment date:</b>	April 2021 v1.0	<b>Reference:</b>	108549-113/46/DTO/SMM
<b>Site ID:</b>	12	<b>Name/address:</b>	Garages Site off Highland Avenue, Dagenham, London RM10 7AS
<b>Size of plot:</b>	800.6 sq. m (approx.)		
<b>Existing use:</b>	Row of two single vehicle garages with associated hardstanding/outdoor areas.		
<b>Site description:</b>	<p><u>Site</u></p> <p>Outdoor area with two terraced rows of single-storey garages residing to the south of Highland Avenue accessed by a short single-track driveway.</p> <p><u>Neighbouring land</u></p> <p>North: Two-storey terraced houses with gardens constructed circa 1940s to the south of Highland Avenue, with rear gardens and shed abutting the boundary with the site.</p> <p>East: Two-storey semi-detached houses with rear gardens constructed circa 1930s a set of semi-detached houses along the short single-track driveway to the south of Highland Avenue and another set of semi-detached houses to the east of the Site both sets with rear gardens and sheds abutting the boundary with the Site.</p> <p>South: End of terrace house with garden constructed circa 1940s to the south of the southern row of garages, with front and rear garden abutting the boundary with the site.</p> <p>West: Two sets of two-storey terraced houses constructed circa 1930s to the south of Highland Avenue and east of Hardie Road.</p>		
<b>Title number:</b>	<p>The Site is shown shaded blue in the coloured block plan below.</p> <p>The Site falls within, and forms a small part of, title number EGL400720 which is vested in London Borough of Barking &amp; Dagenham (LBBD).</p> <p>Title EGL400720 includes some of the land (and buildings thereon) that neighbours and surrounds the Site.</p>		

<b>Site plan:</b>	
<b>Site survey:</b>	<p>This report has been prepared with reference to:</p> <ol style="list-style-type: none"> <li>(1) a topographic measured survey for the Site produced for LBBB by 40Seven Limited land surveyors, and</li> <li>(2) a 3D solid model of the Site the neighbouring land/buildings/structures prepared from photogrammetric information, and</li> <li>(3) photographic images available via online portal or taken on site.</li> </ol>
<b>Important assumptions:</b>	<p>The envelope study described in this report, assumes that all windows to the buildings neighbouring the Site will have acquired rights of light because either:</p> <ol style="list-style-type: none"> <li>(1) the freehold titles of the buildings neighbouring the Site are not owned by the LBBB, but have been independently owned for more than 20 years</li> </ol> <p>or:</p> <ol style="list-style-type: none"> <li>(2) the freehold titles of the buildings neighbouring the Site are owned by the LBBB, but the lessees occupying the buildings enjoy rights under the terms of their respective leases.</li> </ol> <p>We believe some of the neighbouring freehold interests once formed part of the title owned by LBBB but have been the subject of disposal in the past. A detailed forensic legal review of the title to the Site and the surrounding buildings is beyond the scope of our instructions but should be considered to confirm whether rights of light were at the time of disposal. If rights were reserved to LBBB, owners of the neighbouring freehold interest will not be able to exert rights of light to frustrate development.</p> <p>Following a cursory review Official Copy of the Register, it is noted that the title contains information which affects the land including the right to the access of light and air and concerning both the Estate and those areas of land that were included in the title but that are now removed which are subject to leasehold interests in their rented property (Right to Buy).</p>

<b>RoL commentary:</b>	<p>The key constraints are as follows:</p> <ul style="list-style-type: none"> <li>▪ The end of terrace house, to the east of the boundary, property numbered 12 Fir Tree Walk;</li> <li>▪ The end of terrace house, to the south of the boundary, property numbered 14 Fir Tree Walk; and</li> <li>▪ The terrace of houses, to the north east of the boundary on Highland Avenue, properties numbered 21, 23 and 25 Highland Avenue.</li> </ul>
<b>Daylight and Sunlight commentary:</b>	<p>The key constraints are, again as follows:</p> <ul style="list-style-type: none"> <li>▪ The end of terrace house, to the east of the boundary, property numbered 12 Fir Tree Walk;</li> <li>▪ The end of terrace house, to the south of the boundary, property numbered 14 Fir Tree Walk; and</li> <li>▪ The terrace of houses, to the north east of the boundary on Highland Avenue, properties numbered 21, 23 and 25 Highland Avenue.</li> </ul> <p>All neighbouring properties are in residential use. As such the residential properties, would need to be assessed for sunlight and daylight.</p>
<b>Approach to Envelope Study</b>	<p>The envelope shows the approximate volume which can be placed on the Site without causing material impacts to the right to light and daylight amenity of the existing surrounding residential properties.</p> <p>The approach taken to producing the envelope is based on the 25-degree principle, namely: where development does <u>not</u> subtend a line projected at an angle of 25 degrees from the horizontal (from the centre of the lowest habitable room windows in adjacent residential properties) then sufficient natural light should remain available to the rooms lit by those windows.</p>

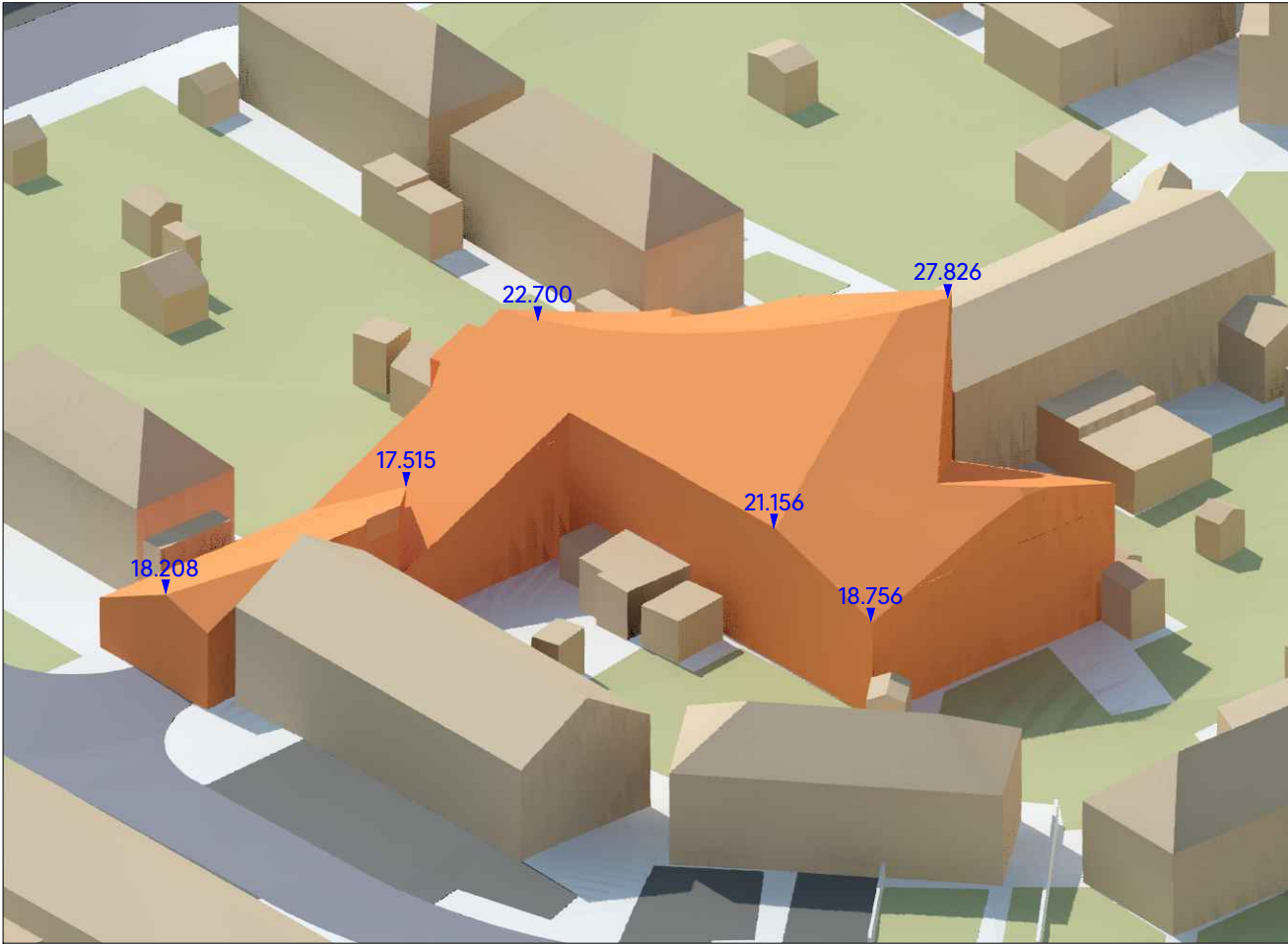
<b>Area schedule:</b>	<p>Area schedule confirming estimated developable GEA based on the 3D envelope model in Appendix 1 to which the reader is referred:</p> <table><tr><th colspan="3">Additional GEA Area Schedule (Site 12)</th></tr><tr><td colspan="3">*Area measured at 1.5m above FFL (GEA)</td></tr><tr><th>LEVEL / FLOOR</th><th>AREA SQ M</th><th>AREA SQ FT</th></tr><tr><td>Ground</td><td>800.6</td><td>8,618</td></tr><tr><td>First</td><td>655.7</td><td>87,058</td></tr><tr><td>Second</td><td>433.7</td><td>4,668</td></tr><tr><td>Third</td><td>120.4</td><td>1,296</td></tr><tr><td>Fourth</td><td>5.2</td><td>56</td></tr><tr><td>OVERALL TOTAL</td><td>2,015.6</td><td>21,1696</td></tr></table> <p>Note:</p> <p>Storey height assumed - 3 metres floor to floor</p> <p>GEA – Gross External Area</p> <p>FFL – Finished Floor Level</p>	Additional GEA Area Schedule (Site 12)			*Area measured at 1.5m above FFL (GEA)			LEVEL / FLOOR	AREA SQ M	AREA SQ FT	Ground	800.6	8,618	First	655.7	87,058	Second	433.7	4,668	Third	120.4	1,296	Fourth	5.2	56	OVERALL TOTAL	2,015.6	21,1696
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<b>Comments on development volume:</b>	<p>GEA is relatively unrestricted on the ground-floor storey through to the first-floor storey. The GEA reduces significantly on the second to fourth-floor levels.</p> <p>Restrictions are more significant to the north east, east and south of the plot, along the boundary with the residential properties numbered 21, 23, 25 Highland avenue, 12 Fir Tree Walk and 14 Fir Tree Walk.</p> <p>The envelope study suggests that a two to three-storey new development would be feasible. Although detailed technical studies might confirm fewer problems than anticipated, we, nevertheless, suggest that a three-storey new development would be a medium risk proposal in both daylight/sunlight amenity terms and rights of light terms.</p> <p>Construction of a development with an overall mass/volume that exceeds the envelope described in this report might be achievable, but his would need to be verified by more detail legal analysis and more detailed 3D CAD modelling and technical analysis.</p>																											

<b>Risk rating:</b>	Medium – assuming that the development contemplated does not exceed the GEA, or envelope profiles advised in this report.
<b>Further comments:</b>	<p>As the interpretation of levels, height and volume is not precise, the following would be beneficial in developing the accuracy of the risk rating and may result in the risk reducing:</p> <ul style="list-style-type: none"> <li>I. Measured surveys o elevations of the neighbouring properties identifying more accurately, inter alia, window locations and sizes,</li> <li>II. Basic architects massing models of the scheme proposals; and</li> <li>III. A solicitor’s legal title review for the titles to the Site and the surrounding properties.</li> </ul> <p>In relation to mitigation of risks, at this early stage, only limited advice can be offered; we recommend that any new development proposed seeks to minimise the exceedance of the envelope wherever possible. This will reduce adverse impacts and limit planning risk and compensation exposure/injunction risk in relation to rights to light.</p> <p>In relation to rights of light compensation exposure, the full effects cannot be determined until the proposed massing and its position on the Site is fully defined. It is therefore, recommended that once the design has evolved/been fixed, a more detailed assessment should be carried out so that rights of light injury risks and compensation estimates can be better identified, and mitigation strategies can be suggested.</p>

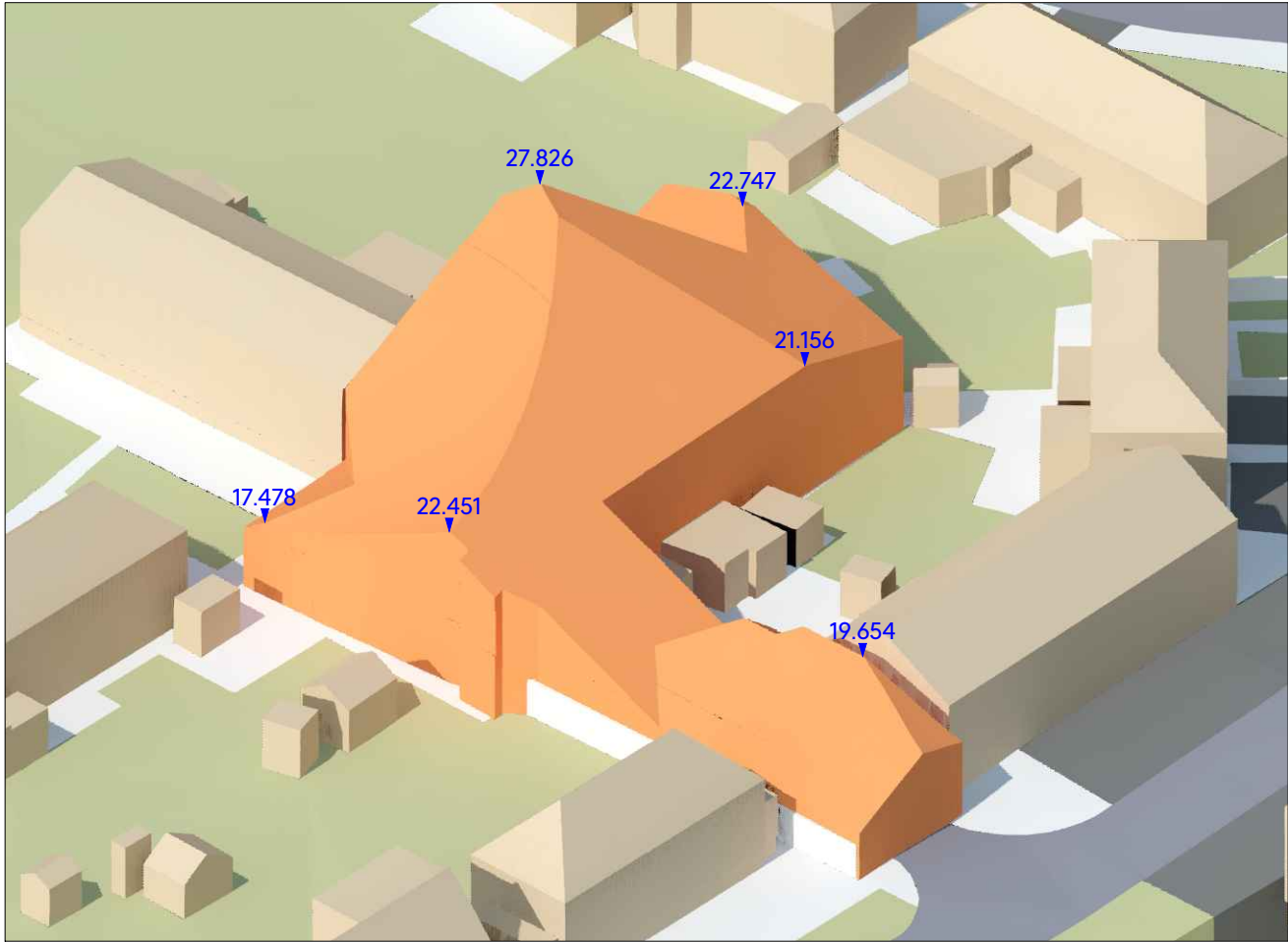
## Appendix 1

Hollis Drawing 108549\_SITE12\_01  
showing envelope massing for Highland  
Avenue RM10 7AS

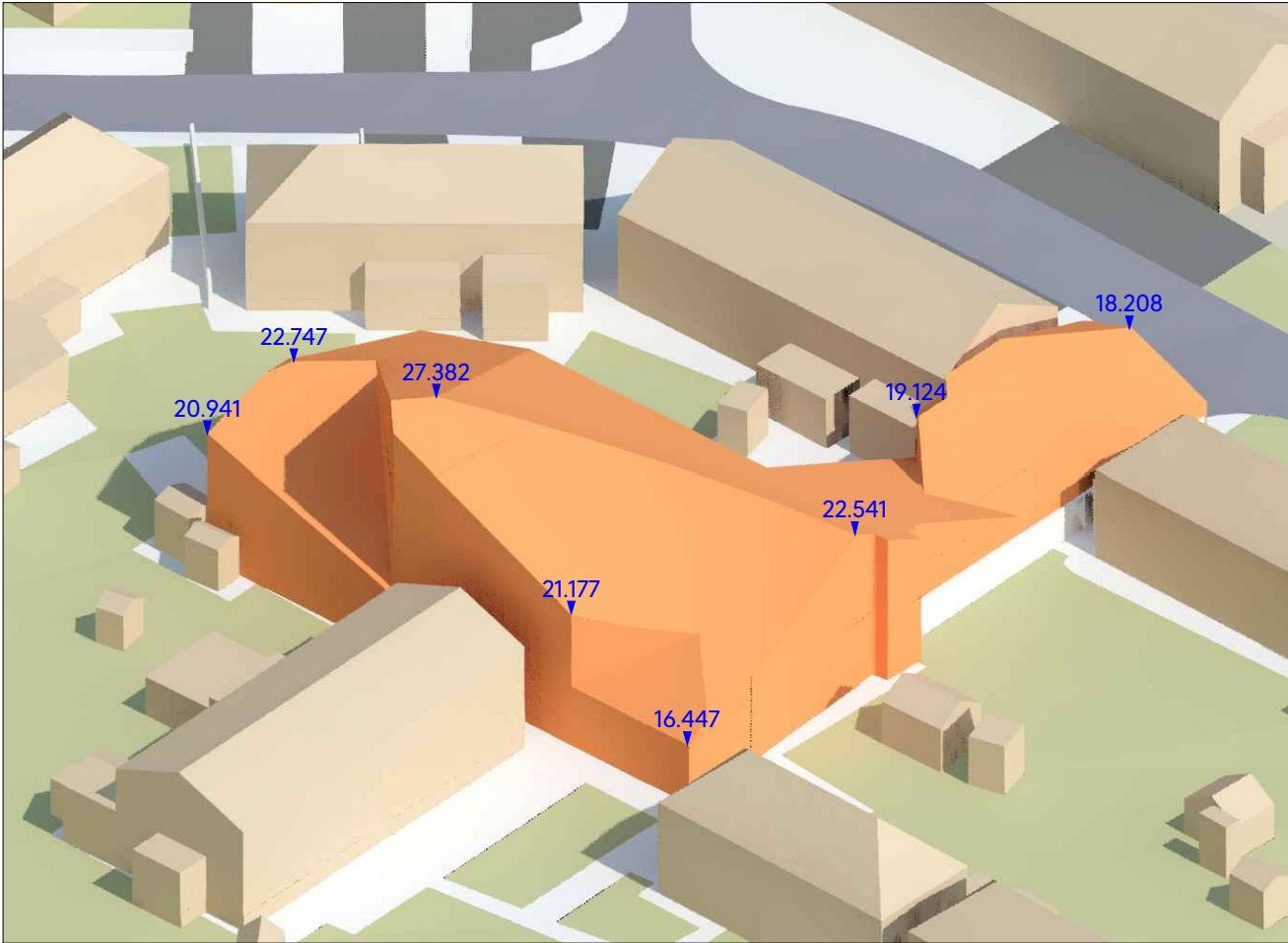




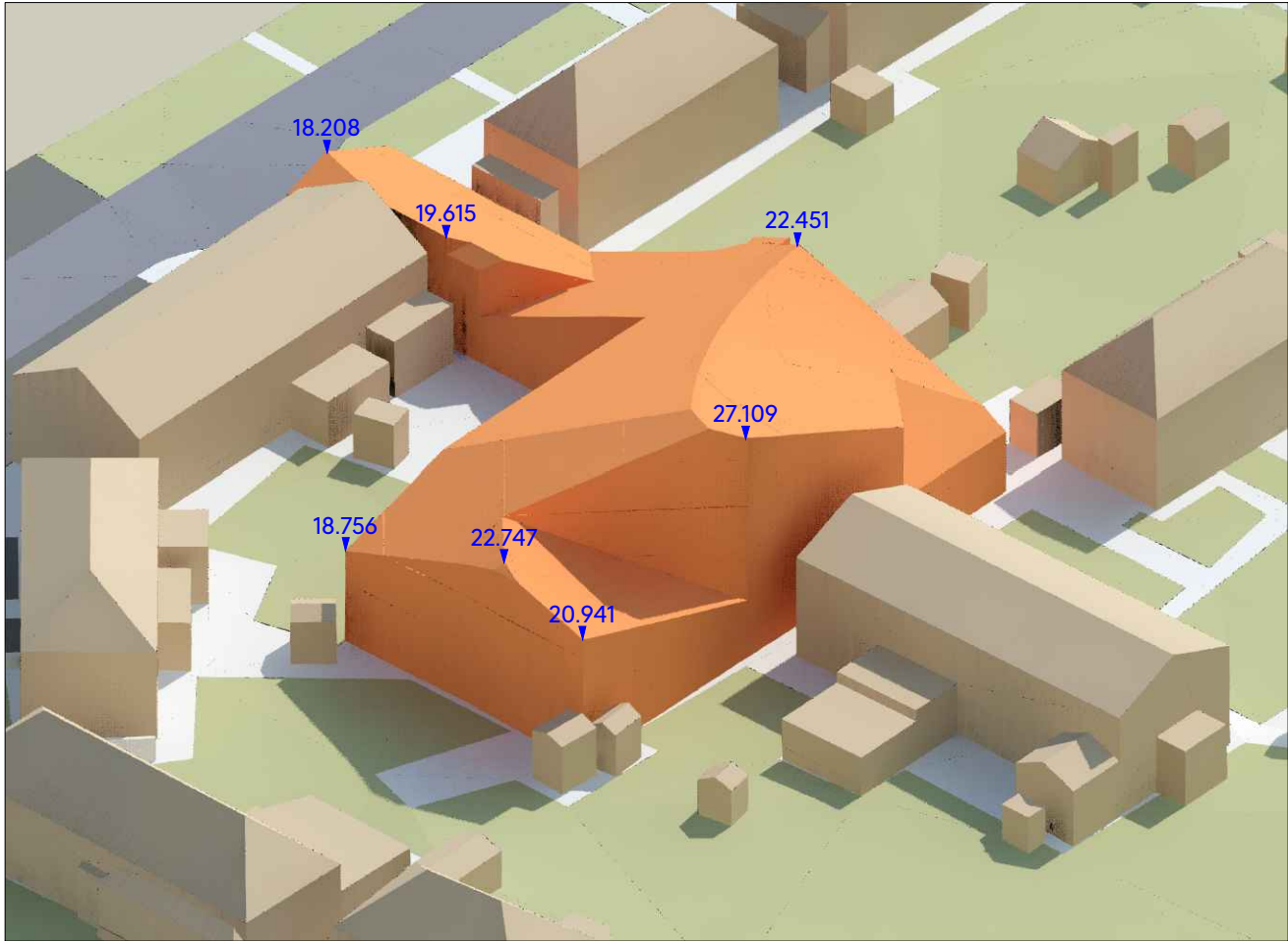
3D Context View - View from North West (Proposed Envelope)



3D Context View - View from North East (Proposed Envelope)



3D Context View - View from South East (Proposed Envelope)



3D Context View - View from South West (Proposed Envelope)

SOURCES OF INFORMATION:  
40SEVEN  
2176\_P\_Highlands Avenue 3D.dwg  
Received 14th April 2021  
ACCUCITIES  
001722\_Dagenham Sites\_PART05\_LD\_MASTER.dwg  
Received 9th March 2021

Additional GEA Area Schedule (Site 12)		
*Area measured at 1.5m above RRL (GEA)		
LEVEL / FLOOR	AREA SQ M	AREA SQ FT
Ground	800.6	8,618
First	655.7	7,058
Second	433.7	4,668
Third	120.4	1,296
Fourth	5.2	56
OVERALL TOTAL	2,015.6	21,696

- Surrounding Properties
- Proposed Site

ALL HEIGHTS IN M AOD  
'INDICATIVE ONLY'

Rev.	Date	Amendments	Initial
HOLLIS SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES. ALL DIMENSIONS ARE IN METERS ONLY			

TITLE  
Approximate Right to Light  
and Daylight Envelope

CLIENT  
Arcadis

PROJECT  
Highlands Avenue,  
Dagenham, RM10 7AS

DRAWN BY SL	CHECKED DO
SCALE NTS@A3	DATE April 2021

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DRAWING NO. 108549_SITE12_01	RELEASE NO. 1
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