From: Shirley Ellis <shirley.ellis@right-of-light.co.uk>
Sent: 31 January 2014 08:35
To: Matthew Porter
Subject: Right of Light Consulting. Application number AWDM/0017/14
Attachments: Right of Light Consulting. Letter 31.01.14.pdf

Dear Mr Porter,

Please find attached our letter of today in respect of the above application.
I would be grateful if you would acknowledge receipt and respond accordingly.

In the meantime, please do not hesitate to contact me should you wish to discuss the matter further.

Kind regards,

Shirley Ellis LLB (Hons)
Right of Light Surveyor

Mobile: 07939 319 396
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Right of Light Consulting Ltd is registered in England and Wales with number 5908040. The Company's registered address is 65 Kingswood Chase, Leigh-on-Sea, Essex SS9 3BB. Regulated by RICS.

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BY EMAIL
Planning Services
Adur & Worthing Councils
Portland House
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BN11 1LF

31st January 2014

Dear Mr M Porter,

Letter of Objection: Application Reference No. AWDM/0017/14
Proposed Development at 21 Mill Lane, Shoreham-by-Sea
(Impact on 23 Mill Lane, Shoreham)

We write today on behalf of our clients, Mr and Mrs Charlton who own and reside at the above property neighbouring the proposal. We have been contacted by our clients after concerns were raised that the proposed development will infringe on both the daylight and sunlight currently enjoyed by their property (as laid down in the Building Research Establishment "Site Layout Planning for Daylight and Sunlight: a good practice guide" 2011 by PJ Littlefair).

We have undertaken a Preliminary Review of the daylight, sunlight and rights of light issue. We have concluded that the proposal is likely to:

- Breach the preliminary BRE 25 degree test for planning.
- Breach the VSC tests to the side kitchen window.
- Reduce the light to the only kitchen aperture, which is solely reliant on the light receivable by the north side of the property.

We note that the applicant has not submitted any daylight analysis in support of the application. We would therefore request that no decision to grant permission is made on the application until the applicant instructs a consultancy to visit our client's property and assess the impact the proposal will have on daylight, sunlight and rights of light. We will be happy to liaise with our client for a convenient date that the applicant's consultant can visit the property in order to gather the necessary measurements for assessment.

Once the analysis is prepared we would request that the computer model and results be forwarded to us so we can undertake our usual checks to confirm accuracy.

Whilst we appreciate that rights of light is not a material planning consideration, it is useful to assess the risk of any potential civil claim from the outset and eliminate any future costs which could be incurred defending a claim. Our clients have enjoyed continuous light to their property for more than 20 years and as a result, are likely to have acquired a Prescriptive Right of Light. We understand that they raised no objection to a previous extension in 1996 however, this proposal is likely to impact upon their property to a degree which they consider will be oppressive. Therefore, we strongly advise that the issue is resolved now during the planning stage - in particular, to avoid planning permission being granted for a development that may not be built due to legal rights of light restrictions.

In summary, we request that no decision is made on the application until the applicant undertakes a daylight, sunlight and rights of light study and we are satisfied that the proposal complies with the BRE guidelines. We would also strongly urge the applicant to address our client's rights of light at this stage.

Please could you acknowledge receipt of this letter and respond accordingly. Should you wish to discuss any aspect please do not hesitate to contact me directly on 07939 319396 or via email at shirley.ellis@right-of-light.co.uk

I look forward to hearing from you.

Yours sincerely,



Shirley Ellis LLB (Hons)
Right of Light Consultant