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PROOF OF EVIDENCE

BY

M. A. NEY BSc., FRICS., FEng., MaPS., Companion CIBSE

ON BEHALF OF

ST. JAMES HOMES LTD.

REDEVELOPMENT OF WATER TOWER HOUSE

AND

THE FORMER RESERVOIRS, AUBREY WALK, KENSINGTON

APPEAL REFERENCES

APP/K5600/E/99/1016054

APP/K5600/A/99/1016055

JUNE 1999

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1.0 INTRODUCTION

1.1 I am Michael Alan Ney, BSc (Hons), FRICS, FBEng., Companion CIBSE, MaPS, formerly a Partner in McBains Cooper of 3 Cavendish Square, London W1 and now a consultant in the Firm.

1.2 I am a qualified Building Surveyor having specialised in this branch of surveying since 1972.

2.0 INSTRUCTIONS

2.1 I am instructed by St James Homes Ltd to advise them in respect of rights of light and sunlight and daylight with regard to a proposed redevelopment of Water Tower House and the redundant reservoirs at Aubrey Walk. London W8.

3.0 FINDINGS

3.1 I visited Kensington Heights during the 1970s when I was with Thames Water Authority and I designed microwave and UHF antennae to be installed on the roof-top plant room.

3.2 I have visited the site in order to examine the surrounding buildings and have attended meetings of the design team and have studied the drawings produced by the Architects for the scheme. Using these drawings I have made calculations and measurements to assess the likely impact of the proposals on the surrounding properties. I have studied the impact of effects on sunlight and daylight penetration to the surrounding properties as set out in the BRE Code of Practice published in 1991.

3.3 I have studied the letters of response from the public to the applications for consent lodged by St James Homes Ltd. A small proportion - confined, as one would expect, to those directly affected - mention effects to their light, sunshine or airiness.

3.4 Sunlight and Daylight within the meaning of the BRE Code of Practice is a Planning matter to be considered as an aspect of public policy. It deals with the principles by which buildings on one site affect surrounding buildings to provide an acceptable standard of environmental amenity as far as natural lighting and sunshine penetration are concerned. The principle evinced in the Code is that of "good neighbourliness" Kensington & Chelsea have adopted the BRE Guide as the method of complying with policies CD28 and 29

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- 3.5 Within the BRE Guide, the author, Prof. Littlefair, makes the point that the numerical values given within the Guide are not rigid prescriptions but must be interpreted flexibly. In urban settlements, lower values for sunshine penetration and sky visibility must be accepted while in rural areas, the criteria would seek higher values for sunlight and daylight. RBKC's UDP repeats this point ; at para. 3.11 it states that no particular minimum or maximum standards will be required. At para 3.12 it states that the Council will seek good light conditions taking into account the general levels of light in the immediate area. At para. 3.13, the UDP states that sunlight and daylight are but one of a series of considerations for judging a proposal.
- 3.6 The approach of the Inspector in the appeal reference T/APP/X5990/A/92/213987/P4 and T/APP/X5990/E/92/809421/P4 in October 1993 by NCP against refusal of consent to redevelop a car park in Carrington Street W1. is instructive for the approach given for the consideration of matters of sunlight and daylight in London. The Inspector, considered the application of the Guide and was minded to accept the caveats that the Guide contains warning against adopting the numerical values given in it slavishly. It also clearly states that the Guide is not to be considered an instrument of planning policy. The Inspector felt that the advantages of living in central London outweigh consequential disbenefits which would include less than ideal standards of daylight and sunlight.
- 3.7 The inspector accepted that any redevelopment of that site that preserved, let alone enhanced the character of the Conservation Area would have adverse effects on some of the local surrounding residential buildings. He felt this was a necessary disadvantage and should not form the basis for preventing the development. *"..while the proposed development will undoubtedly have an adverse effect upon living conditions in a number of flats by reason of a reduction in skylight and sunlight, nowhere is this reduction so significant, nor the total number of flats affected so great, as to outweigh the enhancement of the Conservation Area that would be occasioned by the proposed development, or to otherwise justify the refusal of planning permission."*
- 3.8 Without knowing the details of the Carrington Street scheme, I am familiar with the area involved and have done studies of sunlight and daylight in White Horse Street, close by. Nevertheless the present appeal scheme appears to differ in that it does not have *"adverse effect upon living conditions in a number of flats by reason of a reduction in skylight and sunlight"*. The appeal scheme is even better placed than the Carrington Street scheme was

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- 3.9 The Council's UDP crystallises its thinking on sunlight and daylight into two Conservation and Design Policies CD28 and CD29 which require the Council to resist developments that significantly reduce the sunlight and daylight to adjoining buildings and amenity spaces and to require developments to be designed to ensure good light conditions for its buildings and spaces (that is to say, within the development itself).

4.0 DAYLIGHT, SUNLIGHT AND RIGHTS OF LIGHT

- 4.1 I must first explain the term "daylight" and with care, it does not mean sunshine nor a view. Because the climate varies from hour to hour and from season to season, certain assumptions have to be made in order to make objective assessments of daylight. Light meters are inappropriate to use because anyone who is a keen photographer will know that (with a manual camera at least) no sooner have you set the aperture ring or shutter speed than the meter indicates the need to stop the lens open or closed by one or more f stops. Every stop indicates a doubling or halving of the light intensity. The need for an objective standard against which to measure "before" and "after" conditions is needed.
- 4.2 This is provided in the CIE (Commission Internationale d'Eclairage) standard overcast sky. The "vertical sky component" is measured. This is the ratio between the direct sky illuminance falling on a vertical window to the simultaneous horizontal illuminance from an unobstructed sky. The maximum vertical sky component falling on a vertical window in a flat wall is 40%. The vertical sky component (VSC) is an objective test that is repeatable and does not rely on an individual's subjective view of what is bright and what is gloomy.
- 4.3 The term "Sunlighting" applies to the effects of direct sunshine onto buildings. Because the Earth rotates on its axis the sun appears to rise on one side of the horizon and set on the other. The Earth's axis is tilted relative to the plane of its orbit and the orbit around the Sun is elliptical. This means that the vertical angle of the sun above the horizon at its daily zenith varies throughout the year. In the tropics, the variation in the angle of the Sun does not matter through the seasons because it is not perceived as very great. The Sun rises more or less due East every day, passes almost directly overhead at noon, and sets due West. The sun shines for 12 hours and disappears for 12 hours. Dawn and dusk come very quickly and the transition from day to night and back to day again is short. Above and below the Arctic / Antarctic circles, the effect of the Earth's tilt is very pronounced; for part of the year the Sun never rises above the horizon at all and in Summer, it does not set but appears to go round and round the point on the Earth's surface, dipping towards the horizon at night and bobbing up again during the day. Visitors to Scotland will know that the day lasts longer there in summer than in England. From London to Edinburgh is only

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450 miles and this makes a significant difference to the apparent movement of the Sun. London lies approximately 51.5° N of the equator and Edinburgh 56° N. I have used the figures for 51.5° N.

- 4.4 It can be calculated mathematically how long the sun could shine each day throughout the year and add them together. For London, if there are no obstructions to the sun, this is 1486 hours. We can then measure how many hours the sun would shine on a particular point if there were no cloud at all but taking into account the obstructions caused to the sun by buildings. These are called probable sunshine hours and can be expressed as a percentage of the annual probable sunshine hours.
- 4.5 Because it makes visualisation of the sun's movement easier if we think of the Solar System as geocentric, the calculations assume that the earth is flat, the sky is a dome of uniformly bright opal glass and the sun goes round the earth. Indeed, the sunpath diagrams I have used make this assumption because to us, standing still on the surface of the Earth, that is what appears to happen. It is only if we try to navigate on the high seas or try to leave the Earth's atmosphere that the distinction between a geocentric and solarcentric solar system becomes important. As buildings do not move, the geocentric assumptions hold true throughout the year.
- 4.6 "Rights of light" are often mentioned. These are not strictly relevant to the Planning process and they involve private property rights of one land-holding over another. At para 64 in PPG1 it is stated that "The planning system does not exist to protect the private interests of one person against the activities of another." The light protected by private easements is to a flow of light from the sky and makes no reference to sunshine, nor to views. The planning process approaches the question of light from an entirely different perspective and seeks to conserve the natural beauty and amenity of land and to improve the physical environment. These criteria normally form the background to the policies set out in the local planning authority's UDP. These policies can take into account the view from one building to another and the entry of sunshine into a development. The criteria upon which planning decisions are made can be on much broader economic and social benefits grounds than private, common law rights.
- 4.7 Rights of light relate to the actual light from the diffuse sky penetrating real rooms in the dominant owner's building over the servient owner's land. The flow of light has to be through "defined apertures", usually windows.

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4.8 Rights of light are included within my report which has been submitted as part of the planning process. This report is attached as an appendix to this proof.

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5.0 DAYLIGHT

- 5.1 The BRE Guide has established that if a proposed new building subtends an angle of less than 25° from the horizontal at the centre line of the ground floor windows of an adjoining building, the effect upon the adjoining building is unlikely to be significant. Where the proposed new building will subtend an angle of greater than 25° it is necessary to check the VSC to ensure that 27% or more remains or, where windows already have a VSC of less than 27%, the proposed new building should not reduce the VSC to less than 80% of its present value.
- 5.2 To assess the VSC I have used the method of the Waldram Diagram. At p.54, the Guide states "...the Waldram diagram is more precise [than the skylight indicator] and may be used for very complex obstructions." The Waldram diagram also has the advantage that it shows the obstruction in a more pictorial way, which is often of assistance in gauging the likely effects.

2-6 Aubrey Walk

- 5.3 An assessment of these houses shows that the proposed new building will subtend an angle of 24.8° which is marginally below the 25° given in the Guide. The Vertical Sky Component has, therefore, been calculated and I find that the VSC available is 29% for 2 and 4 and 25.33% for No 6. The reduction of VSC at this point is small and still affords more than 80% of the existing VSC. In addition, No 6 is also lit from the side, deriving an almost uninterrupted VSC down Aubrey Walk. The proposals call for the demolition of the present block of flats in Aubrey Walk so that the side elevation will gain sky visibility

8 - 16 Aubrey Walk

- 5.4 These building benefit from the proposals because the raised bank, walls, fencing and gates in front of them now are to be removed and the open vista of the square replaces them. No 8, and to a lesser extent No 10, has a new building built in front of it. This building will subtend an angle of 15° to the centreline of the ground floor windows. This is well below the 25° envisaged as acceptable by the Guide.

18-24 Aubrey Walk

- 5.5 Nos 18 to 24 will be slightly affected by the scheme but not to any appreciable adverse extent. The proposed building fronting onto Aubrey Walk subtends in places an angle

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greater than 25° from the midpoint of the lowest level of windows. In the case of No 18, I calculate that the VSC will be 30.8% which exceeds the recommendation in the Guide. No 20 has no windows at ground floor level and the angle subtended to its 1st floor windows is only 23.5° to the highest point on the new development. These windows do not fall to be considered further under the Code. In the case of Nos. 22 and 24, parts only of the new development intrude above the 25° line and I have checked the VSC using Waldram diagrams. These show that the resulting VSC is 27.56% and, again exceeds that required by the Guide.

Thorpe Lodge

- 5.6 From the daylighting point of view, I have verified that the angle of obstruction formed by the new buildings at the centres of the ground floor windows will intrude above the 25° line at 27°. I have, therefore checked the sky factor along the window wall and find that it is 27.5% so that the criteria given in Section 2.2 of the Code of Practice published by the BRE is satisfied.

Kensington Heights

- 5.7 I have used the BRE Code of Practice for daylight and sunlight 1991 as the basis for consideration of the effects of the new proposed development on the flats in Kensington Heights. Section 2,2 deals with the effects of developments on existing buildings and I have followed the decision chart given on p.7 of the Guide. In some instances, the new development does subtend an angle greater than 25° at the centre line of the lowest storey of windows so I have gone on to verify the actual vertical sky components (VSC).
- 5.8 The Guide seeks a VSC of 27% at the centreline of windows to be affected. Where this is not attained the Guide then seeks to identify whether the proposed VSC will be 80% or more of the existing figure. If so, then it concludes that daylighting is unlikely to be seriously affected. The Guide requires a further assessment to be made even where the 27% is exceeded and that is to establish whether the proposed VSC is more than 80% of the existing. I have marked with a 'N' those situations where one or other of the Guide's recommendations is not met.

West Elevation

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- 5.9 In my examination, I have made assessments at points along the ground floor level where there are windows but these appear to serve, for the most part, subsidiary parts of the building, service areas and the like. There are, however, residential parts along the ground floor and I have assessed these points. For the rest, the flats appear to be confined to the first and upper floors. I have, therefore, also assessed the first floor flats in the section of the building that projects out towards the development.
- 5.10 In some places on the ground floor, the windows are limited in the VSC available to them by being recessed under projecting construction. This places an additional burden on the adjoining site because a small obstruction below the projecting balcony will have a disproportionate effect on the VSC. The Guide calls for a flexible interpretation of the numerical values given and I submit that windows affected by projecting balconies should be accorded that more flexible approach.
- 5.11 I have set out below a table of the results achieved at the various window positions and these are indicated on the attached working drawing. Care should be exercised as this drawing is scaled at 1:250 not 1:200 as the other drawings.

Position	Extg VSC	0.8 of extg	Prop VSC	Pass 27%	Pass 80%
A	25.71	20.57	24.727	Y	Y
B	26.06	20.848	23.82	N	Y
C	23.2	18.562	20.60	N	Y
D	31.81	24.945	28.677	Y	Y
E	21.6	17.28	18.747	N	Y
F	22.47	17.976	20.316	N	Y
G	40	32	33.736	Y	Y
H	40	32	33.485	Y	Y

- 5.12 In the case of positions A, B and C, the 27% VSC is not attained as existing due to the oversailing balcony above. In positions E and F, the adjoining projections shield the windows from the sky. The proposed development reduces the VSC but the proposed value is still greater than 80% of the existing

North Elevation

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- 5.13 I have examined the impact of the proposals on the north elevation of Kensington Heights. As above, I have compiled Waldram diagrams of the worst affected part of the building taken at 2m above ground level. I find that the original VSC at this location is 27.6% but that the VSC under the proposed scheme will be 24.3%. Although this is less than the target numerical value set by the Code, it is still more than 0.8 times the original value (22.08%) As with the west elevation, there are windows on the north side of the building that are overshadowed by projecting balconies in the storey above. This dramatically reduces the VSC available to those windows, even if the building were to be on a completely undeveloped site on a hilltop. It would be perverse to impose the additional burden of this element of the previous design onto the proposed use of the Thames Water site.
- 5.14 I have studied the report prepared for the Council by Messrs Wilks Head and Eve. This report repeats the exercise through which I have gone and confirms the results I have obtained as to the technical effects that the new building will have on the surrounding buildings in general and the north elevation of Kensington Heights in particular.
- 5.15 We agree that there are a few windows, serving two dwellings on the ground floor, that will be affected more than the other flats. These flats will receive less than the 27% VSC recommended in the Guide and will have their present VSC reduced below 80% of the present value. In one case, a bedroom, where the need for light is less acute than to living rooms, the reduction is to 79.72% of existing, which is so close to 80% as to be, in my view immaterial. In the other case, a bed-sitting room, the reduction is to 62.4% of existing which is more material but is due, in no small measure, to the fact that the window is overshadowed by a balcony immediately above it.
- 5.16 The Planning Authority have accepted that Water Tower House is unmeritorious as it is and should be redeveloped. They have also accepted that any redevelopment of the site will have some effect on the North elevation of Kensington Heights. To modify the design of the proposed new flats so that there would be no reduction to the VSC to window R2/71 would, I believe, be injurious to the wider townscape issues that benefit by the redevelopment of the site.
- 5.14 Taking into account the flexibility of approach envisaged in the Code (*para 6, P.1*) and at paragraph 3.13 of RBKC's UDP and the wider townscape issues involved, I consider these diminutions in VSC not to be material.

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6.0 SUNLIGHTING

6.1 The penetration of sunlight falls to be considered because the windows in Kensington Heights face within 90° of due south. (Facing 253° True). The Guide repeats the requirements of BS8206 Pt 2 1992 and calls for the windows to receive 25% of annual probable sunlight hours including at least 5% of annual probable sunlight hours between 21st September and 21st March. Where the sun penetration is reduced, it should still leave 80% of the existing sunlight hours.

6.2 I have carried out an analysis using the sunlight availability indicator for 51.5°N (the latitude of London) at p.28 and the transparent indicator supplied with the Guide. I have not analysed those parts of the new buildings lying to the North of the points under consideration as noted in Fig. 16 on p.11.

6.3 The results of my analysis are shown in the table below:

Posn	APSH%	80%	WPSH%	80%	APSH%	WPSH%	80%< A	80%<W
A	56	43.2	22	15.2	56	22	Y	Y
B	56	44.8	21	16.8	56	21	Y	Y
C	53	42.4	19	15.2	53	19	Y	Y
D	50	40	19	15.2	50	19	Y	Y
E	19	15.2	2	1.6	18	1	Y	N
F	23	18.4	3	2.4	28	3	Y	Y
G	55	44	20	16	48	16	Y	Y
H	54	43.2	19	15.2	51	17	Y	Y

The notation used is that the first column shows the existing percentage of annual probable sunshine hours, the second shows 80% of that, the third column shows the existing winter probable sunshine hours, the fourth 80% of that. The fifth and sixth columns respectively show the proposed annual and winter probable sunshine hours and the seventh and eighth column show by Yes/No notation whether the proposed probable sunshine hours are 80% or more of the existing respectively.

6.4 In the case of position E the drop in annual probable hours is only 0.6% below the critical value. The remainder are either not reduced at all or are only reduced very slightly. In all but positions E and F the remaining percentage of sunshine hours is still between three

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times and four times the Guide's winter minimum. Only positions E and F fall significantly below the Guide's provision but these are heavily shadowed by the rest of the building and do not achieve the Guide minima even as existing.

- 6.5 I have considered the north elevation of the building for sunlight as for daylighting. As none of the windows face within 90° of due south, none call to be considered for sunlighting under the Code.
- 6.6 In the circumstances shown by my research, I believe that the impact on Kensington Heights will not be so significant as to represent a severe diminution of light to the flats taken as a whole. I do not believe, therefore, that the effects on the building should be regarded as an impediment to granting Planning Consent for the proposed development.

Aubrey Walk

- 6.7 The houses in Aubrey Walk face within 90° of due South and the sunlight criteria set out in sections 3.1 and 3.2 of the Code must be checked to ensure that there is sufficient sunlight

2 - 6 Aubrey Walk

- 6.8 I have also verified the annual probable sunlight proportion and find that this is some 66% with 10% available in the winter months. This, therefore, satisfies the requirements of the Code where the minimum recommendation within the Code of Practice is for 25% of the total probable annual sunshine hours to be available with 5% of the probable annual hours to be available through the winter.
- 6.9 Nos. 8 to 16 Aubrey Walk will be advantaged by the proposals as they will have a more open Southern aspect though the morning sun will be diminished. My calculations show that the buildings will receive 69% of the probable annual sunshine hours and 21% will be received during the winter months. This exceeds the requirements of the Code.
- 6.10 There will be only a slight effect on their sunlight penetration but they will make a gain in sunlight overall because of the demolition of the existing Thames Water flats in Aubrey Walk.

7.0 SUNPATH DIAGRAMS

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- 7.1 I have prepared 34 sun path diagrams to indicate the existing and proposed penetration of sunshine to the properties in Aubrey Walk, to Melbourne House in Campden Hill Road, to the ground floor flat at position 'A' the in Kensington Heights and to the nearest flat on the first floor in Kensington Heights, marked as position 'G'. These show in a pictorial way the visibility of the sun at different times of day on the 21st of each month.
- 7.2 The diagrams used, for 52°N, show the apparent path of the sun relative to the earth with the horizontal angle along the baseline and the vertical angle or altitude on the 'x' axis. The radial lines indicate the time of day in 24 hour notation based on GMT. I believe that these are easier to read than the sunpath indicators shown in the BRE Code. In each case, the measurement has been made 2 m above ground level at the window positions in each building. I have not taken a separate measurement for No 10 Aubrey Walk because these windows are so close to those of No 12 that the measurements taken there relate sufficiently closely to apply to both buildings.
- 7.3 The Code is silent on the question of trees but the proposals involve the retention of certain trees and I have allowed, therefore, for the shading effect of the trees. These are shown in the sunpath diagrams by dotted lines and, because they are deciduous, I have allowed for their obstructive effect during the months of May, June, July August and September. This should be borne in mind when reading the diagrams because, in some cases, the Mar / Sept line and the April / Aug line will not be the same for both months. The tabular values take this into account.
- 7.4 Because it can be lengthy to study the individual sunpath diagrams, I have also drawn up a table based on the values derived for quick reference. In this table, I have marked, in each case, 80% of the existing hours of sunshine; where the proposed situation provides less than this figure, the proposed hours of insolation are marked in red. Where the proposed situation will give a greater amount of sunshine than at present, the figures are shown in green. A further column, marked in the grey, also shows the penetration of sunshine on 1st March. This is to enable a simple check to be made to see whether one hour's sunshine is available on this day. Examination of the table will show that this figure is comfortably exceeded in every case.
- 7.5 The architects have prepared a series of graphical representations by computer modelling of the site as a whole. These pictures are made at two hourly intervals; 6am, 8 am, 10am, noon, 2 pm, 4 pm, 6 pm, 8 pm and 10 pm. (all times GMT) and are shown for 21st March, 21st June and 21st September. These do not give the minute-by-minute sunpaths shown in

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the diagram monthly and, by interpolation, daily through the year but they do give a series of snapshots of the situation. These show that 24, 22 and 20, 6, 4 and 2 Aubrey Walk will lose some sunshine in the early mornings from Autumn through to Spring but from Spring to Autumn, there will be no effect on them from sunrise to sunset from the proposed scheme. The same applies to the flats in Kensington Heights. Melbourne House will suffer a loss of late afternoon sun to the lower parts throughout the year. Study of the sunpath diagrams, however, show that most of this shadowing already takes place from the bulk of Water Tower House.

These representations are annexed to this proof

8.0 THE COMMITTEE REPORT

- 8.1 I have examined the report prepared by the Executive Director of Planning and Conservation.
- 8.2 I note at para. 4.141 the Director accepts that although there will be some loss of privacy to the North face of Kensington Heights, he considers it not to be to an extent regarded as material in planning terms.
- 8.3 At para. 4.153 The Director addresses the point that there will be a loss of light to the windows on the North side of Kensington Heights but accepts that much of this is as a result of the oversailing balconies blocking out significant sections of sky component. I have in the past argued on other projects that the impact on light should be assessed at the face of the balconies, not underneath them and this argument has been accepted. As the Director comments, any redevelopment of Water Tower House would have an effect on the light to the North face of Kensington Heights unless the building were so modified as to impair its townscape contribution.
- 8.4 I disagree with the Director in his conclusion at 7.9 where he feels that the local amenity will be impaired by losses of light. Several properties will benefit, most will suffer only very minor diminutions of light and there will be no buildings that suffer a significant loss of light.
- 8.5 I note the Director's comments at 4.67 and 4.68 where he remarks on the positive effects that the proposed Campden Hill Road apartments has in forming a more pleasing transition from the dominance of Kensington Heights to the scale of 25 Campden Hill Road.

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9.0 OVERALL CONCLUSION

9.1 The UDP policies on daylight and sunlight are:

CD28. Normally to resist development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces.

CD29: Normally to require development to be designed to ensure good light conditions for its buildings and spaces.

9.2 I conclude that there will be no adverse effects caused to sunlight and daylight by the proposals taken as a whole. In this I have in mind the Inspector's words in the Carrington Street appeal at para 13 where he said; "It is necessary to strike a balance between the need the maintain the character of the area and the reasonable expectations of the local residents concerning, *inter alia* skylight and sunlight" . At para 14 he said: " ... a reduction in skylight and sunlight, nowhere is this reduction so significant, nor the total number of flats affected so great, as to justify the refusal of planning permission".

9.3 The proposals do not significantly reduce sunlight and daylight enjoyed by existing adjoining buildings and amenity spaces. As has been noted, some buildings experience improvements so I conclude that Policy CD28 is complied with.

9.4 The Council's own consultants agree with me that Policy CD29 is also complied with (para 4.156 of the Director's report)

10.0 DECLARATION

I declare that I have compiled this report in accordance with the requirements of the Royal Institution of Chartered Surveyors as set down in "Surveyors Acting as Expert Witnesses, Practice Statement".

Signed *MANey*

Date *30 June 1999*

Michael A. Ney BSc(Hons)., FRICS., FEng., MaPS., Companion RICS

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APPENDIX 1

**EXPERIENCE, QUALIFICATIONS,
APPOINTMENTS, SPECIALITY OF THE
WRITER AND OF THOSE WHO HAVE
ASSISTED IN THE
PREPARATION OF THE REPORT**

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I am Michael Alan Ney a Consultant and formerly a Partner in the firm of McBains Cooper Building Surveyors, of 3 Cavendish Square, London W1M 9HA, a post I have held since January 1986. Prior to that I was, for six years, an Associate in the firm of Hampton and Sons, during which time I was Assistant Surveyor to the Worshipful Company of Skinners. Before that I was, for six years, principal Building Surveyor for Thames Water Authority.

Before joining Thames Water Authority I was a Building Surveyor with International Computers Ltd., for somewhat over a year and prior to that Assistant Building Surveyor in the firm of J.A. Warner and Partners of Rochester.

I am an Honours Graduate in Urban Estate Management from the University of Reading. I was elected a Professional Associate of the Royal Institution of Chartered Surveyors in 1974 and a Fellow of the Institution in 1986. I was elected a Companion of the Chartered Institute of Building Services Engineers in 1989 and a Fellow the Association of Building Engineers in 1994. I was elected as a Member of the Association of Planning Supervisors in January 1996.

During my years of professional practice I have worked on a wide variety of commercial, industrial, retail, educational, public, ecclesiastical, agricultural and residential buildings.

While with Hampton and Sons I was responsible for the maintenance, management and improvement of the building stock of three voluntary-aided secondary schools and one Public School, the Skinners' Company's almshouses (in reality a retirement home), the Skinners' Hall, a Grade 1 listed building and Scheduled Ancient Monument. I carried out numerous large residential structural surveys within London and throughout Southern England for the Firm's clients. These surveys were of high class single family dwellinghouses, mansion blocks of flats and modern apartment developments. I provided a specialist building surveying technical support to the firm's management department.

At Thames Water Authority, I was responsible for the Authority's office buildings in London and for specialist building surveying support to the Area Surveyors for operational buildings and residential accommodation owned by the Authority. The main offices were Listed Grade 2 but with a Grade 1 Set of oak panelled rooms and a Scheduled Ancient Monument pumphouse in the grounds. I carried out significant building and maintenance works to offices, disused waterworks, blocks of flats, individual houses, Listed barns and farmhouses on three of the Authority's farms.

My duties with J. A. Warner & Partners comprised carrying out many dozens of building society surveys as well as designing and carrying out of building works and alterations to small commercial and residential properties.

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With McBains Cooper I have been responsible for numerous pre-purchase surveys of commercial, industrial and large residential buildings. I have also carried out extensive building works to clients' buildings including large Victorian and Edwardian houses, factories and offices. My firm is responsible for the management and maintenance of some 80 courthouses for the London and Maidstone Groups of Courts for the Lord Chancellor's Department and I have been a specialist conservation consultant for the Department. I was, therefore, the lead advisor on works affecting Listed Historic Buildings within the LCD estate. I am active in terms of expert witness matters and building defect diagnosis. I am registered with the UK Register of Expert Witnesses. I am a specialist Rights of Light advisor and have made a particular practice of this branch of professional work as well as normal Party Structures advice and the resolution of boundary disputes.

I have served for five years and continue to serve as Chairman of the Premises, Safety and Services Committee of the Governors of Guildford County School (GM), a mixed comprehensive school with 942 on roll.

I have been the Chairman of the Pyramus & Thisbe Club, the national association of specialist surveyors working within the discipline of Party Structures as defined by the London Building Acts and the Party Wall etc. Act 1996. I advised on the rights of light and ground anchoring matters concerning the building of the award-winning Channel 4 TV headquarters building in Victoria.

I have given evidence before the Courts in matters of building litigation on a number of occasions and have appeared before Planning Public Enquiries for appellants and on questions of building viability and re-use.

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APPENDIX 2

Sunpath Diagrams and Table

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	House No	'21 Jan	'21 Feb	'21 Mar	'21 Apr	'21 May	'21 Jun	'21 Jul	'21 Aug	'21 Sep	'21 Oct	'21 Nov	'21 Dec	
1	AUBREY WALK													
2	24 Existing	2.25	3	8	8.75	11	6.75	6.75	7.5	7	2.75	2.25	0	
3	80% of existing	1.8	2.4	6.4	7	8.8	5.4	5.4	6	5.6	2.2	1.8	0	
4	24 Proposed	0.25	2	7.5	10	10.75	6.75	6.75	7.5	8	2	0.25	0.25	
5														
6	22 Existing	3.75	8	7.75	10.25	7	7.25	7	7.5	5.25	8	3.5	2.25	
7	80% of existing	3	6.4	6.2	8.2	5.6	5.8	5.6	6	4.2	6.4	2.8	1.8	
8	22 Proposed	0.75	5.25	8.25	10.5	7	7.25	7	7.5	5	5.25	0.75	0	
9														
10														
11	20 Existing	3.25	6.5	7.5	10.25	8.5	10	8.5	7.5	3.5	6.5	3.25	2.75	
12	80% of existing	2.6	5.2	6	8.2	6.8	8	6.8	6	2.8	5.2	2.6	2.2	
13	20 Proposed	1	6	9	10.25	8.5	10	8.5	7.5	6.25	7.5	1	0.25	
14														
15	18 Existing	2	4.25	8.5	9.25	8.25	8.5	8.25	6	6.5	4.5	2	2	
16	80% of existing	1.6	3.4	6.8	7.4	6.6	6.8	6.6	4.8	5.2	3.6	1.6	1.6	
17	18 Proposed	2.5	7.25	8.5	9.25	8.25	8.5	8.25	6	6.25	7.25	2.5	1.75	
18														
19	16 Existing	2	5.75	7.75	9	6.5	6.75	6.5	6.5	5.25	6	2.25	1	
20	80% of existing	1.6	4.6	6.2	7.2	5.2	5.4	5.2	5.2	4.2	4.8	1.8	0.8	
21	16 Proposed	4.25	6.75	7.25	9	6.5	6.75	6.5	6.5	5.25	6	4.25	2.25	
22														
23	14 Existing	3.5	6.25	8.25	9.5	7.25	7	7.25	7.5	5.25	6.25	3.5	2.5	
24	80% of existing	2.8	5	6.6	7.6	5.8	5.6	5.8	6	4.2	5	2.8	2	
25	14 Proposed	4	6.5	7.5	9.5	7.25	7	7.25	7.5	5.25	6.5	4	2.25	
26														
27	12/10 Existing	3.5	7.5	7.5	9.75	6.75	7	6.75	6.75	5.75	7.5	3.5	2.5	
28	80% of existing	2.8	6	6	7.8	5.4	5.6	5.4	5.4	4.6	6	2.8	2	
29	12/10 Proposed	3.75	6.75	7.25	9.75	6.75	7	6.75	6.75	4.75	6.75	3.75	3	
30														
31	8 Existing	4.25	7.5	8	10	9.75	9.25	9.75	7.25	5	7.5	5	4	
32	80% of existing	3.4	6	6.4	8	7.8	7.4	7.8	5.8	4	6	4	3.2	
33	8 Proposed	4.25	6.25	7.75	8.5	9.75	9.25	9.75	6.25	4.5	6.25	4	3.25	

1659

320

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
34														
35	6 Existing	5	7.5	7.75	8	9.25	9.75	9.5	9.75	9.5	6	7.5	5	4.75
36	80% of existing	4	6	6	6.4	7.4	7.8	7.6	7.8	7.6	4.8	6	4	3.8
37	6 Proposed	2.5	5.75	6.75	8	9	9.75	9.5	9.75	9.5	6	5.75	2.5	1.75
38														
39	4 Existing	5.25	6.5	7.25	9	10	9.5	9.25	9.5	10	7.5	7.25	5.25	5
40	80% of existing	4.2	5.2	5.8	7.2	8	7.6	7.4	7.6	8	6	5.8	4.2	4
41	4 Proposed	1.75	6.25	7	8	9	9.5	9.25	9.5	9	6.5	6.25	1.75	1.25
42														
43	St. George Ext'g	6.25	8.25	8	8.5	8.75	10	9.75	10	8.75	8.5	8.25	6.25	5.5
44	80% of existing	5	6.6	6.4	6.8	7	8	7.8	8	7	6.8	6.6	5	4.4
45	St George Prop'd	6	7.75	7.75	7.75	9	10	9.75	10	9	7.75	7.75	6	2
46														
47	Tennis Club Extg	0	2.5	4.25	6	8.5	8	8	8	8.5	6	2.5	0	0
48	80% of existing	0	2	3.4	4.8	6.8	6.4	6.4	6.4	6.8	4.8	2	0	0
49	Tennis Club Prop	0	2.5	4.25	4.5	4	4.5	4.5	4.5	4	4.5	2.5	0	0
50														
51	CAMPDEN HILL GARDENS													
52	36 C. H. Gdns Ex	4.75	6.75	6.75	6.75	8.5	10.5	10.5	10.5	8.5	6.75	6.75	4.75	1
53	80% of existing	3.8	5.4	5.4	5.4	6.8	8.4	8.4	8.4	6.8	5.4	5.4	3.8	0.8
54	36 C.H.Gdns Prop	3.5	6	5.75	5.5	8.5	10.5	10.5	10.5	8.5	5.5	6	3.5	0.5
55														
56	25 C.H.Gdns Exg	5.5	5.75	7.75	7	7.5	8.25	9	8.25	7.5	7	5.75	5.5	2.75
57	80% of existing	4.4	4.6	6.2	5.6	6	6.6	7.2	6.6	6	5.6	4.6	4.4	2.2
58	25 C.H.Gdns Prop	3	4.75	5.75	7	7.5	8.25	9	8.25	7.5	7	4.75	3	1.5
59														
60	C. H. ROAD													
61	Mel'ne Ho. Extg	1.5	2.25	2.75	4	5.5	7.5	7.5	7.5	5.5	4	2.25	1.5	1
62	80% of existing	1.2	1.8	2.2	3.2	4.4	6	6	6	4.4	3.2	1.8	1.2	0.8
63	Mel'ne Ho. Prop	1	2.25	2.5	3.25	5	7.5	7.5	7.5	5	3.25	2.25	1	1
64														
65	KENSINGTON HEIGHTS													
66	Ken Hts 'A' Extg	0.5	1.75	2.5	6.75	7.75	8	8	8	7.75	6.75	1.75	0.5	0
67	80% of existing	0.4	1.4	2	5.4	6.2	6.4	6.4	6.4	6.2	5.4	1.4	0.4	0

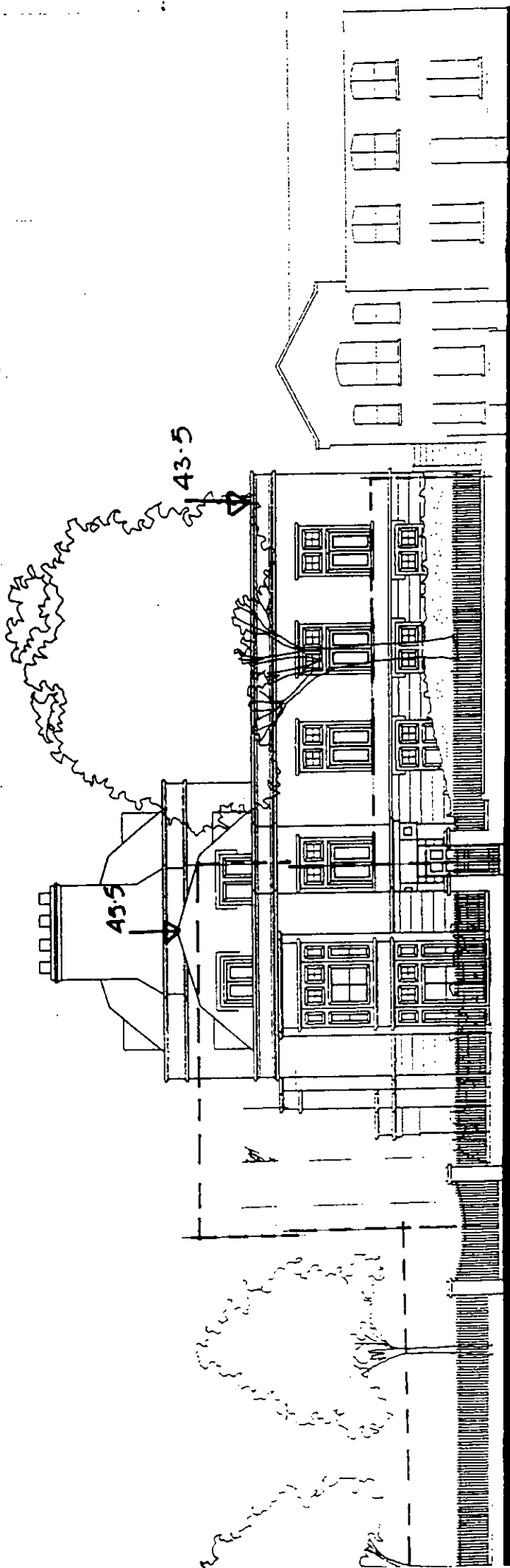
	A	B	C	D	E	F	G	H	I	J	K	L	M	N
68	Ken Hts 'A' Prop	0.5	1.75	2.5	6.75	6.75	7	6.75	6.75	6.75	6.75	1.75	0.5	0
69														
70	Ken Hts 'G' Exig	5	6	6.5	6.75	7.75	7.5	8.5	7.5	7.75	6.75	6	5	5
71	80% of existing	4	4.8	5.2	5.4	6.2	6	6.8	6	6.2	5.4	4.8	4	4
72	Ken Hts 'G' Prop	4.25	4	4	4.5	6	6.75	7.5	6.75	6	4.5	4	4.25	4.5

1650

20

1661

~~1661~~



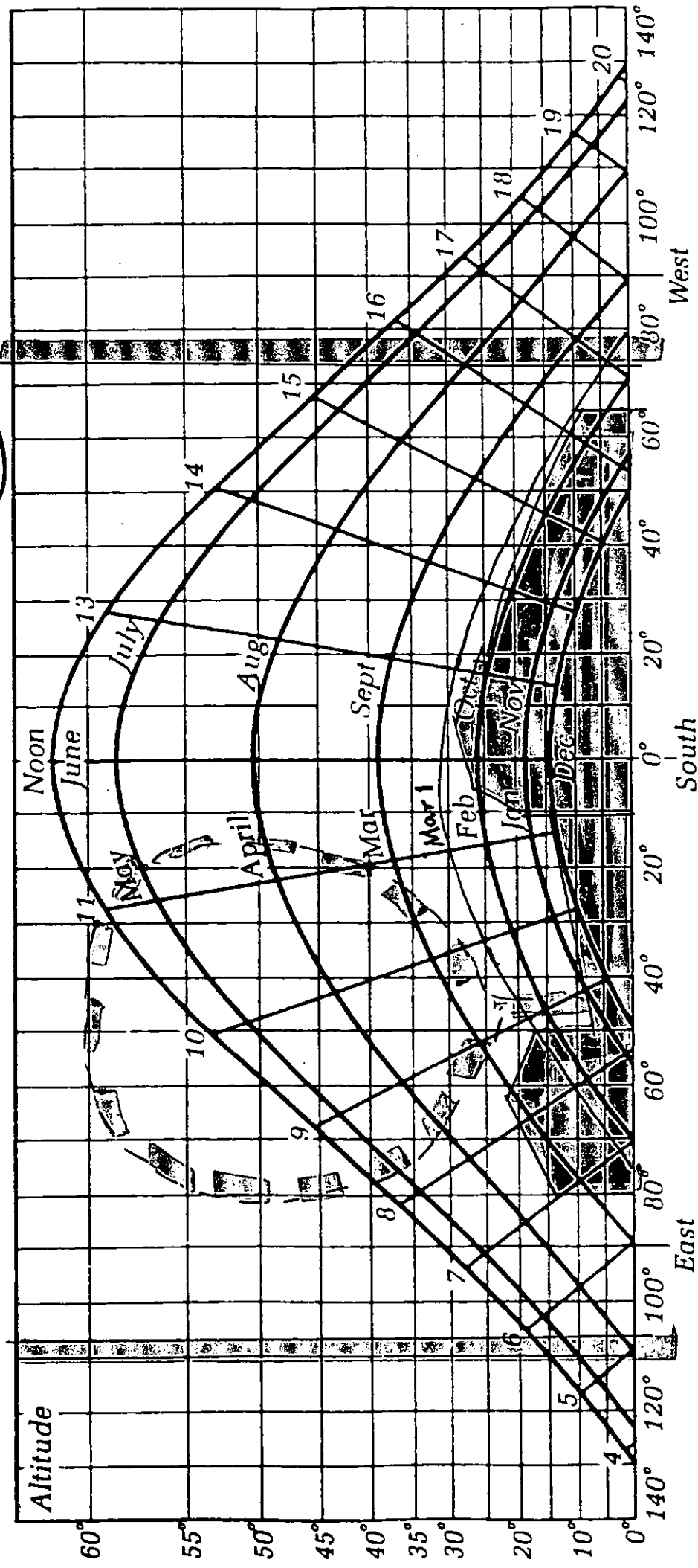


 INSTITUTION OF MECHANICAL ENGINEERS

 1662

 MCBAINSCOOPER

 LONDON



Azimuth

 South

 East

 West

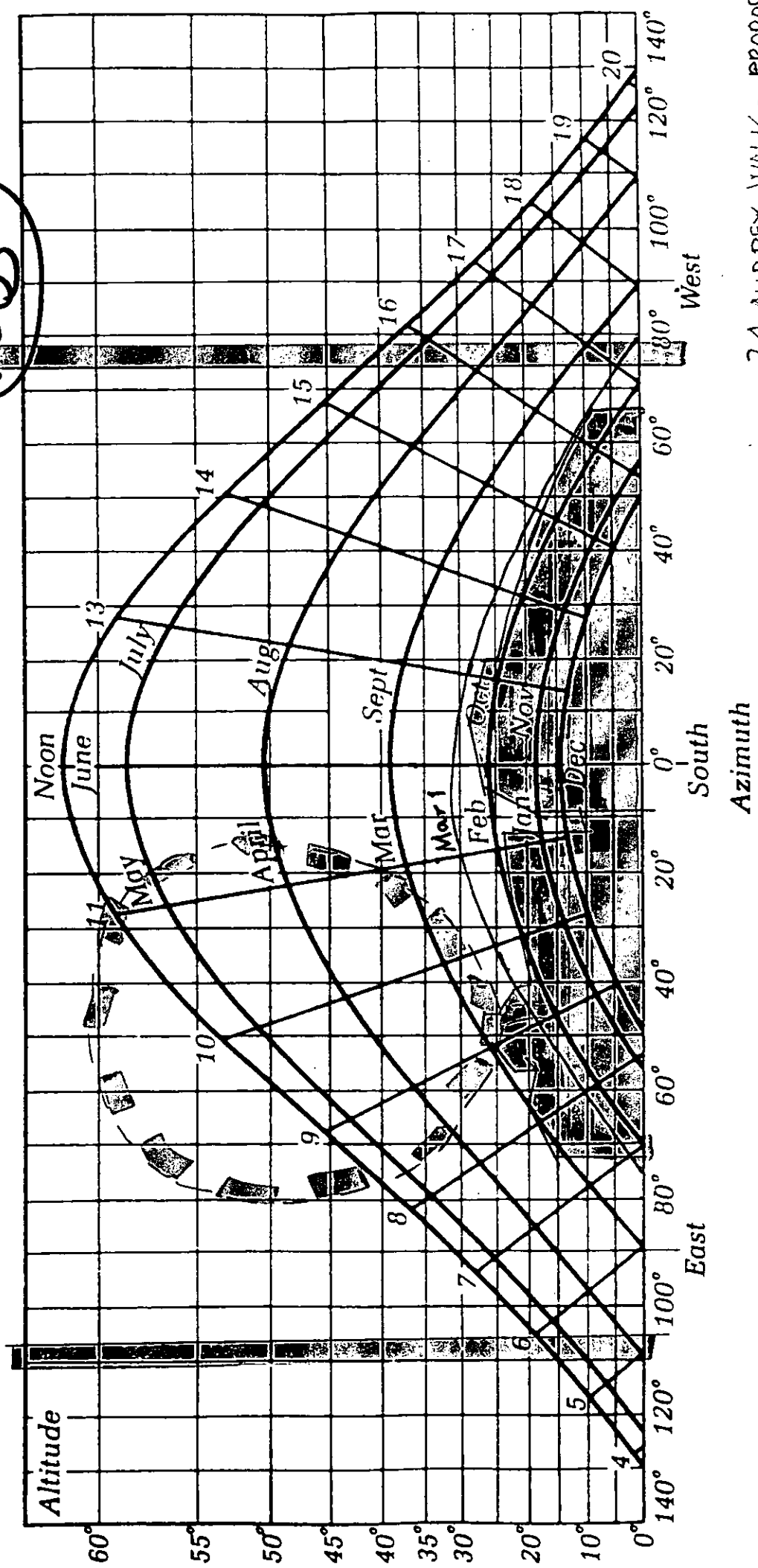
 24 AUBREY WALK - EX16

Sun path diagram for 52°N. All times are solar times with 1200 due south

CONTRACTOR
M CBAINS COOPER
ALBANY, N.Y.

1663

~~1663~~

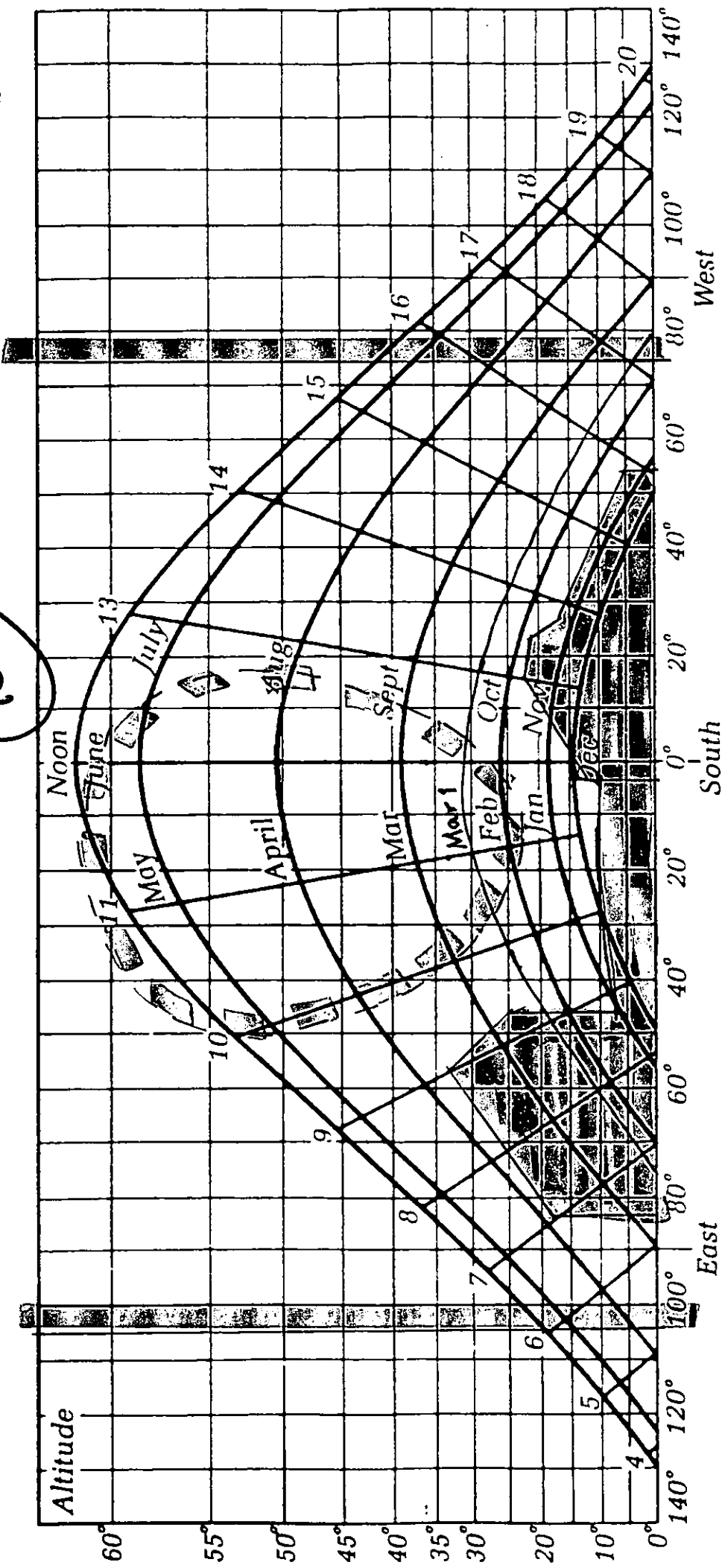


24 AUBREY WALK - PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south

(Handwritten scribble)

(Handwritten circled number: 1664)



Azimuth

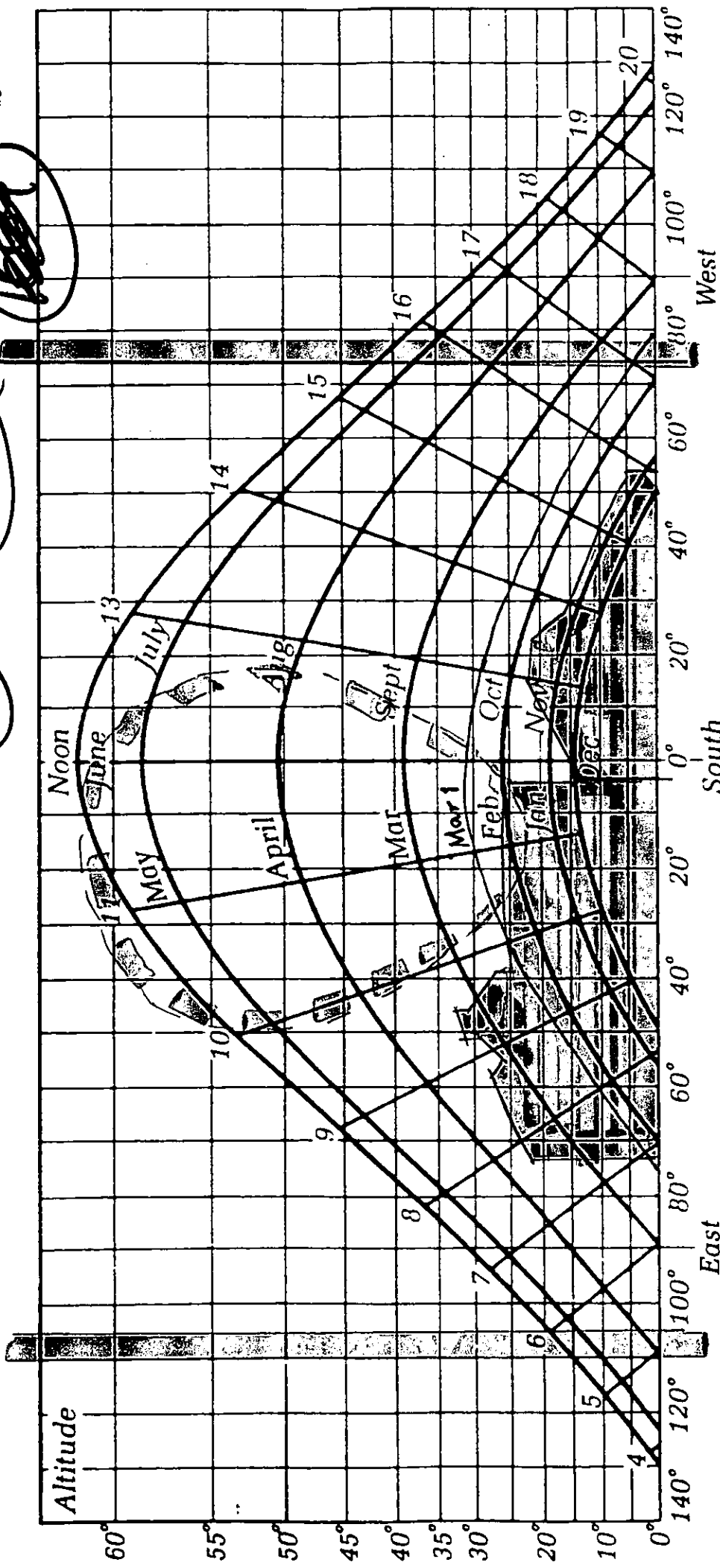
22 AUBREY WALK EXT'S

Sun path diagram for 52° N. All times are solar times with 1200 due south

1665

22

CONSTRUCTION
MCBAINS COOPER
PROPERTY AND

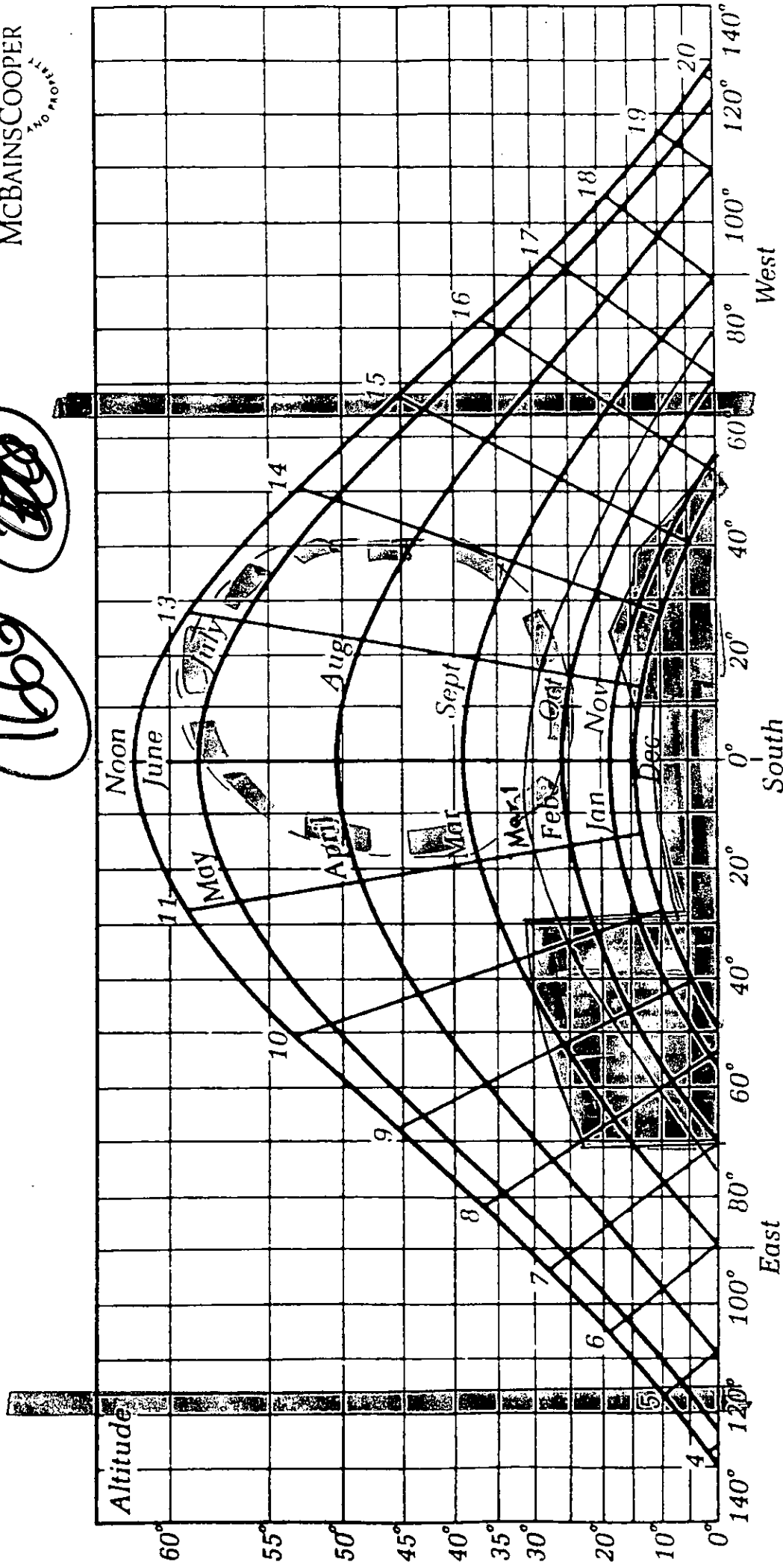


Azimuth

22 AUBREY WALK - PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south

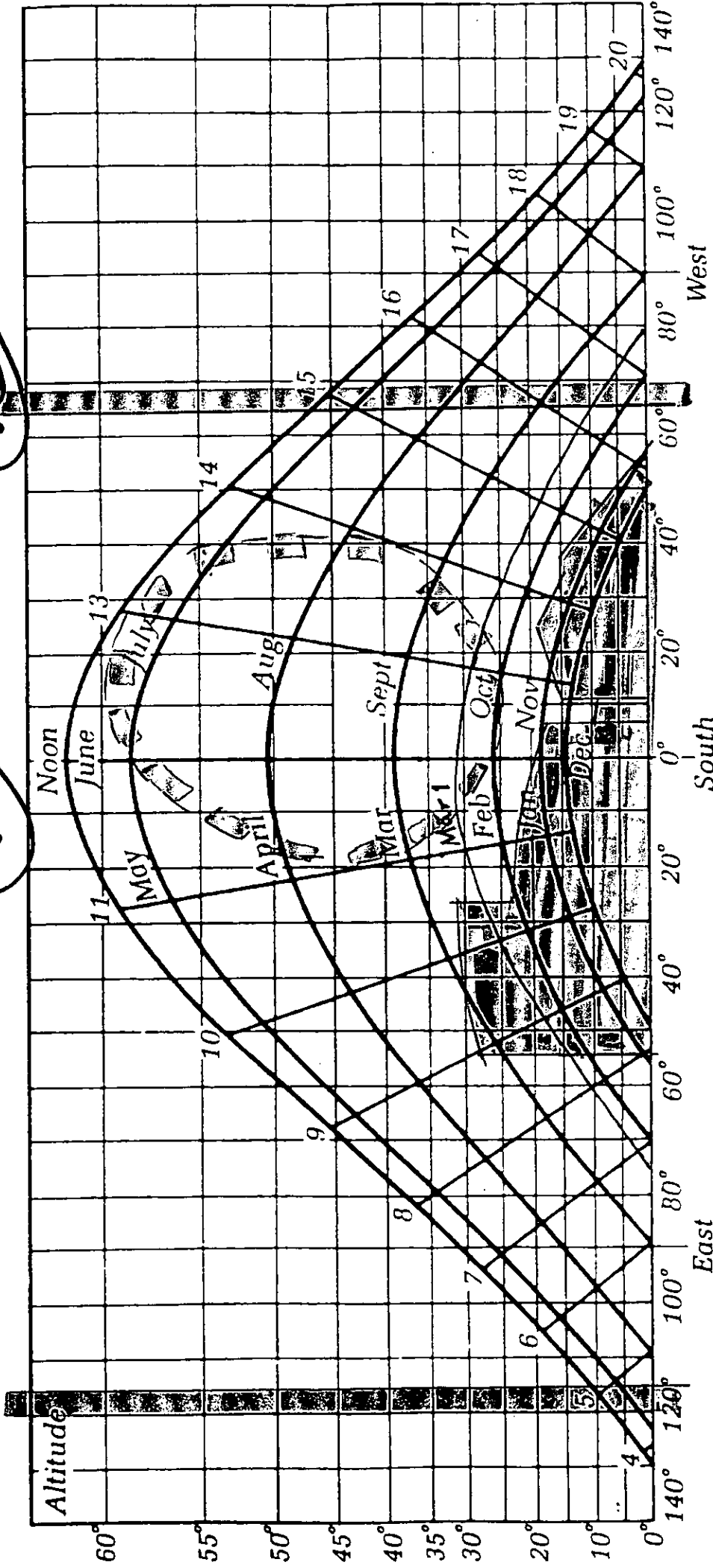
16619



20 AUBREY WALK - EXT⁶

Sun path diagram for 52°N. All times are solar times with 1200 due south

1637
 BLR
 [Signature]



Azimuth

20 AUBREY WALK - PROPOSED

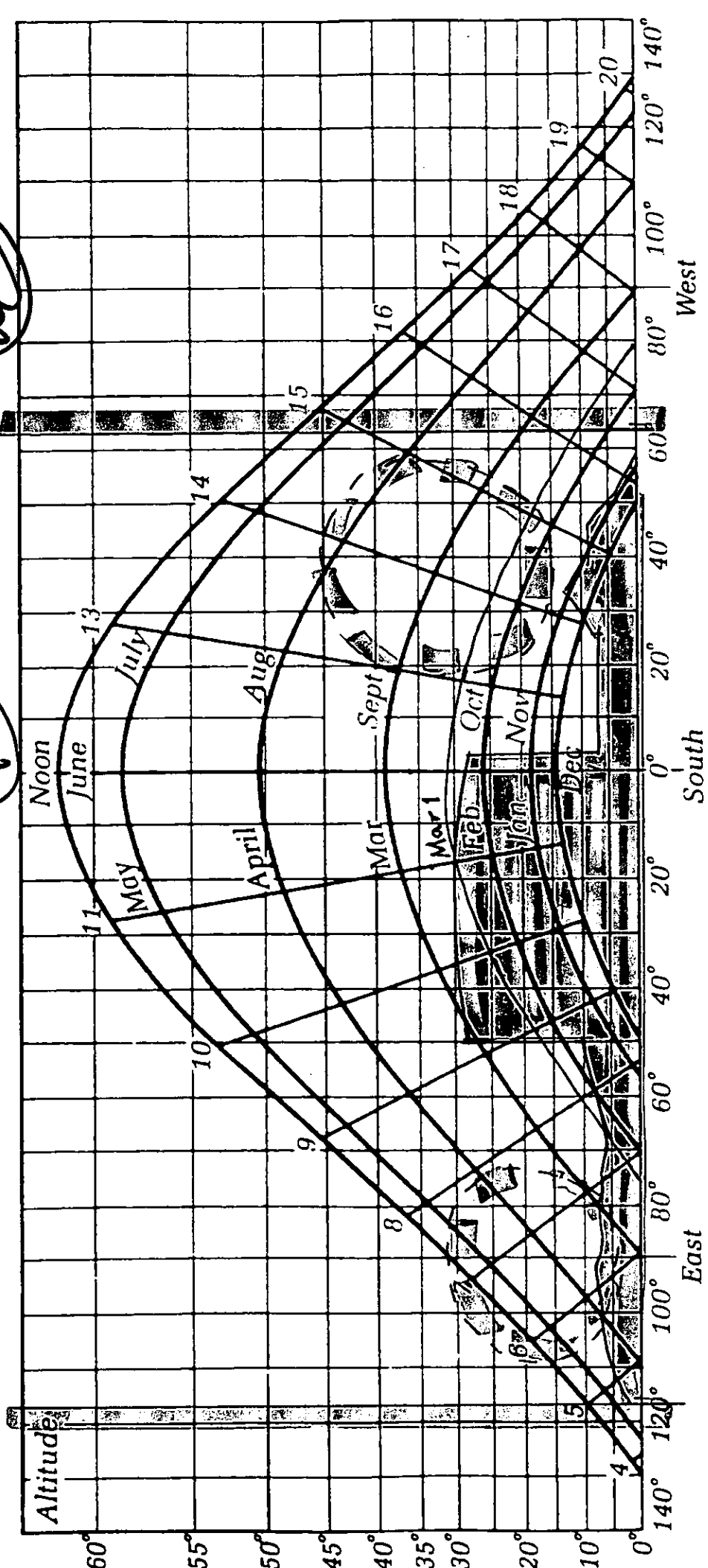
Sun path diagram for 52°N. All times are solar times with 1200 due south

CONSTRUCTION
 MCBAINS
 COOPER
 AND
 ASSOCIATES

[Handwritten signature]

[Handwritten signature]

1668

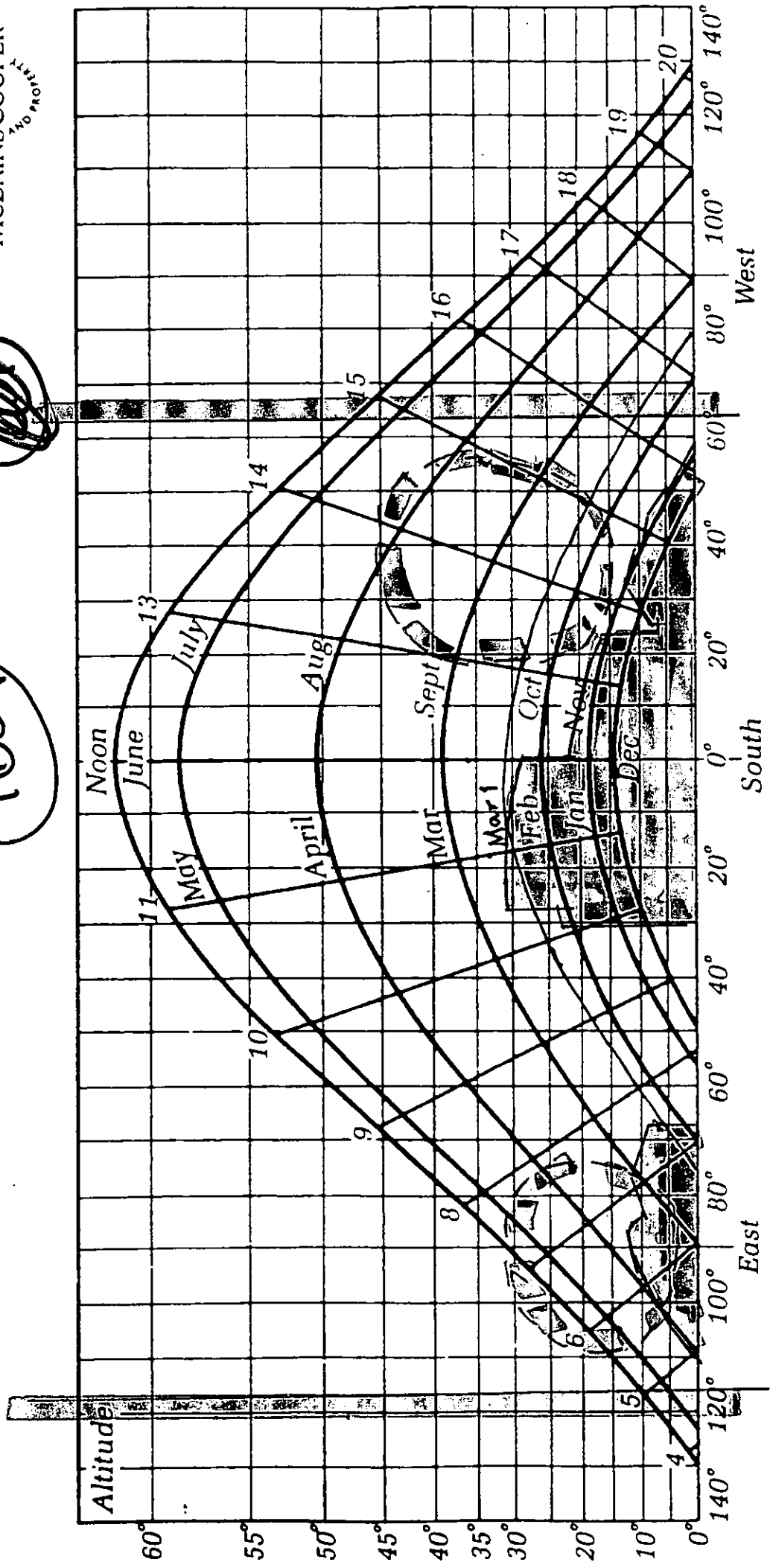


Azimuth

18 AUBREY WALK - EXT 6

Sun path diagram for 52°N. All times are solar times with 1200 due south

1669



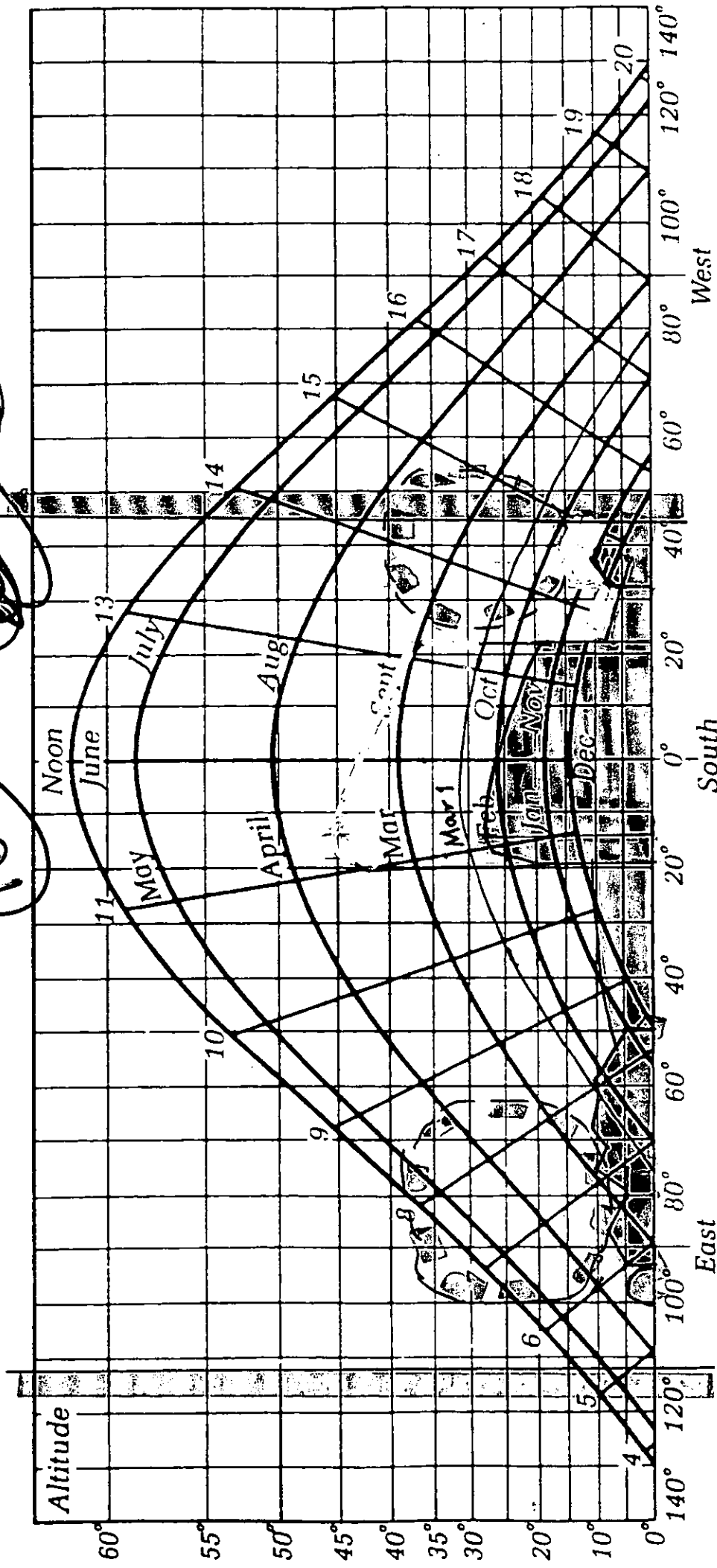
18 AUBREY WALK - PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south

1670

~~1670~~

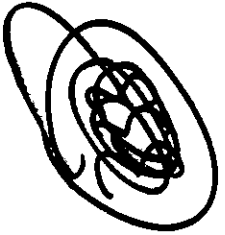
~~1670~~



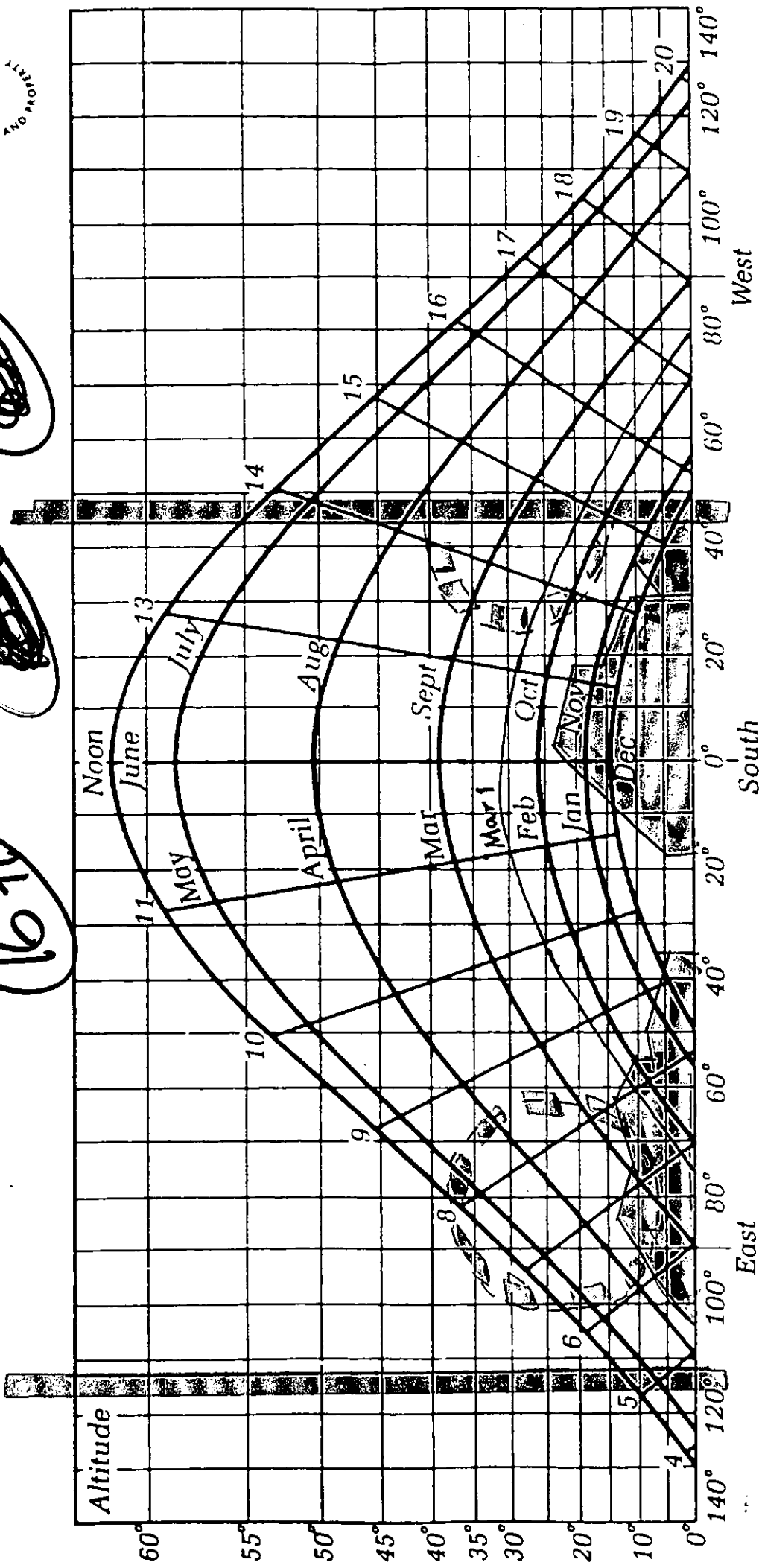
Azimuth

16 AUBREY WALK-EXTG

Sun path diagram for 52°N. All times are solar times with 1200 due south



1671



South
Azimuth

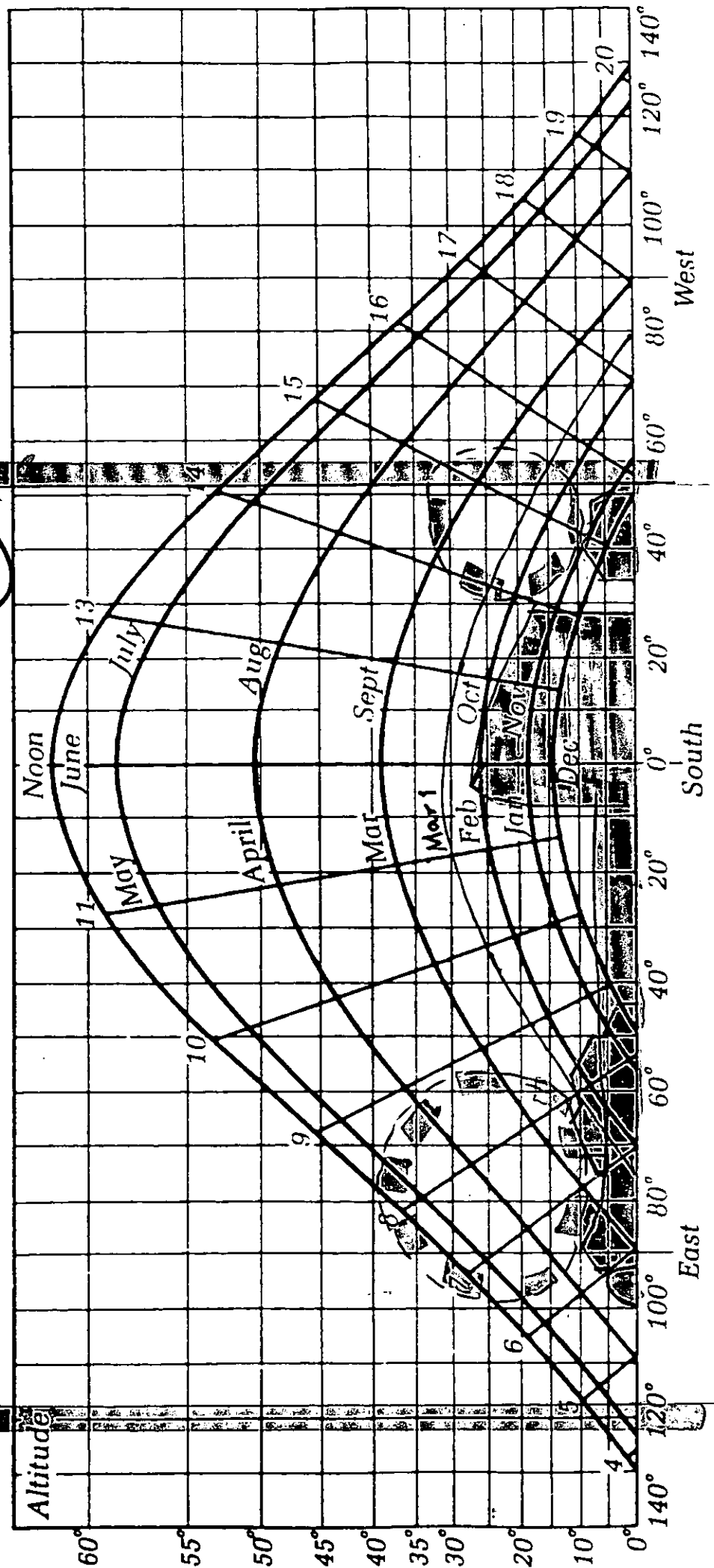
16 AUBREY WALK - PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south

1672

~~1672~~

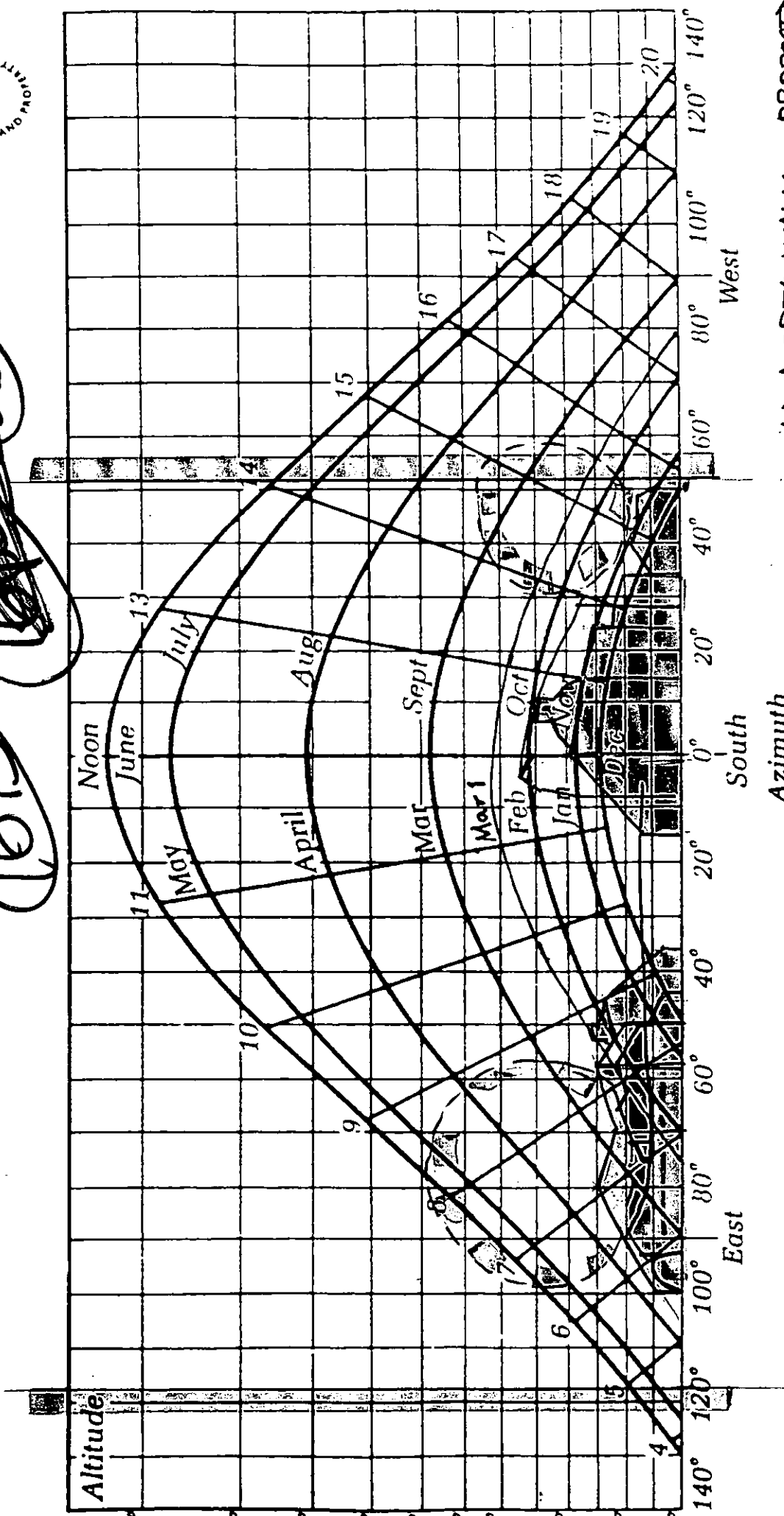
~~1672~~



14 AUBREY WALK - EXT 6

Sun path diagram for 52°N. All times are solar times with 1200 due south

673
~~1670~~

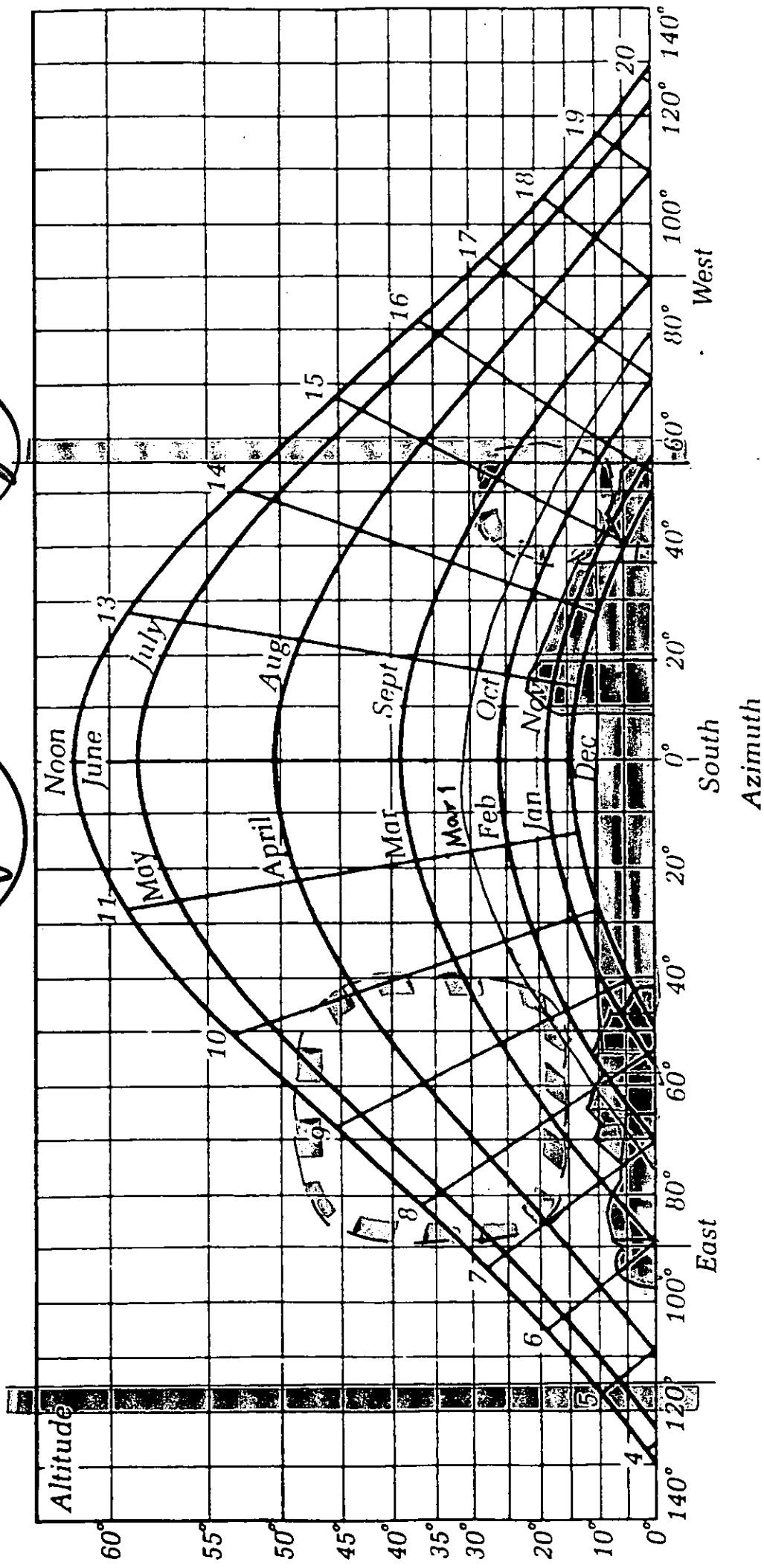


14 AUBREY WALK - PROPOSED

Sun path diagram for 52° N. All times are solar times with 1200 due south

(Handwritten signature)

(Handwritten "162M")



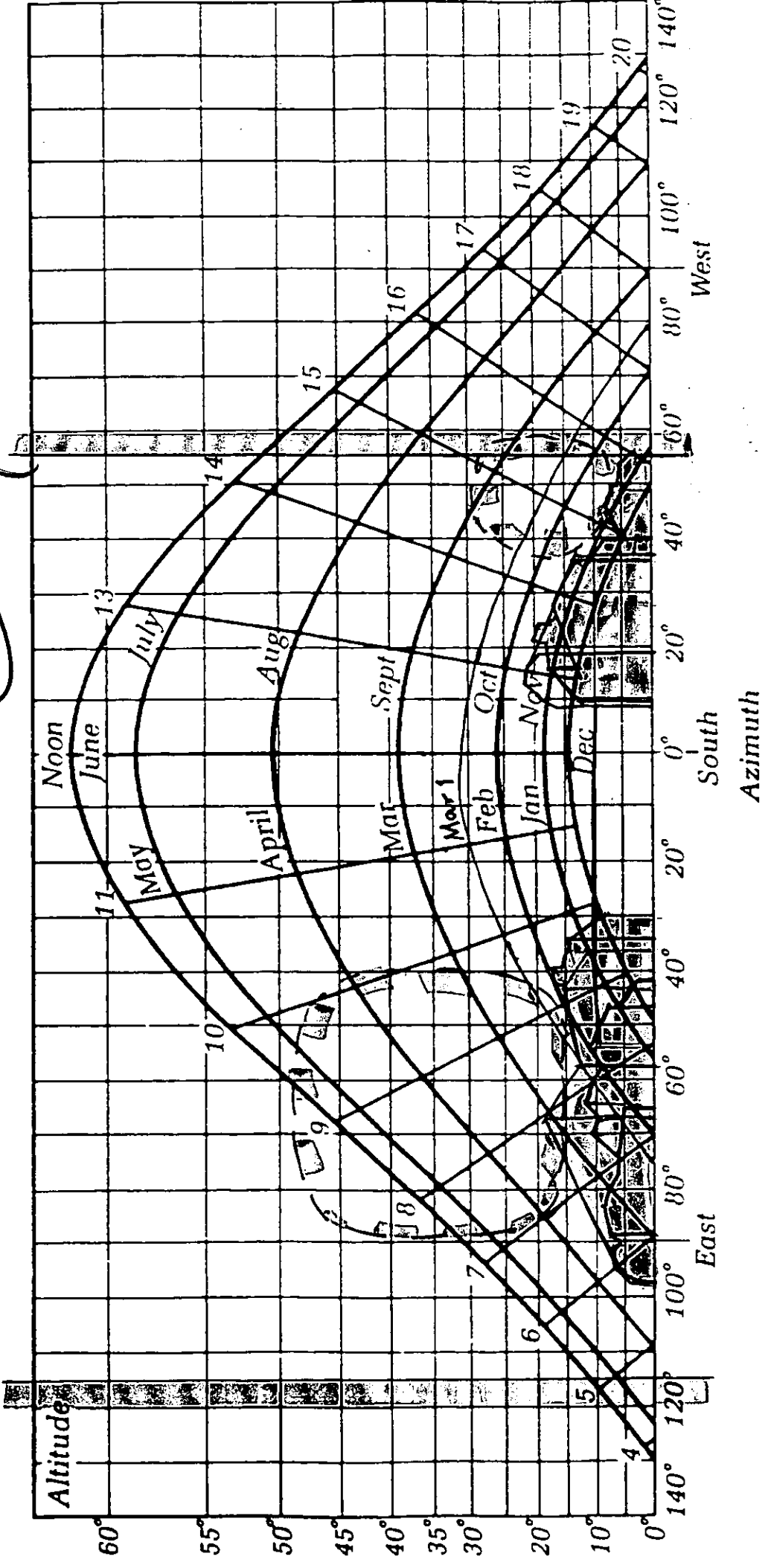
12 AUBREY WALK-EXT'G

Sun path diagram for 52° N. All times are solar times with 1200 due south

1675



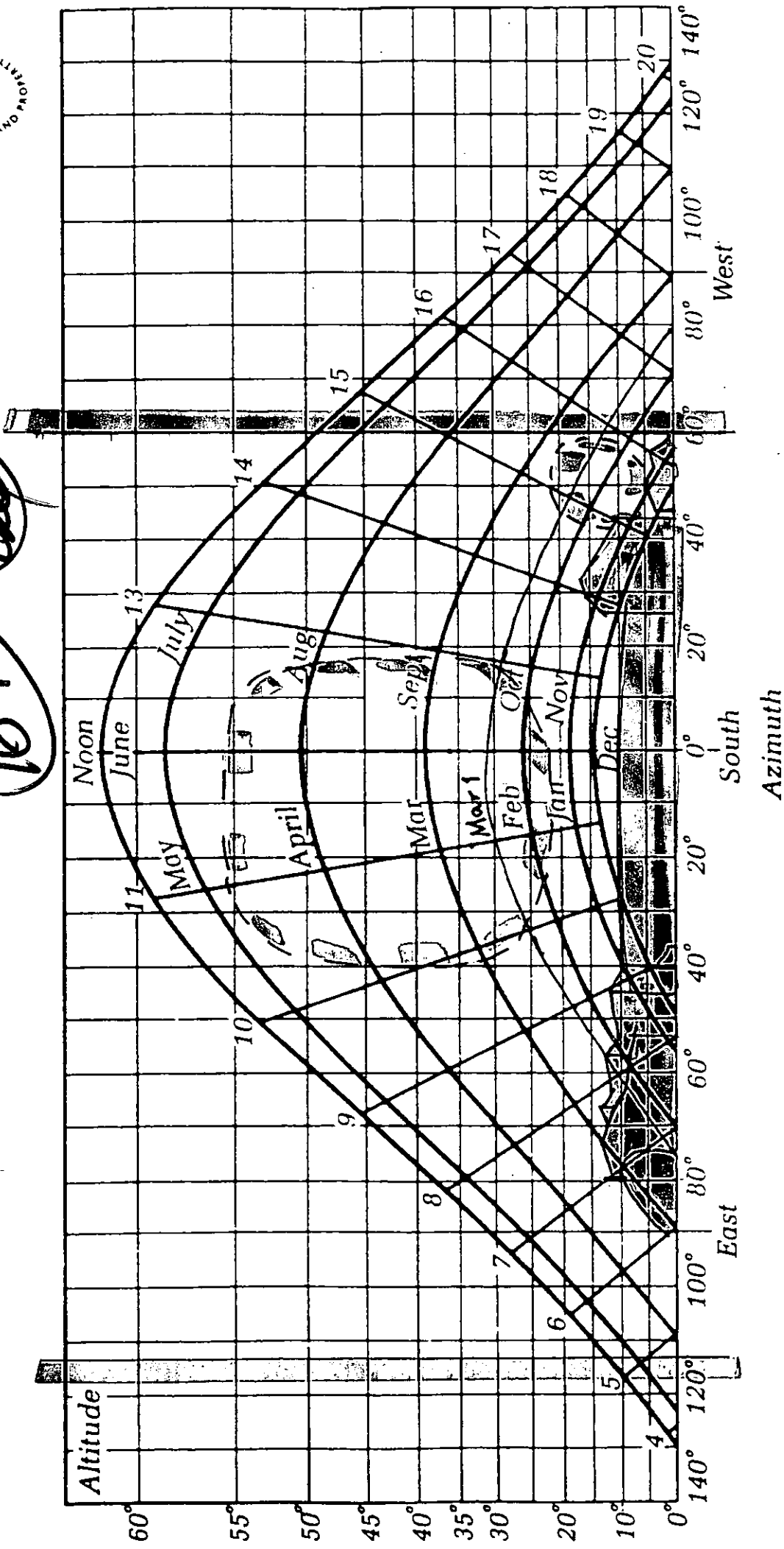
CONTRACTOR AND PROPERTY
MCBAINSCOOPER



12 AUBREY WALK-PROPOSED

Sun path diagram for 52° N. All times are solar times with 1200 due south

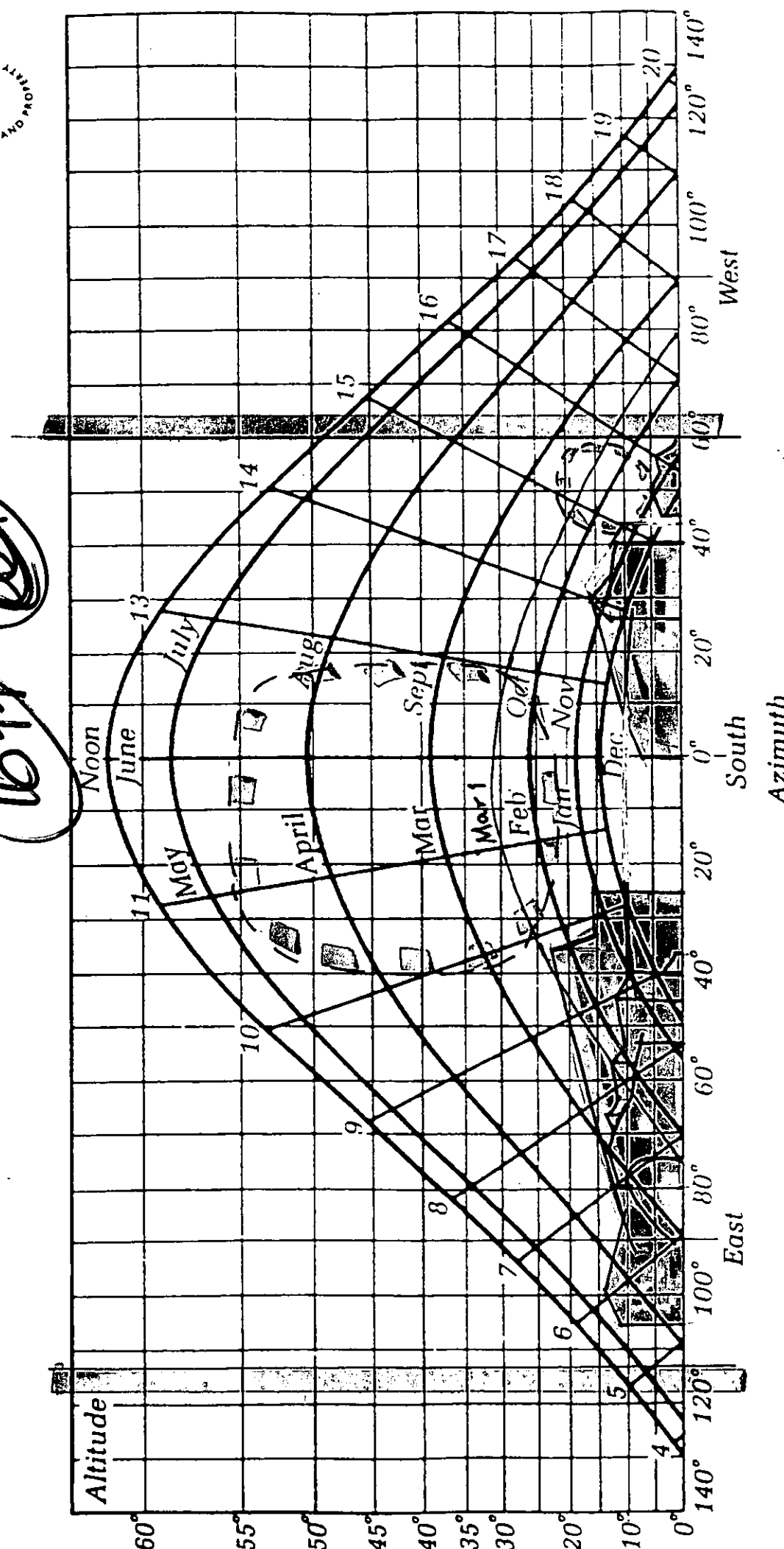
1676
 200



8 AUBREY WALK - EXT 1/9

Sun path diagram for 52° N. All times are solar times with 1200 due south

167A

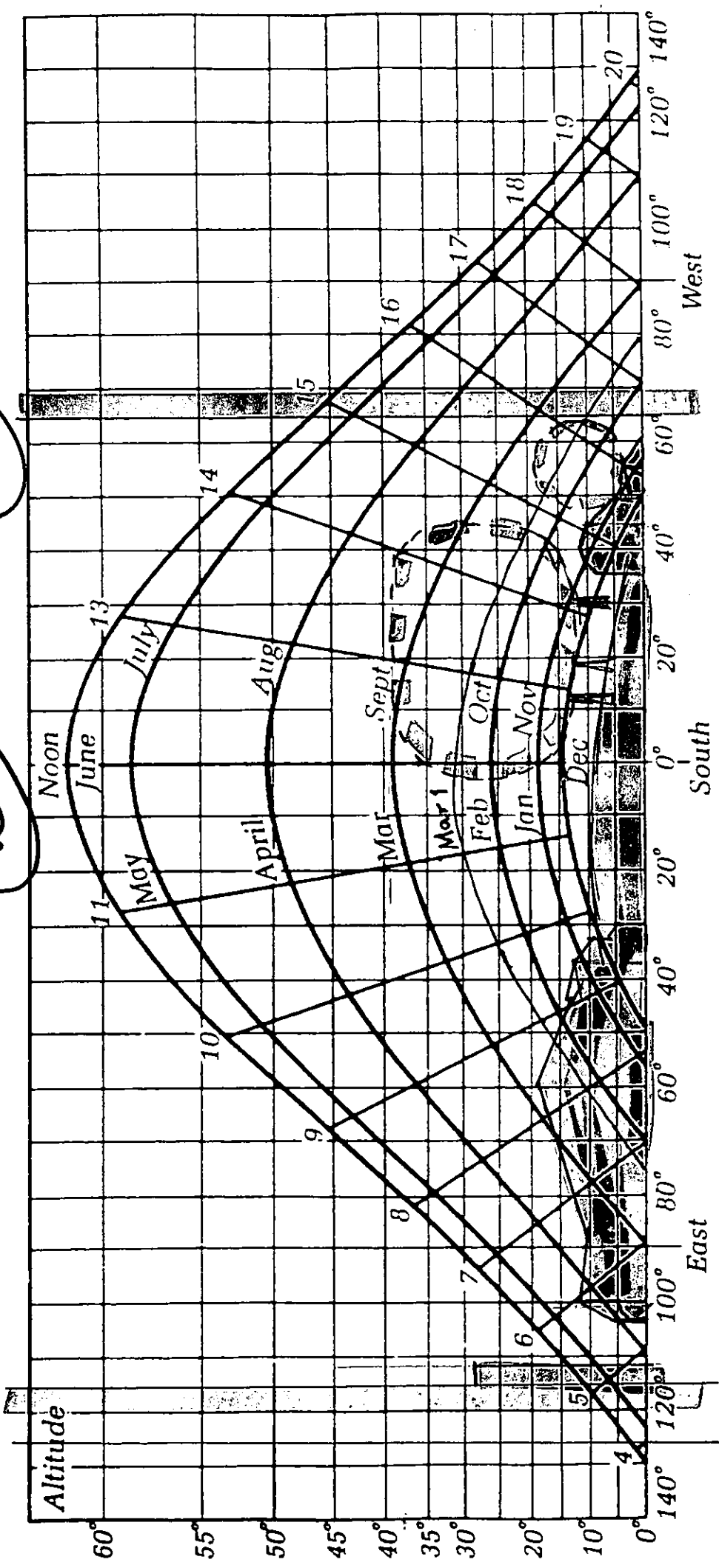


8 AUBREY WALK - PROPOSED

Sun path diagram for 52° N. All times are solar times with 1200 due south

(Handwritten scribble)

(Handwritten circled number: 1678)



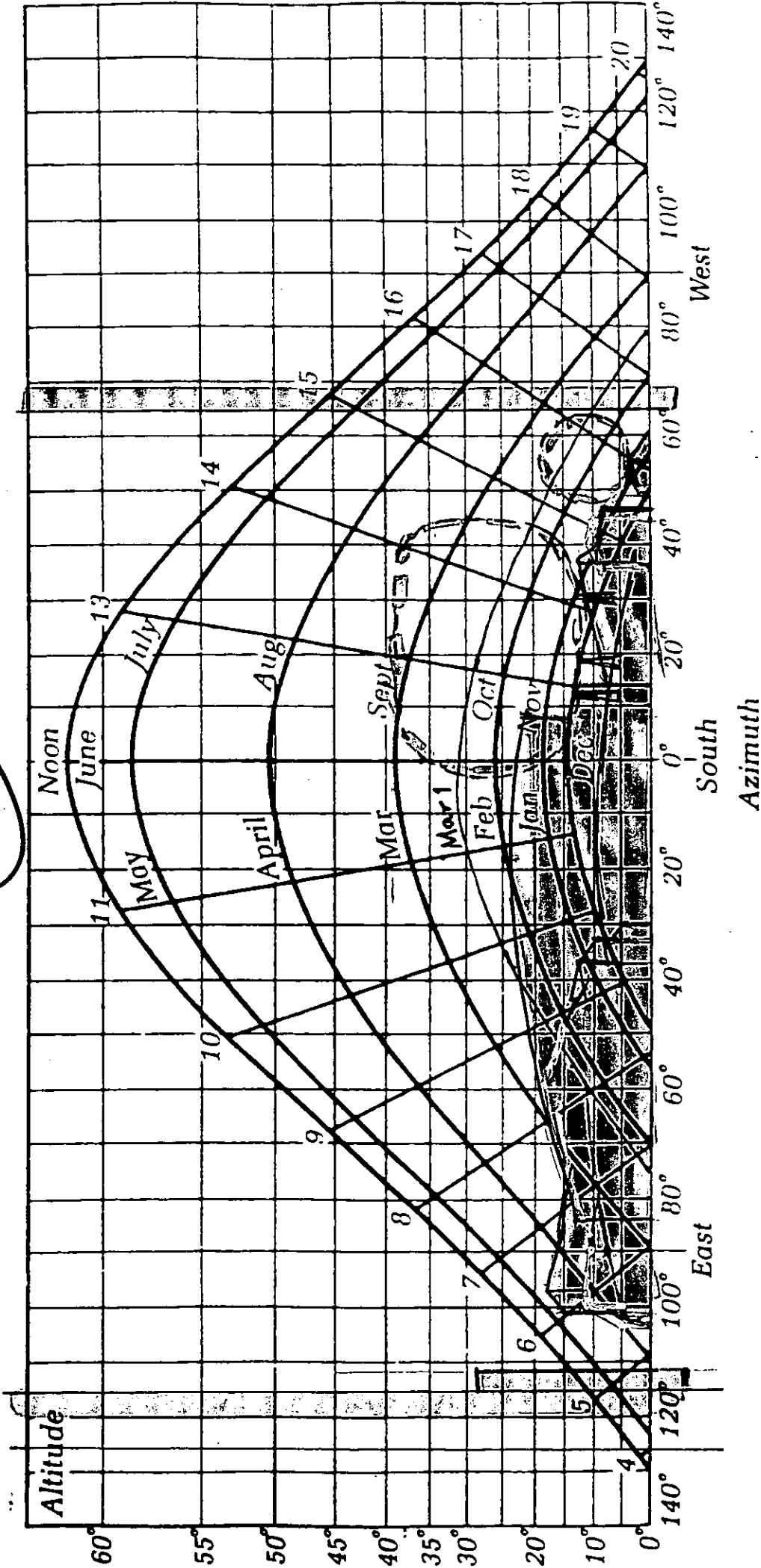
Azimuth

6 AUBREY-WALK-EXT6

Sun path diagram for 52°N. All times are solar times with 1200 due south

(Handwritten initials)

(Handwritten number 167)

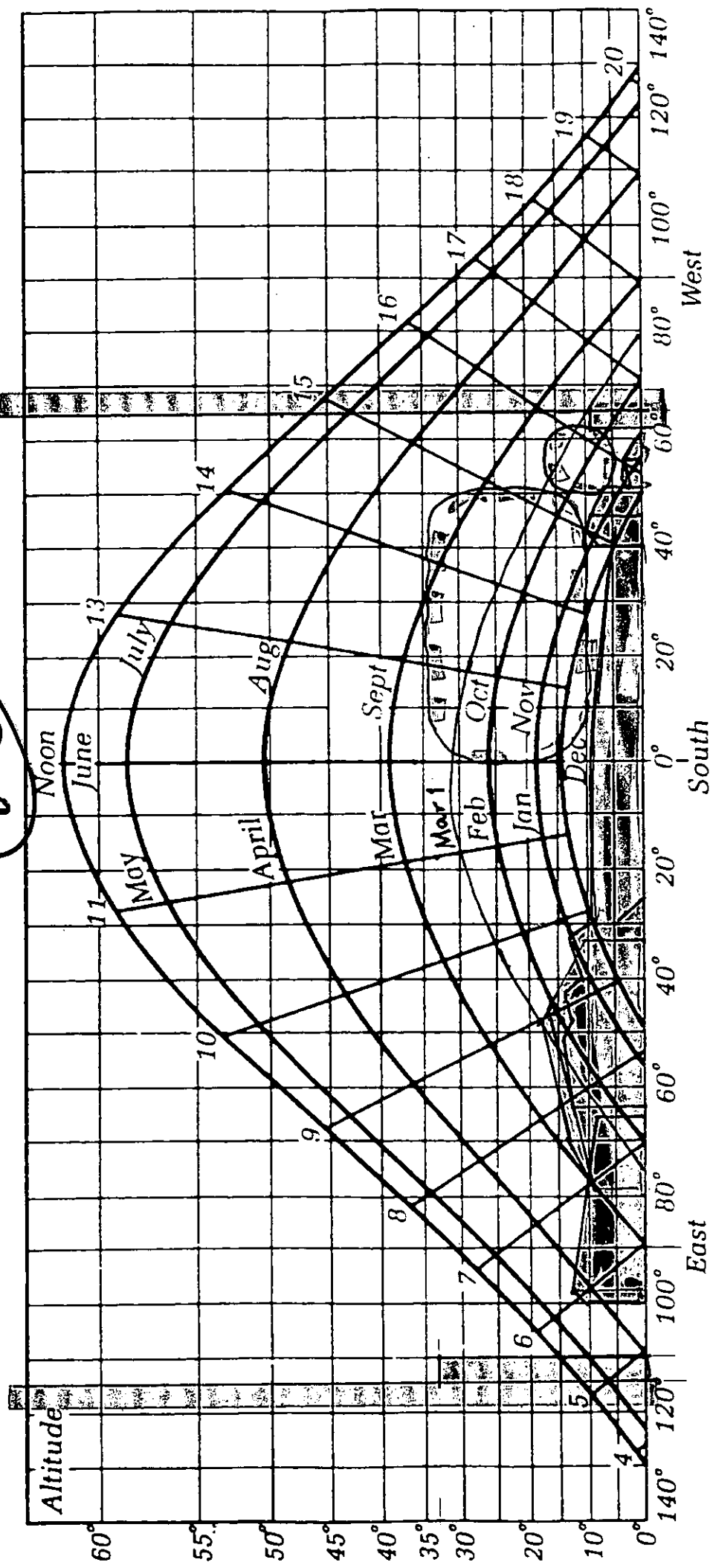


6 AUBREY WALK - PROPOSED

Sun path diagram for 52° N. All times are solar times with 1200 due south

~~2000~~

1680



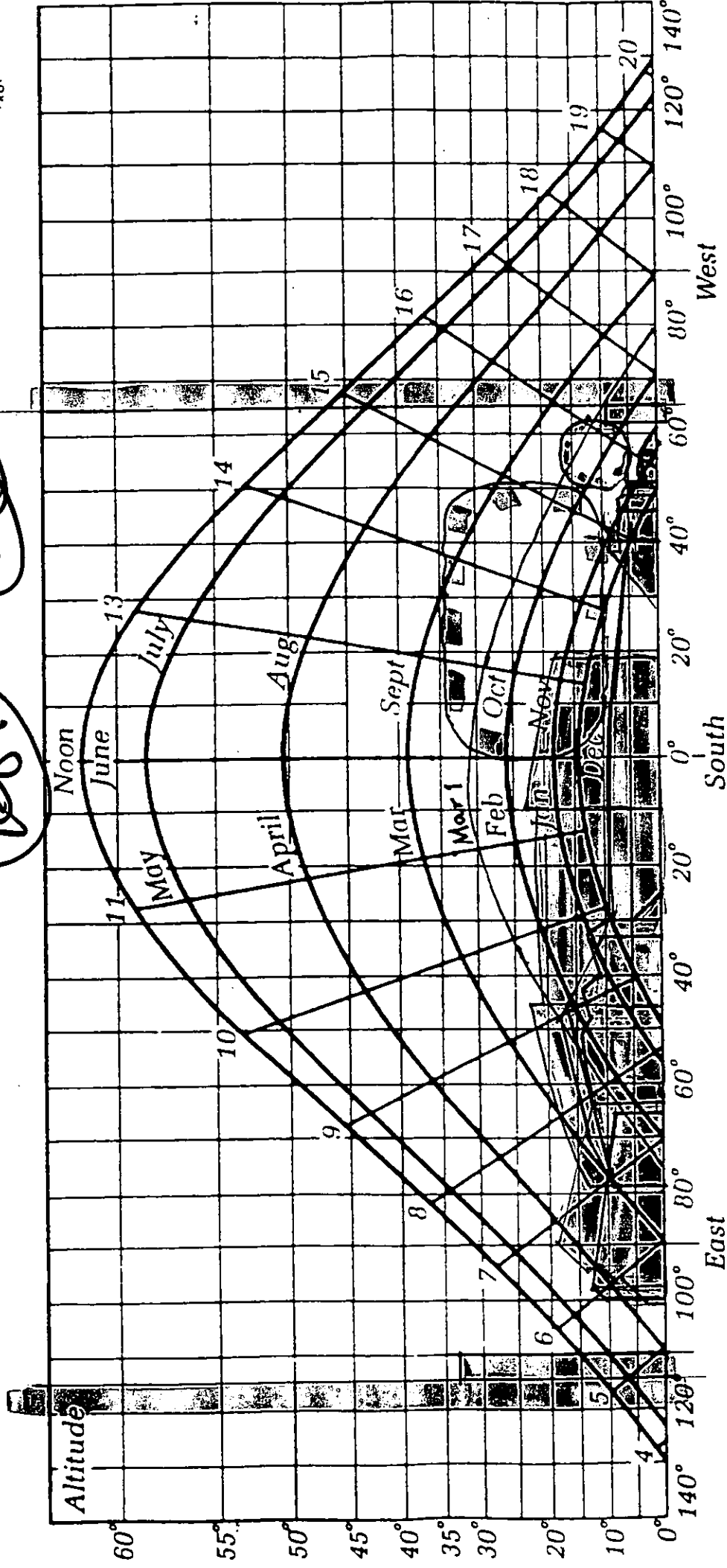
Azimuth

4 AUBREY WALK - EXT'G

Sun path diagram for 52°N. All times are solar times with 1200 due south

1687

~~1688~~



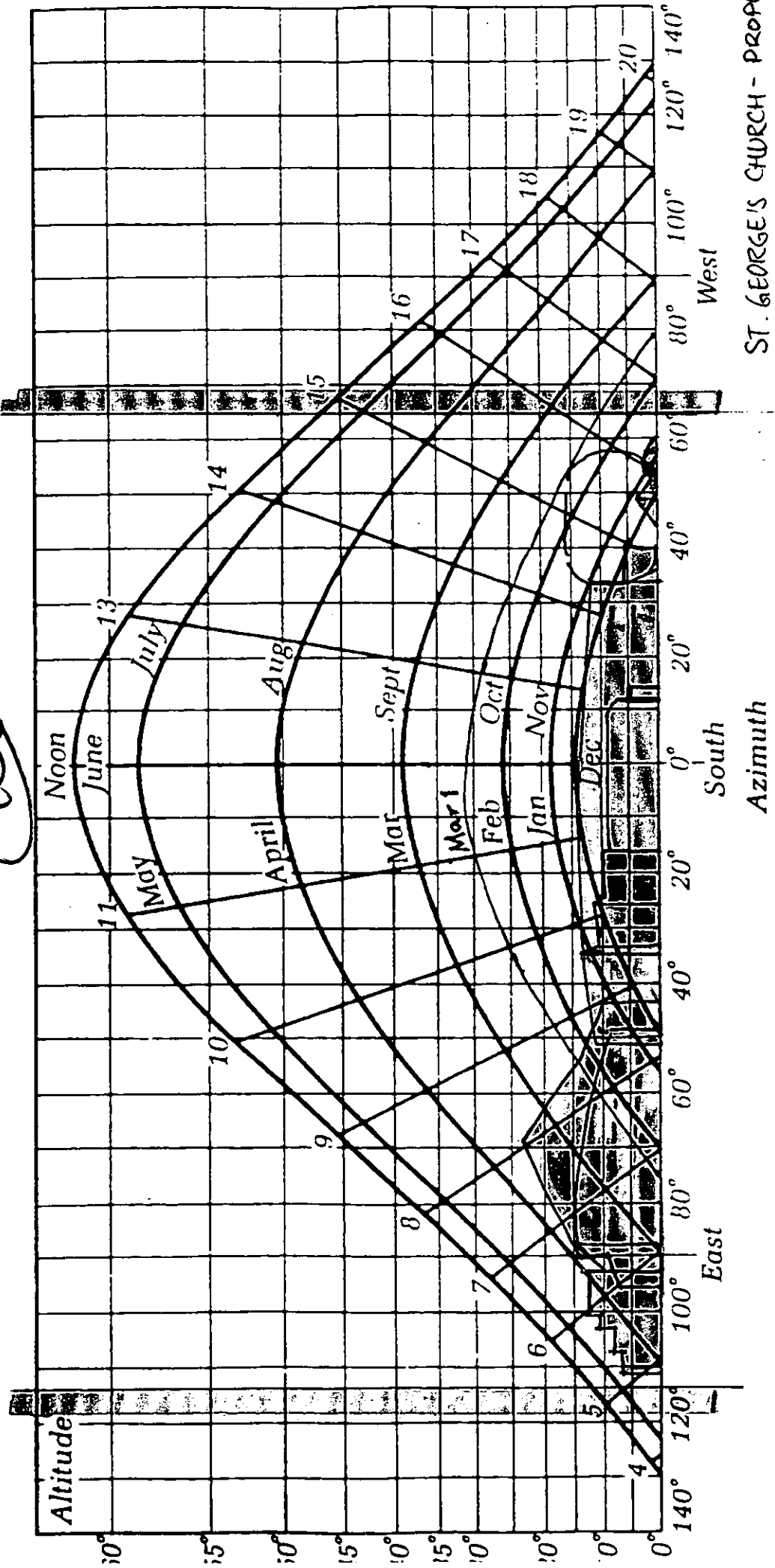
4 AUDREY WALK - PROPOSED

Azimuth

Sun path diagram for 52°N. All times are solar times with 1200 due south



1652

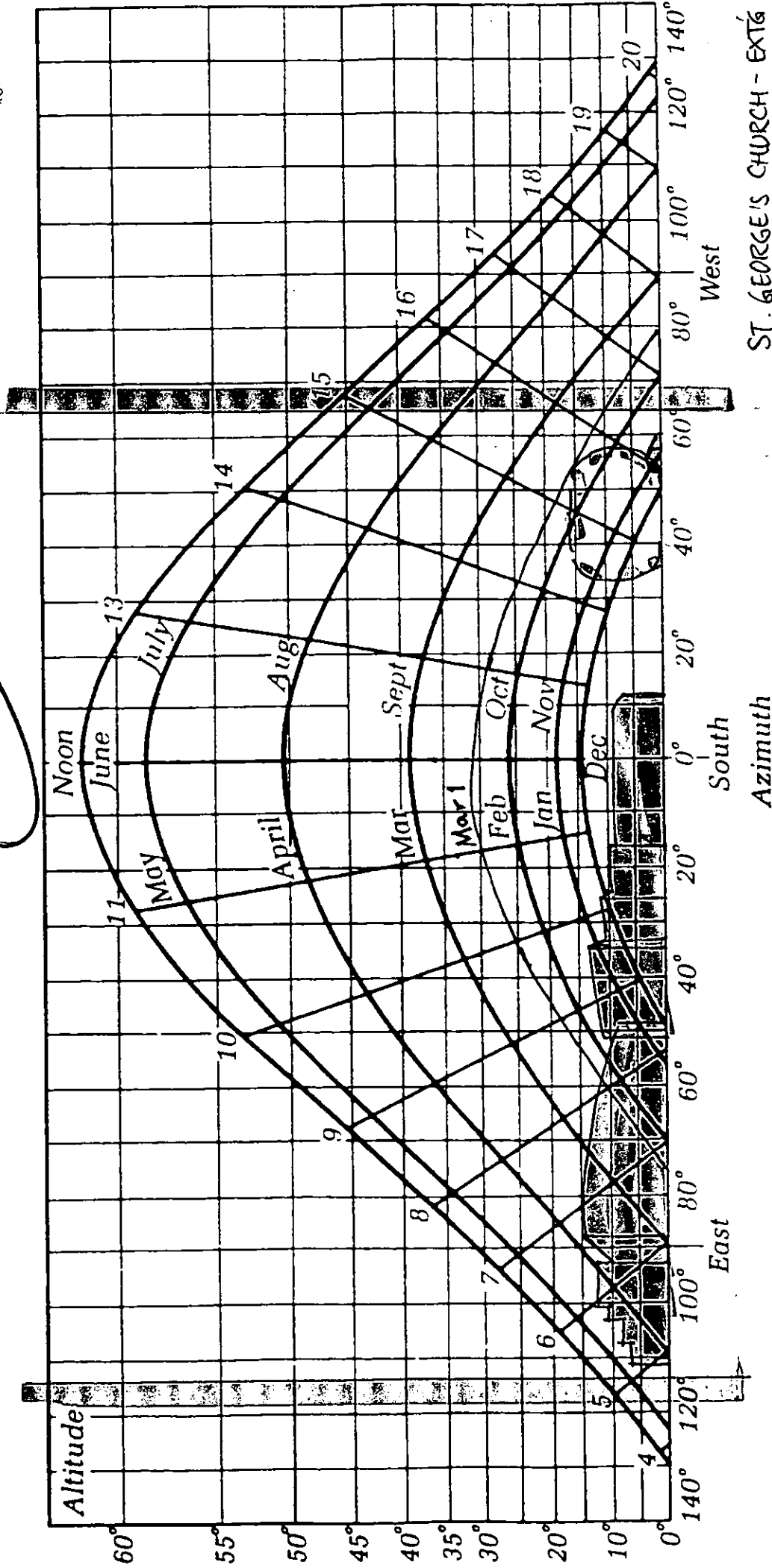


ST. GEORGE'S CHURCH - PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south



1683



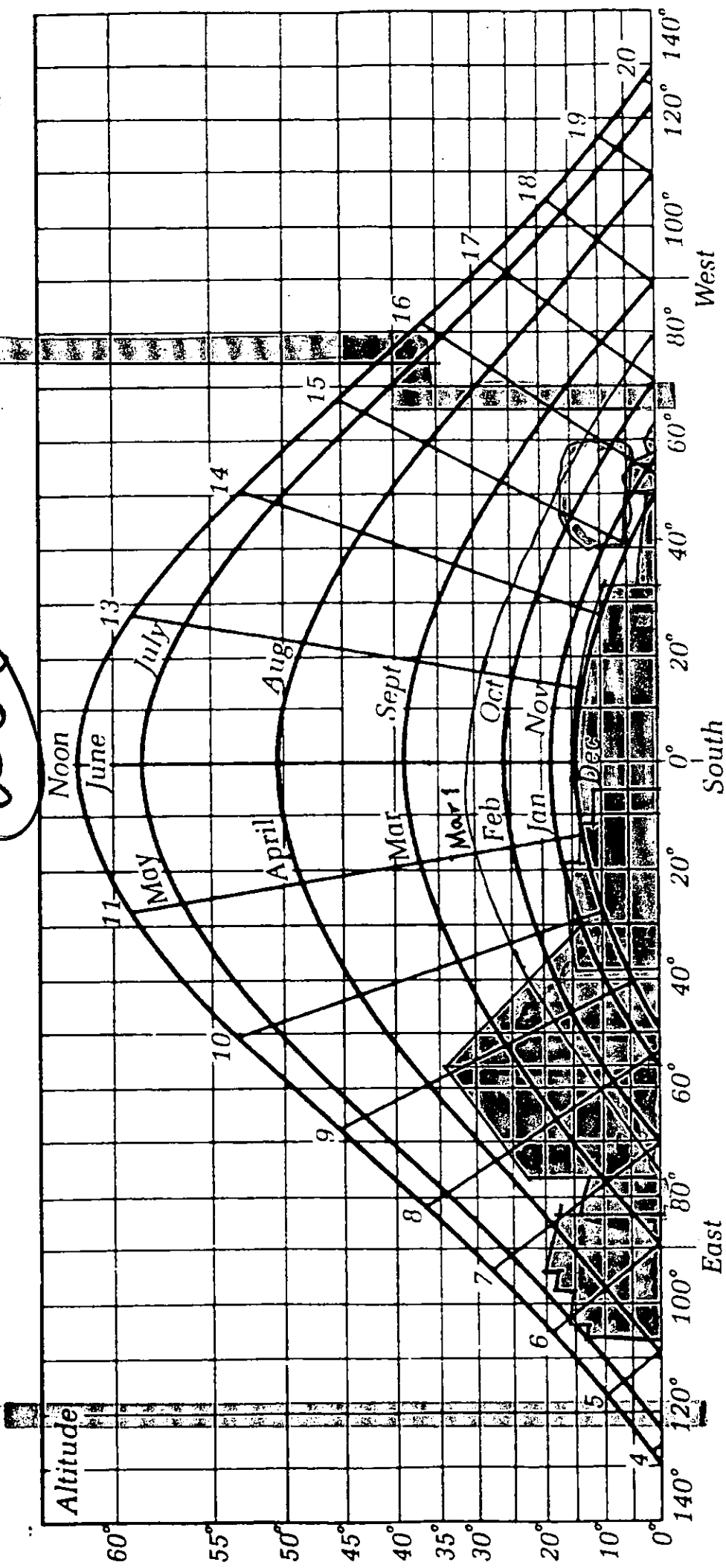
ST. GEORGE'S CHURCH - EXT 6

Sun path diagram for 52°N. All times are solar times with 1200 due south

CONSTRUCTION
MCBAINSCOOPER
 AND PARTNERS



6884

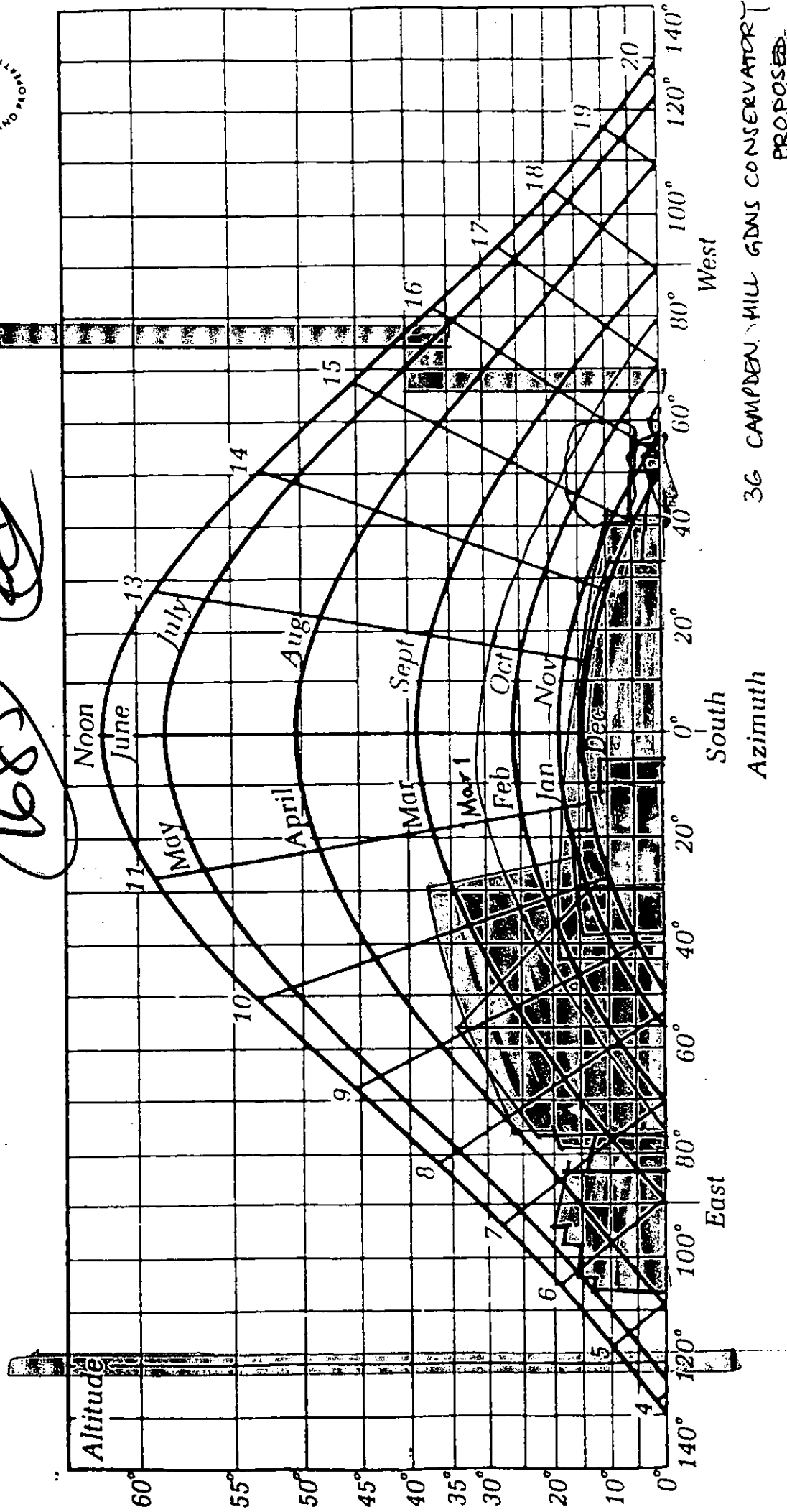


Azimuth 36 CAMPDEN MILL GDN'S CONSERVATORY
 EXISTING

Sun path diagram for 52° N. All times are solar times with 1200 due south

CONSTRUCTION AND MAINTENANCE
MCBAINS COOPER

685



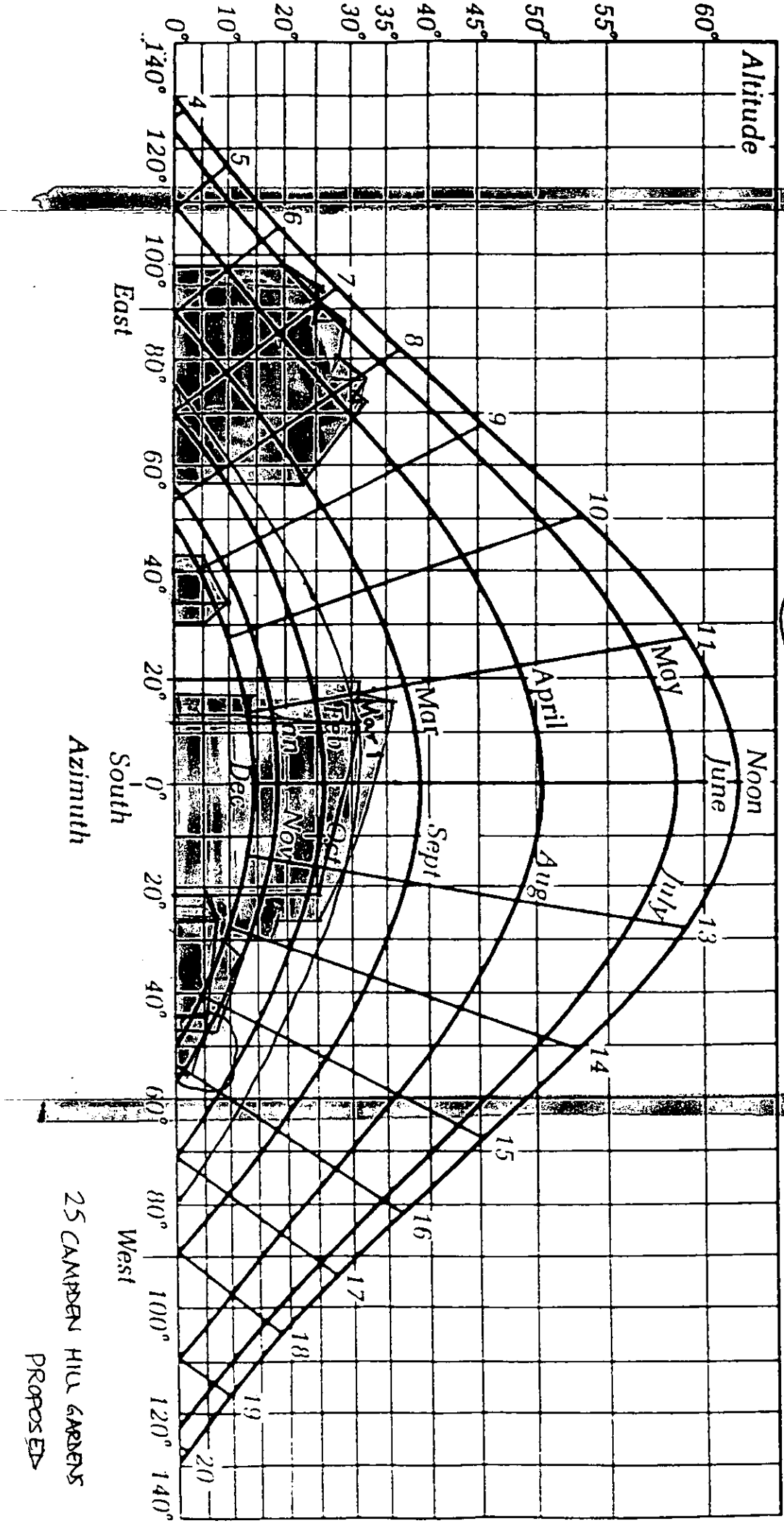
36 CAMPDEN MILL GARDEN CONSERVATORY
 PROPOSED

Sun path diagram for 52°N. All times are solar times with 1200 due south

16880

2488

CONTRACTOR
MCBAINSCOOPER
AND ARCHITECT



Sun path diagram for 52°N. All times are solar times with 1200 due south

25 CAMPDEN HILL GARDENS
PROPOSED