

# RIGHTS OF LIGHT | SUNLIGHT & DAYLIGHT





## ABOUT US

Our integrated multi-disciplinary organisation encompasses the skills and specialisms necessary to provide a definitive and diverse service to the public and private sectors.

A flexible response on every project is made possible by the seasoned and committed people at calfordseaden; expert individuals working in focused teams offering complementary and mutually supportive competencies. The Practice is well resourced with a continuous investment in staff, quality management systems and information technology.

### WHAT IS A RIGHT OF LIGHT?

A Right to Light is a right (or easement) which the owner of one property has over another. The right is also intended to prevent a property owner from doing anything that would damage the Right to Light of another.

A Right to Light is not a right to a view, nor is it a right to receive rays of sunshine through a window. It is simply the right not to have light obstructed by a new structure.

If an owner wishes to undertake any work which might seriously affect the amount of light passing through any window of a neighbour's property, they should consider the possibility that either they will not be allowed to do this or that they may have to pay compensation to the neighbour.

There are three main ways in which a Right to Light can be gained. These are:

- By a grant or licence
- By use since time immemorial
- Under the Prescription Act 1832

A Right to Light can be lost if it has been blocked for a year or if it can be proven to have been abandoned.

Most Rights of Light problems occur on inner city, "brownfield" sites where a developer wishes to build on land adjacent to existing buildings.

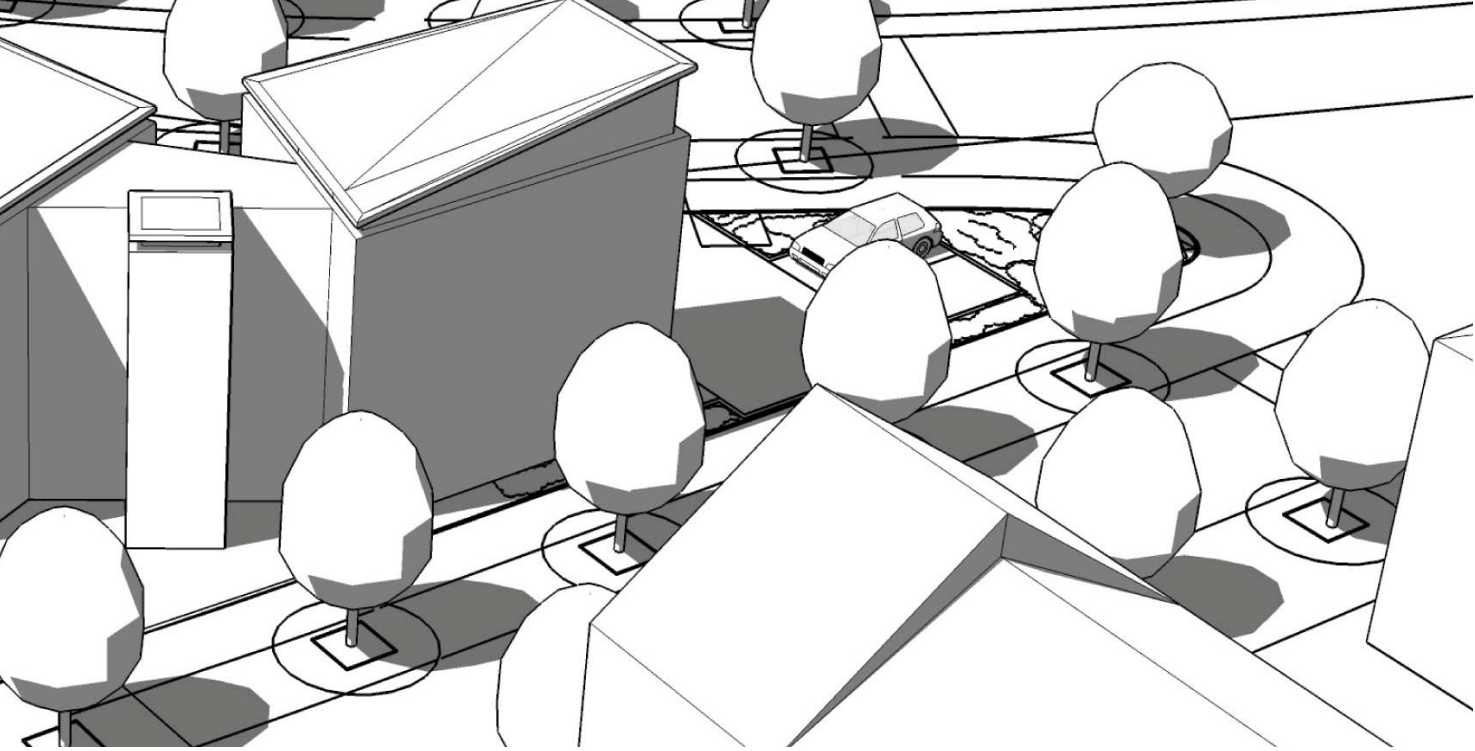
If you are a developer or an adviser to a developer:

- Do you know whether your development is likely to damage someone's Right to Light?
- Do you know how much it will cost you if it does?
- Are there any windows overlooking your site, or have there been windows overlooking the site at any time?

If you live next door to a proposed development or a site where construction is underway:

- Do you know what your rights are?
- Can you stop the development?
- Are you entitled to compensation?
- How do you protect yourself against possible future development?

Whoever you are it is important that you have evidence to prove your case.



### Sunlight and daylight

These are not easements in the same way that a Right to Light is, but they are two of the many matters with which the Local Planning Authority (LPA) will concern themselves when considering Planning Applications.

Development of land can result in significant changes to the amount of daylight and sunlight reaching windows and, in residential areas, sunlight to gardens. The LPA can insist on alterations to the proposed development if it considers these changes are too great.

If you know the maximum height and size of a building that can be constructed without affecting your neighbour's Daylight and Sunlight, you can significantly increase your chances of successfully obtaining planning consent.

### Advice to you

**Our experts undertake:**

- Necessary research to establish whether a Right to Light exists
- Measured surveys and an analysis of the effect to a Right to Light and levels of Sunlight and Daylight

**They advise on:**

- Possible courses of action
- Scale of the development to maximize its value
- Changes to the development proposals to reduce or negate the impact
- Possible levels of compensation or provide evidence in support of an application for an injunction if appropriate
- The possibility of preventing the acquisition of a Right to Light

**They also:**

- Assist your solicitor in the preparation of a deed to settle any Right to Light dispute
- Monitor the development to ensure compliance with any agreement
- Provide reports in support of a Planning Application for Daylight and Sunlight matters

**Whatever the scale or scope of your project, our Rights of Light expertise is at your disposal and can be integrated with any other areas of calfordseaden's service.**

**For further information contact:**

#### **Stephen Cotterell**

BSc FRICS I Eng AMI Struct E  
Partner

T 01689 888222

E [scotterell@calfordseaden.co.uk](mailto:scotterell@calfordseaden.co.uk)

#### **Dr Peter Defoe**

PrD(BE) DipArb FRICS FCIArb MCQI CQP  
Partner and Business Systems Manager

T 01689 888222

E [pdefoe@calfordseaden.co.uk](mailto:pdefoe@calfordseaden.co.uk)

**HEAD OFFICE**

St John's House, 1a Knoll Rise

**Orpington** Kent BR6 0JX

**T** 01689 888222

**F** 01689 888299

**E** [orpington@calfordseaden.co.uk](mailto:orpington@calfordseaden.co.uk)

King's Head House

King's Head Yard

Borough High Street

**London** SE1 1NA

**T** 020 7940 3200

**F** 020 7940 3299

**E** [london@calfordseaden.co.uk](mailto:london@calfordseaden.co.uk)

Stewart Court

214a Hagley Road, Edgbaston

**Birmingham** B16 9PH

**T** 0121 454 1688

**F** 0121 454 1700

**E** [birmingham@calfordseaden.co.uk](mailto:birmingham@calfordseaden.co.uk)

Calford House

Wessex Business Park

Wessex Way

Colden Common

**Winchester** SO21 1WP

**T** 01962 718300

**F** 01962 718350

**E** [winchester@calfordseaden.co.uk](mailto:winchester@calfordseaden.co.uk)

**[www.calfordseaden.co.uk](http://www.calfordseaden.co.uk)**

CHARTERED SURVEYING  
PROJECT MANAGEMENT  
ARCHITECTURE & MASTER PLANNING  
CIVIL & STRUCTURAL ENGINEERING  
MECHANICAL & ELECTRICAL ENGINEERING  
SUSTAINABILITY ADVICE  
HEALTH & SAFETY CONSULTANCY

Printed on paper manufactured from 100% woodfree ECF (Elemental Chlorine Free) pulp sourced from sustainable managed forests. It is totally recyclable and manufactured within ISO 14001 accredited mill. Also conforming to EMAS (Eco-management and audit scheme). It is one of the first papers to carry the FSC (Forest Stewardship Council Certification).

calfordseaden LLP is a Limited Liability Partnership Registered in England and Wales number OC315838 Registered Office: Devonshire House, 60 Goswell Road, London EC1M 7AD where a list of members is kept