

Planning Inquiry: APP/L3625/W/25/3364217

Rebuttal Proof of Evidence: Daylight, Sunlight and Overshadowing

By Andrew Cartmell MRICS
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1 Introduction

- 1.1 My name is Andrew Cartmell. I am a Senior Director and Co-Founder of Point 2 Surveyors Ltd. I am a Chartered Building Surveyor with over 20 years of professional experience specialising in daylight, sunlight and overshadowing matters. I therefore have an extensive and broad range of experience in this area, having worked on hundreds of projects.
- 1.2 I have prepared this Rebuttal Evidence to address certain points raised in the evidence of Mr Jonathan Weekes, Director at Beta Town Planning Limited.

2 Response to Evidence Provided by Mr Weekes

- 2.1 Mr Weekes sets out his evidence in relation to daylight and sunlight at Section 9 of his Proof of Evidence.

The National Planning Policy Framework

- 2.2 At Paragraph 9.1 of Mr Weekes' Proof of Evidence he cites paragraph 135f of the NPPF¹ which is within Chapter 11 of the NPPF headed 'Making effective use of land'. Mr Weekes states:

9.1 The NPPF sets out an expectation that proposals will exhibit good design as part of the wider sustainable development. This in part includes ensuring appropriate assimilation with the surrounding area and delivering a high standard of amenity for existing and future users (paragraph 135f).

- 2.3 In addition to the above, I would draw the inspector's attention to paragraph 130(c) which specifically references an approach to any daylight and sunlight impacts:

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 2.4 It is my understanding that the proposals are looking to make efficient use of the land. On the basis that the proposals make efficient use of the land, but this results in some daylight and sunlight impacts that are beyond the BRE guidelines, it follows that a flexible approach in line with the NPPF should be taken.

Application of the Methodology

- 2.5 At paragraph 9.3 to 9.10 of his Proof of Evidence Mr Weekes looks to summarise the VSC, NSL and APSH methods and sets out the results for Quadrant House against the BRE suggested criteria.

- 2.6 At Paragraph 9.11 Mr Weekes raises 2 points. The first is:

(1) Why is it acceptable to simply accept lower requirements in urban areas, ignoring the content of the BRE Guidelines, which is taken as the best practice advice. Reducing the ASPH to 50% for example (as undertaken by the Appellant to justify the scheme) has no policy or guidance basis. It simply suits the Appellant's purpose to downplay the harm that would result from the proposal.

¹ National Planning Policy Framework (December 2024)

- 2.7 My Daylight, Sunlight and Overshadowing Report (January 2024) and Proof of Evidence does not ignore the content of the BRE guidelines. Mr Weekes is of the opinion that applying alternative target values has no policy or guidance basis. I do not consider this correct and give examples of both:
- 2.8 **Policy** - The NPPF states that flexibility should be applied to the daylight and sunlight standards where they would otherwise not make full use of the Site's potential. The Surrey Design (2002) also suggests a flexible approach to daylight and sunlight is taken.
- 2.9 **Guidance** – The BRE guidelines state that the guidance should not be applied rigidly and that in certain circumstances flexibility and alternative targets should be applied. The BRE guidelines states at the start of Paragraph 1.6:
- 1.6 The guide is intended for building designers and their clients, consultants, and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design (see Section 5). In special circumstances the developer or planning authority may wish to use different target values.*
- 2.10 My Daylight, Sunlight and Overshadowing Report (January 2024) and Proof of Evidence recognises that impacts beyond those recommended by the BRE guidelines will occur to certain flats within Quadrant House, and these impacts may therefore be noticeable by some of the occupants. This does not however mean that the effects must be concluded as 'significant' or 'overly harmful' as suggested by Mr Weekes (which is a rigid application of the BRE guidelines).
- 2.11 To be able to reach a suitable conclusion, my Daylight, Sunlight and Overshadowing Report (January 2024) goes on to consider whether the retained daylight values, whilst below the BRE guidelines recommended figures, can be considered acceptable given the Site's density potential and the urban location.
- 2.12 Having assessed whether the retained daylight and sunlight levels are acceptable given the Site's location and density potential, my opinion is that the impact to the flats within Quadrant House can be considered acceptable and not 'adverse' in the context of local policy DES1.
- 2.13 The second point raised by Mr Weekes at Paragraph 9.11 of his Proof of Evidence is:
- (2) The location is not considered to be an urban location. It is a market town with only a few more recent high-rise properties. It is distinctly different in character to that of a dense built environment of a City. To try and compare Redhill to a City is like comparing apples and oranges.*
- 2.14 Mr Weekes states that the location is not considered to be an urban area. However, at paragraph 5.2 of his Proof of Evidence he cites the designations assigned to the appeal site within the Reigate and Banstead Core Strategy (adopted July 2014) and the Reigate and Banstead Development Management Plan (Adopted 2019). The first bullet point designation is 'Urban area'.

2.15 In addition to the above, the adopted Reigate & Banstead Borough Council A23 Great Street Design Code Supplementary Planning Document (June 2024), at Figure 2.5 shows the Site is within the 'Central Urban Areas' designation. An extract of the above-mentioned Figure 2.5 is given below. I have annotated this map with a yellow dot to show the Site's location and separately shown the key.

Extracts from Figure 2.5 of the adopted Reigate & Banstead Borough Council A23 Great Street Design Code Supplementary Planning Document (June 2024).



- Design Code Study Area
- Design Code Focus
- Borough Boundaries
- Broad Area Types
- Central Urban Areas
- Edge of Centre Urban Areas
- Suburban Areas
- Industrial/ Institutional

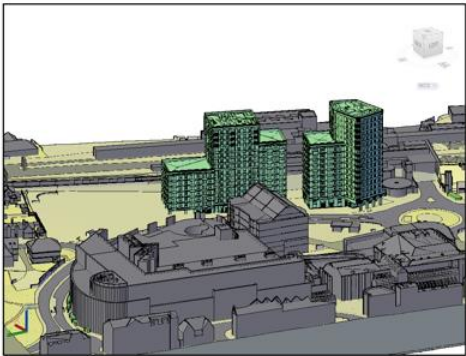

2.16 The above extract also shows that the Site is not 'suburban' which is the typical density model that the BRE guidelines criteria are based on. On the basis that an urban area is expected to be more built-up than a sub-urban area I consider that applying flexibility to the BRE guidelines is justified.

2.17 In addition to the above and at paragraph 5.3 of my January 2024 report I recognise that the Site is not in a City centre and therefore have applied a higher standard than would in my view be set for a City centre location.

Conclusions

2.18 Mr Weekes suggests at paragraph 9.12 of his Proof of Evidence that the impact should be recognised as a material effect. Mr Weekes also suggests that the 2013 scheme would have had less of an effect and implies that the impact from this expired scheme would have been within the BRE guidelines and therefore acceptable.

2.19 To be able to respond to this point, and further to the opinions I set out at paragraph 5.4 of my Proof of Evidence, I have assessed the impact of the 2013 scheme in relation to the three flats (Flats No. 20, 52 & 76) Mr Weekes has most concern with (See paragraph 9.10 of his Proof of Evidence). Below is a summary of the results in the same format as set out in my January 2024 report and repeated at paragraph 9.9 of Mr Weekes' Proof of Evidence.

							
Proposed Scheme				2013 Consented Scheme			
Flat No	Meets VSC Test	Meets NSL Test	Meets APSH Test	Flat No	Meets VSC Test	Meets NSL Test	Meets APSH Test
Flat No. 20	✗	✗	✗	Flat No. 20	✗	✗	✓
Flat No. 52	✗	✗	✗	Flat No. 52	✗	✗	✓
Flat No. 76	✗	✗	✗	Flat No. 76	✓	✗	✓
✓	Test meets the BRE guidelines suggested criteria						
✗	Test does not meet the BRE guidelines suggested criteria						
-	Test not applicable						

2.20 The above results show that the 2013 scheme, whilst lower in height, would have also caused effects beyond the BRE guidelines. The assumption made by Mr Weekes at paragraph 9.12 is therefore not correct and to be able to consider the 2013 scheme as an acceptable impact he would have to apply flexibility to the BRE guidelines.

2.21 The above adds to my opinion that Mr Weekes' rigid approach the BRE guidelines is not appropriate for this Site. It also helps support my opinion that a flexible approach needs to be taken as set out in my reports and Proof of Evidence.

2.22 Lastly at paragraph 9.13 of his Proof of Evidence Mr Weekes suggests that the daylight and sunlight amenity harm should be afforded **moderate negative weight**.

2.23 I recognise that some of the residents of Quadrant House may experience a noticeable change to the daylight and sunlight levels they currently enjoy. I therefore recognise that there is some harm. However, on the basis that each of the flats will retain a level of daylight and sunlight that is commensurate for the Site's location and the density that can be achieved when making full use of the land, I would consider the harm to be of **minor negative weight**.