

A Guide to Right of Light



Recent court cases have highlighted the importance of dealing with potential Right of Light issues early in the design process. Many Planning Authorities are also now asking for light issues to be considered as part of a planning application.

What is a Right of Light?

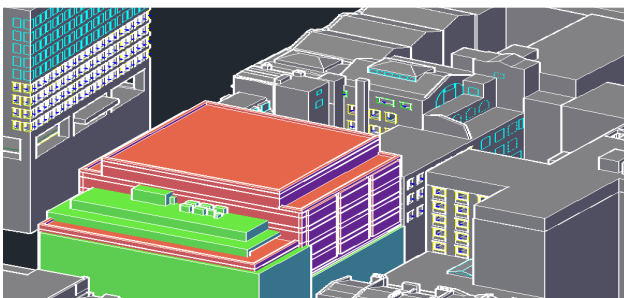
A legal easement may be acquired by 'anyone who has had uninterrupted use of something over someone else's land for 20 years without consent, openly and without threat, and without interruption of more than a year.'

If a new building (or extension, wall etc) limits the amount of light entering a window below an accepted level this can constitute an obstruction and legal action can be taken.

Although large urban developments often lead to Right of Light issues, smaller house extensions are also a common cause of light disputes, particularly where a neighbour has a window to the side of their house to which the light has been reduced by a new extension.

What action can be taken?

A neighbour may have a case for compensation or apply to the Courts requiring the development to be changed, even after it has been built. This can have significant cost implications.



What can MES do to assist?

Because we are specialists in this complex area we act on behalf of both developers or neighbours to assess the size of a light 'injury' and to quantify its value for compensation purposes. As this is generally settled out of Court we can also carry out the negotiations for our clients with the back up of our detailed analysis of the extent of the light loss.

Planning considerations

Planning authorities often require detailed evidence of how neighbouring properties are affected by a new development or extension before granting planning consent.

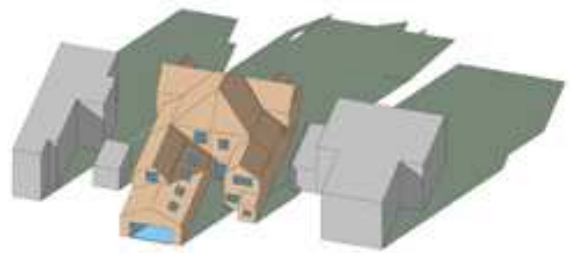
We are very experienced in providing the required daylighting/sunlight calculations, evaluation and reports for successful planning purposes.

It is important to bear in mind that the benchmark parameters used for planning approval purposes are different to those used by the Courts to assess Right of Light 'injury'.

It should be noted therefore that planning approval does not necessarily provide a developer or householder with the reassurance that a legal Right of Light claim cannot be subsequently made.

Why Use MES?

We are members of the Royal Institution of Chartered Surveyors (RICS) specialising in Right to Light issues. We also carry out our own 3D modelling so we can measure light implications very accurately. Therefore you can be assured of a professional, knowledgeable and cohesive service.



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