

## Rights of Light



AA Projects offer a full Building Consultancy Service, providing advice and expertise across a range of services.

### Introduction

At AA Projects, Rights of Light is a specialist service offered by our experienced Building Surveying team. Our expertise in this field can benefit developers or the potentially injured party.

In England and Wales, a 'Right of Light' is usually acquired under the Prescription Act 1832. Under the Act, a Right of Light automatically occurs once light has been enjoyed through defined apertures of a building for an uninterrupted period of 20 years.

The right is to a certain amount of light and not to all of the light that was once enjoyed. Mathematical calculations are used to determine whether or not a development causes an infringement. For speed and accuracy, Rights of Light calculations are undertaken using specialist computer software programmes.

Rights of Light are civil matters between neighbours and are independent of the planning system. Even if planning permission has been granted, care should be taken not to cause an infringement to the Rights of Light enjoyed by nearby buildings.

An infringement is likely to give the neighbouring owner the right to seek

an injunction to have the proposed development reduced in size.

If the loss of light is relatively small and can be adequately compensated by money, a Court may decide to award compensation instead of an injunction. In extreme cases a Court may award an injunction to have the offending part of the building pulled down.

### Our Services

#### ▲ Computer Analysis

Using 3D modelling and computer analysis techniques we are able to work with developers and architects to help define maximum building envelopes and optimise site development potential while working within Rights of Light constraints.

#### ▲ Dispute Resolution

Through offering advice on redesign the majority of Rights of Light issues can be avoided.

There are occasions where a developer wants to keep a particular design that causes Rights of Light injuries rather than redesign. In these instances we are able to negotiate with the affected parties to ensure that agreements are in place well before the works start on site.

#### ▲ Expert Witness

Where Rights of Light issues have not been considered or have been ignored resulting in Court action, we provide evidence in the capacity of expert witness.

When acting as an expert witness on a Right of Light claim we comply with Surveyors Acting as Expert Witnesses: Practice Statement as published by the Royal Institution of Chartered Surveyors and Part 35 of the Civil Procedure Rules (CPR35).

#### ▲ Light Obstruction Notices

Light Obstruction Notices are a cost effective and simple mechanism for preventing windows in adjoining properties from acquiring a Right of Light.



A Light Obstruction Notice acts as a notional physical interruption for a period of a year thus preventing the acquisition of a Right of Light under the Prescription Act 1832.

We are able to arrange preparation and registration of Light Obstruction Notices for developers who are looking to minimise potential claims.

### About Us

AA Projects is a Property and Management Consultancy with offices in Birmingham, Leeds, Liverpool, Manchester and Newcastle upon Tyne.

We provide specialist construction services which includes Environmental Consultancy, Strategic Advice, Project Management, Quantity Surveying, Building Surveying and Health & Safety Consultancy Services.

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