calfordseaden’s Rights of Light team were instructed by Moss & Coleman solicitors on behalf of Mr and Mrs Healey to provide expert advice in connection with a rights of light dispute between our Clients, the owners of number 112 The Avenue, and Mr and Mrs Hannan the adjoining owners of number 114. The owners of number 112 had received planning permission for a two storey extension on the side of their property but had only built a one storey extension, which extended up to the boundary with number 114. In 2013 the owners of number 114 appointed a consultant to assess the impact and their report concluded that the proposed extension would have an actionable impact on their property. The matter was taken to the courts and an interlocutory injunction was granted to prevent building works from continuing until the matter was resolved.

We attended site and carried out an inspection and took measurements to enable us to produce a 3D model of the properties. The adjoining property had been extended within the last 20 years and there had been an alteration to the glazing on the flank elevation. Therefore we were instructed to analyse three scenarios, firstly the impact that would have occurred before alterations to number 114, secondly the impact as the present situation and thirdly the impact of the original sized glazing in the flank elevation of number 114.

As part of our analysis we undertook a cutback analysis of the one storey extension to number 112 to identify the section of the building that was having an adverse impact on the bedroom to number 114. We prepared our rights of light report and the court ordered that the experts exchanged reports and we agreed and produced a joint statement. The Courts heard the case in July 2014 and dismissed the claim and removed the injunction. Peter Defoe has produced a paper relating to this case titled “Hannan and Hannan v Healey and Healey 2013 to 2014” which was published in the Emerald Structural Survey Journal.