

A clear, impartial guide to...

Right to light

Obstruction | Natural light | Specialist



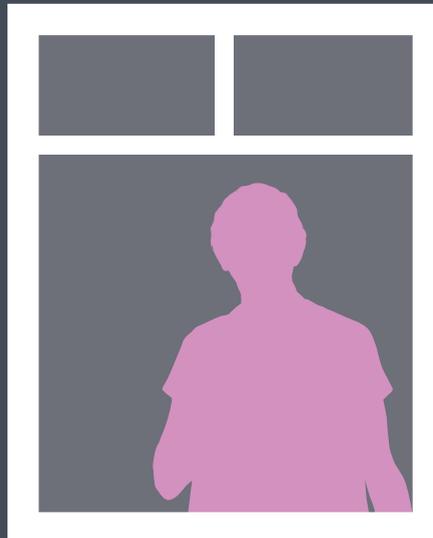
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Right to light

In your home, just over half the room should be lit by natural light and about half the room in a commercial building.

Broadly speaking, the minimum standard is equivalent to the light from one candle, one foot away. So how do you know whether or not your right to light is being affected, and if you think it is, what can you do about it?

What is a 'right to light'?

A right to light 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.'

Your right to light is protected in England and Wales under common law, adverse possession or by the Prescription Act 1832. If a new building limits the amount of light coming in through a window and the level of light inside falls below the accepted level, then this constitutes an obstruction. Unless you waive your rights you are entitled to take legal action against your neighbour.

Any kind of 'development' can potentially block the light coming into your home. For instance:

- A neighbour's new shed
- Garden walls
- Extensions
- Part of a new housing or commercial development.

If the developer hasn't taken your right to light into consideration, you may have a case for compensation or for negotiating changes to that development. Most cases usually involve a combination of both.

House extensions are a common cause of right to light disputes as homeowners may employ a local building firm to extend their property without knowing the development could affect their neighbours. The most common problem is where the neighbour has a window to the side of their house to which the light is blocked by a high wall. On a small building project people rarely employ a chartered surveyor, or a right to light specialist – the first they know of a problem is when they receive a letter from their neighbour's solicitor.

What can you do?

If you know a planned development may restrict your right to light, even after planning permission has been granted, you are within your rights to oppose it.

Depending on the extent of the problem, should construction go ahead, the courts are able to either award compensation, cut back the offending part of the development or a combination of both. In extreme cases, the court may issue an injunction to prevent the development altogether.

However, a court is unlikely to grant an injunction against a developer in cases where a small financial payment can be made as compensation – especially for minor matters or late applications. So think carefully before pursuing this route, as injunctive proceedings can be very expensive.

However, if you do have a good case against a commercial developer the law may uphold the rights of residential rather than commercial property owners.

Consult the experts

Always get professional advice before starting legal proceedings against your neighbour or a commercial developer.

Talk to a chartered surveyor, a member of RICS, who specialises in right to light work. They will be able to explain exactly what your rights are and help you resolve the problem, if possible without having to go to court.

If a development is still at the planning stage, your chartered surveyor will be able to estimate the amount of light that is likely to be lost as a result of the new structure.

Your surveyor will make a visual assessment, and help you decide whether or not you have a sufficiently strong enough case to go to court.

Some firms use 3D modelling to calculate how the existing light will be affected by any proposed change in the way light enters the building. By working out the amount of light left, it is possible to assess how much compensation might be paid.

There are several specialists who can carry out this type of assessment. Some chartered surveyors will either carry out the procedure themselves or recommend another RICS surveying firm to do it for you.

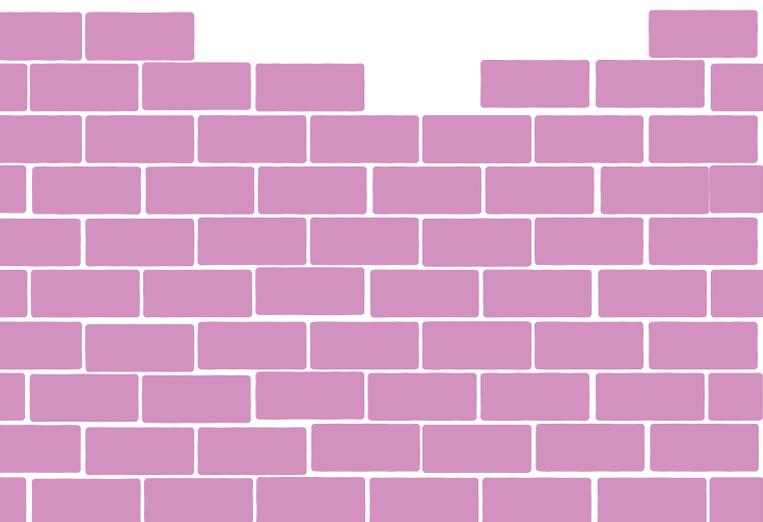
Existing buildings

If you are concerned that the light coming into your house or business has been affected by an existing structure, you might still be able to take legal action.

In some cases, even after completion, the courts may demand that a development is altered to minimise the impact on your property. This is rare but does happen.

Again, consult a chartered surveyor specialising in this area and they will help you through the process for seeking compensation or other positive action.

Note: if you do find yourself in a dispute over right to light, take advice from a professional but remember you may have to pay for their advice and modify your plans to keep the peace with your neighbours.



Free RICS guides



RICS have a range of free guides available for the property issues listed below.

- Buying a home
 - Selling your home
 - Property surveys
 - Extending your home
 - Subsidence
 - Boundary disputes
 - Party walls
 - Right to light
 - Compulsory purchase
 - Letting a property
 - Renting a property
 - Flooding
 - Property auctions
- To order your free copies, visit www.rics.org/usefulguides alternatively email contactrics@rics.org or call the RICS Contact Centre **0870 333 1600**

For more information

We hope this guide is useful to you. If you'd like to know more about right to light, or how RICS can help, please contact us.

Visit our website www.rics.org/righttolight alternatively email contactrics@rics.org

or call the RICS Contact Centre **0870 333 1600**

Consumer helplines

RICS offers telephone helplines giving you 30 minutes free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase

Just call **0870 333 1600** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open 0830 - 1730 (GMT), Monday to Friday.

Find an RICS member

If you want to find independent, impartial advice from a qualified professional with good local knowledge, contact us.

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS will be easier to spot as they will be using 'Regulated by RICS' on their stationery and advertising material.

To find a chartered surveyor in your area visit www.ricsfirms.com

alternatively email contactrics@rics.org

or call the RICS Contact Centre **0870 333 1600**

RICS (Royal Institution of Chartered Surveyors) is the leading organisation of its kind in the world for professionals in property, land, construction and related environmental issues. As part of our role we help to set, maintain and regulate standards – as well as providing impartial advice to Governments and policymakers. RICS has 140,000 members who operate out of 146 countries, supported by an extensive network of regional offices located in every continent around the world. To ensure that our members are able to provide the quality of advice and level of integrity required by the market, RICS qualifications are only awarded to individuals who meet the most rigorous requirements for both education and experience and who are prepared to maintain high standards in the public interest. With this in mind it's perhaps not surprising that the letters RICS represent the mark of property professionalism worldwide.

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