

CONSUMER GUIDE



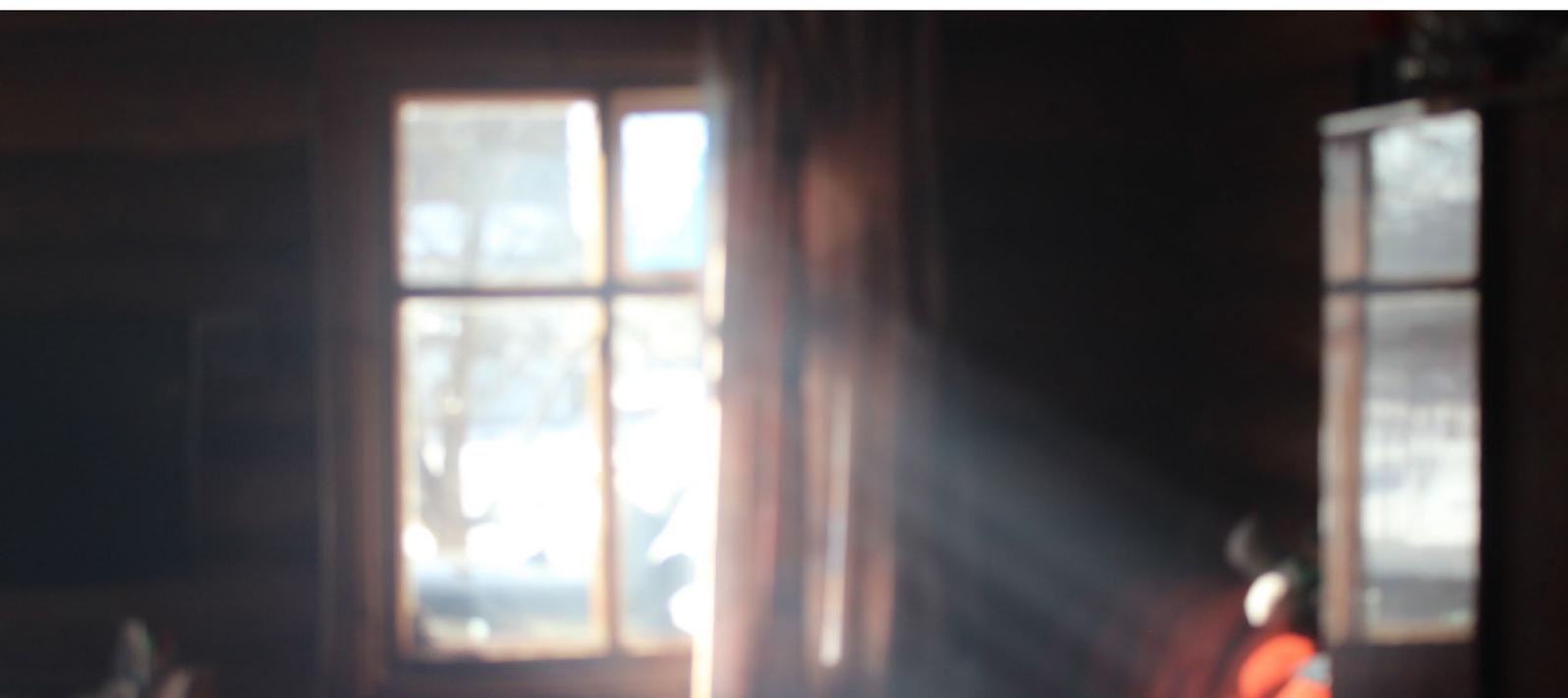
Right to light

A clear, impartial guide

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Introduction

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

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 for more than a year.'

Your right to light is protected under common law, adverse possession and in England and, Wales and Northern Ireland by the [Prescription Act 1832](#). In the Republic of Ireland it is called the Prescription (Ireland) Act 1832.

There is no statutory right to light in Scotland. If you live in Scotland and are concerned about limited light, an RICS member practicing in Scotland will be able to advise you and may also be able to help you with any negotiations.

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, 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 to safeguard your light.

Home 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 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?

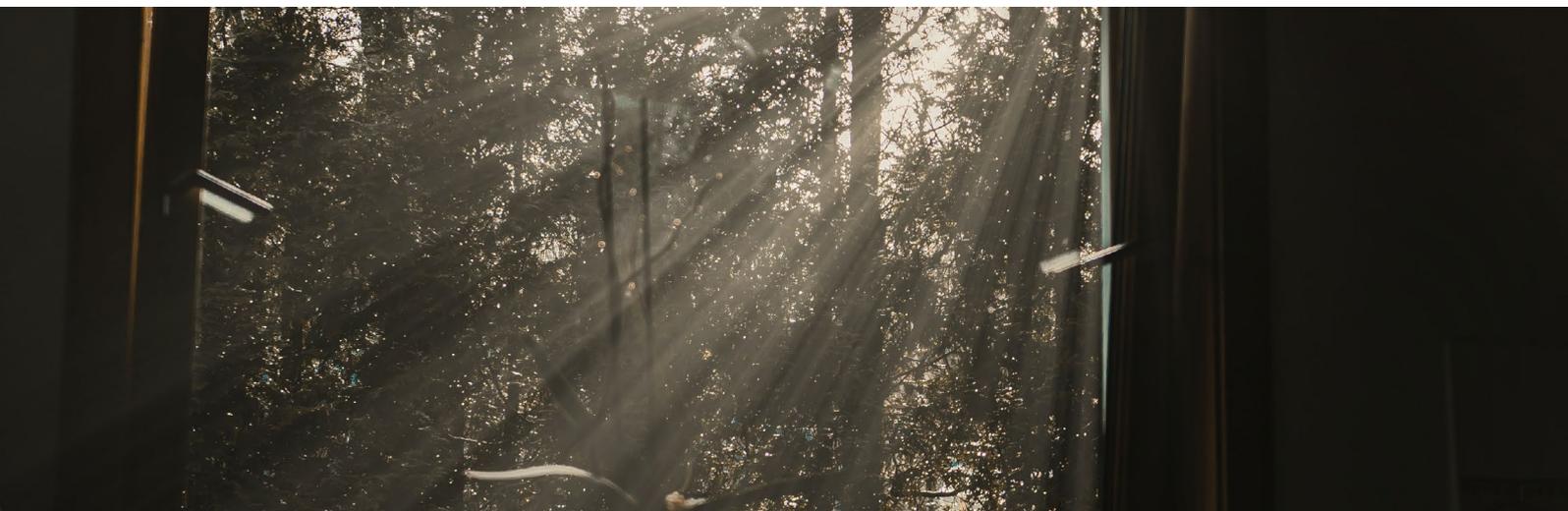
If you know a planned development may restrict your right to light, even after planning permission has been granted, you are within your rights to oppose it.

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.

Existing buildings

You might still be able to take legal action if you are concerned that the light coming into your house or business has been affected by an existing structure. 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 an RICS member specialising in this area and they will help you through the process for seeking compensation or other positive action.



Consult the experts

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

Speak to an RICS member 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 RICS member adviser will be able to estimate the amount of light that is likely to be lost as a result of the new structure. They will make a visual assessment and help you decide whether you have a sufficiently strong enough case to go to court.

Some firms use three-dimensional modeling software 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 RICS members will either carry out the procedure themselves or recommend another RICS surveying firm to do it for you.

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 potentially modify your plans to keep the peace with your neighbours.

How an RICS member can help

As the world's largest professional body for chartered surveyors, RICS offers clear, impartial, expert advice on the issues raised in this guide.

RICS members can help property owners in a variety of ways, so whether you want expert advice and a professional assessment of your issue, an opinion on costs, representation, or a professional to manage a project for you, visit [Find a Surveyor](#) to find an RICS member in your area.

Using the services of RICS members offers confidence because:

- they give you clear, impartial and expert advice
- they are regulated and have strict rules of conduct to protect you, as well as holding appropriate professional indemnity insurance
- they have to update their skills and knowledge throughout their careers, so you can rely on their expertise
- you are further protected by RICS' complaints service and access to independent redress.

Look out for firms that are 'Regulated by RICS'. These estate agents and surveying firms are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.



Dealing with disputes – Neighbour Disputes Service

The key to resolving a dispute speedily and successfully is to seek expert advice as soon as possible.

Neighbour disputes almost always involve emotive issues. RICS has developed an innovative form of alternative dispute resolution, specifically designed to resolve a [wide range of neighbour disputes](#). This service offers a significantly cheaper and quicker alternative to the courts.

Specialist RICS members are independently appointed by RICS to provide impartial advice to anyone involved in a neighbour dispute.

These professionals are knowledgeable experts who understand technical and/or legal matters, and can provide neutral advice on neighbour disputes and other property related matters.

Full detail of this service and other RICS dispute resolution services such as planning and environmental mediation service can be found on the [RICS website](#).

Useful links

Here are some useful websites for advice.

Citizens Advice

Advice on right to light and neighbour disputes

Law Commission

Information on right to light

BRE

Advice on right to light for planning permission

Free RICS guides

RICS has a range of free guides available for the following property issues:

Development issues

Compulsory purchase
Home extensions

Home hazards

Fire safety
Dilapidations
Flooding
Subsidence

Neighbour issues

Boundary disputes
Party walls
Right to light

Residential

Buying a home
Buying and selling art and antiques at auction
Home surveys
Letting a property
Property auctions
Renting a property
Selling a home

Visit [our consumer guides website](#) or [RICS' public website](#).

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Further 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

[Visit the RICS website](#) for more information on right to light.

Consumer helplines

[Contact one of our regulated firms](#) for a 30-minute initial consultation.

Find a Surveyor

[Contact us](#) if you want to find independent, impartial advice from a qualified professional with good local knowledge.

Surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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