



Appeal Decision

Site visit made on 12 November 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/P1560/W/24/3348701

Land rear of 210-212 St Osyth Road, Clacton CO15 3HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Miss, Steve and Chloe, Lobb and Hobday against the decision of Tendring District Council.
 - The application Ref is 23/01719/FUL.
 - The development proposed is a one two-bedroom detached dwelling with vehicular access from Coronation Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of the proposed dwelling with regard to outlook; and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings with regard to outlook and privacy.

Reasons

Living Conditions – Future Occupiers

3. The appeal site is an area of land to the rear of the properties at 210, 212 and 214 St Osyth Road. It is currently unoccupied, previously forming part of a garden, with an access point from Coronation Road. The proposal would introduce a two-storey dwelling to the site with parking to the front and a garden to the side.
4. The submitted plans show that one of the bedrooms within the proposed dwelling would be served by three first floor windows, two east facing and one north facing. Due to the proximity to neighbouring dwellings and gardens, all three of these windows would be obscure glazed with an opening fan light. Whilst this would allow sufficient light into the bedroom, the outlook from these bedroom windows would be entirely impeded by the obscure glazing and would result in a harmful sense of enclosure to the future occupiers of the dwelling when using this room.

5. Although the future occupiers would benefit from two habitable rooms on the ground floor with unobscured windows and an unrestricted outlook, this would not negate the requirement for an adequate outlook to be provided in all habitable rooms within the dwelling.
6. Therefore, for the reasons above, the proposed development would not provide satisfactory living conditions for the future occupiers of the proposed dwelling and would conflict with the relevant sections of Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (the Section 1 Local Plan) 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (the Section 2 Local Plan) 2022. The relevant sections of these policies collectively seek to ensure that all new development protects the amenity of future residents with buildings and structures designed and orientated to ensure adequate outlook.
7. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework which states that planning decisions should ensure that development creates places with a high standard of amenity for future users.

Living Conditions – Neighbouring Occupiers

8. The proposed dwelling would be located in close proximity to the shared boundary with 208 St Oysth Road, with a separation distance of approximately 2.8 metres. However, this neighbouring property benefits from a long rear garden and, as such, the proposed dwelling would be located some distance from the neighbouring dwelling at No.208. The proposed dwelling would also be well separated from the other neighbouring properties on St Oysth Road which it shares a boundary with. Therefore, although the proposed structure is two-storeys in height, due to the separation distance, it would have a limited impact on the outlook from these neighbouring properties.
9. The proposed dwelling would have two first floor windows on the rear elevation which would face the garden of No.208. However, these would be obscure glazed and, whilst in close proximity to the shared boundary, would not result in a harmful loss of privacy to the occupiers of this neighbouring dwelling when using their garden.
10. Consequently, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwelling and would not conflict with the relevant sections of Policy SP7 of the Section 1 Local Plan or Policy SPL3 of the Section 2 Local Plan. The relevant sections of these policies seek to ensure that all new development protects the amenity of existing residents and buildings and structures are designed and orientated to ensure adequate outlook and privacy for existing residents.

Conclusion

11. Nevertheless, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR