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## Appeal Decision

Site visit made on 3 September 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

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**Appeal Ref: APP/P1560/W/25/3365138**

**Land rear of 210-212 St. Osyth Road, Clacton-On-Sea, Essex 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 Miss & Mr. Hobday & Lobb against the decision of Tendring District Council.
  - The application Ref is 25/00306/FUL.
  - The development proposed is erection of one self-build dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of one self-build dwelling at land rear of 210-212 St. Osyth Road, Clacton-On-Sea, Essex CO15 3HB in accordance with the terms of the application, Ref 25/00306/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

### Main issue

2. The main issue concerns the impact of the proposal on the living conditions of both future occupiers and neighbouring residents, particularly in relation to outlook and privacy.

### Reasons

3. The appeal site is situated adjacent to the enclosed rear gardens of the two-storey semi-detached dwellings fronting St. Osyth Road, extending behind No. 214 St. Osyth Road to connect with Coronation Road. The St. Osyth Road frontage forms part of a coherent early 20th-century suburban layout, defined by regular pairs of semi-detached houses set in a linear arrangement with consistent scale, plot depth, and a uniform building line. Collectively, these characteristics establish a strong and distinctive residential character within the street scene. There is a mature tree with a broad and dense canopy located at the rear boundary of the neighbouring property at 208 St. Osyth Road. The height of this tree extends to the uppermost level of the adjoining dwelling at No. 2 Coronation Road, thereby forming a prominent feature within the local garden landscape.
4. I note that there was a recent application (23/01719/FUL) for a residential development of similar size on the appeal site that was dismissed on appeal, precisely in relation to the development's first-floor bedroom windows. The appeal decision (24/00037/REFUSE), as contained in the Council officer's report, reads: "Due to the proximity to neighbouring dwellings and gardens, all three of these windows would be obscure glazed with an opening fan light. While 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. The appeal proposal incorporates several revisions to the previously approved scheme. Specifically, the opening fanlights to the two first-floor windows located on the rear elevation, which were formerly positioned at 1.7 metres above the finished floor level, are now proposed to be marginally dropped to 1.5 metres. These windows are to be fitted with clear glazing to the upper sections, with obscured glazing retained solely to the lower portions. Furthermore, the proposal introduces an openable rooflight with clear glazing on the roof slope of the side elevation orientated towards St Osyth Road. In addition, the single window serving the principal bedroom on the side elevation facing No. 2 Coronation Road is proposed to be widened slightly.
6. While the Council contends that the proposed modifications are of limited consequence, I am satisfied that the provision of an openable, clear-glazed rooflight within the side elevation addressing St Osyth Road, together with the introduction of clear glazing to the upper sections of the rear fenestration, represents a material improvement in securing an acceptable standard of outlook for a bedroom of this scale. Moreover, the enlargement of the window within the side elevation facing No. 2 Coronation Road would serve to reinforce the adequacy of outlook afforded to the internal accommodation.
7. The scheme involves a two-storey dwelling oriented towards Coronation Road, with its principal elevation addressing the street. One flank elevation would relate to the existing dwellings fronting St Osyth Road, while the opposite flank would adjoin No. 2 Coronation Road. The rear elevation, adjoining the garden of No. 208 St Osyth Road, would feature two large obscure-glazed windows, with clear glazed fanlights on top, introduced at first-floor level.
8. The Council has advised that the three rear-facing first-floor bedroom windows (excluding the rooflight) should be fitted with obscure glazing and restricted to remain non-opening below 1.7 metres above internal floor level. This requirement is intended to safeguard the privacy of the adjoining properties at 208 St Osyth Road and 2 Coronation Road. Nevertheless, the Council acknowledges that such a limitation would give rise to a heightened sense of enclosure and thereby diminish the quality of outlook available to future occupiers of the proposed dwelling. As the relevant development plan policies do not ordinarily prescribe detailed standards in relation to outlook, the matter must be assessed on the circumstances of the case.
9. The proposed rear first-floor windows would comprise a lower fixed section finished in obscure glazing, set at a reduced height, with a clear-glazed opening fanlight above to provide light and ventilation. Given their positioning, with cill heights of approximately 1.5 metres above first-floor level, and the upward extent of the obscure-glazed lower sections, future occupiers would retain a reasonable outlook but would not be able to directly overlook the rear gardens of No. 208 St. Osyth Road. Accordingly, the privacy of adjoining occupiers would be safeguarded.
10. The adjacent property at 2 Coronation Road contains three side-facing windows across its upper two floors, which currently provide outlook over the appeal site. In response, the proposed dwelling's side elevation facing 2 Coronation Road would incorporate two obscure-glazed windows at first-floor level. Of these, the window positioned closest to Coronation Road would be fixed and obscure-glazed, serving only a bathroom. This bathroom would also benefit from an additional window on the Coronation Road elevation, incorporating a clear glazed fanlight above an obscure-glazed lower section. Combined, this arrangement ensures that future

occupiers of the development would benefit from a reasonable level of outlook and natural light, while avoiding any perception of enclosure and safeguarding the privacy of neighbouring residents.

11. The additional first-floor window on the side elevation of the proposed dwelling, facing 2 Coronation Road and located near the rear boundary of the appeal site, is obscure-glazed with an opening fanlight above. This window supplements the two wider rear-facing bedroom windows, which together with the side window serve the same room. While the side window provides a degree of privacy for neighbouring occupiers, it also enhances the reasonable outlook already afforded by the larger rear windows. Furthermore, during my site visit I observed that the orientation of 2 Coronation Road is slightly angled in relation to the straight alignment of the appeal proposal, meaning the two properties would not be directly parallel.
12. The Council has advised that, owing to its positioning within the roof slope, the proposed rooflight would serve primarily as a source of illumination to the bedroom, rather than providing meaningful views capable of mitigating any perception of enclosure for future occupiers. I do not consider it appropriate to assess the rooflight in isolation when determining the adequacy of outlook to this room. The clear-glazed rooflight would enable future occupiers to obtain views towards the skyline, thereby supplementing and enhancing the outlook already afforded through the clear-glazed opening fanlights incorporated within the rear elevation windows.
13. For the reasons outlined above, I conclude that the proposed first-floor bedroom would not adversely affect the living conditions of future occupiers or those of neighbouring residents at Nos. 2 Coronation Road and 208 St Osyth Road. Accordingly, the development complies with Policy SPL3 of the adopted Tendring District Local Plan 2013–2033 and Beyond, Section 2 (Adopted January 2022), which requires that buildings and structures are designed and orientated to ensure adequate outlook and privacy for future and existing residents and must avoid any materially harmful effects on the privacy or general amenities of nearby properties.

### **Conditions**

14. The Council has submitted a list of suggested planning conditions, which I have assessed considering paragraph 57 of the Framework and the guidance set out in the Planning Practice Guidance. I have modified Condition 3 to remove the requirement for obscure glazing from the opening fanlights of the bedroom windows. The revised wording of the condition is as follows:
  - Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows serving the first-floor main bedroom shall be fitted with obscure glazing prior to the first occupation/use of the development hereby permitted and shall thereafter be permanently retained in that approved form. This requirement shall not apply to the opening fanlights of the rear windows, which shall be fitted with plain glazing. The obscure glazing shall achieve a level of obscuration equal to or greater than Pilkington Textured Glass Level 5 Standard (January 2010, as amended).

### **Other matters**

15. It is acknowledged that the Council is presently unable to demonstrate compliance with its obligations under the Self-build and Custom Housebuilding Act 2015 (SCHA 2015). Accordingly, the delivery of a single self-build dwelling can attract some weight in the overall planning balance. Notwithstanding this, the Council has indicated that, although the appeal proposal is accompanied by a self-build declaration, the imposition of a condition requiring the submission of a supporting statement to adequately substantiate the scheme as a self-build project would be necessary, were the appeal be allowed.

**Conclusion**

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*A Oyebade*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Site Plan - Received 07 March 2025

Drawing No. LSR-02 Revision D

Broadband Details - Received 25 February 2025

Construction Method Statement - Received 24 February 2025

Energy Statement - Received 24 February 2025

EV Charging Specification - Received 24 February 2025

Planning Statement - Received 24 February 2025

WATT A Save Report - Received 24 February 2025

- 3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows serving the first-floor main bedroom shall be fitted with obscure glazing prior to the first occupation/use of the development hereby permitted and shall thereafter be permanently retained in that approved form. This requirement shall not apply to the opening fanlights, which shall be fitted with plain glazing. The obscure glazing shall achieve a level of obscuration equal to or greater than Pilkington Textured Glass Level 5 Standard (January 2010, as amended).
- 4) The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation and thereafter shall be maintained as approved.
- 5) Prior to first occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the area/s to be provided for storage of refuse/recycling bins as shown on the approved drawings shall be provided and then retained.

- 6) No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.
- 7) No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.
- 8) All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.
- 9) Prior to first occupation of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 10) The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.
- 11) Prior to the first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres, shall be retained at that width for 6 metres within the site measured from the nearby edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. The access shall then thereafter be retained.
- 12) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and must not exceed a height above 600mm at all times.
- 13) The dwelling hereby approved shall not be occupied until such time as the vehicle parking space indicated on the approved plans, has been hard surfaced,

and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the dwelling.

- 14) The dwelling/s approved by this permission shall be occupied only by persons who have built or commissioned the building of the dwelling/s for their own occupation and use as a self-build project in accordance with the Self-build and Custom Housebuilding Act 2015 for a minimum of 24 hours from first occupation by said persons. Furthermore, the following scheduled actions shall be undertaken.

Prior to commencement of the development, details of the (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, both building the development and who are to occupy the dwelling/s if different shall be confirmed in writing to the local planning authority. Should there be any changes to these details during construction, these shall be updated in writing to the local planning authority.

On first occupation details of the first occupier of the dwelling/s shall be confirmed in writing to the local planning authority and subsequently the Local Planning Authority shall be informed of if and when that occupier changes within the first year of occupation.

- 15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable. Following remediation, evidence shall be submitted to and approved in writing by the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation scheme prior to the first use/occupation of the development.